

CITY OF CRAIG  
ORDINANCE NO. 680

MAKING CHANGES TO THE CRAIG MUNICIPAL CODE, TITLE 10, VEHICLES AND TRAFFIC, CODE ADOPTION, BY AMENDING 10.02.010 ADOPTION OF STATE LAWS BY REFERENCE, 10.02.020 TRAFFIC FINE SCHEDULE, 10.04.070 IMPOUNDMENT FOR FAILURE TO PAY FINES, 10.04.080 DESPOSITIONS OF FINES, 10.10.010 FORMS AND RECORDS, 10.10.030 DISPOSITION AND RECORD, 10.10.070 ILLEGALLY PARKED VEHICLE, 10.10.080 FAILURE TO COMPLY WITH CITATION ATTACHED TO VEHICLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG:

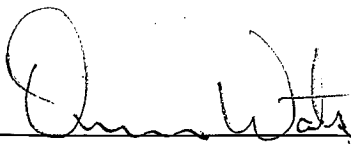
Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted shall become a part of the code of the City of Craig, Alaska.

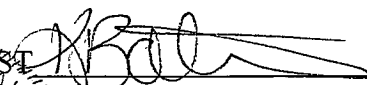
Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

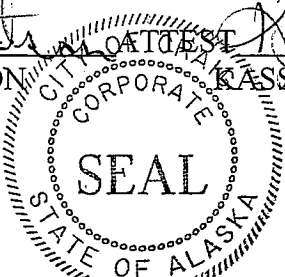
Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Action. This ordinance amends Sections 10.02.010, 10.02.020, 10.04.070, 10.04.080, 10.10.010, 10.10.030, 10.10.070 AND 10.10.080.

APPROVED April 7, 2010

  
MAYOR DENNIS WATSON

  
CASSI BATEMAN, CITY CLERK



Proposed Changes in Craig Code of Ordinances

Part 2 – Title 10

March 10, 2016

Revise these sections underlined.

28. Chapter 10.02 Vehicles and Traffic – General Provisions

**10.02.010 Adoption of state laws by reference.**

A. The city adopts by reference all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, as the traffic code for the city; except offenses that can be penalized by incarceration.

~~A. Pursuant to Alaska law (AS 28.01.010), certain provisions of the Alaska Statutes and the Alaska Administrative Code, comprising the motor vehicle laws of the state of Alaska, have been adopted by reference and have become a part of this title and traffic code as if fully set forth herein. Such provisions are identified herein by numerical citation to the specific statutory or regulatory section adopted.~~

~~B. The term "Alaska state trooper" or "peace officer" (when they appear in the provisions incorporated by reference) shall be interpreted as being identical with the chief of police or any police officer of the Craig police department. The term "department" appearing in the Alaska Statutes and Alaska Administrative Code provisions adopted by reference shall be interpreted to mean the Craig police department.~~

~~C. B. At least one copy of the chapters of the Alaska Administrative Code and the Alaska Statutes adopted herein shall be filed in the office of the city clerk and shall there be kept available for public use, inspection and examination so long as the provisions thereof remain in force. [Ord. 242 § 4, 1985.]~~

**~~10.02.020 Definitions.~~**

~~The definitions applicable to this title are the same as those which appear in 13 AAC 40; 17 AAC 25; and AS Title 28. [Ord. 242 § 4, 1985.]~~

**10.02.020 Traffic Fine Schedule - Adoption of State Bail Forfeiture Schedules By Reference.**

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Font: Verdana, Bold

The city adopts as its traffic fine schedule the "Traffic Bail Forfeiture Schedule" and the "Oversize Vehicle Bail Forfeiture Schedule" in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the city adopts all amendments of those schedules that become effective after the effective date of this ordinance. Citations for offenses listed on these schedules may be disposed of as provided in AS 12.25.195 - .230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the city clerk. If a traffic offense is not listed on this fine schedule or another fine schedule ordinance, the defendant must appear in court to answer to the charges. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. The fines established in this fine schedule may not be judicially reduced.

29.

**10.04.070 Penalties for violations Impoundment for failure to pay fines.**

A. Every person who violates any provision of this title shall be subject to the penalty for that specific violation, as set forth in the attached Table 10.04.070, entitled "Penalties for Violations." Each type of violation listed in Table 10.04.070 is amenable to disposition by the violator's payment of the fine, without court appearance.

**Table 10.04.070 — Penalties for Violations**

Offense	Statute/Regulation	Fine	Points
---------	--------------------	------	--------

Formatted: Indent: Left: 0.5"

B. Any person who fails or refuses to pay fines duly assessed against him for violations of this title, after the accumulated fines equal or exceed \$300.00, shall become subject to impoundment of any motor vehicle of which he is a registered owner and which was involved in any of such violations.

[Ord. 647 § 4, 2013; Ord. 572 § 4, 2006; Ord. 535 § 4, 2004; Ord. 522 § 4, 2003; Ord. 264 § 4, 1988; Ord. 242 § 4, 1985.]

Formatted: Indent: Left: 0.5"

10.04.080 Dispositions of fines, and forfeitures.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with the violation of any of the provisions of this title shall be paid into the city treasury. [Ord. 242 § 4, 1985.]

30. Chapter 10.06, Provisions of State Law Adopted **Delete all of chapter 10.06.**

Sections:

~~10.06.010 From Title 13, Alaska Administrative Code.~~  
~~10.06.020 From Title 17, Alaska Administrative Code.~~  
~~10.06.030 From Title 11, Alaska Statutes.~~  
~~10.06.040 From Title 12, Alaska Statutes.~~  
~~10.06.050 From Title 19, Alaska Statutes.~~  
~~10.06.060 From Title 28, Alaska Statutes.~~  
~~10.06.070 From Title 42, Alaska Statutes.~~

~~10.06.010 From Title 13, Alaska Administrative Code.~~

The following provisions from Title 13 of the Alaska Administrative Code are adopted by reference:

- A. Chapter 2: Motor Vehicle and Driving Offenses: Rules of the Road;
  - B. Chapter 4: Motor Vehicle and Driving Offenses: Vehicle Equipment and Inspection;
  - C. Chapter 6: Inspection of Vehicles;
  - D. Chapter 40: Definitions;
  - E. School bus operator's permit: 13 AAC 08.030; **Note: This has been repealed.**
  - F. Bus certifications: 13 AAC 66.010; **Note: There is not a 13 AAC 66.**
  - G. Unlawful use of classified license: 13 AAC 08.140. **Note: Repealed.**
- [Ord. 242 § 4, 1985.]

~~10.06.020 From Title 17, Alaska Administrative Code.~~

The following provisions from Title 17 of the Alaska Administrative Code are adopted by reference:

- A. Chapter 25: Operations, Wheeled Vehicles (Vehicle Weight, Load and Dimension Restrictions, 17 AAC 25.010 through 25.110); **Note: Chapter 25 now ends with section 119, not section 110.**
  - B. Commercial vehicle identification: 17 AAC 64.500. **Note: There is no chapter 64 in Title 17.**
- [Ord. 242 § 4, 1985.]

~~10.06.030 From Title 11, Alaska Statutes.~~

The following provisions from Title 11 of Alaska Statutes are adopted by reference:

- A. Obstruction of highway: AS 11.61.150;
  - B. Littering: AS 11.46.488. [Ord. 242 § 4, 1985.]
- ~~10.06.040 From Title 12, Alaska Statutes.~~

The following provisions from Title 12 of Alaska Statutes are adopted by reference:

- A. Arrest authority: AS 12.25.030;
  - B. Driving while intoxicated: AS 12.25.033.
- [Ord. 242 § 4, 1985.]

**Note: Don't need to adopt AS 12.25.030 and AS 12.25.033 by reference because the definition of "peace officer" in AS 01.10.060(a)(7) includes "a member of the police force of a municipality." So, Craig police officers have this arrest authority already**

**~~10.06.050 From Title 19, Alaska Statutes.~~**

The following provisions from Title 19 of Alaska Statutes are adopted by reference:

- A. Driving through obstructions/closed area/damaging obstruction or sign: AS 19.25.030.
- [Ord. 242 § 4, 1985.]

**Note: AS 19.25.030 was repealed in 1988.**

**~~10.06.060 From Title 28, Alaska Statutes.~~**

All provisions from Title 28 of Alaska Statutes are adopted by reference except: Class A misdemeanors, felonies, and offenses with point deductions over six. [Ord. 572 § 4, 2006; Ord. 522 § 4, 2003; Ord. 242 § 4, 1985.]

**~~10.06.070 From Title 42, Alaska Statutes.~~**

The following provisions from Title 42 of Alaska Statutes are adopted by reference:

- A. Temporary permit: Common carrier/contract carrier: AS 42.10.130;
  - B. Weight fees: AS 42.10.240;
  - C. Vehicle identification: AS 42.10.113;
  - D. Commercial vehicle weight fees: AS 42.10.240(a) through (d).
- [Ord. 572 § 4, 2006; Ord. 242 § 4, 1985.]

