

Vote: Cox, Ewing, Holler, Koskela, Menard and Metiva in favor

**CITY OF WASILLA
ORDINANCE SERIAL NO. 07-44**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 1.20.030 DISPOSITION OF SCHEDULED OFFENSES--FINE SCHEDULE AND WMC 9.08.030 THEFT, TO CHANGE THE NAMES OF THE OFFENSES OF THEFT IN THE THIRD AND FOURTH DEGREE TO PETTY THEFT IN THE FIRST AND SECOND DEGREE.

* **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.C, Disposition of scheduled offenses – Fine Schedule, is amended by changing the table entries for WMC 9.08.030(C) and WMC 9.08.030(D), as follows:

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
WMC 9.08.030(C)	<u>Petty</u> Theft in the <u>First</u> [THIRD] Degree	\$300
WMC 9.08.030(D)	<u>Petty</u> Theft in the <u>Second</u> [FOURTH] Degree	\$50

* **Section 3. Amendment of section.** WMC 9.08.030, Theft, is amended as follows:

9.08.030 Petty theft.

A. A person commits petty theft if:

1. With intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another; or

2. The person commits petty theft by shoplifting under subsection B of this section.

B. A person commits petty theft by shoplifting if:

1. The person knowingly takes or removes any merchandise, not purchased by the person from the premises of a commercial establishment, with intent to deprive the owner of the merchandise or with intent to appropriate the merchandise; or

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2. Without authority the person knowingly conceals on or about the person the merchandise of a commercial establishment, not purchased by the person, while still upon the premises of the commercial establishment, with intent to deprive the owner of the merchandise or with intent to appropriate the merchandise. Merchandise found concealed upon or about the person which has not been purchased by the person is prima facie evidence of a knowing concealment.

C. A person commits **petty** theft in the **first** [THIRD] degree if the person commits **petty** theft as defined in subsection A of this section and the value of the property or services is fifty dollars (\$50.00) or more but less than five hundred dollars (\$500.00).

D. A person commits **petty** theft in the **second** [FOURTH] degree if the person commits **petty** theft as defined in subsection A of this section and the value of the property or services is less than fifty dollars (\$50.00).

E. Remedies and penalties for committing **petty** theft are as provided in Chapter 1.20.

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

ADOPTED by the Wasilla City Council on July 23, 2007.


DIANNE M. KELLER, Mayor

ATTEST:


KRISTIE SMITHERS, MMC
City Clerk



Bold and underline added. [CAPS AND BRACKETS, DELETED.]





**CITY OF WASILLA
LEGISLATION STAFF REPORT**

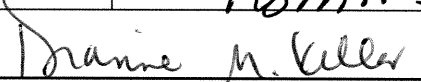
RE: WASILLA CITY COUNCIL CODE ORDINANCE 07-44 AMENDING WMC 1.20.030 DISPOSITION OF SCHEDULED OFFENSES—FINE SCHEDULE AND WMC 9.08.030 THEFT, TO CHANGE THE NAMES OF THE OFFENSES OF THEFT IN THE THIRD AND FOURTH DEGREE TO PETTY THEFT IN THE FIRST AND SECOND DEGREE.

Agenda of: July 9, 2007
Originator: Chief Angella Long

Date: June 26, 2007

Route to:	Department	Signature/Date
X	Police Chief Youth Court, Dispatch, Code Compliance	 6/27/07
X	City Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER:

 6/29/07

FISCAL IMPACT: yes or no

SUMMARY STATEMENT:

The purpose of this code revision is to update WMC 9.08.030 changing the term Theft to Petty Theft and the degrees of offenses to differentiate from the State criminal statutes. The changes to WMC 1.20.030 only involve the titles and degrees with the fines remaining unchanged.

The changes were recommended by the City Attorney in response to concerns from the District Court in Palmer. The original ordinance titles were the same as the State criminal statutes, which led to some confusion and concerns in handling the violations as criminal offenses.