



CITY & BOROUGH OF WRANGELL PUBLIC HEARING AGENDA

Tuesday, February 10, 2015
6:30 p.m.

Location: Assembly Chambers, City Hall

1. Call to Order
2. Roll Call
3. Public Hearing Items:
 - a. PROPOSED ORDINANCE No. 892: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF CHAPTER 9.12, FIREWORKS, OF THE WRANGELL MUNICIPAL CODE RELATING TO WHERE FIREWORKS ARE PROHIBITED, AND ADDING A NEW SECTION ON PENALTY FOR VIOLATION (*second reading*)
 - b. AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 10, PUBLIC PEACE, MORALS, AND WELFARE, OF THE WRANGELL MUNICIPAL CODE TO ADD A NEW CHAPTER 10.18 ON ABUSE OF 911 SYSTEM, AND TO AMEND CERTAIN SECTIONS OF CHAPTERS 10.32 AND 10.36 RELATING TO WEAPONS AND DISCHARGE OF FIREARMS (*second reading*)
 - c. AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE (*second reading*)
4. Written Testimony
5. Oral Testimony
6. Adjournment

Agenda Item 3a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY PUBLIC HEARING AGENDA ITEM February 10, 2015

INFORMATION:

PROPOSED ORDINANCE No. 892: PROPOSED ORDINANCE No. 892: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS OF CHAPTER 9.12, OF THE WRANGELL MUNICIPAL CODE, FIREWORKS *(second reading)*

Background

The proposed Ordinance is a result of the Code Review Committee's suggested changes. Chief McCloskey participated in the meetings where these changes were recommended.

Attachments:

1. Proposed Ordinance No. 892

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CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 892

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF CHAPTER 9.12, FIREWORKS, OF THE WRANGELL MUNICIPAL CODE RELATING TO WHERE FIREWORKS ARE PROHIBITED, AND ADDING A NEW SECTION ON PENALTY FOR VIOLATION

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend certain sections of Chapter 9.12, Fireworks, of the Wrangell Municipal Code relating to where fireworks are prohibited, and to add a new section on penalty for violation.

SEC. 2. Amendment. The list of sections in Chapter 9.12, Fireworks, of the Wrangell Municipal Code is amended to read:

Chapter 9.12
FIREWORKS

Sections:

9.12.010 Defined.

9.12.020 Prohibited.

9.12.030 Sale prohibited.

9.12.040 Fireworks displays – Permission of fire and police chiefs required.

9.12.050 Penalty for violation.

SEC. 3. Amendments. Sections 9.12.020, 030, and 040 of Chapter 9.12 of the Wrangell Municipal Code are amended to read:

9.12.020 Prohibited.

It is unlawful and prohibited for any person to ignite, discharge, fire or cause to be ignited, discharged or fired any fireworks or firecracker corporate limits of the borough, which makes a report of loud noise or ascends into the air by its own power. **[Violation of any**

provision of this chapter shall be punishable as provided for in WMC 1.20.010.]

9.12.030 Sale prohibited.

It is unlawful to offer for sale, sell, bargain or give to any person any firecrackers or fireworks or any kind or description within the Wrangell Island Service Area.

9.12.040 Fireworks displays – Permission of fire and police chiefs required.

The borough chief of police and fire chief are granted the joint authority to permit any person to give a fireworks display for any special occasion or reason within the corporate limits of the borough, but no such demonstration or display shall be conducted without first securing permission in writing from the chief of police and the fire chief and establishing to the satisfaction of each of them that the same will be conducted in a manner which will protect the safety of all persons watching the same and the property in the immediate vicinity.

SEC. 4. New Section. A new section 9.12.050 is added to Chapter 9.12 of the Wrangell Municipal Code to read:

9.12.050 Penalty for violation.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500 if the offense is not listed in the 1.20.050 fine schedule.

SEC. 5. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 6. Severability. If any portion 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.

SEC. 7. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: January 27, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Draft

Agenda Item 3b

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
PUBLIC HEARING AGENDA ITEM
February 10, 2015**

INFORMATION:

PROPOSED ORDINANCE No. 893: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 10, PUBLIC PEACE, MORALS, AND WELFARE, OF THE WRANGELL MUNICIPAL CODE TO ADD A NEW CHAPTER 10.18 ON ABUSE OF 911 SYSTEM, AND TO AMEND CERTAIN SECTIONS OF CHAPTERS 10.32 AND 10.36 RELATING TO WEAPONS AND DISCHARGE OF FIREARMS *(second reading)*

Background

The proposed Ordinance is a result of the Code Review Committee's suggested changes. Chief McCloskey participated in the meetings where these changes were recommended.

Attachments:

1. Proposed Ordinance No. 893

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CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 893

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 10, PUBLIC PEACE, MORALS, AND WELFARE, OF THE WRANGELL MUNICIPAL CODE TO ADD A NEW CHAPTER 10.18 ON ABUSE OF 911 SYSTEM, AND TO AMEND CERTAIN SECTIONS OF CHAPTERS 10.32 AND 10.36 RELATING TO WEAPONS AND DISCHARGE OF FIREARMS

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend the Title 10, Public Peace, Morals, and Welfare, of the Wrangell Municipal Code to add a new chapter on abuse of 911 system, and to make amendments to sections in Chapters 10.32 and 10.36 relating to weapons and firearms.

SEC. 2. Amendment. Title 10 of the Wrangell Municipal Code is amended to add a new Chapter 10.18 to the list of chapters to read:

Title 10
PUBLIC PEACE, MORALS, AND WELFARE

Chapters:

- 10.04 False Fire Alarms
- 10.08 Interference with Officers
- 10.12 Repealed
- 10.16 Trespass on Public Floats
- 10.18 Abuse of 911 system
- 10.20 Repealed
- 10.24 Repealed
- 10.28 Curfew for Minors
- 10.32 Misconduct Involving Weapons **[Carrying Weapons]**
- 10.36 Discharge of Firearms and Other Weapons
- 10.40 Abandoned Personal Property

- 10.44 Possession, Control, or Consumption of Alcoholic Beverages
- 10.48 Possession of Tobacco by a Minor

SEC. 3. New Chapter. A new Chapter 10.18 is added to Title 10 of the Wrangell Municipal Code to read:

Chapter 10.18
ABUSE OF 911 SYSTEM

Sections:

10.18.010 Abuse of 911 system.

10.18.010 Abuse of 911 system.

(a) Any person who, after being warned that their use of the 911 telephone system is improper, uses the 911 telephone system for any reason other than because of an emergency is guilty of an infraction.

(b) For purposes of this section "emergency" means any condition in which a reasonable person would believe emergency services will result in the saving of a life, a reduction in the destruction of property, quicker apprehension of a criminal, assistance with potentially life-threatening medical problems, a fire, a need for rescue, an imminent potential crime, or a similar situation in which immediate assistance is required. "Emergency" also includes calls to 911 the purpose of which is to prevent an emergency response from being initiated when no such response is needed.

(c) A violation of this section shall be fined as provided in WMC 1.20.050.

SEC. 4. Amendment. Chapter 10.32 of the Wrangell Municipal Code is amended to read:

Chapter 10.32
MISCONDUCT INVOLVING WEAPONS [CARRYING WEAPONS]

Sections:

- 10.32.010 Misconduct involving weapons [Carrying concealed weapons prohibited].
- [10.32.020 Carrying loaded firearms.**
- 10.32.030 Dangerous weapons in certain premises.**

10.32.040 State law.]

10.32.010 Misconduct involving weapons [Carrying concealed weapons prohibited].

For misconduct involving weapons, the City and Borough of Wrangell shall follow the provisions of Alaska Statutes, AS 11.61.190 through AS 11.61.220. [It is unlawful for any person to carry any firearm or any deadly weapon of any kind in a concealed manner within the corporate limits of the borough.

10.32.020 Carrying loaded firearms.

It is unlawful for any person, except authorized police personnel, to carry any firearm, air rifle, air pistol, B-B gun or other projectile-propelling device which contains any cartridge, pellet, B-B, dart or other ammunition within the chamber or magazine thereof, within the corporate limits of the borough.

10.32.030 Dangerous weapons in certain premises.

A. It is unlawful to possess or carry in any manner whatever any dangerous weapon upon or within any premises licensed as a beverage dispensatory, a restaurant, cafe, or beer parlor where intoxicating liquors of any kind whatsoever are sold, dispensed, or kept for sale or to be consumed on the premises.

