

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 00-09**

AN ORDINANCE OF THE WASILLA CITY COUNCIL ADOPTING WMC 1.24.015, GENERAL PENALTY, AND REPEALING WMC 1.24.010, GENERAL PENALTY.

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 section.** WMC 1.24.015, General Penalty, is adopted to read as follows:

**1.24.015 GENERAL PENALTY.**

(A) *Penalty.* Unless another penalty is specifically provided by this code for the violation of any particular provision, any person who violates any of the provisions or fails to comply with any of the mandatory requirements of this code, upon conviction, shall be punished by a fine not to exceed \$300 and the violation shall be treated as an infraction.

(B) *Procedure.* The charge for the violation of a code provision may be brought by a city police officer, the mayor, or that city official responsible for the administration and enforcement of the code provision which has been violated. A person charged may dispose of an infraction offense by paying the fine set for the violation charged and pleading "no contest" in person or by mail, or may appear in court to contest the charge. As an infraction, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

(C) *Separate violations.* Each day of a continuing violation of this code shall constitute a separate offense.

(D) *Civil action alternatives.* In addition to any other remedies or penalties which may be provided in this code, or may otherwise be available, the city or any aggrieved person may institute a civil action against a person who violates any provision

of the code. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction.

\* **Section 3. Repeal of section.** WMC 1.24.010, General Penalty, is hereby repealed in its entirety:

[1.24.010 GENERAL PENALTY.

(A) GENERAL PENALTIES. A PERSON WHO VIOLATES AN ORDINANCE OF THE CITY OF WASILLA, WHERE THAT ORDINANCE SPECIFIES PARTICULAR PENALTIES, PUNISHMENTS, OR ENFORCEMENT PROVISIONS, SHALL BE SUBJECT TO THE PENALTIES, PUNISHMENTS, OR ENFORCEMENT PROVISIONS SO SPECIFIED. BY WAY OF EXAMPLE, BUT NOT BY WAY OF LIMITATION, ORDINANCES SPECIFYING PARTICULAR PENALTIES CAN BE FOUND IN WMC 12.05, ANIMAL CONTROL, WMC 14.01, WASILLA TRAFFIC CODE, WMC 13.50, CURFEW, WMC 6.50, SALES TAX, AND WMC 16.43, DEVELOPMENT CODE. A PERSON WHO VIOLATES ANY OTHER ORDINANCE OF THE CITY OF WASILLA IS GUILTY OF AN INFRACTION VIOLATION, AND, UNLESS THE OFFENSE IS DESIGNATED AS A MISDEMEANOR OR FELONY UNDER STATE LAW, UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000.00).

(B) PROCEDURE ON INFRACTION VIOLATIONS. CHARGES OF A VIOLATION OF AN ORDINANCE MAY BE, BUT ARE NOT REQUIRED TO BE, SUBJECT TO ISSUANCE OF A CITATION AND MAY BE, UPON THE ACTION OF A CITY OFFICIAL CHOOSING TO ISSUE A CITATION, SUBJECT TO THE FOLLOWING COURT PROCEDURES UNLESS (1) SPECIFICALLY PROVIDED OTHERWISE IN A PARTICULAR ORDINANCE, AND/OR UNLESS (2) THE CHARGE IS SUBJECT TO A PENALTY GREATER THAN A FINE OF \$1,000.00 AND/OR UNLESS (3) THE CHARGE IS SUBJECT TO THE POTENTIAL OF A PENALTY OF INCARCERATION AND/OR UNLESS (4) THE CHARGE IS SUBJECT TO THE POTENTIAL OF THE LOSS OF A VALUABLE LICENSE AND/OR UNLESS (5) THE CHARGE IS CLASSIFIED AS A

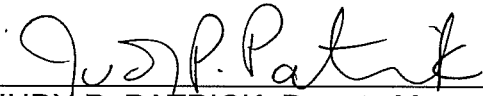
MISDEMEANOR OR FELONY UNDER STATE LAW AND/OR UNLESS (6) THE CHARGE IS FILED WITH THE COURT IN THE FORM OF A CRIMINAL SUMMONS AND COMPLAINT RATHER THAN A CITATION FORM.

