

CLERK'S OFFICE
APPROVED
Date: 4-13-04

Submitted by: Assemblymember Tesche
Prepared by: Department of Assembly
For reading: March 2, 2004

ANCHORAGE, ALASKA
AO NO. 2004-63

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTION 9.48.050, TRAFFIC CITATIONS-
3 DISPOSITION, AND SECTION 9.48.130, VEHICULAR OFFENSES AMENABLE TO
4 DISPOSITION WITHOUT COURT APPEARANCE, TO CLARIFY THE PROCESSING
5 PROCEDURE AND TO MAKE ILLEGAL VEHICLE WINDOW TINTING A
6 CORRECTABLE OFFENSE.

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8
9 THE ANCHORAGE ASSEMBLY ORDAINS:

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11 **Section 1.** Anchorage Municipal Code Section 9.48.050 is amended to read:

12
13 **9.48.050 Traffic citations-Disposition; record of warrants.**

14
15 A. Every police officer, upon issuing a traffic citation to an alleged violator of any
16 provision of any municipal traffic ordinance, shall deposit the original of the nonmoving
17 citation and the original and two duplicate copies of the moving citation with a designated
18 supervisor, who shall cause the citation to be properly filed.

19
20 B. If the citation charges an offense for which a scheduled fine has been established, the
21 citation shall be deposited with the designated administrator of the municipality and subject
22 to disposition with payment of a fine to the administrator in lieu of a court appearance or as
23 otherwise prescribed. If the citation requires a mandatory court appearance, or if a defendant
24 enters a plea of not guilty, the original citation shall be immediately filed with the district
25 court and may be disposed as provided by law. (AS 12.25.210(a) and AMC 9.48.130).
26 [UPON FILING OF SUCH ORIGINAL CITATION IN THE DISTRICT COURT IN THE
27 MUNICIPALITY AS PROVIDED IN SUBSECTION A OF THIS SECTION, THE
28 CITATION MAY BE DISPOSED OF ONLY BY TRIAL IN THAT COURT, OR BY
29 OTHER OFFICIAL ACTION BY A JUDGE OF THAT COURT, INCLUDING
30 FORFEITURE OF THE BAIL, OR BY PAYMENT OF A FINE TO THAT COURT.]

31
32 C. The chief of police shall require the return to him of each traffic citation and all
33 copies thereof which have been spoiled or upon which any entry has been made and has not
34 been issued to an alleged violator.
35
36

D. The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the district court for the municipality on traffic violation charges and which are delivered to the police department for service and of the final disposition of all such warrants.

E. It is unlawful and official misconduct for any member of the police department, or other officer or public employee, to dispose of, alter or deface a traffic citation or any copy thereof, or the records of the issuance or the disposition of any traffic citation, complaint or warrant in any manner other than as required in this chapter.

(CAC 9.48.050; AO No. 78-72)

Section 2. Anchorage Municipal Code Section 9.48.130 is amended to read:

9.48.130 Vehicular offenses amenable to disposition without court appearance by payment of a fine, offenses requiring court appearance, or offenses correctable without fine or appearance.

In accordance with AS 28.05.151, a citation issued for violation of any of the following sections of this title shall be subject to disposition with payment of a fine in lieu of a court appearance or as otherwise prescribed. Violations committed within highway work zones shall be subject to double the fine amount indicated. Pursuant to AS 28.05.151(e), an offense listed on 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.

TABLE INSET:

Title	Section	Fee Amount
***	***	***
Transparent materials on windshields or windows	9.36.045	<u>Corr/150</u>
***	***	***

Categories of traffic offenses:

TABLE INSET:

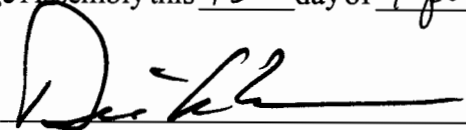
1	Corr	=	A correctable/dismissible offense. A citation for one of these offenses may be dismissed (or voided) if proof of correction is presented to an inspection official. If the required repair is not made and shown to an inspecting officer within the specified time, the citation converts to a set fine in the amount indicated and must be resolved under Section 9.48.030.
2	Mand/Cr	=	A misdemeanor which requires a mandatory appearance in court for arraignment. A defendant charged with a misdemeanor for which no bail forfeiture amount has been set has a right to a jury trial and, if indigent, a lawyer at government expense.

3
4 (CAC 9.48.060; AO No. 78-72; AO No. 88-12; AO No. 88-167; AO No. 88-180; AO No.
5 89-134; AO No. 90-24; AO No. 94-68(S), § 38, 8-11-94; AO No. 95-67(S), § 5, 7-1-95; AO
6 No. 95-102, § 1, 4-26-95; AO No. 95-117, § 3, 6-29-95; AO No. 95-163(S), § 20, 8-8-95;
7 AO No. 99-15, § 1, 2-9-99; AO No. 2000-130, § 2, 9-12-00; AO No. 2001-51, § 1, 2-27-01;
8 AO No. 2001-145(S-1), § 8, 12-11-01)

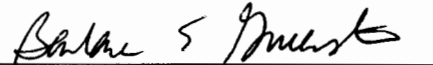
9
10 State law references: Fine schedule for violations not requiring court appearance, permitted,
11 AS 28.05.151.

12
13 **Section 3.** This ordinance shall become effective upon passage and approval.

14
15 PASSED AND APPROVED by the Anchorage Assembly this 13th day of Apr. 1,
16 2004.

17
18 
19 Chair

20
21 ATTEST:

22
23 
24 Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
AM NO. 218-2004

Meeting Date: March 2, 2004

From: Assemblymember Tesche

Subject: AO 2004-63 — Payment of Fine Without Court Appearance for Violation of AMC 9.36.045 Regarding Window Tinting

AS 12.25.210 and AS 28.05.151 require that a vehicular offense for which a scheduled fine has been established is amenable to disposition without a court appearance. AMC 9.48.130 sets forth those specific vehicular traffic offenses to be disposed of by payment of a fine and without a court appearance and notes which fines are "correctable."

Recent statistics from the court system indicate that up to 25% of the court's arraignments and "not guilty" pleas are for scheduled fine offenses having to do with tinted or mirrored windows and driving without proof of insurance. Per the court's Administrative Bulletin 39, adopted pursuant to Alaska Rule of Administrative Procedure 49, responsibility for processing uncontested municipal citations for which a fine schedule has been established by municipal ordinance is to be transferred from the court to the municipality. The court processing of these "non correctable" citations is a great burden on court staff, results in a 10% fee charged to the municipality by the court, and significant APD time expended in court appearances for issuing officers.

AO 2003-157, approved by the Assembly on December 17, 2003, has addressed the issue of proof of insurance under AMC 9.28.030. This proposed ordinance AO 2004-63 addresses the issue of tinted windows by making a violation of section 9.36.045 (mirrored/tinted windows) a "correctable" citation without a court appearance and is consistent with state law by transferring the processing procedure from the court system to a designated administrator of the municipality. Pursuant to AS 28.05.151(e), AMC 9.48.130 is also amended to reflect statutory language that does not allow any scheduled offense to be disposed of without court appearance if the offense is in connection with a motor vehicle accident resulting in the death of a person.

Respectfully submitted,

Allan Tesche
Assemblymember

Attachment [Bulletin 39]

AO 2004-63

Alaska Court System

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 39
(Amended Effective July 1, 2003)

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

All Justices
All Judges
Area Court Administrators
Clerk of the Appellate Courts
Senior Staff/Court Analysts
General Services Manager
Judicial Services
APD Warrants
Rural Court Training Assistants
All Clerks of Court
All Magistrates
Law Libraries at Anchorage, Fairbanks, Juneau & Ketchikan

SUBJECT: Processing of Citations for Violations of Municipal Ordinances

This administrative bulletin is promulgated to implement the provisions of AS 12.25.210(a) and Administrative Rule 49.

