

POSSIBLE MOTION

I MOVE TO approve Ordinance 2016-47A on second and final reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2016-47A

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL CODE AT TITLE 10 "PUBLIC PEACE, SAFETY AND MORALS", CHAPTER 10.25 "CELLULAR PHONE USE WHILE DRIVING", BY ADDING SECTION 10.25.040 ENTITLED "PENALTIES"

- 1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
2. SEVERABILITY. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.
3. PURPOSE. The purpose of this ordinance is to add a penalties section to chapter 10.25 to specify the maximum penalty for any violation of this chapter and to specify that certain violations of this chapter will have fines specified such that they may be disposed of without a mandatory court appearance.
4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 10, Chapter 10.25, is amended by adding a new section 10.25.040 entitled "Penalties" (new language underlined; deleted language stricken):

Title 10
PUBLIC PEACE, SAFETY AND MORALS

Chapter 10.25
CELLULAR PHONE USE WHILE DRIVING

- Sections:
10.25.010 Definitions.
10.25.020 Prohibited use.
10.25.030 Exceptions.
10.25.040 Penalties.

- 10.25.040 Penalties
A. The maximum penalty for violation of the provisions of this chapter is five hundred dollars.
B. In accordance with AS 29.25.070(a), citations for offenses in this chapter may be disposed of as provided in AS 12.25.175-.230, without a court appearance, upon payment of the fine amounts stated herein plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the City and Borough of Sitka. The Alaska Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all

52 offenses referenced herein. Citations charging these offenses must meet the
53 requirements of Rule 3 of the Alaska Rules of Minor Offense Procedure. For the first
54 offense, the fine shall be fifty dollars. For the second offense, the fine shall be one
55 hundred dollars. For the third offense, the fine shall be two hundred dollars. For any
56 subsequent offense after three, the defendant must appear in court to answer for the
57 charges. If a person charged with one of these offenses appears in court and is found
58 guilty, the penalty imposed for the offense may not exceed the fine amount for that
59 offense stated herein. These fines may not be judicially reduced. For purposes of this
60 section, prior offenses must be within the previous five years.
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63 5. **EFFECTIVE DATE.** This ordinance shall become effective the day after the date of its
64 passage.

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66 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
67 Alaska this 10th day of January, 2017.

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71 _____
72 Matthew Hunter, Mayor

73 ATTEST:

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75 _____
76 Sara Peterson, CMC
77 Municipal Clerk

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79 1st reading 12/13/16

80 1st reading as amended 12/27/16

81 2nd reading 1/10/17