



## CITY & BOROUGH OF WRANGELL PUBLIC HEARING AGENDA

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**Tuesday, April 14, 2015**  
**6:30 p.m.**

**Location: Assembly Chambers, City Hall**

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1. Call to Order
2. Roll Call
3. Public Hearing Items:
  - a. PROPOSED ORDINANCE No. 893 (am): 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, as amended )*
  - b. 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 – postponed from the February 10, 2015 Regular Assembly meeting because of its connection to Proposed Ordinance No. 893 (am))*
4. Written Testimony
5. Oral Testimony
6. Adjournment

# Agenda Item 3a

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY PUBLIC HEARING ITEM April 14, 2015

#### INFORMATION:

PROPOSED ORDINANCE No. 893 (am): 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, as amended*)

#### **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.*

*At the Regular Assembly meeting on January 27<sup>th</sup>, the Assembly approved a change to Section 10.36.020 Exceptions. The suggested change was approved by Barbara Ritchie, Borough Attorney's office.*

*At the Public Hearing and Regular meetings held February 10<sup>th</sup>, the Assembly heard testimony on the proposed ordinance. The Assembly approved postponing this item and directed the Code Review Committee to look at incorporating some changes to the proposed ordinance.*

#### Attachments:

1. Proposed Ordinance No. 893 (am)
2. Map of the Service Area
3. email correspondence from Susan Wise-Eagle, dated 2-26-15

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 893 (am)

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 up to and including mile 7 on Zimovia Highway; or [and]

B. In the service area described in WMC 1.06.040 within one-quarter mile of any public street, road or highway beyond mile 7 on Zimovia Highway; or

C. In the service area described in WMC 1.06.040 within one-half mile along the Airport Loop Road, Evergreen Avenue, and Ishyama Drive; or

[B]D. 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.

E. 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.

PUBLIC HEARING & SECOND READING: February 10 \_\_\_\_\_, 2015.

REINTRODUCED & PASSED IN FIRST READING: March 24, 2015

PASSED IN SECOND READING: \_\_\_\_\_, 2015

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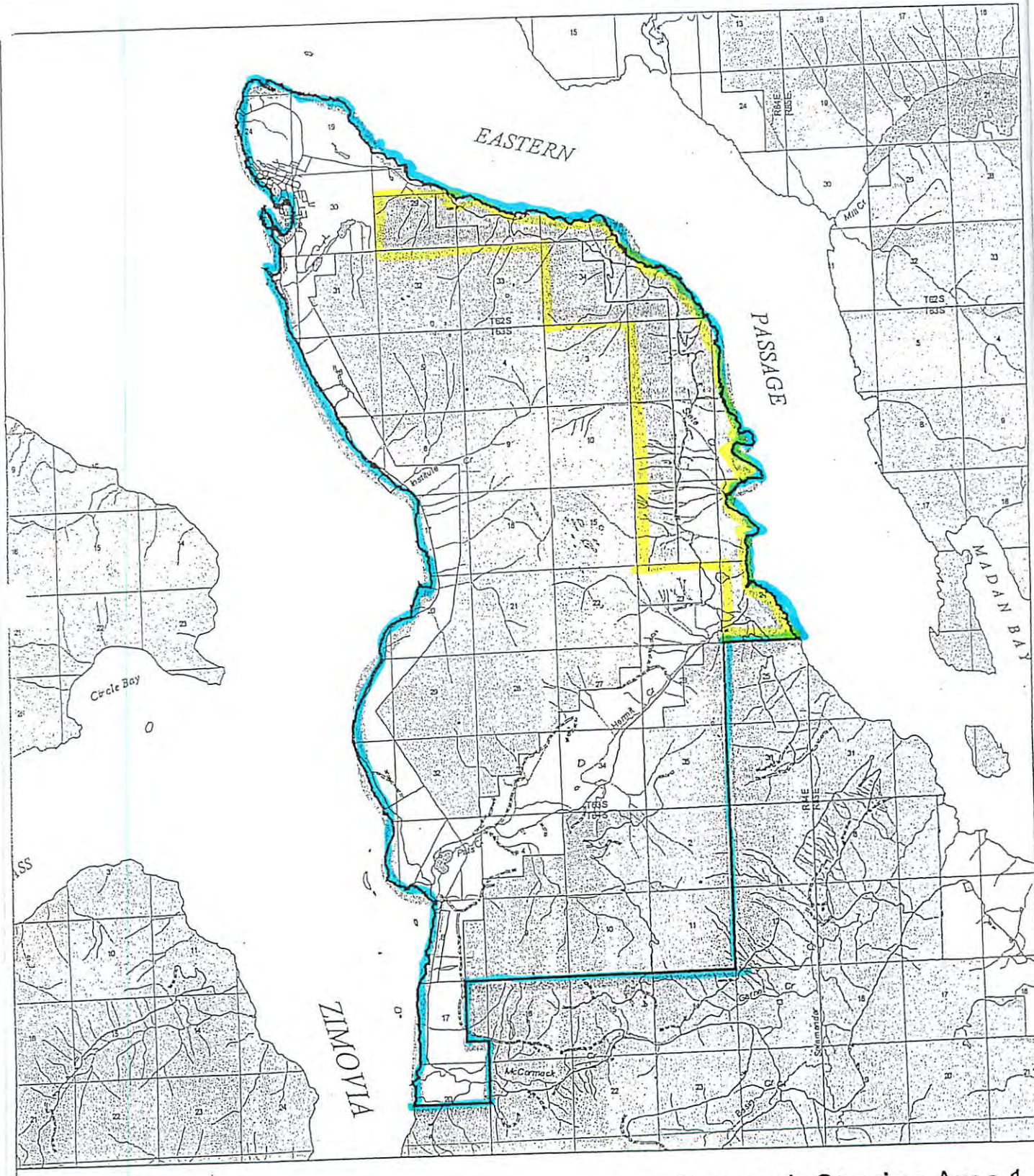
David L. Jack, Mayor

ATTEST:








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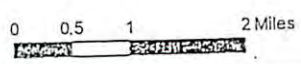
Kim Lane, Borough Clerk

# MAP SHOWING THE BOUNDARIES OF EACH SERVICE AREA



## Borough Service Area 1

-  National Forest Lands
-  State and Private Lands
-  Lakes
-  Existing Drivable Roads
-  Decommissioned or Unmaintained Roads
-  Planned Roads
-  Service Area 1





**Kim Lane**

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**From:** Susan Wise-Eagle  
**Sent:** Thursday, February 26, 2015 11:41 AM  
**To:** clerk@wrangell.com  
**Subject:** proposed firearm ordinance change

Since the Wrangell service area encompasses so much area that doesn't need nor shouldn't be prohibited from discharge of firearms, I propose the following wording for 10.36.010 A:

Within one-quarter mile of any paved public street, road or highway except along Airport Loop Road, Evergreen Avenue and Ishyama Drive west of the rifle range it shall be one-half mile.

This might have to be cleaned up to make it legal, but I think you can get the gist of it. The latter part would protect the golf course and the muskeg areas west of there and inside the Airport loop (which actually consists of 5 different roads). Volunteer Park trail would actually be protected by the 1/4 mile buffer. A would be good to make map showing these buffers for the code review committee as well as the assembly and the public.

Susan Wise-Eagle  
Wrangell, Alaska

# Agenda Item 3b

## CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY  
PUBLIC HEARING AGENDA ITEM  
April 14, 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

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>&amp; 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:

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Kim Lane, Borough Clerk