

Introduced by: City Manager Healy
 Date: March 28, 2006
 Public Hearing: April 11, 2006
 Action: Adopted
 Vote: Unanimous

Yes:	No:
Pippel	
Erbey	
Wood	
Hanson	
Combs	

CITY OF PALMER, ALASKA

ORDINANCE NO. 06-005

AN ORDINANCE REPEALING PALMER MUNICIPAL CODE SECTION 1.08.010 (DESIGNATING GENERAL PENALTY), AND ENACTING SECTIONS FOR GENERAL FINE PENALTIES (1.08.011) AND OTHER REMEDIES (1.08.013)

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 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 the application to other persons or circumstances shall not be affected thereby.

Section 3. Section 1.08.010 is hereby repealed.

Section 4. Section 1.08.011 is hereby enacted to read as follows:

1.08.011 General fine penalties.

- A. A person who violates a provision of this code shall, upon conviction, be subject to punishment by fine in an amount not to exceed \$300 per conviction.
- B. If no other penalty is specifically or by adoption prescribed by a particular ordinance, the general penalty for violation of the ordinance is as stated in the following fine schedule. If a person is charged with an offense to which the fine schedule applies and the person appears in court and is found guilty, the penalty imposed of the offense may not exceed the fine schedule amount. In addition to the fine stated below, the violator must also pay the \$10 State surcharge required by AS 12.55.039(a)(4).

Fine Schedule:

First offense:	\$ 75
Second violation of the same ordinance, within 365 days of first offense:	\$150
Third violation of the same ordinance, within 365 days of first offense:	\$300

Any subsequent violation of the same ordinance within
365 days of the third offense:

\$300

- C. In accordance with AS 12.25.195 through 12.25.230, for a violation that cannot result in incarceration or the loss of a valuable license, a person may dispose of the citation without a court appearance by submitting to the clerk of court all of the following:
1. payment of the fine amount and the applicable surcharge as shown on the Fine Schedule, and
 2. a copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine.
- D. When the fine is forfeited under subsection C, a judgment of conviction shall be entered. The fine paid is complete satisfaction for the offense.

Section 5. Section 1.08.013 is hereby enacted to read as follows:

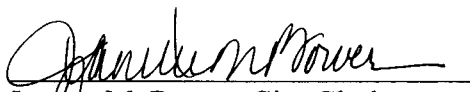
1.08.013 Other Remedies.

The city may institute a civil action against a person, including a minor as provided in AS 29.25.072, who violates an ordinance. A person who violates a provision of this code may be subject to injunctive relief, compensatory relief, and a civil penalty not to exceed \$1,000 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 a violation or threatened violation, the superior court shall grant the injunction. Each day that a violation of a provision of this code continues constitutes a separate violation. This section does not bar other civil remedies.

Section 6. Effective Date. Ordinance No. 06-005 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this 11th day of April, 2006.


John C. Combs, Mayor


Janette M. Bower, City Clerk