

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

offenses referenced herein. Citations charging these offenses must meet the requirements of Rule 3 of the Alaska Rules of Minor Offense Procedure. For the first offense, the fine shall be fifty dollars. For the second offense, the fine shall be one hundred dollars. For the third offense, the fine shall be two hundred dollars. For any subsequent offense after three, the defendant must appear in court to answer for the charges. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense stated herein. These fines may not be judicially reduced. For purposes of this section, prior offenses must be within the previous five years.


* * *

5. **EFFECTIVE DATE.** This ordinance shall become effective the day after the date of its passage.

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


Matthew Hunter, Mayor

ATTEST:


Sara Peterson, CMC
Municipal Clerk

1st reading 12/13/16

1st reading as amended 12/27/16

2nd reading 1/10/17