

# City of Sand Point



## ORDINANCE 2017-01

**AN ORDINANCE OF THE SAND POINT CITY COUNCIL AMENDING VARIOUS ORDINANCES OF THE CITY OF SAND POINT TO ESTABLISH MINOR OFFENSES FOR VIOLATIONS OF CITY LAWS, TO ESTABLISH PROCEDURES FOR PROCESSING SUCH OFFENSES, ESTABLISHING A BAIL SCHEDULE, AND AMENDING ORDINANCES THAT WOULD CONFLICT WITH THE NEW ORDINANCES, AND ELIMINATING LAWS THAT ARE DUPLICATIVE WITH STATE OFFENSES.**

**BE IT ENACTED** by the City Council of the City of Sand Point:

**Section 1.** **Form.** This is a Code ordinance.

**Section 2.** **Repeal and reenactment of Section 1.10.070.** The Code of Ordinances of the City of Sand Point, Alaska, is hereby amended by the repeal and reenactment Section 1.10.070 to read as follows:

### **1.10.070 GENERAL PENALTY.**

(a) Every act prohibited by city ordinance is unlawful. Unless another penalty is expressly provided by this code for a particular act or offense, every person who commits an infraction or violation of any provision of this code, or any rule or regulation adopted or issued pursuant to this code, commits a minor offense as that term is defined in the Alaska Rules of Minor Offense Procedure and may be punished by a fine of not more than five hundred (\$500) dollars, unless the penalty is established by fine schedule, in which case the maximum penalty shall be \$1,000.

(b) In addition to any other remedies or penalties that may be provided in this code, or may otherwise be available, the city or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the code. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction. The City shall be entitled to collect all reasonable attorney's fees in any successful civil action to enforce the laws of the City.

(c) Each act of violation and every day upon which the violation shall occur will constitute a separate offense. A separate citation must be issued for each calendar day upon which a violation is alleged to have occurred.

**Section 3. Amendment of Section 1.10.075.** Section 1.10.075 of the Code of Ordinances of the City of Sand Point, Alaska, is hereby amended to read as follows [deleted language is ~~struck~~, added language is underlined]:

#### **1.10.075 SURCHARGE.**

In addition to any fine or penalty prescribed by law, a defendant who [~~pleads guilty or nolo contendere to, forfeits bail for, or~~] is convicted of violating this code or any rule or regulation adopted or issued in pursuance thereof shall [~~be assessed a~~] pay the surcharge [~~in the amount, if any, prescribed~~] required by A.S. 12.55.039 and AS 29.25.074. The surcharge shall be collected as provided in A.S. 12.55.039 and A.S. 29.25.075. The failure to pay the surcharge is punishable as contempt of court as provided in A.S. 12.55.039.

**Section 4. Repeal and reenactment of Section 1.10.080.** The Code of Ordinances of the City of Sand Point, Alaska, is hereby amended by the repeal and reenactment Section 1.10.080 to read as follows:

#### **1.10.080 PROCEDURE.**

(a) The charge for the violation of a code provision may be brought by any peace officer, the city manager, or that city official responsible for the administration and enforcement of the code provision which has been violated.

(b) The city shall use the Alaska Uniform Citation form, or the electronic version if authorized, to provide notice of a minor offense to anyone accused of violating any provision of this Code.

**Section 5. Amendment of Chapter 1.10.** The Code of Ordinances of the City of Sand Point, Alaska, is hereby amended by the addition of new Sections 1.10.082, 1.10.085, and 1.10.087 to read as follows:

#### **1.10.082 DISPOSITION OF MINOR OFFENSES.**

A person charged with a minor offense listed on a fine schedule may appear in court to contest the charge. If an offense is not listed on a fine schedule, or if the citation indicates that a court appearance is mandatory, the defendant must appear in court to answer the charges. As a minor offense, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

#### **1.10.085 MINOR OFFENSE FINE SCHEDULE.**

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. 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 fine schedule amount listed below for that offense. If an offense is not listed on this fine schedule or another fine schedule, the defendant must appear in court to answer to the charges. The fines set forth below may not be judicially reduced.

