



CITY OF WASILLA

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

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CODE ORDINANCE

REQUESTED BY: POLICE DEPARTMENT

PREPARED BY: POLICE DEPARTMENT

ORDINANCE SERIAL NO. 93-014

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA ADDING CHAPTER 14.01, UNIFORM TRAFFIC LAWS AND BAIL SCHEDULE, TO THE WASILLA MUNICIPAL CODE.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This ordinance is of a general and permanent nature and shall become a part of the Wasilla Municipal Code.

SECTION II. Purpose. To adopt "Wasilla Traffic Code" as part of the Wasilla Municipal Code.

SECTION III. Adoption. Chapter 14.01 is hereby adopted as follows:

14.01.010 Adoption of State Uniform Traffic Laws. The City hereby adopts as the Traffic Code of the City of Wasilla, the "traffic laws" of the State of Alaska. As used herein, "traffic laws," is defined by AS 28.15.261 meaning statutes and regulations of the State of Alaska governing the driving of vehicles. Such statutes and regulations are intended to include, but are not limited to, those statutes and regulations found in AS Title 5, Chapter 25; AS Title 5, Chapter 30; AS Title 11, Chapter 46; AS Title 12, Chapter 25; AS Title 28; AS Title 42, Chapter 10; AS Title 45, Chapter 75; AS Title 46, Chapter 6; and regulations adopted pursuant to statutory authorization such regulations including, but not limited to, Title 3 AAC Chapter 35; Title 3 AAC Chapter 62; Title 11 AAC Chapter 12; Title 13 AAC; and Title 17 AAC. By specific reference to statutory titles and chapters and/or regulatory titles and chapters, the City Traffic Code is not intended to exclude other statutes and regulations which may fall within the general term "traffic laws," meaning the statutes and regulations of the State of Alaska governing the driving of vehicles. The adoption of the statutes and regulations of the State of Alaska, as stated herein, is effective for the statutes and regulations in effect as of the adoption of this ordinance and shall, in addition, apply to all changes made in such state laws and regulations that occur from time to time by amendment, repeal, or otherwise.

14.01.020 Adoption of State Penalties. The City of Wasilla adopts the penalties, fines, bail schedules, bail forfeiture schedules, and all statutory and/or regulatory limitations on penalties established by bail forfeiture schedules as set forth in any of the statutes or regulations referred to in Section .010, above, and further established by State of Alaska court rule, including, but not limited to, the State of Alaska Administrative Rule 43, Rule 43.1, and Rule 43.6, and District Court Rule of Criminal Procedure No. 8. Bail forfeiture schedules of the State of Alaska are hereby adopted as the fine schedule of the Wasilla Traffic Code. The adoption of the statutes, regulations, and court rules of the State of Alaska, as stated herein, is effective for the statutes and regulations in effect as of the adoption of this ordinance and shall, in addition, apply to all changes made in such state laws, regulations, and court rules that occur from time to time by amendment, repeal, or otherwise.

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14.01.030 General Limitation On Penalties for Violation of Wasilla Traffic Code. Pursuant to the provisions of AS 12.25.230(c), AS 45.75.133(e), and further pursuant to the terms of State of Alaska Administrative Rule 43.1 and Rule 43.6, a person charged with an offense for which a bail amount has been set by court rule can dispose of the charge (by mail or in person) by paying the bail amount and checking the "no contest plea" box on the citation form. The person may also choose to appear in court and contest the citation and, if found guilty, the maximum sentence which may be imposed is the bail amount. In any event, the maximum penalty for violation of a matter charged when cited as a violation of the City of Wasilla Traffic Code, as adopted herein, shall be no more than \$300.00 or, of a bail amount has been set pursuant to court rule, the established bail amount, whichever is less. Therefore, a person charged or cited with the violation of a provision of the Wasilla Traffic Code as adopted herein, shall not be entitled to a right to a jury or to a court-appointed lawyer. A violation cited or charged pursuant to State law, rather than the City of Wasilla Traffic Code, may or may not include a right to a jury or a court-appointed lawyer depending upon the nature of the State law or regulation at issue and such matter shall be determined by the appropriate court rule and practice applicable at the time of the charge or citation issued pursuant to State law and/or regulation.

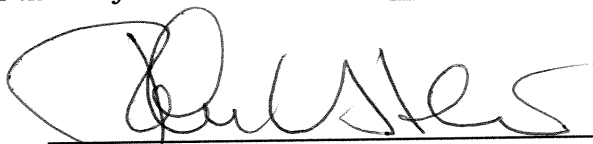
The imposition of demerit points, revocation or suspension of licenses, or restrictions thereof, as may be imposed by State law and/or regulation pursuant to its rules, regulations, and statutes, are independent of any penalty imposed by the Wasilla Traffic Code, as adopted and set forth in this ordinance.

SECTION IV. Effective Date. This ordinance becomes effective upon adoption by the Wasilla City Council.

Introduction: 04/26/93

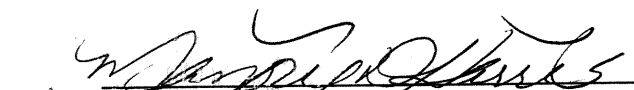
Public Hearing: 05/10/93

ADOPTED by the Council of the City of Wasilla on this 24th day of May, 1993.



JOHN C. STEIN, Mayor

ATTEST:


ERLING P. NELSON, CMC
City Clerk