**Note: AS 42.10 has been repealed.**

31. Chapter 10.10, Citations

**10.10.010 Forms and records.**

The chief of police shall procure and provide books of traffic citation forms which comply with the requirements of AS 28.05.080 Minor Offense Rule 3 in the Alaska Rules of Court, identify the offender and the offense, and meet the needs of public safety and the administration of justice.  
[Ord. 264 § 5, 1988; Ord. 242 § 4, 1985.]

**Note: AS 28.05.080 was repealed in 1978.**

**~~10.10.020 Procedure of issuance.~~**

A. When a person is found violating any provision of this title, other than a provision regulating the parking of motor vehicles, and the violation is one which is amenable to payment by fine without a court appearance, the arresting officer shall, except when required by law or the immediate circumstances, issue a citation to the person in charge of or operating the motor vehicle involved.

B. If the offense for which the citation is issued is one for which a fine may be paid without a court appearance, the person to whom it is issued may plead guilty to the offense by signing an appropriate blank on the citation and paying the fine specified

on the citation, either in person or by mail within five days from the date of citation, to the police department. Acceptance and payment of the prescribed fine is a complete satisfaction for the offense, and the offender shall be given a receipt which so states.

C. If the offender refuses to accept the citation or refuses to sign the acknowledgment of receipt and promise to appear, the peace officer shall proceed with the arrest in the manner otherwise provided by law. If the offender accepts the notice, but fails to pay the fine or appear in court as required, the citation shall be considered a summons as for a charge of a violation or infraction, and the offender shall be proceeded against in the manner prescribed by law. However, the maximum penalty which may be imposed for the original offense may not exceed the penalty set out in the schedule of fines as given in Table 10.04.070.

D. If the violation is one which is not amenable to payment by fine without a court appearance, the arresting officer shall proceed with the arrest in the manner otherwise required by law. [Ord. 264 § 6, 1988; Ord. 242 § 4, 1985.]

***Comment: This topic is covered in proposed new 10.02.020 which adopts the state bail forfeiture schedules as the city's traffic fine schedule. Also, state statutes applicable to both state and municipal peace officers govern when citations can be issued. AS 12.25.180***

#### **10.10.030 Disposition and record.**

A. Every police officer, upon issuing a traffic citation to an alleged violator, shall deposit the original of the citation with the chief of police.

B. Upon the filing of such original citation, said citation may be disposed of only by trial before the magistrate of the district court, by other official action by the magistrate court, including forfeiture of bail or by payment of a fine imposed by the court and any required surcharge, or by payment to the police department of the fine and surcharge specified on the back of the citation.

C. It is unlawful and official misconduct for any member of the police department or for any other officer or public employee to dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any

traffic citation, complaint, or warrant in a manner other than as required by law. [Ord. 264 §7, 1988; Ord. 242 § 4, 1985.]

**~~10.10.050 Citation deemed complaint.~~**

~~In the event the form of citation provided under CMC 10.10.020 includes information and is sworn to as required under the laws of the state in respect to a complaint charging commission of the offense alleged in said citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this title. [Ord. 242 § 4, 1985.]~~

***Comment: This section is unnecessary after the adoption of the Minor Offense Rules.***

**~~10.10.060 Failure to obey.~~**

~~It is unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which such citation was originally issued. [Ord. 242 § 4, 1985.]~~

***Comment: Citations no longer require the defendant to give a written promise to appear.***

**10.10.070 Illegally parked vehicle.**

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by ordinances of the city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation for the driver to answer to the charge against him/her within ~~five-thirty~~ days during the hours and at a place specified in the citation. [Ord. 242 § 4, 1985.]

**10.10.080 Failure to comply with citation attached to vehicle.**

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of ~~five-thirty~~ days, the clerk or any police officer shall send the vehicle owner a letter informing him of the violation and warning him that, in the event such letter is disregarded for a period of five days, a warrant of arrest will be issued. [Ord. 242 § 4, 1985.]

***Minor Offense Rule 9(d) prohibits issuance of bench warrants for failure to respond or appear or for failure to satisfy the judgment in a minor offense case.***

**~~10.10.100 Warrant issuance.~~**

~~In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle, or fails to make an appearance pursuant to a summons directing an appearance in the district court, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the magistrate, upon the request of any police officer, shall issue a warrant for the arrest of such person. [Ord. 242 § 4, 1985.]~~

***Minor Offense Rule 9(d) prohibits issuance of bench warrants for failure to respond or appear or for failure to satisfy the judgment in a minor offense case.***