<b>Code Section</b>	<b>Offense Description</b>	<b>Fine Amount</b>
<b>9.10.090(a)</b>	Willful evasion of licensing requirements	<b>300</b>
<b>9.10.090(b)</b>	Failure to apply for business license	<b>100</b>
<b>9.10.090(c)</b>	Failure to keep required records	<b>100</b>
<b>9.10.090(d)</b>	False or fraudulent application	<b>300</b>
<b>9.10.090(e)</b>	Aiding or abetting in evasion of licensing requirements	<b>300</b>
<b>10.10.010</b>	Use of unlawful water supply	<b>500</b>
<b>10.10.020</b>	Unlawful disposal of sewage and liquid waste	<b>500</b>
<b>10.10.030</b>	Unlawful operation of individual sewage system	<b>500</b>
<b>10.10.040</b>	Illegal discharge of sewage or domestic waste	<b>500</b>
<b>10.10.050</b>	Unlawful alteration of individual sewer system	<b>500</b>
<b>10.10.060</b>	Failure to protect sewer from cold weather	<b>100</b>
<b>10.20.080</b>	Unlawful dumping	<b>200</b>
<b>11.30.070(b)</b>	Operating vessel with excessive wake in harbor facilities	<b>100</b>
<b>11.30.070(c)</b>	Littering within harbor facilities	<b>50</b>
<b>11.30.070(d)</b>	At large animals within harbor facilities	<b>100</b>
<b>11.30.070(e)</b>	Nuisance or unlawful business	<b>300</b>
<b>11.30.070(f)</b>	Unlawful sign posting within harbor facilities	<b>50</b>
<b>11.30.070(g)</b>	Unlawful posting on harbor bulletin boards	<b>50</b>
<b>11.30.070(h)</b>	Depositing freight or cargo in non-loading area	<b>100</b>
<b>11.30.070(i)</b>	Failure to register vessel	<b>200</b>
<b>11.30.070(j)</b>	Unlawful connection or tampering with electrical system	<b>200</b>

<b>11.30.070(k)</b>	Unlawful mooring or use of harbor facilities	<b>200</b>
<b>11.30.070(l)</b>	Disregard, deface, remove, tamper with or damage a sign or notice	<b>50</b>
<b>12.10.010</b>	Failure to license dog	<b>100</b>
<b>12.10.030(b)</b>	Unlicensed Dog at Large	<b>100</b>
<b>12.10.040(b)</b>	Possession of vicious dog	<b>300</b>
<b>12.10.050(b)</b>	Nuisance Dog	<b>\$100 licensed dog; \$200 unlicensed dog</b>
<b>12.10.070(b)</b>	Interfering with Enforcement Officer	<b>300</b>
<b>12.10.070(c)</b>	Release/Attempt to Release Impounded Animal	<b>300</b>
<b>12.20.010(a)</b>	Intoxicated on Public Street/In Public Place	<b>100</b>
<b>12.20.010(b)</b>	Discharge Firearm Outside Designated Area	<b>100</b>
<b>12.20.010(c)</b>	Window peeping	<b>200</b>
<b>12.20.010(d)</b>	Public disturbance	<b>100</b>
<b>12.20.010(e)</b>	Stealing Less than \$100 of Property	<b>100</b>
<b>12.20.010(f)</b>	Obstruct/Conceal/Tear Down Official Notice/Placard	<b>100</b>
<b>12.20.010(g)</b>	Littering public place	<b>100</b>
<b>12.20.010(h)</b>	Noise violation	<b>100</b>
<b>12.20.010(i)</b>	Accumulation of rubbish on property	<b>300</b>
<b>12.20.060(a)</b>	Furnish Alcohol to Prohibited Persons	<b>500</b>
<b>12.20.065</b>	Licensed Premise Sell/Serve Alcohol During Closed Hours	<b>100</b>
<b>12.20.070(a)</b>	Consuming Alcohol in Public	<b>100</b>
<b>12.20.070(b)</b>	Consume Alcohol in Prohibited Area	<b>100</b>
<b>12.20.100</b>	Enticement for unlawful purpose	<b>300</b>
<b>12.20.130</b>	Fireworks-Posses/Use Without Permit	<b>100</b>
<b>12.20.150(a)</b>	Littering-Private or Public Property	<b>100</b>
<b>12.20.150(b)</b>	Defacing property of another or public property	<b>200</b>
<b>12.20.160</b>	Public Excretion	<b>100</b>
<b>12.40.030(a)</b>	Operating establishment in violation of marijuana laws	<b>100</b>
<b>12.40.040</b>	Marijuana use in public place	<b>100</b>
<b>12.40.050</b>	Marijuana use in vehicle, watercraft, or aircraft	<b>100</b>
<b>12.04.060</b>	Marijuana possession or consumption less than 21 years of age	<b>500</b>
<b>12.50.010</b>	Juvenile Violates Curfew	<b>100</b>

12.50.020(A)	Parent/Guardian Allow Juvenile Violate Curfew	100
12.60.010(a)	Abandonment of vehicle on right of way	300
12.60.010(b)	Abandonment of vehicle on public or private property	300
13.07.010	Failure to obtain building permit	300
13.08.020(a)(1)	Maintenance of filthy kennels of livestock pens	100
13.08.020(a)(2)	Unnecessary or unusual noise	100
13.08.020(a)(3)	Use of loud or unusual apparatus between the hours of 10:00 p.m. and 7:00 a.m.	100
13.08.020(a)(4)	Unlawful disposal of refuse, garbage, manure, or other waste materials	100
13.08.020(a)(5)	Dumping or littering onto private or public property	100
13.08.020(a)(6)	Uncovered well or excavation	100
13.08.020(a)(7)	Maintaining attractive nuisance	200
13.08.020(a)(8)	Unlawful storage of garbage cans	100
13.08.020(a)(9)	Unreasonable neglect of premises	200
13.08.020(a)(10)	Stagnant water or ponds	100
13.08.020(a)(11)	Storage of abandoned and broken equipment	100
13.08.020(a)(12)	Building exterior deteriorating and scattered by weather	100

### 1.10.087 ORDINANCES AFFECTING MINOR OFFENSES SENT TO CITY ATTORNEY

Immediately after the City Council enacts a code ordinance affecting, creating, or eliminating a minor offense, the City Clerk shall transmit the ordinance to the City Attorney. The City Attorney shall submit any necessary updates to the Alaska Court System for inclusion in the Uniform Table of Minor Offenses.

**Section 6. Amendment of Section 6.10.360.** Section 6.10.360 of the Code of Ordinances of the City of Sand Point, Alaska, is hereby amended to read as follows [deleted language is ~~struck~~, added language is underlined]:

#### 6.10.360. VIOLATIONS A MINOR OFFENSE. ~~CRIMINAL PENALTIES.~~

(a) A person who violates any of the provisions of this chapter is guilty of a minor offense [~~upon conviction,~~] punishable by a fine not to exceed \$500 for each violation. [~~except, for a subsequent violation of any provision of this chapter, whether similar to or different from a prior conviction, is subject to a maximum fine of \$1,000 if the subsequent conviction is for a violation that occurred within three years after the conviction for the prior violation.~~] Any such penalties

shall not affect the city's ability to recover unpaid taxes, civil penalties, and interest [~~are in addition to any civil penalties~~] assessed under this chapter.

(b) Each day upon which a violation of this chapter continues is a separate offense.

**Section 7. Amendment of Section 10.20.080.** Section 10.20.80 of the Code of Ordinances of the City of Sand Point, Alaska, is hereby amended to read as follows [~~deleted language is struck~~, added language is underlined]:

#### **9.10.100. VIOLATION; PENALTY.**

Any person violating any provision of this chapter or any regulation adopted pursuant thereto shall [~~upon conviction,~~] be guilty of a [~~violation and subject to the penalties imposed under § 1.10.070.~~] minor offense punishable by a fine as provided in SPCO 1.10.085, or if no fine is there established, a fine not to exceed \$500.

**Section 8. Amendment of Section 10.20.080.** Section 10.20.80 of the Code of Ordinances of the City of Sand Point, Alaska, is hereby amended to read as follows [~~deleted language is struck~~, added language is underlined]:

#### **10.20.080. DUMPING OF REFUSE.**

It shall be unlawful for any person to dump refuse within the corporate limits of the city except in designated locations at the city landfill. Failure to comply with this section shall constitute a minor offense [~~misdemeanor~~], punishable [~~upon conviction,~~] by a fine as provided in SPCO 1.10.085, or if no fine is there established, by a fine not to exceed \$500.

**Section 9. Amendment of Section 11.20.100.** Section 11.20.100 of the Code of Ordinances of the City of Sand Point, Alaska, is hereby amended to read as follows [~~deleted language is struck~~, added language is underlined]:

#### **11.20.100. PENALTIES.**

(a) Violation of any provision of this Title shall be a minor offense [~~misdemeanor~~] punishable by a fine [~~of~~] as provided in SPCO 1.10.085, or if no fine is there established, a fine not to exceed \$500. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense. [~~In addition to any fine, violators shall also pay any surcharge as required by § 1.10.075 of the City of Sand Point's Code of Ordinances.~~]

(b) Persons violating this title may lose [~~lose~~] the privilege of using the boat harbor facilities for up to one year.

**Section 10. Repeal of Subsection 11.30.070(a).** The Code of Ordinances of the City of Sand Point, Alaska, is hereby amended by the repeal of Subsection 11.30.070(a).

**Section 11. Amendment of Section 12.10.070.** Section 12.10.070 of the Code of Ordinances of the City of Sand Point, Alaska, is hereby amended to read as follows [deleted language is ~~struck~~, added language is underlined]:

**12.10.070. ENFORCEMENT.**

(a) Nothing contained in this chapter shall be construed to prevent the city from entering into a contract with a person or agency for the purpose of enforcing the provisions of this chapter.

(b) No person may interfere with or obstruct an Enforcement Officer in the discharge of his duties.

(c) No person may release or attempt to release from the possession of an Enforcement Officer or from the municipal pound, an animal impounded under this chapter. ~~{Any person violating any provision under this section shall be fined \$299.}~~

(d) Violation of the provisions of this chapter is unlawful. Unless another penalty is provided by this chapter, every person convicted of a violation of this chapter shall be punished as provided in § 1.10.070 of this code.

**Section 12. Repeal and reenactment of Section 12.20.010.** The Code of Ordinances of the City of Sand Point, Alaska, is hereby amended by the repeal and reenactment of Section 12.20.010 to reads as follows:

**12.20.010. ILLEGAL ACTS GENERALLY; DEFINITIONS.\**

It shall be unlawful for any person to:

(a) Be upon any public street or in any public place in a state of drunkenness or intoxication in such a manner as to be hazardous to motor vehicle traffic;

(b) Discharge any firearm or air rifle within the city limits, except in the following designated areas:

(1) One mile for firearms, handguns, and pistols, and 200 yards for shotguns and air rifles to the east of the following roadways: Red Cove Road beginning at Lot 9, Block 9, continuing south on Nagai Avenue to the intersection of Humbolt Lane, for the length of Humbolt Lane; on Airport Road starting at Lot 4, Block 1, running south to the cutoff to the Boat Harbor.

(2) All firearms or dangerous weapons must be discharged in a direction away from the community or an inhabited area. All applicable state and federal laws shall apply.

- (c) Engage in window peeping;
- (d) Create a disturbance in a public place or at any lawful assembly;
- (e) Steal any property of a value not exceeding \$100; provided, however, that the city may, at its option treat as petty larceny the theft of a sum greater than \$100;
- (f) Interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any city officer without permission from the officer;
- (g) Spit upon or otherwise mar or litter any hallway stairway, sidewalks or steps or any public building or place of worship or any public park, public beach, public recreation area, or public parking lot;
- (h) Make, cause or continue, or cause to be made or continued, any unnecessary or unusual noise, which either annoys, injures, or endangers the comfort, repose health or safety of others; and every person who shall make, cause or continue, or cause to be made or continued, whether in the operation of any machine, or the exercise of any trade or calling, or otherwise, any noise which either annoys, injures or endangers the comfort, repose, health or safety of others, unless the making or continuing of the same be necessary to the protection or preservation of property, or of the health safety, life or limb of some person, shall be guilty of an unlawful act under this Code; and
- (i) No owner, lessee, agent, tenant or occupant shall allow or permit any debris, junk or indiscriminate storage of machinery, equipment, parts, wrecked, junked, or abandoned automobile bodies, lumber or other material or any accumulation of garbage, manure, offal, rubbish, stagnant water or any filthy liquid or substance or anything that is or may become putrid or offensive to be or remain upon his yard, lot or premises, or upon any yard, lot or premises owned or controlled by him;

**Section 13. Repeal of Sections 12.20.030, 12.20.040, 12.20.050, 12.20.090 and 12.20.140.** The Code of Ordinances of the City of Sand Point, Alaska, is hereby amended by the repeal of Sections 12.20.030, 12.20.040, 12.20.050, 12.20.080, 12.20.090, and 12.20.140.

**Section 14. Amendment of Section 12.20.150.** Section 12.20.150 of the Code of Ordinances of the City of Sand Point, Alaska, is hereby amended to read as follows [deleted language is ~~struck~~, added language is underlined]:

**12.20.150. LITTERING [~~AND DEFACING~~].**

It is unlawful for any person to:

- (a) Litter in or on any property not his own on which he is not an invitee or licensee, or on any public building, park, recreation area, parking lot, street or highway. [~~or~~



~~—(b) Deface without permission of the owner any building or structure not his own, or any public building, park, recreation area, parking lot, street or highway, or any other publicly owned edifice or structure, whether man-made or naturally occurring.]~~

**Section 15. Repeal and reenactment of Chapter 12.30.** The Code of Ordinances of the City of Sand Point, Alaska, is hereby amended by the repeal and reenactment of Chapter 12.30 to read as follows:

### **12.30.010 DEFINITIONS**

*Definitions.* Unless the context clearly indicates a different meaning was intended, the following words and phrases used in this chapter shall have the meanings set out in this section.

***ALL-TERRAIN VEHICLE*** and ***ATV***. A motorized all-terrain vehicle primarily designed for off-road use. The term includes “four wheelers,” snowmachines, golf carts, tractors, six- and eight-wheeled vehicles such as an ARGO. UTV (side-by-side), a Max. and six-wheeled vehicles that are configured the same as a “four wheeler” or “three wheeler” as well as Off-Highway Vehicles.

***HIGHWAY***. The entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for vehicular travel, including, but not limited to, all city streets and alleys, but not including vehicular ways or areas.

***MOTOR VEHICLE***. A vehicle which is self-propelled except a vehicle moved by human or animal power.

***MOTORCYCLE***. A vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term does not include a tractor.

***MOTOR-DRIVEN CYCLE***. A motorcycle, motor scooter, motorized bicycle or similar conveyance with a motor attached and having an engine with 50 or less cubic centimeters of displacement.

***OFF-HIGHWAY VEHICLE***. A motor vehicle designed or adapted for cross-country operation over unimproved terrain, ice or snow and which has been declared by its owner at the time of registration and determined by the Alaska Department of Public Safety to be unsuitable for general highway use, although the vehicle may make incidental use of a highway as provided by Alaska Uniform Vehicle Code or this chapter; it includes snowmobiles but does not include implements of husbandry and special mobile equipment.

***SNOWMOBILE***. A motor vehicle designed to travel over ice or snow, and supported in part by skis, belts, cleats or low-pressure tires.

***VEHICULAR WAY OR AREA***. A way, path or area, other than a highway or private property, which is designated by official traffic control devices or customary usage and which is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles or other specific types of vehicles as determined by the city of other governmental agency having jurisdiction over the way, path or area.

**12.30.020 STATE TRAFFIC LAWS AND REGULATIONS ADOPTED BY REFERENCE.**

(a) The City adopts 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, including those which apply to motorcycles and all-terrain and off-highway vehicles as such vehicles are defined in section 12.30.010 of this Code unless such statute or regulations directly conflicts with any provision of this chapter. In the event of such a conflict, the city ordinance shall control to the extent it is not preempted by state law.

(b) Notwithstanding subsection A of this section, the City does not adopt those state traffic laws that establish misdemeanor and felony offenses which are not listed on Alaska Supreme Court bail forfeiture schedules, including AS 28.35.030.

(c) All citations issued under this chapter shall use the appropriate "AS" or "AAC" or CFR statute or regulation numbers, include a description of the offense, indicate that the offense was adopted by reference as a city ordinance, and the charging entity or plaintiff is the City of Sand Point.

(d) Additional traffic ordinances of the city that are necessary to meet specific local requirements shall be incorporated in other chapters of this title.

(e) When the context requires, the term "Alaska State trooper" or "peace officer" when used in a provision incorporated by reference under subsection (A) of this section shall be deemed to mean and construed as identical with chief of police, police officer, or such other local police officer sworn to enforce the laws of the city. When the context requires, the term "department" appearing in the Alaska Statutes and Alaska Administrative Code provisions adopted by reference shall be construed to mean the Sand Point police department.

**12.30.030 STATE TRAFFIC BAIL FORFEITURE SCHEDULES ADOPTED BY REFERENCE.**

The city adopts as its traffic fine schedule for state offenses 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 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. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer to the charges.

**12.30.040 FINE SCHEDULE FOR LOCAL TRAFFIC MINOR OFFENSES.**

Introduction and 1<sup>st</sup> Reading      October 11, 2016  
Adoption and 2<sup>nd</sup> Reading      January 10, 2017

(a) Violation of any provision set forth in the table in this section shall be a minor offense punishable by a fine as provided in the table, or if no fine is there established, a fine not to exceed \$500.

(b) In accordance with AS 28.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Alaska Rules of Minor Offense Procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. 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 fine amount for that offense listed below. These fines may not be judicially reduced. If an offense in Chapter 12.30 is not listed on the fine schedule, or if the citation indicates a court appearance is required, the defendant must appear in court to answer to the charges.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

<b>SECTION</b>	<b>OFFENSE TITLE</b>	<b>FINE</b>
<b>12.30.050(a)</b>	Unlawful driving of ATV on roadway	<b>100</b>
<b>12.30.050(b)</b>	Unlawful ATV crossing of highway	<b>100</b>
<b>12.30.050(c)</b>	ATV crossing in pedestrian crosswalk or other closed area	<b>100</b>
<b>12.30.060(a)</b>	Unlicensed ATV operation	<b>100</b>
<b>12.30.060(b)</b>	Safety equipment violation	<b>100</b>
<b>12.30.060(c)</b>	Minor failing to wear protective equipment	<b>100</b>
<b>12.30.060(e)</b>	Minor operating ATV during unlawful hours	<b>100</b>
<b>12.30.080</b>	Riding motorcycle or motorbikes upon any public sidewalks or any dock area	<b>100</b>
<b>12.30.090</b>	Excessive vehicle noise between hours of 10 p.m. – 6 a.m.	<b>100</b>
<b>12.30.100</b>	Crossing boardwalk without protective device	<b>100</b>

**12.30.050. OPERATION OF ALL-TERRAIN VEHICLES ON HIGHWAYS.**

(a) An all-terrain vehicle may be driven on a roadway or shoulder of a highway only under the following circumstances:

(1) When crossing a highway as provided in division (b) of this section, or when traversing a bridge or culvert on a highway, but then only by driving at the extreme right-hand edge of the bridge or culvert and only when the traverse can be completed with safety and without interfering with other traffic on the highway;

(2) When use of the highway by other motor vehicles is impossible because of snow or ice accumulation or other natural conditions or when the highway is posted or otherwise designated by the city as being open to travel by all-terrain vehicles; or

(3) When driven on the right-of-way of a highway which is not a controlled-access highway, outside the roadway or shoulder, and no closer than three feet from the nearest edge of the roadway; night driving may be only on the right-hand side of the highway and in the same direction as the highway motor vehicle traffic in the nearest lane of the roadway; no person may drive an all-terrain vehicle within the area dividing the roadways of a divided highway except to cross the highway as provided in division (b) of this section.

(b) An all-terrain vehicle may make a direct crossing of a highway if:

(1) The crossing is made approximately at a right angle to the highway and at a location where visibility along the highway in both directions is clear for a sufficient distance to assure safety, and the crossing can be completed safely and without interfering with other traffic on the highway; and

(2) The vehicle is brought to a complete stop before crossing the shoulder or highway, and the driver yields the right-of-way to all traffic on the highway.

(c) No all-terrain vehicle may cross or travel on a sidewalk a location intended for pedestrian or other non-motorized traffic, an alley, or a vehicular way or area which is not open to all-terrain vehicle operation except as provided in division (b) of this section or as otherwise specifically authorized under this chapter.

(d) *REPEALED*

(e) Notwithstanding divisions (a) through (d) of this section, an all-terrain vehicle may be driven on the public roadways and streets of the city, but only in accordance with this chapter and the laws of this state.

### **12.30.060. REGULATIONS CONCERNING OPERATION OF ALL-TERRAIN VEHICLES UPON THE PUBLIC STREETS AND ROADWAYS OF THE CITY OF SAND POINT.**

All-terrain vehicles may operate on the public streets and roadways of the City of Sand Point, subject to the following conditions:

(a) *License.* The person operating the all-terrain vehicle must be:

(1) a duly licensed driver in the State of Alaska and at least 16 years of age;

(2) at least 14 years of age and duly licensed with a State of Alaska drivers instruction permit and completed a City-approved safety education certification course; or

(3) under the direct supervision of the operator's licensed parent or guardian.

(b) *Safety Equipment.* The all-terrain vehicle must be equipped with the appropriate safety equipment, including headlights, taillights, mufflers, fenders, and brakes all in operating order and which meet or exceed state or local regulations. Headlights must be illuminated between one-half hour after sunset and one-half hour before sunrise, and at any other time when, because of insufficient light or other atmospheric conditions, persons or vehicles on the highway are not clearly discernable at a distance of 1,000 feet.

(c) *Protective Equipment.* Operators and passengers under the age of 18 must wear protective headgear and an eye-protective device that meet the requirements of 13 AAC 04.350.

(d) *Traffic Laws.* The operator of an all-terrain vehicle must observe all state and city traffic laws and codes which pertain to the operation of motor vehicles upon a highway.

(e) *Hours of Operation for minors.*

(1) Minors (persons 14 to 17 years of age) shall only be permitted to operate all-terrain vehicles on the public streets and roadways of the City of Sand Point during the following times, unless under licensed adult supervision or adhering to the exceptions listed below:

(A) From 6:00 a.m. to 10:00 p.m. Sunday through Thursday, and

(B) From 6:00 a.m. to 12:00 a.m. Friday and Saturday.

(2) Operation of all-terrain vehicles at all other times is prohibited except when circumstances exist which justify an exception because operation of the all-terrain vehicle was necessary or unavoidable. Exceptions are limited to non-recreational use of all-terrain vehicles and may only be allowed when:

(A) On an errand at the written direction of his or her parent or guardian without any detour or stop (written direction must be signed, timed, and dated by the parent or guardian and must indicate the specific errand):

(B) Involved in an emergency: or

(C) Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop.

#### **12.30.070. CITATION FOR DEFECTIVE EQUIPMENT.**

(a) A police officer may issue a citation to the operator or owner of an all-terrain vehicle, which is not in safe mechanical condition or properly equipped as required by Title 28 of the Alaska Statutes, Title 13 of the Alaska Administrative Code, or the safety provisions of this chapter. A citation issued under this section shall specify the repair or adjustment to be made.

