

Introduced by: Mayor  
Date: 12/08/98  
Hearing: 1/05/99  
Action: Enacted  
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH  
ORDINANCE 98-77**

**AN ORDINANCE ENACTING KPB 1.24.010 PROVIDING FOR THE COLLECTION OF  
A SURCHARGE TO THE EXTENT REQUIRED BY  
ALASKA STATUTE 12.55.039 UPON MUNICIPAL FINES**

**WHEREAS,** the Alaska Legislature enacted House Bill 261 which is entitled “an act relating to fines and to a surcharge imposed for violations of state or municipal law and to the Alaska police training fund”; and

**WHEREAS,** Section 8 of HB 261 enacts AS 29.25.072 which prohibits municipalities from enforcing ordinances for which a fine of \$30 or more or imprisonment is prescribed as a penalty unless the municipality authorizes the imposition of and provides for the collection of a surcharge required under AS 12.55.039; and

**WHEREAS,** AS 12.55.039 provides that a surcharge of \$75 must be assessed by a municipality for violation of an ordinance comparable to certain misdemeanor offenses, and a surcharge of \$50 is required to be assessed for violation of other municipal ordinances for which a sentence of incarceration may be imposed, and a surcharge of \$10 is required for violation of a borough ordinance where incarceration may not be imposed and the fine is \$30 or more; and

**WHEREAS,** as it is anticipated that legislation will be considered by the legislature limiting this requirement, and should such legislation be enacted the surcharge should only be applied as required by state statute; and

**WHEREAS,** the assembly finds the borough’s best interests would be served by enacting the ordinance requiring the surcharge, but only to the extent required by statute as now enacted or may be hereafter amended, in order that the municipality may enforce its ordinances imposing such fines and penalties; and

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That KPB 1.24.010 is hereby enacted to read as follows:

**1.24.010. Imposition and collection of surcharge.**

A. In addition to any other fine or penalty prescribed by this

code, any defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a

1. violation of any borough ordinance comparable to a misdemeanor offense under AS 28.33.030, 28.33.031, 28.35.030, or 28.35.032 relating to operation of motor vehicles while intoxicated, shall be assessed a surcharge of \$75 to the extent such surcharge is required by state statutes;
2. misdemeanor or violation of a municipal ordinance for which a sentence of incarceration may be imposed, other than a person identified in (1) of this subsection, shall be assessed a surcharge of \$50 to the extent such surcharge is required by state statute; and
3. a misdemeanor or violation of a borough ordinance if a sentence of incarceration may not be imposed shall be assessed a surcharge of \$10 if the fine amount for the offense is \$30 or more to the extent such surcharge is required by state statute.

B. All surcharges imposed pursuant to paragraph A of this section shall be collected simultaneously with the collection of the underlying fine, and all such collected surcharges shall be remitted to the State of Alaska, Department of Administration as required by AS 29.25.072.. Any partial payments shall be applied pro rata to the surcharge and the borough fine.

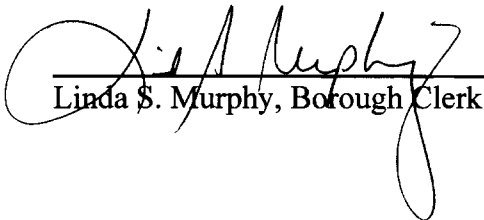
**SECTION 2.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 5TH DAY OF JANUARY, 1999.**



Ronald Wm. Drathman, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