1. In the following Alaska municipalities, if a citation charges an offense under a municipal ordinance for which a scheduled fine has been established, the peace officer shall deposit the original or a copy of the citation with the clerk of the municipality that issued the citation, as required by AS 12.25.210(a):

Anchorage
Craig
Fairbanks
Wrangell
Sitka

Juneau
Ketchikan
Ketchikan Gateway Borough
Petersburg

The municipalities listed above must comply with AS 28.15.191(f), which requires them to forward records of fine payments received after no contest pleas to the Department of Administration (Division of Motor Vehicles).

In these municipalities, if payment is made to the court on an uncontested citation, the court will process the payment, but will collect a processing fee equal to ten percent of the gross revenue collected, excluding surcharges.

2. In all other Alaska municipalities, if a citation charges an offense under a municipal ordinance for which a scheduled fine has been established, the peace officer may file the citation with the clerk of court.

Until further notice, the court will process the citations and will collect a processing fee equal to 10 percent of the gross revenue collected from citations that are uncontested, excluding surcharges.

The court will forward records of conviction for these municipal citations to the Department of Administration as required by AS 28.15.191(a).

3. A municipality not listed in paragraph 1 that wishes to be added to paragraph 1 and begin processing its own uncontested citations must notify the Administrative Director at least 30 days prior to the effective date of the change. This notification should be sent to:

Office of the Administrative Director
Alaska Court System
303 K Street
Anchorage, Alaska 99501-2084
Fax: (907) 264-0881

Dated: July 1, 2003

Stephanie J. Cole
Administrative Director

Original bulletin was issued December 30, 1987.



MUNICIPALITY OF ANCHORAGE
ASSEMBLY INFORMATION MEMORANDUM

NO. AIM 22-2004

Meeting Date: March 2, 2004

From: Assemblymember Tesche

Subject: SUMMARY OF ECONOMIC EFFECTS FOR AO2004-63:

Attached is the Summary of Economic Effects for AO 2004-63, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code sections 9.48.050, traffic citations - disposition, and section 9.48.130, vehicular offenses amenable to disposition without court appearance, to clarify the processing procedure and to make illegal vehicle window tinting a correctable offense.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tesche', written over the words 'Respectfully submitted'.

Assemblymember Tesche

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2004- 63

Title: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING ANCHORAGE MUNICIPAL CODE 9.48.050, TRAFFIC
CITATIONS - DISPOSITION, AND SECTION 9.48.130, VEHICULAR
OFFENSES AMENABLE TO DISPOSITION WITHOUT COURT
APPEARANCE, TO CLARIFY THE PROCESSING PROCEDURE AND TO
MAKE ILLEGAL VEHICLE WINDOW TINTING A CORRECTABLE
OFFENSE.

Sponsor: Tesche
Preparing Agency: Assembly

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:					
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:					
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

Fiscal impact to the Municipality will be minimal. Though there will be a reduction in fines collected, staff in the Prosecutor's Office will be freed from these cases.

PRIVATE SECTOR ECONOMIC EFFECTS:

Private citizens will also benefit from avoiding a fine or by paying a fine without having to automatically go to court.

Prepared by: Mike Gutierrez - Budget and Legislative Services

Telephone: 343-4763

**Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
AGENDA DOCUMENT CONTROL SHEET**

AIM 22-2004

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED 02/27/04
	SEE FOR AO 2004-63 - VEHICLE WINDOW TINTING	INDICATE DOCUMENTS ATTACHED AIM
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Dick Trainl
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY M. Gutierrez	HIS/HER PHONE NUMBER X4763
4	COORDINATED WITH AND REVIEWED BY	INITIALS DATE
	Mayor	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
	Municipal Manager	
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management and Budget	
	Management Information Services	
	Police	
	Planning, Development & Public Works	
	Development Services	
	Facility Management	
	Planning	
	Project Management & Engineering	
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
	Municipal Attorney	
	Municipal Clerk	
	Other	
5	SPECIAL INSTRUCTIONS/COMMENTS	
	ADDENDUM - CONSENT AGENDA-INTRODUCTION	
	REF. AO 2004-63	
6	ASSEMBLY MEETING DATE 03/02/04	7 PUBLIC HEARING DATE REQUESTED 4/13/04