(1) THE PROVISIONS SET FORTH HEREAFTER IN THIS SECTION 1.24.010(B) ARE MADE PURSUANT TO THE AUTHORITY GRANTED BY A.S. 29.25.070, PROVIDING THAT A MUNICIPALITY MAY ALLOW DISPOSITION OF A VIOLATION WITHOUT COURT APPEARANCE AND MAY ESTABLISH A SCHEDULE OF FINE AMOUNTS FOR SUCH OFFENSES IN THE INSTANCE OF VIOLATIONS THAT CANNOT RESULT IN INCARCERATION OR THE LOSS OF A VALUABLE LICENSE. THE MAYOR OF THE CITY OF WASILLA OR SUBORDINATE CITY OFFICIALS WITH THE RESPONSIBILITY OF ADMINISTERING PARTICULAR PROVISIONS OF THE WASILLA MUNICIPAL CODE (FOR EXAMPLE, BUT NOT BY WAY OF LIMITATION, SALES TAX IS ADMINISTERED BY THE SENIOR ACCOUNTANT, THE DEVELOPMENT CODE IS ADMINISTERED BY THE CITY PLANNER, AND UTILITY OPERATION IS ADMINISTERED BY THE PUBLIC WORKS DIRECTOR) ARE AUTHORIZED TO ISSUE CITATIONS. A PERSON CHARGED WITH AN OFFENSE UNDER AN APPLICABLE MUNICIPAL ORDINANCE MAY DISPOSE OF THE INFRACTION BY PAYING THE FINE IN THE AMOUNT SET FORTH IN THE ORDINANCE CHARGED AND CHECKING THE "NO CONTEST" BOX ON THE CITATION FORM CHARGING THE ORDINANCE VIOLATION. SUCH DISPOSITION MAY BE BY MAIL OR IN PERSON. THE PERSON MAY, ALTERNATIVELY, CHOOSE TO APPEAR IN COURT AND CONTEST THE CITATION. IN SUCH AN EVENT, THE MONETARY BAIL AMOUNT REQUIRED OF A PERSON SO CHARGED SHALL BE THE AMOUNT ESTABLISHED BY THE ORDINANCE CHARGED TO BE VIOLATED. IN THE ABSENCE OF A BAIL AMOUNT SPECIFIED IN THE ORDINANCE, THERE SHALL BE NO BAIL AMOUNT REQUIRED OF THE PERSON SO CHARGED AND WHO CHOOSES TO CONTEST THE CITATION. TRIAL, IF ANY, SHALL BE HELD WITHOUT JURY. A PERSON CONTESTING AN ORDINANCE CITATION SHALL NOT BE ENTITLED TO A COURT-APPOINTED LAWYER. IF THE COURT, CONDUCTING TRIAL WITHOUT JURY, FINDS THE PERSON SO CHARGED GUILTY, NO INCARCERATION MAY BE ORDERED AND THE MAXIMUM POSSIBLE FINE IS TO BE

THE AMOUNT SET FORTH EITHER IN SUB-SECTION (A), ABOVE, OR, AS SET FORTH BY THE SPECIFIC TERMS OF THE ORDINANCE CHARGED TO BE VIOLATED.]

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

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

  
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JUDY P. PATRICK, Deputy Mayor

ATTEST:

  
\_\_\_\_\_  
KRISTIE L. VANGORDER, CMC/AE  
City Clerk

[SEAL]

**SUBJECT: ADOPTING WMC 1.24.015, GENERAL PENALTIES**

REQUESTED AND PREPARED BY: K. VanGorder

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 general penalties and new simpler verbiage is recommended for adoption. It also reduces the general maximum fine from \$1,000 to \$300. If any violation of a particular code provision warrants a larger fine, a warrant up to \$1,000 can be inserted later to cover that particular provision.

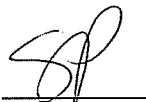
**FISCAL IMPACT:** \_\_No \_\_Yes, amount requested: \$

Fund:

**CLERK'S RECOMMENDED ACTION:**

Set ordinance for public hearing and consider adoption.

Administration Initial: \_\_\_\_\_



Presented with: Ord 00-09  
Date: 1/24/2000 Verified by: ADV

Attachments: