

**CITY OF WASILLA
ORDINANCE SERIAL NO. 00-07**

AN ORDINANCE OF THE WASILLA CITY COUNCIL ADOPTING WMC. 14.02, STATE TRAFFIC LAWS ADOPTED, AND REPEALING WMC CHAPTER 14.01, UNIFORM TRAFFIC LAWS AND BAIL SCHEDULE.

BE IT ENACTED:

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

* **Section 2. Adoption of chapter.** WMC 14.02.010, Traffic Code, is hereby adopted to read as follows:

14.02.010 Adoption of State Traffic Laws.

The city adopts all statutes and regulations of the state of Alaska, 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.

14.02.020 Adoption of State Penalties.

The city hereby adopts all applicable penalties, fines, bail, and bail forfeitures schedules and procedures, and other penalty-related provisions of the statutes and regulations of the state of Alaska and the Alaska Rules of Court, as they presently exist and as they may be revised in the future, as the provisions applicable to the violation of any provisions adopted by WMC 14.02.010.

14.02.030 Violation as Infraction.

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 \$300.

Section 3. Repeal of chapter. WMC 14.01, Uniform Traffic Laws and Bail Schedule, is hereby repealed in its entirety:

[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 A.A.C. CHAPTER 35; TITLE 3 A.A.C. CHAPTER 62; TITLE 11 A.A.C. CHAPTER 12; TITLE 13 A.A.C.; AND TITLE 17 A.A.C. 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.

A. 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.

B. EXPRESSLY INCLUDED IN THE ADOPTION OF FINES, BAIL SCHEDULES, AND PENALTIES, AS SET FORTH ABOVE, IS THE ADOPTION OF THE TERMS OF A.S. 12.55.039 AND A.S. 28.05.151(C), PROVIDING THAT DESIGNATED SURCHARGES ARE IMPOSED ON CERTAIN TRAFFIC FINES AS MORE SPECIFICALLY SET FORTH PURSUANT TO THOSE STATUTES.

14.01.030 GENERAL LIMITATION ON PENALTIES FOR VIOLATION OF WASILLA TRAFFIC CODE.

A. 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, IF 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.

B. 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 CHAPTER.]

* **Section 4. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on January 24, 2000.



JUDY P. PATRICK, Deputy Mayor

ATTEST:



KRISTIE L. VANGORDER, CMC/AE
City Clerk

[SEAL]

SUBJECT: ADOPTING WMC 14.02 STATE TRAFFIC LAWS

REQUESTED BY: K. VanGorder/C. Fannon

PREPARED BY: Ken Jacobus, Attorney

DATE: January 3, 2000

FOR AGENDA OF: January 10, 2000

SUMMARY:

In reviewing the code in preparation for re-codification, the proposed ordinance is presented for adoption.

This ordinance clarifies the chapter relating to traffic laws and new simpler verbiage is recommended for adoption.

FISCAL IMPACT: No Yes, amount requested: \$

Fund:

CLERK'S RECOMMENDED ACTION:

Set ordinance for public hearing and consider adoption.

Administration Initial: 

Presented with: Ord 00-07
Date: 1/24/2000 Verified by: EV.

Attachments: