

**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**ORDINANCE 13-40**

AN ORDINANCE OF THE HOMER CITY COUNCIL, AMENDING HCC 7.04.010, STATE STATUTES ADOPTED BY REFERENCE, HCC 7.04.020, COPIES OF STATE TRAFFIC CODE ON FILE, HCC 7.04.030, VIOLATION—PENALTY, HCC 7.08.010, COMPLIANCE WITH STATE LAW, HCC 7.08.045, HANDICAPPED PARKING, HCC 7.08.058, REMOVAL OF IMPOUNDMENT NOTICE, HCC 7.08.060, VIOLATION—PENALTY, HCC 7.28.060, VIOLATION; PENALTY, AND HCC 10.04.110, VIOLATION—PENALTY; AND REPEALING HCC 7.04.023, STATE SCHEDULE OF MINOR TRAFFIC OFFENSES AND BAIL FORFEITURE—ADOPTED, HCC 7.04.025, STATE SCHEDULE OF MINOR TRAFFIC OFFENSES AND BAIL FORFEITURE—CONFLICT WITH GENERAL PENALTY, HCC 7.06.100, PENALTY AND FINE SCHEDULE, HCC 7.20.010, COMPLIANCE WITH STATE LAW, HCC 7.20.080, VIOLATION—PENALTY, AND HCC CHAPTER 24, TRAFFIC VIOLATION MANDATORY SENTENCES; TO REVISE AND UPDATE CITY VEHICLE AND TRAFFIC REGULATIONS AND ESTABLISH A CONSOLIDATED TRAFFIC FINE SCHEDULE.

THE CITY OF HOMER HEREBY ORDAINS:

Section 1. HCC 7.04.010, State statutes adopted by reference, is amended to read as follows:

7.04.010 State statutes adopted by reference. Pursuant to AS 28.01.010, the city adopts by reference the following state statutes and regulations:

13 AAC 02.005 through 13 AAC 02.560, inclusive (motor vehicle and driving offenses: rules of the road);

13 AAC 04.001 through 13 AAC 04.420, inclusive (motor vehicle and driving offenses: vehicle equipment and inspection);

13 AAC 40.010 (definitions);

AS 28.05.095 (use of seat belts and child safety devices required);

AS 28.10.451 (failure to register vehicle);

AS 28.10.461 (driving vehicle without evidence of registration);

AS 28.10.471 (driving vehicle when registration suspended, revoked or permit expired);

AS 28.11 (abandoned vehicles);

AS 28.15.131 (license to be carried and exhibited on demand);

- 43 AS 28.22.019 (proof of insurance to be carried and exhibited on demand);
- 44 AS 28.35.235 (unauthorized use of parking reserved for persons with disabilities);
- 45 AS 28.39.010 (snowmobile registration);
- 46 AS 28.39.040 (display of snowmobile registration);
- 47 AS 28.90.990 (definitions).

48  
 49 Section 2. HCC 7.04.020, Copies of State Traffic Code on file, is amended to read as  
 50 follows:

51  
 52 7.04.020 Copies of title on file. A copy of this title, including all state statutes and  
 53 regulations incorporated herein, shall be incorporated in a manual available for inspection  
 54 by the general public at city hall during business hours, and copies shall be available for  
 55 purchase by the public at cost.

56  
 57 Section 3. HCC 7.04.023, State schedule of minor traffic offenses and bail forfeiture--  
 58 Adopted, and HCC 7.04.025, State schedule of minor traffic offenses and bail forfeiture--  
 59 Conflict with general penalty, are repealed.

60  
 61 Section 4. HCC 7.04.030, Violation—Penalty, is amended to read as follows:

62  
 63 7.04.030 Traffic fine schedules. a. For violations of statutes and regulations listed in  
 64 HCC 7.04.010, the city adopts as its traffic fine schedule the schedule of minor traffic offenses  
 65 and bail forfeiture amounts contained in Rule 43.1 of the Alaska Rules of Administration.

66 b. For violations of provisions of this title other than statutes and regulations listed in  
 67 HCC 7.04.010, the city adopts the following traffic fine schedule:

68

<u>Code Section</u>	<u>Code Section Title</u>	<u>Fine per Day</u>
7.06.010(b)	Muffler not working properly	Corr/\$500
7.06.010(c)	Muffler modified/excessive noise	Corr/\$500
7.06.010(d)	Muffler removed or inoperative	Corr/\$500
7.06.010(e)(1) or (e)(2)	Noise exceeds limits	first violation \$100; second violation within 6 months of first conviction \$200; third violation within 6 months of any prior conviction \$300
7.06.010(e)(3)	Sale of vehicle exceeding noise limits	first violation \$100; second violation within 6 months of first conviction \$200; third violation within 6

		months of any prior conviction \$300
7.06.020	Jake brake use prohibited	First violation \$100 Second violation within 6 months of first conviction \$200 plus proof of satisfactory Homer PD commercial vehicle inspection Third violation within 6 months of any prior conviction \$300 plus proof of satisfactory Homer PD commercial vehicle inspection
7.08.020	Stopping or parking—Where prohibited	\$25.00
7.08.021	Starting parked vehicles	\$100.00
7.08.030	Stopping or parking—Size limitation	\$25.00
7.08.040	Stopping or parking—Time limitation	\$25.00
7.08.045	Unauthorized use of parking reserved for persons with disabilities	first violation \$125; second violation \$250
7.08.045	Unauthorized use of parking reserved for persons with disabilities while displaying special license plate or permit	first violation \$250; second violation \$500
7.08.058	Removal of impoundment notice or impounded vehicle prohibited	\$300.00
7.20.030	Use of snowmachines	\$300.00
7.20.040	Time restriction	\$300.00
7.20.050	Driver's license requirement	\$300.00
7.20.055	Operation in designated areas	\$300.00
7.20.060	Towing	\$300.00
7.28.020	Motor vehicle parking	\$30.00
7.28.030	Short-term parking area	\$30.00
7.28.040	Limited long-term parking area	\$30.00
7.28.050	Reserved parking	\$30.00
10.04.100(b)	Restricted parking in harbor	\$25.00

69  
 70 A citation for an offense listed as "Corr" must be dismissed (or voided) if proof of correction is  
 71 presented to a Homer police department vehicle inspector within 30 days. If the required  
 72 repair is not made and shown to a vehicle inspector within the specified time, the offense

73 may be disposed of without court appearance as provided in (c) of this section.

74 c. A person cited for an offense for which a fine is established in subsection (a) or (b) of  
75 this section may mail or personally deliver to the Finance Director the amount of the fine  
76 indicated on the citation for the offense plus any surcharge required to be imposed by AS  
77 12.55.039 and AS 29.25.074, together with a copy of the citation signed by the person  
78 indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture  
79 of the fine. A citation for a scheduled offense may be mailed or personally delivered within  
80 fifteen (15) days after the date of the citation. The payment of a fine under this subsection  
81 shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the  
82 offense. If a person cited for an offense for which a fine amount is established in subsection  
83 (a) or (b) of this section appears in court to contest the citation and is found guilty, the  
84 maximum sentence which may be imposed is the scheduled fine amount plus any surcharge  
85 required to be imposed by AS 12.55.039 and AS 29.25.074.

86

87 Section 5. HCC 7.06.100, Penalty and fine schedule, is repealed.

88

89 Section 6. HCC 7.08.045, Handicapped parking, is amended to read as follows:

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91 7.08.045 Unauthorized use of parking reserved for persons with disabilities. a. A  
92 person may not park a motor vehicle in a parking space reserved for a person with a  
93 disability, whether such parking space is on public or private property, unless:

94 1. the person operating the vehicle has a special permit issued by the State of  
95 Alaska under AS 28.10.495;

96 2. the person operating the vehicle has parked the vehicle for the purpose of  
97 transporting a person who as a special permit issued by the State of Alaska under AS  
98 28.10.495 and the person who has the special permit actually exits or enters the  
99 vehicle;

100 3. the motor vehicle displays a special license plate issued to a person with a  
101 disability under AS 28.10.181(d) and is operated by or used for the purpose of  
102 transporting a person with a disability; or

103 4. the motor vehicle displays a special license plate or permit issued to persons  
104 with disabilities by another state, province, territory, or country and is operated by or  
105 used for the purpose of transporting a person with a disability.

106 b. Any police officer or parking enforcement officer may enforce this section within  
107 any public or private parking area by issuing a citation, or within any public parking area by  
108 causing the vehicle parked in violation of this section to be immediately removed as provided  
109 by HCC 7.08.050. Only a person who owns or controls a private parking area containing a  
110 parking space reserved for a person with a disability may cause the vehicle parked in  
111 violation of this section to be removed as provided in HCC 7.08.050.

112 c. For purposes of this section, a "parking space reserved for a person with a disability  
113 is a parking space conspicuously signed as being reserved for vehicles displaying a special  
114 permit or special license plate described in (a) of this section, provided that such signs shall,

115 as far as practicable, conform to the current edition of the Alaska Manual on Uniform Traffic  
116 Control Devices prepared by the Alaska Department of Transportation and Public Facilities.

117  
118 Section 7. HCC 7.08.058, Removal of Impoundment Notice of Impounded Vehicle  
119 Prohibited, is amended to read as follows:

120  
121 7.08.058 Removal of Impoundment Notice or Impounded Vehicle Prohibited. a.  
122 Unless authorized by a police officer or peace officer with authority to enforce parking laws  
123 and regulations, it is unlawful for any person to remove an impoundment order from a  
124 vehicle upon which it has been posted.

125 b. Unless authorized by a police officer or peace officer with authority to enforce  
126 parking laws and regulations, it is unlawful for any person to move a vehicle after it has been  
127 posted with an impoundment order.

128  
129 Section 8. HCC 7.08.060, Violation—penalty, is amended to read as follows:

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131 7.08.060 Citation. A police officer may issue a citation for a vehicle parked, stopped or  
132 standing in violation of this chapter, and deliver it to the operator of the vehicle or affix it to  
133 the vehicle if the vehicle is unattended at the time of issuance.

134  
135 Section 9. HCC 7.20.010, Compliance with state law, is repealed.

136  
137 Section 10. HCC 7.20.080, Violation—penalty, is repealed.

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139 Section 11. HCC Chapter 24, Traffic Violation Mandatory Sentences, is repealed.

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141 Section 12. HCC 7.28.060, Violation; Penalty, is amended to read as follows:

142  
143 7.28.060 Citation. A police officer may issue a citation for a vehicle parked, stopped or  
144 standing in violation of this chapter, and deliver it to the operator of the vehicle or affix it to  
145 the vehicle if the vehicle is unattended at the time of issuance.

146  
147 Section 13. HCC 10.04.110, Violation—Penalty is amended to read as follows:

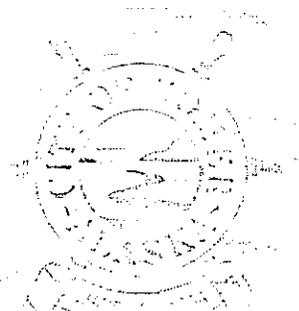
148  
149 10.04.110 Violation—Penalty. Except as provided in HCC 7.04.030, any violation of the  
150 provisions contained in this title or regulations adopted pursuant to this title shall be  
151 unlawful and punishable as provided in Section 1.16.010 of this Code.

152  
153 Section 14. This Ordinance is of a permanent and general character and shall be  
154 included in the City Code.

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157 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 28<sup>th</sup> day of  
158 October, 2013.

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CITY OF HOMER

Mary E. Wythe  
MARY E. WYTHE, MAYOR

168 ATTEST:

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Jo Johnson  
JO JOHNSON, MMC, CITY CLERK

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AYES: 5  
NOES: 0  
ABSTAIN: 0  
ABSENT: 1

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First Reading: 10/14/13  
Public Reading: 10/28/13  
Second Reading: 10/28/13  
Effective Date: 10/29/13

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Reviewed and approved as to form:

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Walt Wrede  
Walt Wrede, City Manager

Thomas F. Kelen  
City Attorney

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194  
195

Date: 10/31/13

Date: 11-4-13