(b) An operator or owner cited under this section shall within a time specified by the inspecting officer appear at the offices of the Sand Point Police Department and present acceptable evidence of having made the repairs or adjustment or present the vehicle for re-inspection. If the defective part or item is at that time determined to be in good repair, and the

vehicle otherwise meets the requirements of Title 28 of the Alaska Statutes, Title 13 of the Alaska Administrative Code and the safety provisions of this chapter, the inspecting officer shall void the citation. Failure to present evidence of repair or adjustment or to present the vehicle for re-inspection within the time specified shall result in the revocation of registration.

#### **12.30.080 MOTORCYCLES.**

It shall be unlawful for any person or persons to ride motorcycles or motorbikes or any vehicles so classed, upon any public sidewalks or any dock area. However, workers going to or from work or those persons on business (such as gas, repairs, and provisions) may ride to the dock area or on sidewalks, provided they observe a five mile per hour speed limit.

#### **12.30.090. SOUND CONTROL.**

No person shall operate a motor vehicle in such a way as to disturb the peace between the hours of 10:00 p.m. and 6:00 a.m. except when hauling supplies. Revving and racing of engines in residential areas shall be considered a violation.

#### **12.30.100. CROSSING BOARDWALKS.**

Persons crossing boardwalks with cars and trucks must use planks or some means of protecting the boardwalk.

**Section 16. Repeal and reenactment of Section 13.07.060.** The Code of Ordinances of the City of Sand Point, Alaska, is hereby amended by the repeal and reenactment of Section 13.07.060 to read as follows:

#### **13.07.060. STOP ORDER; VIOLATION; REVOCATION.**

(a) It is unlawful to do or perform any work in violation of a stop order, except as may be necessary to prevent injury or damage to persons or property. Such stop order may be revoked by the administrative official, City Administrator, or the City Council.

(b) Violation of any provision of this chapter shall be a minor offense punishable as provided in SPCO 1.10.070. Each act of violation and every day upon which such violation occurs shall constitute a separate offense.

**Section 17. Amendment of Subsection 13.08.110(a).** Subsection 13.08.110(a) of the Code of Ordinances of the City of Sand Point, Alaska, is hereby amended to read as follows [~~deleted language is struck~~, added language is underlined]:

(a) Any person entitled to service under § 13.08.060 may appeal from any notice and order or any action of the Abatement Official concerning abatement of a public nuisance **except a citation issued for a minor offense pursuant to SPCO Chapter 1.10** by filing at the office of the City Clerk within 15 days from the date of service of such order a written appeal to the City Council.

**Section 18. Amendment of Subsection 13.08.120(a).** Subsection 13.08.120(a) of the Code of Ordinances of the City of Sand Point, Alaska, is hereby amended to read as follows [deleted language is ~~struck~~, added language is underlined]:

(a) Generally. After any order of the Abatement Official or the Council [~~shall have~~] becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a minor offense punishable [~~shall be punished~~] as provided in § 1.10.070.

**Section 19. Amendment of Section 13.08.170.** Subsection 13.08.170 of the Code of Ordinances of the City of Sand Point, Alaska, is hereby amended to read as follows [deleted language is ~~struck~~, added language is underlined]:

**13.08.170. APPEAL.**

The owner may appeal any decisions of the board of adjustment, whether involving removal or demolition or repair or alteration, to the Superior Court, Third Judicial District at Anchorage, State of Alaska, except that any citation issued for a minor offense under this chapter and SPCO Chapter 1.10 shall be governed by the Alaska Rules of Minor Offense Procedure.

**Section 20. Effective Date.** This ordinance shall be effective thirty days after it is adopted.

**PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE SAND POINT CITY COUNCIL THIS 10<sup>th</sup> DAY OF JANUARY, 2017.**

**CITY OF SAND POINT**

  
Glen Gardner, Jr., Mayor

ATTEST:

  
Shannon Sommer, City Clerk

Introduction and 1<sup>st</sup> Reading  
Adoption and 2<sup>nd</sup> Reading

October 11, 2016  
January 10, 2017