

By: City Clerk and Attorney
Introduced: February 10, 2014
Public Hearing: February 24, 2014
Adopted: February 24, 2014
Vote: Buswell, O’Barr, Sullivan-Leonard, Wall and Wilson in favor
Harris absent

**City of Wasilla
Ordinance Serial No. 14-11**

An ordinance of the Wasilla City Council amending Wasilla Municipal Code (WMC) 1.20.030, Disposition of Scheduled Offenses—Fine Schedule, WMC 10.04, State Traffic Laws Adopted, and 10.20.050, Unauthorized Use of Parking Reserved for Persons with Disabilities, all relating to the general penalties of the City.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of section. WMC 1.20.030, Disposition of Scheduled Offenses—Fine Schedule, in the General Penalty section, is hereby amended to read as follows:

A. A person cited for an offense for which a fine is established in subsection C of this section may mail or personally deliver to the clerk of court the amount of the fine indicated on the citation for the offense plus any surcharge required to be imposed by AS 29.25.074, together with a copy of the citation signed by the person indicating the person’s waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. The citation with the fine shall be mailed or personally delivered on or before the 30th day after the date the citation was issued. ~~A motor vehicle or traffic citation may be mailed or personally delivered within five days after the date of the citation. A citation for a scheduled offense other than a motor vehicle or traffic citation may be mailed or personally delivered within 15 days after the date of the citation. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense.~~

B. If a person cited for an offense for which a fine amount is established in subsection C of this section appears in court to contest the citation and is found guilty, the maximum sentence which shall be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS 29.25.074.

C. The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below.

<i>CODE SECTION</i>	<i>DESCRIPTION OF OFFENSE</i>	<i>FINE</i>
WMC 6.04.015	Business License Required	\$250

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WMC 6.08.020	Permit Required for Public Vending	\$100
WMC 6.08.030	Single Location Vendor Permit	\$100
WMC 6.08.040	Mobile Vendor Permit	\$100
WMC 6.08.050	Short-term Vendor Permit	\$100
WMC 6.08.060	Application for Vendor Permit	\$100
WMC 6.08.070	Permit Conditions for Vendors	\$100
WMC 6.08.080	Operating Requirements for Vendors	\$100
WMC 6.08.090	Revocation or Suspension of Vendor Permit	\$100
WMC 8.04.030	Sale of Fireworks	\$100
WMC 8.04.040	Use of Fireworks	\$100
WMC 8.08.010	Refuse Enclosure Required	\$100
WMC 8.08.020	Refuse Unauthorized Use	\$100
WMC 8.08.030	Refuse Collection and Transportation	\$100
WMC 8.08.040	Litter Unlawful	\$100
WMC 8.12.060	Nuisance	\$300
WMC 9.04.020	Lewd Conduct	\$200
WMC 9.08.025	Petty Theft in the First Degree	\$300
WMC 9.08.035	Petty Theft in the Second Degree	\$100
WMC 9.12.010	Discharge of Firearm	\$300
WMC 9.12.030	Concealed Weapons	\$300
WMC 9.16.020	Curfew for Minors Age 17 or Less - 1st Offense	Warning
WMC 9.16.020	Curfew for Minors Age 17 or Less - 2nd Offense or More	\$100
WMC 9.20.010	Trespassing	\$100
WMC 9.24.020	Vandalism per Violation	\$300
WMC 9.24.030	Vandalism - Parent Civil Liability	\$300
WMC 10.08.020	Obstruction of Right-of- Way	\$50
WMC 10.08.030	Unlawful Use of Two- Way Left	\$100

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	Turn Lane	
WMC 10.12.020	Prohibited Operation of Off-Road Vehicles	\$50
WMC 10.12.030	Operation of Off-Road Vehicle by a Minor	\$100
WMC 10.12.040	Operation of Off-Road Vehicle Without Helmet	\$100
WMC 10.12.050	Off-Road Vehicles - Parent Responsibility	\$100
WMC 10.12.060	Speeding of Off-Road Vehicle	\$100
WMC 10.12.080	Off-Road Vehicle Equipment	\$100
WMC 10.12.090	Off-Road Vehicle Towing	\$100
WMC 10.20.010	Stopping, Standing or Parking Where Prohibited	\$50
WMC 10.20.020	Parking to Display Vehicle for Sale	\$50
WMC 10.20.030	Stopping, Standing or Parking at Prohibited Time	\$50
WMC 10.20.040	Stopping, Standing or Parking Beyond Time Limit	\$50
<u>WMC 10.20.050(B)</u>	<u>Unauthorized Use of Parking Reserved for Persons with Disabilities – 1st Offense</u>	<u>\$125</u>
<u>WMC 10.20.050(B)</u>	<u>Unauthorized Use of Parking Reserved for Persons with Disabilities – 2nd Offense</u>	<u>\$250</u>
<u>WMC 10.20.050(C)</u>	<u>Unauthorized Use of Parking Reserved for Persons with Disabilities , Use of Permit or Plate – 1st Offense</u>	<u>\$250</u>
<u>WMC 10.20.050(C)</u>	<u>Unauthorized Use of Parking Reserved for Persons with Disabilities , Use of Permit or Plate – 2nd Offense</u>	<u>\$500</u>
WMC 10.20.050(A)	Unauthorized Use of Parking Reserved for Persons with Disabilities	\$300
WMC 10.20.050(B)	Unauthorized Use of Special	\$300

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	License Plate or Permit Issued to a Person with a Disability	
WMC 12.08.090	Posting of Assigned Street Addresses	\$50*
WMC 12.12.030	Driveway Permits	\$250
WMC 12.20.020	Motorized Uses on Lakes	\$100
WMC 12.20.030	Prohibition of Motorized Uses on Lakes	\$100
WMC 12.24.025	Violation of Park Rules	\$250
WMC 12.24.030	Park Use Permits	\$250
WMC 12.28.020	Skate Devices - 1st Offense; device may be confiscated for 10 days	Warning
WMC 12.28.020	Skate Devices - 2nd Offense; device may be confiscated for 30 days	\$50
WMC 12.28.020	Skate Devices - 3rd Offense; device may be permanently confiscated	\$100
WMC 13.08.020	Sewage Disposal	\$300
WMC 13.08.030	Use of Public Sewer Required	\$300
WMC 13.08.050	Sewer Connection Permits	\$300
WMC 13.08.110	Control of Wastewater	\$300
WMC 13.08.120	Prohibitions Sewer and Wastewater	\$300
WMC 13.12.030	Wastewater Pretreatment Violations	\$300

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WMC 13.12.050	Excessive or Accidental Discharges	\$300
WMC 13.20.060	Airport Violations	\$300
WMC 13.20.270	Airport Animal Violations	\$300
WMC 16.08.010	Permit for Land Development Required	\$300
WMC 16.08.090	Land Use Code Violations	\$300
WMC 16.32.050	Signs Prohibited	\$300
* Citation must be dismissed if proof of correction is presented to the code enforcement officer within 14 days after the date of the citation. If the required correction is not made, the offense may be disposed of without court appearance upon payment of the fine amount listed.		

Section 3. Amendment of chapter. WMC 10.04, State Traffic Laws Adopted, is hereby amended to read as follows:

10.04.010 Adoption of state traffic laws.

The city adopts ~~all statutes and regulations of the state of Alaska, Alaska Uniform Vehicle Code, as they presently exist and as they may be revised in the future, relating to the driving or movement of vehicles, as the traffic code for the city.~~

10.04.020 Adoption of state penalties.

~~All The city adopts all applicable penalties, fines, bail, and bail forfeitures schedules and procedures, and other penalty-related provisions of the statues and regulations of the state of Alaska and Alaska Uniform Code are adopted by the city, the Alaska Rules of Court, as the presently exist and as they may be revised in the future, as the provisions applicable to the violation of any provisions adopted by Section 10.04.010.~~

10.04.030 Remedies and penalties~~Violations~~ **— Infraction.**

~~Remedies and penalties for violations of this chapter are as provided in the state of Alaska, Alaska Uniform Vehicle Code. A violation of the traffic code of the city is an infraction within the terms of AS 28.40.050, and is punishable by a fine not to exceed three hundred dollars (\$300).~~

Underline, added. Strikethrough, deleted

Section 4. Amendment of section. WMC 10.20.050, Unauthorized Use of Parking Reserved for Persons with Disabilities, is hereby amended to read as follows:

A. ___A person may not park, stop or leave standing **a motor vehicle in a parking place reserved for a person with a disability unless:**

(1) The person operating the vehicle has a special permit issued by the department under AS 28.10.495;

(2) The person operating the vehicle has parked the vehicle for the purpose of transporting a person who has a special permit issued by the department under AS 28.10.495 and the person who has the special permit actually exits or enters the vehicle;

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

(4) The motor vehicle displays a special license plate or permit issued to persons with disabilities by another state, province, territory, or country and is being operated by or used for the purpose of transporting a person with a disability. ~~an attended or unattended motor vehicle in a parking place reserved for a person with a disability unless:~~

~~1. The motor vehicle displays a special permit issued to the person operating the vehicle by the department of administration under AS 28.10.495, and the person who was issued the special permit actually exits or enters the vehicle;~~

~~2. The motor vehicle displays a special permit issued by the department of administration under AS 28.10.495, the person operating the vehicle has parked the vehicle for the purpose of transporting the person who was issued the special permit, and the person who was issued the special permit actually exits or enters the vehicle;~~

~~3. The motor vehicle displays a special license plate issued under AS 28.10.181(d) to a person with a disability, the person operating the vehicle has parked the vehicle for the purpose of transporting the person who was issued the special license plate, and the person who was issued the special license plate actually exits or enters the vehicle; or~~

~~4. The motor vehicle displays a special license plate or permit issued by another state, province, territory or country to a person with a disability, the person operating the vehicle has parked the vehicle for the purpose of transporting the person who was issued the special license plate or permit, and the person who was issued the special license plate or permit actually exits or enters the vehicle.~~

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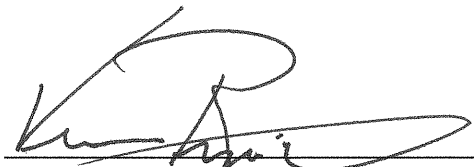
B. A person who violates this section is guilty of an infraction. Upon conviction, the court shall impose a fine of not less than \$125, or, if the person has been previously convicted under this section, the court shall impose a fine of not less than \$250~~The penalty for violating subsection A of this section shall be doubled for a person who violates subsection A of this section while operating a vehicle displaying a special license plate issued under AS 28.10.181(d), a special permit issued under AS 28.10.495, or a special license plate or permit issued to persons with disabilities by another state, province, territory or country that:~~

- ~~1. Was issued to a person who was not being provided transportation by the vehicle at the time of the violation;~~
- ~~2. Had expired at the time of the violation; or~~
- ~~3. Bore any unauthorized alteration at the time of the violation.~~

C. A person who violates this section and who was, at the time of the violation, operating a vehicle displaying a special license plate issued under AS 28.10.181(d) or a special permit issued under AS 28.10.495(a) shall, upon conviction, pay a fine of \$250 or, if the person has been previously convicted under this section, pay a fine of \$500.

Section 5. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on February 24, 2014.


VERNE E. RUPRIGHT, Mayor

ATTEST:



KRISTIE SMITHERS, MMC, City Clerk

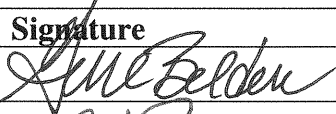
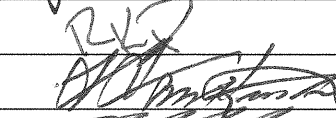
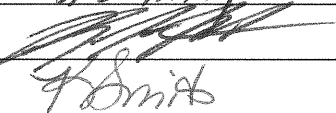
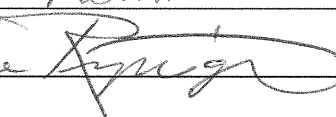
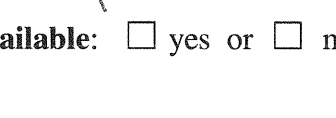
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CITY COUNCIL LEGISLATION STAFF REPORT

Ordinance Serial No. 14-11: Amending Wasilla Municipal Code (WMC) 1.20.030, Disposition of Scheduled Offenses—Fine Schedule, WMC 10.04, State Traffic Laws Adopted, and 10.20.050, Unauthorized Use of Parking Reserved for Persons with Disabilities, all relating to the general penalties of the City.

Originator: Kristie Smithers, City Clerk and Richard Payne, City Attorney
 Date: 1/24/2014 Agenda of: 2/10/2014

Route to:	Department Head	Signature	Date
X	Chief of Police		1-30-14
X	City Attorney		1-30-14
X	Finance Director		1-30-14
X	Deputy Administrator		1-30-14
X	City Clerk		1/29/14

Reviewed by Mayor Verne E. Rupright: 

Fiscal Impact: yes or no **Funds Available:** yes or no

Attachments: Ordinance Serial No. 14-11 (3 pages)

Summary Statement: Over the past several months, we have been reviewing the code in regard to our fines and penalty schedule. In August of 2013, Council adopted an ordinance which updated several sections of code. As a result of our efforts, we have found a few more sections of code which need attention. Below is a brief description of the items to be updated:

Section 2. This amendment allows for the fines to be paid within 30-days of the date of the citation. This change will make our rules and the Alaska Court System to be consistent. It also amends the penalty fine schedule to incorporate changes shown in Sections 3 and 4.

Section 3. This amendment adopts the *Alaska Uniform Vehicle Code* for traffic violations; we do this now, and this amendment will refer to the short title of the statute, rather than the numbered reference.

Section 4. This amendment clarifies the code in regard to handicapped parking citations and refers to the rules outlined in Alaska Statute.

Staff Recommendation: Introduce and set for public hearing Ordinance Serial No. 14-11.