B. For the purposes of this section, the term “dangerous weapon” shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm.

C. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, slingshot, slungshot, pistol, revolver, rifle, shotgun; any instrument which impels a missile by compressed air, spring, or other means; any weapon upon which loaded or blank cartridges are used; any tear gas device; cross-knuckles; knuckles of any metal; bowie knife, dirk knife, dirk dagger, switchblade knife, straight-edge razor or any knife having a blade of three inches or longer.

D. This section shall not apply to law enforcement officers.

10.32.040 State law.

The provisions of this chapter are not applicable to the carrying of a concealed weapon pursuant to, and in compliance with, state law.]

SEC. 5. Amendment. Chapter 10.36 of the Wrangell Municipal Code is amended to read:

Chapter 10.36
DISCHARGE OF FIREARMS AND OTHER WEAPONS

Sections:

10.36.010 Prohibited within certain areas.

10.36.020 Exceptions.

10.36.010 Prohibited within certain areas.

It is unlawful for any person excepting a peace officer on duty to discharge any bows, crossbows, long bows, carriage bows or similar devices, pistol, gun, rifle or any other type of firearm:

A. In the service area described in WMC 1.06.040 within one-half mile of any public street, road or highway; or [and]

B. In the borough in violation of state law or in a manner so as to create a hazard or danger to any person, property or livestock.

C. A violation of this section shall be fined as provided in WMC 1.20.050.

10.36.020 Exceptions.

A. It is not unlawful to discharge a firearm at a rifle range, target-shooting range, trap-shooting range or other area which is posted for such purpose during daylight hours; providing, that the chief of police shall have approved the area as being safe for such purpose. **[; and providing, that such shooting is adequately supervised and safely conducted].** Any minor under the age of 18 shall be supervised by an adult who is 18 or older.

B. It is not unlawful to discharge a bow, crossbow, long bow, carriage bow or other similar device on private property; provided, that the discharge is solely for target practice or enjoyment or improving skills; and provided, that the area is safe for such purpose and safely conducted.

SEC. 6. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 7. Severability. If any portion 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.

SEC. 8. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: January 27, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Draft

Agenda Item 3c

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY PUBLIC HEARING AGENDA ITEM February 10, 2015

INFORMATION:

PROPOSED ORDINANCE No. 894: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE (*second reading*)

Background

The proposed Ordinance is a result of the proposed changes to Title's 9 & 10 of the WMC.

Attachments:

1. Proposed Ordinance No. 894

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CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 894

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend the Minor Offense Fine Schedule in Section 1.20.050 of Chapter 1.20, General Penalty, of the Wrangell Municipal Code to add to the fine schedule offenses relating to fireworks, abuse of 911 system, and discharge of firearms and other weapons.

SEC. 2. Amendment. Section 1.20.050 of the Wrangell Municipal Code is amended to read:

1.20.050 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the police department. If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska Court System's Rules of Minor Offense Procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. 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 listed below.

Section	Offense	Penalty/Fine
7.04.010	Cruelty – Abandonment	\$200
7.04.020	Animals at large prohibited	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.010	Licensing	\$25.00 fine for each offense.

7.08.020	Dog Vaccination required	\$50.00 fine for each offense.
7.08.030	At large – Prohibited – Nuisance declared	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.035	Objectionable animals	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.040	Restraint requirements	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.045 & 7.08.050	Off-leash areas & Off –leash area rules	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.115	Potentially dangerous and dangerous dogs: violation of restrictions, confinement requirements, and sign requirements	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
7.08.120	Biting dog – Confinement	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
7.08.140	Proclamation to confine all dogs during epidemic	First offense - \$200 Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
7.08.150	Interference with animal enforcement agents	First offense - \$200 Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
9.12.020, 9.12.030,	Fireworks where prohibited;	First offense - \$200. Second and

<u>& 9.12.040</u>	<u>sale where prohibited; display violations</u>	<u>subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.</u>
<u>10.18.010</u>	<u>Abuse of 911 system</u>	<u>First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.</u>
<u>10.36.010</u>	<u>Discharge of firearms and other weapons prohibited within certain areas</u>	<u>First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.</u>

SEC. 3. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 4. Severability. If any portion 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.

SEC. 5. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: January 27, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk