

CITY OF WRANGELL

ORDINANCE NO. 710

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AUTHORIZING AND APPROVING DIVESTITURE AND DIVESTITURE DOCUMENTS; DESIGNATING AUTHORIZED OFFICER; AND CONFIRMING APPOINTMENT OF DIRECTOR AND ALTERNATE

RECITALS

WHEREAS, Copper Valley Electric Association (“CVEA”), the City of Ketchikan *d/b/a* Ketchikan Public Utilities (“KPU”), Kodiak Electric Association (“KEA”), the City of Petersburg *d/b/a* Petersburg Municipal Power and Light (“Petersburg”) and the City of Wrangell *d/b/a* City of Wrangell Light Department (“Wrangell”) (collectively, the “Purchasing Utilities”) and the Alaska Energy Authority (“AEA”) negotiated an agreement under which the State of Alaska, by and through the AEA, would sell the generation and transmission facilities and other property associated with the Swan Lake Hydroelectric Project, the Lake Tyee Hydroelectric Project, the Solomon Gulch Hydroelectric Project and the Terror Lake Hydroelectric Project (collectively, the “Four Dam Pool Project” or the “Project”) to a joint action agency formed by the Purchasing Utilities; and

WHEREAS, the basic terms of the agreement between the AEA and the Purchasing Utilities concerning the sale and purchase of the Four Dam Pool Project are set forth in a Memorandum of Understanding between the Purchasing Utilities and the AEA dated April 11, 2000, as amended by an Amendment to Memorandum of Understanding between the Purchasing Utilities and the AEA dated May 30, 2000 (the “MOU”); and

WHEREAS, power from the Four Dam Pool Project is sold by the AEA to the Purchasing Utilities pursuant to a Long-Term Power Sales Agreement between the Purchasing Utilities and the AEA effective October 28, 1985 (the “PSA”); and

WHEREAS, the Alaska State Legislature enacted legislation approving, authorizing and directing the completion of the transactions and other arrangements contemplated by the MOU, including (i) the sale of the Four Dam Pool Project, (ii) the formation of a joint action agency by the Purchasing Utilities, (iii) the establishment and funding of the PCE Endowment and (iv) the financing of the sale of the Four Dam Pool Project by the Alaska Industrial Development and Export Authority (“AIDEA”), which enabling legislation is set forth in Chapters 60 and 75, SLA 2000, and Chapter 4, SLA 2001 (the “Legislation”); and

WHEREAS, pursuant to the MOU and in accordance with the Legislation, the Purchasing Utilities formed a joint action agency known as the “Four Dam Pool Power Agency” (the

“JAA”) by entering into a Joint Action Agency Agreement dated as of December 1, 2000 (the “JAA Agreement”); and

WHEREAS, the JAA and the AEA have negotiated the terms of a definitive Purchase and Sale Agreement, dated as of December 1, 2001 by and between the JAA and the AEA (the “Purchase and Sale Agreement”) containing the terms, conditions and requirements with respect to the purchase and sale of the Project; and

WHEREAS, the JAA and AIDEA have negotiated the terms of a definitive Loan and Security Agreement, to be dated as of the closing date for the purchase and sale of the Project, by and between the JAA and AIDEA (the “Financing Agreement”) containing the terms, conditions and requirements pursuant to which AIDEA will make loans and provide certain credit facilities to the JAA in the aggregate principal amount of up to \$90,000,000 (collectively, the “AIDEA Loan”) to pay the Purchase Price for the Project, to fund debt service and project reserves and to pay transaction and other costs associated with the acquisition and financing of the Project; and

WHEREAS, the Purchasing Utilities desire to amend and restate the JAA Agreement to address certain issues and matters related to the organization and governance of the JAA and have negotiated and agreed upon the terms of an Amended and Restated Joint Action Agency Agreement Relating to The Four Dam Pool Power Agency, dated as of December 1, 2001 by and among the Purchasing Utilities (the “Amended and Restated JAA Agreement”); and

WHEREAS, the MOU, the JAA Agreement, and the Purchase and Sale Agreement each require the approval of the governing bodies of each of the Purchasing Utilities as a condition to the acquisition, financing, ownership and operation of the Four Dam Pool Project by the JAA; and

WHEREAS, the execution and delivery of the Amended and Restated JAA Agreement requires the unanimous approval of the Purchasing Utilities; and

WHEREAS, the Purchase and Sale Agreement requires the AEA and the State of Alaska to receive from each of the Purchasing Utilities a written release releasing the AEA and the State from all risks and claims related to the Project (the “Release Agreement”); and

WHEREAS, the Financing Agreement requires each of the Purchasing Utilities to subordinate their respective rights and interests under the PSA to the lien on the Project granted in favor of AIDEA by the JAA to secure the AIDEA Loan (the “Subordination Agreement”) (the Amended and Restated JAA Agreement, the Release Agreement and the Subordination Agreement, collectively, the “Purchasing Utility Documents”); and

WHEREAS, the Purchase and Sale Agreement and the Financing Agreement contain certain conditions and requirements that must be met, satisfied or waived as a condition to completing the acquisition and financing of the Project; and

WHEREAS, the members of the City Council of the City of Wrangell have been provided certain summary materials concerning the acquisition, financing, ownership and

operation of the Four Dam Pool Project, along with copies of the Legislation and the MOU, substantially final forms of the Purchase and Sale Agreement, the Financing Agreement, the Amended and Restated JAA Agreement, the Release Agreement and the Subordination Agreement (collectively, the “Principal Divestiture Documents”), and certain financial and engineering feasibility studies and reports; and

WHEREAS, the City Council has determined that the sale of the Four Dam Pool Project to the JAA will help ensure local control of power generation resources to the benefit of the communities served by the Project and their ratepayers; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Wrangell for the JAA to own the Four Dam Pool Project and desires to approve, authorize, take or direct to be taken those actions that are necessary, appropriate or useful to complete the JAA’s acquisition and financing of the Project and the completion of the various transactions, transfers, arrangements and other matters set forth in or contemplated by the Principal Divestiture Documents;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA AS FOLLOWS:

APPROVAL OF DIVESTITURE DOCUMENTS

The Principal Divestiture Documents are each hereby approved in the form provided to the City Council in connection with the approval of this Ordinance, with such changes thereto that the Authorized Officer (as defined below) shall approve, with such approval to be conclusively evidenced by the execution and delivery of such Documents by the Authorized Officer.

DESIGNATION OF AUTHORIZED OFFICER

Robert Prunella or Jeff Jabusch (the “Authorized Officer”), is hereby authorized and directed for and on behalf of the City of Wrangell to take or direct to be taken all action to negotiate, execute, deliver and perform all documents, agreements or instruments to which the City of Wrangell is a party and as may be necessary, desirable, appropriate or expedient and in the best interest of the City of Wrangell to facilitate the JAA’s acquisition and financing of the Project and the completion of the various transactions, transfers, arrangements and other matters set forth in or contemplated by the Principal Divestiture Documents.

EXECUTION AND DELIVERY OF PURCHASING UTILITY DOCUMENTS

The Authorized Officer is hereby authorized and directed to execute and deliver the Purchasing Utility Documents, each in the form provided to the City Council in connection with the approval of this Ordinance, with such changes thereto that the Authorized Officer shall approve, with such approval to be conclusively evidenced by the execution and delivery of such Documents.

ADDITIONAL ACTIONS

The Authorized Officer is hereby authorized and directed to negotiate, execute and deliver such additional documents and take or direct to be taken take such further actions such Officer, in his reasonable discretion, may deem to be necessary or appropriate to complete the transactions and arrangements contemplated by the Principal Divestiture Documents and to carry out the purposes, terms and intentions of this Ordinance.

RATIFICATION OF PRIOR ACTIONS

All acts and deeds previously done by the Authorized Officer or any of the officers, agents or employees of the City of Wrangell for and on behalf of the City of Wrangell in carrying out the purposes, terms and intentions of this Ordinance related to the acquisition, financing, ownership and operation of the Project are hereby ratified and approved.

CONFIRMATION OF APPOINTMENT

The City of Wrangell confirms the appointment to the JAA's Board of Directors of Warren Edgley as the City's Director, and Robert Prunella as the City's alternate, for a one-year term commencing on January 1, 2002 and ending on December 31, 2002; provided; that the Director and alternate shall continue to serve until their successors are appointed.

EFFECTIVE DATE

This ordinance shall be published as provided by law and shall be effective December 12, 2001.

PASSED IN FIRST READING November 20, 2001

PASSED IN SECOND READING December 11, 2001

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



ORDINANCE NO. 709

AN ORDINANCE OF THE CITY OF WRANGELL, ALASKA, authorizing the issuance of general obligation bonds in an amount not to exceed \$485,000 to finance part of the cost of making certain capital improvements to the Wrangell Primary and Intermediate schools; and providing for the submission to the qualified voters of the City at a special election to be held on February 19, 2002, of a proposition approving such capital improvements and ratifying the authorization of said bonds.

WHEREAS, the Wrangell School Board (the "School Board") has approved a plan of capital improvements to remedy structural and building code deficiencies at the Wrangell Intermediate and Primary School (as further described herein, the "Improvements"); and

WHEREAS, the State of Alaska, Department of Education and Early Development has approved a grant in the amount of \$1,129,238 to pay a portion of the cost of such capital improvements; and

WHEREAS, a condition of such grant is that the City of Wrangell (the "City") provide \$483,959 in matching funds to pay a portion of the cost of the Improvements; and

WHEREAS, the City Council of the City (the "Council") has determined that it is in the best interest of the City and its residents to finance such matching fund requirement by the issuance of general obligation bonds of the City in the principal amount of not to exceed \$485,000; and

WHEREAS, Council has determined that such plan of capital improvements and the question of incurring debt and issuing general obligation bonds to finance such capital improvements should be placed before the City's voters at a special election to be held on February 19, 2002;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, as follows:

Section 1. Classification. This ordinance is a special ordinance that is to be omitted from the Wrangell Municipal Code.

Section 2. Severability. In the event that any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this ordinance or the bonds authorized herein, but this ordinance and the bonds shall be construed and enforced as if such invalid provision had not been contained herein; provided, however, that any provision that shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 3. Findings; Improvements. It is hereby found and declared that the public welfare and benefit require that the following capital improvements be made to facilities of the School District of the City of Wrangell (as hereafter described, collectively, the "Improvements"):

Upgrade the mechanical and electrical systems and eliminate ADA and building code deficiencies at the Wrangell Intermediate and Primary school buildings by performing the following work:

- Construct a new boiler building (approximately 400 square feet) to house two new oil-fired boilers, a hot water tank, and associated mechanical equipment.
- Perform major upgrades to the HVAC system, electrical system, and interior finishes of the Intermediate School building and perform minor upgrades to the plumbing system.
- Repair roof drainage system, upgrade restrooms, modify HVAC system, and upgrade interior finishes at the Primary School.
- ADA upgrades as outlined in the 1999 Facility Condition Survey and improvements required to integrate the new building systems are to be performed at both facilities.

The cost of all necessary design, engineering and other consulting services, inspection and testing, purchases of equipment, and other costs incurred in connection with the making of the Improvements shall be deemed a part of the costs of the Improvements. The School Board shall determine the exact specifications for the Improvements. The School Board shall determine the application of available funds with respect to the Improvements so as to accomplish, as nearly as may be, all Improvements described or provided for in this section.

Section 4. Authorization of Bonds. For the purpose of providing all or a portion of the funds required to pay the City's share of the cost of the Improvements, together with incidental costs and costs related to the sale and issuance of the Bonds, the City shall issue and sell its general obligation bonds in the aggregate principal amount of not to exceed \$485,000 (the "Bonds"). The Bonds shall be issued in an amount not exceeding the amount approved by the electors of the City and not exceeding the amount permitted by the constitution of the State of Alaska and the Charter of the City. The balance, if any, of the cost of the Improvements shall be paid out of any other legally available funds. The Bond proceeds shall not be used for other than a capital purpose.

The Bonds shall be issued in such amounts and at such time or times as found necessary and advisable by the Council and as permitted by law. The Bonds may be issued in one or more series and shall bear interest payable at a rate or rates authorized by the Council. The Bonds shall mature in such amounts and at such times within a maximum term of 15 years from date of issue, all as authorized by the Council and as provided by law.

The Bonds shall be general obligations of the City and, unless paid from other sources, both principal of and interest on the Bonds shall be payable out of annual tax levies to be made

upon all the taxable property within the City without limitation as to rate or amount and in excess of any constitutional or statutory tax limitation.

The exact date, form, terms, options of redemption, maturities, covenants and manner of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the Council. After voter approval of the Bond proposition and in anticipation of the issuance of such Bonds, the City may issue short-term obligations as authorized by the laws of the State of Alaska and the Charter of the City.

Section 5. Bond Election. The proposition that the City shall issue the Bonds to pay costs of the Improvements shall be submitted to the qualified voters of the City for their ratification or rejection at a special election to be held in the City on February 19, 2002. Said proposition shall be in substantially the following form:

PROPOSITION 1

**\$485,000 GENERAL OBLIGATION BONDS
FOR CAPITAL IMPROVEMENTS TO WRANGELL SCHOOLS**

The State of Alaska has approved a grant of \$1,129,238 to pay a portion of the cost of capital improvements to remedy building code deficiencies and upgrade mechanical and electrical systems at the Wrangell Intermediate School and Primary School. To provide the City's share of the cost of such capital improvements, shall the City of Wrangell, Alaska, issue general obligation bonds in the principal amount of not to exceed \$485,000, maturing within a maximum of 15 years, all as provided in Ordinance No. 709 of the City?

BONDS Yes

BONDS No

Section 6. Notice. Notice, publication and posting shall be given by the City Clerk in accordance with the provisions of the Wrangell Municipal Code, the City Charter, and state law.

Section 7. Election Precinct. For the purpose of the special election on the Bond proposition, the City shall have one election precinct.

Section 8. Polling Hours. The polls will be open for voting on the proposition between the hours of 8:00 a.m. and 8:00 p.m. on the date of said special election.


CLERK'S CERTIFICATE

I, the undersigned, City Clerk of the City of Wrangell, Alaska (the "City"), and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance (the "Ordinance") is a true and correct copy of Ordinance No. 709 of the City, as finally passed at a meeting of the Council held on the 20th day of November, 2001, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption of said Ordinance have been fully fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of November, 2001.


Christie Blamieson
City Clerk, City of Wrangell, Alaska

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 708

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, REPEALING EXISTING WRANGELL MUNICIPAL CODE CHAPTER 2.32 ENTITLED "INITIATIVE AND REFERENDUM", ENACTING A NEW CHAPTER 2.32 TO THE WRANGELL MUNICIPAL CODE ENTITLED "INITIATIVE AND REFERENDUM", AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Wrangell, Alaska, as follows:

SEC. 1. Repeal of Existing WMC Chapter 2.32. Existing Chapter 2.32 of the Wrangell Municipal Code entitled "Initiative and Referendum" is hereby repealed in its entirety.

SEC. 2. Enactment of New WMC Chapter 2.32. A new Chapter 2.32 to the Wrangell Municipal Code to be entitled "Initiative and Referendum" is hereby enacted to provide as follows:

Chapter 2.32

INITIATIVE AND REFERENDUM

Sections:

- 2.32.010 Reservation of powers.
- 2.32.020 Application for petition.
- 2.32.030 Contents of petition.
- 2.32.040 Signature requirements.
- 2.32.050 Sufficiency of petition.
- 2.32.060 Protest.
- 2.32.070 New petition.
- 2.32.080 Initiative election.
- 2.32.090 Referendum election.
- 2.32.100 Conflicting measures.
- 2.32.110 Effect.

2.32.010. Reservation of powers. The powers of initiative and referendum are reserved to the residents of the city, except the powers do not extend to matters restricted by Article XI, Section 7 of

the State Constitution and the Charter, and as such the initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts and prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate[LY] preservation of the public peace, health, or safety.

2.32.020. Application for petition.

A. An initiative or referendum shall be proposed by filing an application with the city clerk containing the ordinance to be initiated or the ordinance **or resolution** to be referred and the name and address of a contact person and an alternate to whom all correspondence relating to the petition may be sent. An application [SHALL] **will** be signed by at least 10 voters who will sponsor the petition. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. Within two weeks the clerk [SHALL] **will** certify the application if the clerk finds that it is in proper form and, for an initiative petition, that the matter

- (1) is not restricted by Section 2.32.010;
- (2) includes only a single subject;
- (3) relates to a legislative rather than to an administrative matter; and
- (4) would be enforceable as a matter of law.

B. A decision by the clerk on an application for petition is subject to judicial review.

2.32.030. Contents of petition.

A. Within two weeks after certification of an application for an initiative or referendum petition, a petition will be prepared by the clerk. Each copy of the petition must contain

- (1) a summary of the ordinance **or resolution** to be initiated or the ordinance **or resolution** to be referred;
- (2) the complete ordinance sought to be initiated or referred as submitted by the sponsors;
- (3) the date on which the petition is issued by the clerk;
- (4) notice that signatures must be secured within 90 days after the date the petition is issued;
- (5) spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;
- (6) a statement, with space for the sponsor's sworn

signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and

(7) space for indicating the total number of signatures on the petition.

B. If a petition consists of more than one page, each page must contain the summary of the ordinance to be initiated or the ordinance **or resolution** to be referred.

C. The clerk shall notify the contact person in writing when the petition is available. The contact person is responsible for notifying sponsors. Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed.

2.32.040. Signature requirements.

A. The signatures on an initiative or referendum petition shall be secured within 90 days after the clerk issues the petition. The statement provided under Section 2.32.030 A(6) shall be signed and dated by the sponsor. Signatures shall be in ink or indelible pencil.

B. The clerk shall determine the number of signatures required on a petition and inform the contact person in writing. A petition shall be signed by a number of voters equal to at least 25 percent of the number of votes cast at the last regular city election held before the date written notice is given to the contact person that the petition is available.

C. Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence address shall be rejected.

D. A petition signer may withdraw the signer's signature on written application to the clerk before certification of the petition.

2.32.050. Sufficiency of petition.

A. All copies of an initiative or referendum petition shall be assembled and filed as a single instrument. Within 10 days after the date the petition is filed, the clerk shall

(1) certify on the petition whether it is sufficient; and

(2) if the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.

B. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected.

C. A petition that is insufficient shall be rejected and filed as

a public record unless it is supplemented under B of this section. Within 10 days after a supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

2.32.060. Protest. If the clerk certifies that an initiative or referendum petition is insufficient, a signer of the petition may file a protest with the mayor within seven days after the certification. The mayor shall present the protest at the next regular meeting of the council. The council shall hear and decide the protest.

2.32.070. New petition. Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition on substantially the same matter may not be filed sooner than six months after a petition is rejected as insufficient.

2.32.080. Initiative election.

A. Unless substantially the same measure is adopted by the council, when a petition seeks an initiative vote the clerk shall submit the matter to the voters at the next regular or special election scheduled to occur no sooner than 60 days after certification of the petition. If no regular or special election is scheduled to occur within 90 days after the certification of the petition, a special election **shall** [MAY] be called by the council, in its discretion, for such purpose, but no such special election shall be held sooner than 60 days after certification of the petition.

B. If the council adopts substantially the same measure, the petition is void and the matter initiated may not be placed before the voters.

C. The ordinance **or resolution** initiated shall be published in full in the notice of the election, but may be summarized on the ballot to indicate clearly the proposal submitted.

D. If a majority vote favors the ordinance **or resolution**, it becomes effective upon certification of the election, unless a different effective date is provided in the ordinance **or resolution**.

2.32.090. Referendum election.

A. Unless the ordinance **or resolution** is repealed by the council, when a petition seeks a referendum vote the clerk shall submit the matter to the voters at the next election occurring no sooner than 60 days after certification of the petition. If no election occurs within 90 days of certification of a petition, the council shall hold a special election within 90 days, but not sooner than 60 days

after certification.

B. If a petition is certified before the effective date of the matter referred, the ordinance **or resolution** against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the council may not enact an ordinance **or resolution** substantially similar to the suspended measure.

C. If the council repeals the ordinance **or resolution** before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

D. If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election.

2.32.100. Conflicting Measures. If two or more initiated or referred ordinances **or resolutions** which have conflicting provisions are enacted at the same election, the one receiving the largest affirmative vote shall prevail.

2.32.110. Effect.

A. The effect of an ordinance **or resolution** may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed unless the modifying or negating measure is approved by the voters in an initiative or referendum election or an election held pursuant to Section 10-9 of the Charter.

B. If an ordinance **or resolution** is repealed in a referendum election or by the council after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted for a period of two years unless the substantially similar legislation is approved by the voters in an initiative election or an election held pursuant to Section 10-9 of the Charter.

C. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified. If an initiative or referendum measure is approved by the voters or the council adopts a substantially similar measure after an initiative petition is filed or repeals an ordinance after a referendum petition is filed, an application for a petition that would modify or negate the earlier adopted or approved measure or enact an earlier repealed measure may not be filed sooner than six months after the earlier measure has been adopted or repealed.

SEC 3. Effective Date; Approval of Charter Amendments. This ordinance shall

become effective upon certification of the election results of the special election to be held February 19, 2002, certifying that the proposed amendments to Article XI of the Charter have been approved by the voters.

PASSED IN FIRST READING: November 12, 2001
PASSED IN SECOND READING: November 20, 2001

ATTEST:

Christie Jamieson

Christie L. Jamieson
City Clerk

Bruce E. Harding
Bruce Harding
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 707

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE, TITLE 3 ADMINISTRATION AND PERSONNEL, SPECIFICALLY SECTION 3.56.210 PER DIEM AND TRAVEL ALLOWANCE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 3, Chapter 3.56, Section 3.56.210 Per Diem and Travel Allowance, is hereby amended as follows:

Chapter 3.56

PERSONNEL POLICY

Sections:


3.56.210 Per Diem and Travel Allowances

3.56.210 PER DIEM AND TRAVEL ALLOWANCES. A. Per diem allowance. While traveling on official business and away from home, a per diem allowance of [~~\$30~~] \$50 will be allowed. Hotel to be paid by the municipality.

PASSED IN FIRST READING November 12, 2001

PASSED IN SECOND READING November 20, 2001


Bruce E. Harding, Mayor

ATTEST: 
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 706

AN ORDINANCE OF THE COUNCIL OF
THE CITY OF WRANGELL, ALASKA,
AMENDING TITLE 14, SPECIFICALLY
SECTION 14.07.020 STORAGE, AND
SECTION 14.11.005 FEE SCHEDULE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 14, Section 14.07.020 Storage, and Section 14.11.005 Fee Schedule, is hereby amended as follows:

14.07.020 Storage. A. Availability. Storage space may be available within the Wrangell Port Facilities. A person may apply to use storage space by completing an application on a form provided by the Harbormaster.

B. Assignment of Storage. Storage space shall be assigned on a first-come, first-served basis by the Harbormaster. Property may be stored in outside or inside storage areas on application. [LONG TERM] [S]Storage areas will be designated by the Harbormaster [WITH PORT COMMISSION APPROVAL.] **Persons, excluding minor children, requesting use of storage yard for sale of items, will be charged the minimum fee on a daily basis and three (3) days without charge will not apply.**

C. Rental Period. **Outside** Storage shall be computed on a daily basis. The daily rental period is 8:00 a.m. on the first calendar day to 8:00 a.m. on the next calendar day. Items may be placed in the storage area for up to three (3) days without charge, but all items left in storage area beyond that period will be charged for storage beginning on the next daily rental period. **Inside Storage shall be computed on a monthly basis.** Storage fees will be charged as listed in section 14.11.005.

14.11.005 Fee Schedule. The following fees shall be charged for the uses indicated:

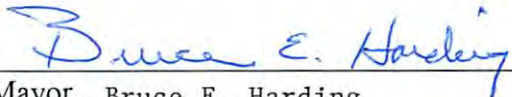
J. Storage 14.07.020B

Outside Storage (\$6.25 minimum)	\$0.005/square foot
Inside Storage South Building	\$.25/square foot
Inside Storage North Building	\$.20/square foot
Log Storage	\$0.0025/tmbf

Vending Storage (\$7.50 daily per vehicle) or max 10X20 feet

PASSED IN FIRST READING _____ September 25 _____, 2001

PASSED IN SECOND READING _____ October 9 _____, 2001



Mayor, Bruce E. Harding

ATTEST: 
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 705

AN ORDINANCE OF THE COUNCIL OF
THE CITY OF WRANGELL, ALASKA,
AMENDING WRANGELL MUNICIPAL
CODE, TITLE 9 HEALTH AND SAFETY,
SPECIFICALLY CHAPTER 9.12
FIREWORKS

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall
be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by
law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 9, Chapter 9.12, Section
9.12.020 Prohibited, is hereby amended as follows:

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 chief
required |

9.12.020 Prohibited. It is unlawful for any person to ignite, discharge, fire or
cause to be ignited, discharged or fired, any firework or firecracker within the corporate
limits of the city, which makes a report of loud noise or ascends into the air by its own
power. **Any person convicted under this ordinance, is guilty of a violation. Upon
conviction, the Court shall impose a fine of not more than \$300 for each offense.**

PASSED IN FIRST READING July 24 , 2001

PASSED IN SECOND READING August 15, 2001



Steve Bunes, Vice-Mayor

ATTEST Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 704

AN ORDINANCE OF THE COUNCIL OF
THE CITY OF WRANGELL, ALASKA,
AMENDING WRANGELL MUNICIPAL
CODE TITLE 3, SPECIFICALLY 3.28
POLICE DEPARTMENT

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall
be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as
provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 3, Chapter 3.28, is hereby
amended as follows:

Chapter 3.28

POLICE DEPARTMENT

3.28.020 Personnel. A. The city manager shall select a chief of police who shall serve
for an indefinite term with compensation to be from time to time determined by the
city council. The chief of police shall be an officer of the city, and shall have
supervision and control of the police department. The chief of police shall select
personnel to serve as police officers and staff members. All such appointments, and
the number thereof, shall require approval by the city manager. **B. A person may not
be employed as a City of Wrangell corrections officer unless, not later than one
(1) year from the date of hire or the expiration of the probationary period,
whichever is longer, the person has been certified by the Alaska Police Standards
Council under AS 18.65.242. C. All persons employed in any City of Wrangell
correctional facility meet the requirements of AS 18.65.130 - 18.65.290 that are
applicable to municipal correctional officers.**

PASSED IN FIRST READING July 13 , 2001

PASSED IN SECOND READING July 24 , 2001

Fern D. Neimeyer
Fern D. Neimeyer, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 703

AN ORDINANCE OF THE COUNCIL OF
THE CITY OF WRANGELL, ALASKA,
AMENDING WRANGELL MUNICIPAL
CODE TITLE 5, SPECIFICALLY
CHAPTER 5.04 PROPERTY TAX

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be
codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law
and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 5, Chapter 5.04, is hereby amended as
follows:

Chapter 5.04

PROPERTY TAX

Sections:

5.04.010	Levy and limitations.
5.04.020	Nonlimitation on levy for bond payments.
5.04.030	Exemptions.
5.04.035	Repair and rehabilitation exemption qualification.
5.04.036	Exemption--Timber processing.
[5.04.040	RETURNS--REQUIRED.]
[5.04.050	RETURNS--FAILURE TO SUBMIT.]
[5.04.060	RETURNS--CONTENTS.]
[5.04.070	RETURNS--ASSESSOR'S DISCRETION TO ACCEPT.]
[5.04.080	RETURNS--ASSESSOR'S RIGHT TO EXAMINE AND INSPECT.]
5.04.090	Assessment--Determination.
5.04.100	Listing of property.
5.04.110	Description of property.

5.04.120	Assessment roll--Preparation.
5.04.130	Assessment notice.
5.04.140	Publication of notice of equalization hearings.
5.04.150	Corrections by assessor.
5.04.160	Appeal by person assessed.
5.04.170	Notice of errors or changes in assessment roll.
5.04.180	Failing of appeal by person assessed.
5.04.190	Appeal record.
5.04.200	Hearing--Notice.
5.04.210	Hearing--Procedures.
5.04.220	Appeal records.
5.04.230	Higher appeals.
5.04.240	Recordkeeping--Clerk of the board.
5.04.250	Recordkeeping--Assessor.
5.04.260	Assessment roll--Completion.
5.04.270	Assessment--Computation.
5.04.280	Assessment roll--Validity.
5.04.290	Assessment roll--Delivery to council.
5.04.300	Differential taxation zones--Adopted.
5.04.310	Differential taxation zones--Defined.
5.04.320	Differential taxation zones--Adoption--Classes-- Review
5.04.330	Council authority to fix tax rate.
5.04.340	Mailing of tax statements.
5.04.350	Delinquent date for payment of taxes.
5.04.360	Penalty and interest for late payments.
5.04.370	Enforcement of delinquent real property taxes.
5.04.380	Enforcement of delinquent personal property taxes.
5.04.390	Distrain and sale of personal property.
5.04.400	Warrant of distraint.
5.04.410	Notice of sale at public auction.
5.04.420	Sale of seized property.
5.04.430	Return on sale.
5.04.440	Proceeds of sale.

5.04.010 Levy and limitations. A. There shall be assessed, levied and collected a general tax for school and municipal purposes upon all real property[.]. [AND UPON ALL INVENTORY, BUSINESS MACHINES AND EQUIPMENT, AND COMMERCIAL PERSONAL PROPERTY OF EVERY KIND AND NATURE WITHIN THE CITY WHICH IS NOT EXEMPT.] The levies for school and municipal purposes shall not be separately made and fixed, and the aggregate levy shall not exceed three percent of the assessed value of the real property assessed.

B. Boats and vessels [INCLUDING GEAR AND RELATED COMMERCIAL PERSONAL PROPERTY ACTUALLY USED ON THE VESSEL,] are exempt and allowed under AS 29.45.050 (D) (2).

5.04.030 Exemptions. the following are exempted from the levy imposed under this chapter:

A. All property exempt from taxation as prescribed by Alaska law;

B. For four tax years, that part of residential property equal in value to the cost of qualifying repairs and rehabilitation as provided in Section 5.04.035, but not exceeding ten thousand dollars. "Residential property" is a structure used solely for nontransient, residential purposes containing eight or fewer living units;

[C. AN EXEMPTION ON ALL RESIDENTIAL PERSONAL PROPERTY, HOUSEHOLD GOODS, FURNITURE, AND MOTOR VEHICLES;]

[D. BUSINESS INVENTORIES;]

[E. AN EXEMPTION NOT EXCEEDING TWO HUNDRED DOLLARS IN VALUE SHALL APPLY TO THE IMPOSITION OF THE PERSONAL PROPERTY TAX, INVENTORIES, BUSINESS MACHINES AND EQUIPMENT, AND OTHER COMMERCIAL, PERSONAL PROPERTY OF ANY NATURE.]

C. All personal property tax is exempt effective January 1, 2001.

5.04.036 Exemption--Timber processing. A. Commencing on January 1, 2000, real [AND PERSONAL] property used in processing timber after it has been delivered to the processing site shall be exempt from seventy-five percent of the rate of taxes levied on other real and personal property in that differential tax zone in which the real [AND PERSONAL] property is located. B. To qualify for an exemption under this section the real [AND PERSONAL] property shall have been acquired, installed or constructed and actually used in processing timber which has been delivered to the processing site in the previous calendar year for which the exemption is requested. In addition, only such real [OR PERSONAL] **property** which has been actually acquired, constructed, or placed in use after January 1, 1998 may qualify for an exemption under this section.

C. The duration of an exemption under this section shall not exceed five years, and unless sooner repealed, this ordinance shall expire by lapse of time on December 31, 2005.

D. In order to qualify for an exemption under this section, the taxpayer must file a written application for the exemption not later than January 15 of each assessment year for which the exemption is sought. The taxpayer shall specifically identify the real [OR PERSONAL] property for which the exemption is requested, giving a description sufficient to conclusively identify said real [OR PERSONAL] property, including the date of acquisition, the date of any construction, including construction cost and the date of placing said real [OR PERSONAL] property in use for processing timber after it has been delivered to the site in the assessment year prior to the year for which the exemption is requested. There shall be no waivers of a failure to meet the deadline for filing the application for the exemption. Unless the **real** property[, BOTH REAL AND PERSONAL,] is listed on the exemption application, and proof submitted, as required, to the assessor, by January 15, the exemption shall not be available.

[5.04.040 RETURNS--REQUIRED. ON OR BEFORE FEBRUARY 1ST OF EACH YEAR THE FINANCE DIRECTOR SHALL MAIL BLANK ASSESSMENT FORMS FOR EVERY OWNER OF PERSONAL PROPERTY DESCRIBED IN SECTION 5.04.010 AND TO THE AGENTS OF NONRESIDENT PROPERTY OWNERS, IF KNOWN. EVERY PERSON PRIOR TO FEBRUARY 21ST SHALL

SUBMIT TO THE ASSESSOR A RETURN OF ANY PROPERTY OWNED BY HIM, OR IN WHICH HE HAS AN INTEREST, AND IN THE PROPERTY HELD OR CONTROLLED BY HIM IN A REPRESENTATIVE CAPACITY, IN THE MANNER PRESCRIBED BY THIS CHAPTER, WHICH RETURN SHALL BE BASED ON PROPERTY VALUES EXISTING AS OF JANUARY 1ST OF THE SAME YEAR.]

[5.04.050 RETURNS--FAILURE TO SUBMIT. ANY PERSON DULY RECEIVING A BLANK ASSESSMENT FORM AND WHO FAILS OR REFUSES TO COMPLETE AND TIMELY SUBMIT SAID RETURN SHALL BE SUBJECT TO INDEPENDENT INVESTIGATION BY THE CITY ASSESSOR OR HIS DESIGNATE, AT A REASONABLE TIME AND UPON SUFFICIENT NOTICE. THE FINANCE DIRECTOR MAY THEREAFTER COMPUTE SUCH PERSON'S TAX, LESS EXEMPTION, ON THAT REPORTED BY THE ASSESSOR PLUS ANY REAL PROPERTY PROPERLY LISTED ON THE ASSESSMENT TAX ROLE.]

[5.04.060 RETURNS--CONTENTS. A. THE PERSON MAKING THE RETURN SHALL IN EVERY CASE STATE AN ADDRESS TO WHICH ALL NOTICES REQUIRED TO BE GIVEN TO HIM UNDER THIS CHAPTER MAY BE MAILED OR DELIVERED.

B. THE RETURN SHALL SHOW THE NATURE, QUANTITY, DESCRIPTION, AMOUNT AND VALUE OF THE PROPERTY, THE PLACE WHERE THE PROPERTY IS SITUATED, AND THE RETURN SHALL BE IN SUCH FORM AND INCLUDE SUCH ADDITIONAL INFORMATION AS THE COUNCIL MAY PRESCRIBE, AND SHALL BE SIGNED AND VERIFIED BY THE PERSON LIABLE OR HIS AUTHORIZED AGENT OR REPRESENTATIVE.

C. THE ASSESSOR MAY, BY NOTICE IN WRITING TO ANY PERSON BY WHOM A RETURN HAS BEEN MADE, REQUIRE FROM HIM A FURTHER RETURN CONTAINING ADDITIONAL DETAILS AND MORE EXPLICIT PARTICULARS AND, UPON RECEIPT OF THE NOTICE, THAT PERSON SHALL COMPLY WITH ITS REQUIREMENTS WITHIN THIRTY DAYS.]

[5.04.070 RETURNS--ASSESSOR'S DISCRETION TO ACCEPT. THE ASSESSOR NEED NOT ACCEPT AS CORRECT THE RETURN OF ANY PERSON AND UPON INDEPENDENT INVESTIGATION HE MAY MAKE HIS OWN LISTING AND ASSESSMENT OF THE PROPERTY SUBJECT TO TAXATION. IF A PERSON HAVING PROPERTY SUBJECT TO TAXATION HAS NOT MADE A RETURN UPON INVESTIGATION THE ASSESSOR MAY MAKE HIS OWN LISTING AND ASSESSMENT THEREOF WHICH SHALL BE PRIMA FACIE EVIDENCE THEREOF FOR ALL LEGAL PURPOSES AND PROCEEDINGS.]

[5.04.080 RETURNS--ASSESSOR'S RIGHT TO EXAMINE AND INSPECT. A. FOR THE PURPOSES OF MAKING INVESTIGATIONS THE ASSESSOR OR HIS DESIGNATED DEPUTY SHALL HAVE THE RIGHT OF ACCESS TO THE PREMISES AND MAY EXAMINE ALL PROPERTY RECORDS INVOLVED, AND ANY PERSON SHALL, UPON REQUEST, FURNISH TO THE ASSESSOR OR HIS

DESIGNATED DEPUTY EVERY FACILITY AND ASSISTANCE FOR THE PURPOSE OF THE INVESTIGATION.

B. THE ASSESSOR MAY EXAMINE A PERSON ON OATH OR OTHERWISE AND, UPON REQUEST OF THE ASSESSOR, THE PERSON SHALL PRESENT HIMSELF FOR EXAMINATION BY THE ASSESSOR.]

5.04.090 Assessment--Determination. Property shall be assessed at its full and true value in money, as of January 1st of the assessment year. In determining the full and true value of property in money, [THE PERSON MAKING THE RETURN, OR] the assessor, [AS THE CASE MAY BE,] shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which the property would sell at auction, or at a forced sale, either separately or in the aggregate with all of the property in the city, but he shall value the property at such sum as he believes the same to be fairly worth in money at the time of assessment.

5.04.100 Listing of property. The assessor shall complete the listing of all real [AND PERSONAL] property within the limits of the city before March 20th of each year. The listing of all taxable property may be made upon permanent separate ledger cards which will be the combined assessment roll and tax ledger. Real property shall be assessed to the owner of record as shown in the records of the Recorder for the Wrangell Recording District; provided, however, that any other person having an interest in the property may be listed on the records with the owner. The person in whose name any property is listed as owner shall be conclusively presumed to be the legal owner of record. If the owner of the land is unknown the land may be assessed to an "unknown owner" or "unknown owners." No assessment shall be invalidated by a mistake, omission or error in the name of the owner of the real property assessed, if the property is correctly described.

5.04.270 Assessment--Computation. All taxes to be levied or collected, except as otherwise provided, shall be calculated, levied and collected upon the assessed values entered in the assessment roll and certified by the assessor, or his designee, as correct, subject to the taxpayer's rights to appeal and to the corrections made in the rolls pursuant to this chapter. [IF ANY PERSON OWNING PERSONAL PROPERTY SUBJECT TO ASSESSMENT BY THE CITY FAILS TO FILE A STATEMENT THEREOF, AS REQUIRED IN THIS CHAPTER, THE ASSESSOR SHALL PREPARE AND FILE, AS PART OF THE SUPPLEMENTAL PERSONAL PROPERTY ROLLS, A STATEMENT AND VALUATION OF ALL PERSONAL PROPERTY OWNED BY THE PERSON, AND PROCEEDINGS THEREAFTER SHALL BE IN ACCORDANCE WITH THIS CHAPTER.]

5.04.290 Assessment roll--Delivery to council. When the final assessment records have been completed by the assessor as provided in this chapter, the finance director shall deliver to the council on or before June 1st of each year a statement of the total assessed valuation of all real [AND PERSONAL] property within the city.

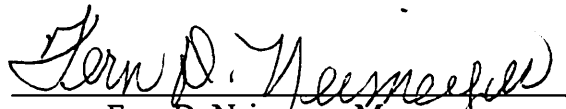
5.04.330 Council authority to fix tax rate. The council shall fix a rate of tax levy and designate the number of mills upon each dollar of value assessed taxable real [AND

PERSONAL] property that shall be levied in accordance with the provisions of Section 5.04.010.

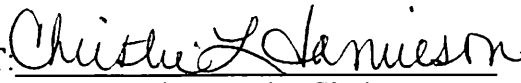
5.04.380 Enforcement of delinquent personal property taxes. A. In accordance with Alaska Statutes, Title 29, the owner of personal property assessed is personally liable for the amount of taxes assessed against the property owned[.] **prior to January 1, 2001.** The tax, together with penalty and interest, may be collected in a personal action brought in the name of the city, or in any other manner now or hereafter provided by law.

PASSED IN FIRST READING May 22 , 2001

PASSED IN SECOND READING June 12 , 2001



Fern D. Neimeyer, Mayor

ATTEST: 

Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 702

AN ORDINANCE OF THE COUNCIL OF
THE CITY OF WRANGELL, ALASKA,
AMENDING WRANGELL MUNICIPAL
CODE TITLE 3, SPECIFICALLY SECTION
3.56.250 DRUG FREE WORKPLACE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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.

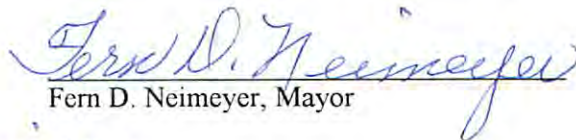
SEC. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.


SEC. 4. Wrangell Municipal Code, Title 3, Chapter 3.56., is hereby amended as follows:

3.56.250 DRUG FREE WORKPLACE. Employees are expected to report to work on time in appropriate mental and physical condition for work. Employees are not to report to work under the influence of intoxicants (alcoholic beverages or illegal drugs) and shall not consume, use, or possess intoxicants at any time during their scheduled workday, on City property, or in any City vehicle (while traveling to or from City property while on duty). The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, as defined in 21 US[G] C 812 and as further defined in 21 CFR 13.[11.-15] 00.01, on City premises or while conducting City business off premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

PASSED IN FIRST READING May 8, 2001

PASSED IN SECOND READING May 22, 2001


Fern D. Neimeyer, Mayor

ATTEST: 
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 701

AN ORDINANCE OF THE COUNCIL OF
THE CITY OF WRANGELL, ALASKA,
AMENDING WRANGELL MUNICIPAL
CODE TITLE 14, SPECIFICALLY SECTION
14.07.020 STORAGE AND 14.11.005 FEE
SCHEDULE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 14, Chapters 14.07 and 14.11, are hereby amended as follows:

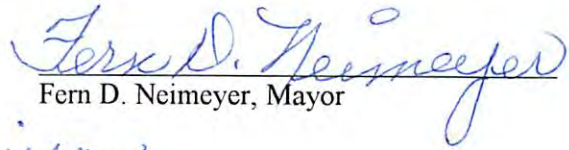
14.07.020 Storage. B. Assignment of Storage. Storage space shall be assigned on a first-come, first-served basis by the Harbormaster. Property may be stored in [LONG TERM] outside or inside storage areas on application. Long Term storage areas will be designated by the Harbormaster with Port Commission approval.

14.11.005 Fee Schedule.

J.	Storage 14.07.020B	
	[SHORT TERM] <u>Outside Storage (\$6.25 minimum)</u>	<u>\$0.005/square feet</u>
	[FIRST NINETY (90) DAYS (\$6.25 minimum)]	[\$0.005/square foot]
	[AFTER NINETY (90) DAYS (\$6.25 minimum)]	[\$0.01/square foot]
	[LONG TERM] <u>Inside Storage South Building</u>	[\$0.005/square foot] <u>\$.25/square foot</u>
	<u>Inside Storage North Building</u>	<u>\$.20/square foot</u>
	Log Storage	\$0.0025/tmbf

PASSED IN FIRST READING May 8, 2001

PASSED IN SECOND READING May 22, 2001


Fern D. Neimeyer, Mayor

ATTEST: 
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 700

AN ORDINANCE OF THE COUNCIL OF
THE CITY OF WRANGELL, ALASKA,
AMENDING SECTION 5.04.010 LEVY
AND LIMITATIONS, OF CHAPTER 5.04
PROPERTY TAX

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall
be codified in the Wrangell Municipal Code.

SEC. 2. 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 hereby.

SEC. 3. Effective Date. This ordinance shall be published as provided by
law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 5, Chapter 5.04, Property Tax, is
hereby amended as follows:

Chapter 5.04

PROPERTY TAX

Sections:

5.04.010 Levy and limitations

5.04.010 Levy and limitations. A. There shall be assessed, levied and collected a
general tax for school and municipal purposes upon all real property, and upon all
inventory, business machines and equipment, and commercial personal property of every
kind and nature within the city which is not exempt. The levies for school and municipal
purposes shall not be separately made and fixed, and the aggregate levy shall not exceed
three percent of the assessed value of the real property assessed.

B. Boats and vessels **including gear and related commercial personal property
actually used on the vessel,** are exempt and allowed under AS 29.45[0].050 (D) (2).

PASSED IN FIRST READING March 13 , 2001

PASSED IN SECOND READING March 27 , 2001

Fern D. Neimeyer
Fern D. Neimeyer, Mayor

ATTEST: *Christie L. Jamieson*
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 698

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 5, PROPERTY TAX, SPECIFICALLY AMENDING SECTION 5.04.310 DIFFERENTIAL TAXATION ZONES -- DEFINED

WHEREAS, the Wrangell City Council has reviewed the tax differential zones and the services designated and provided for each zone as required by Wrangell Municipal Code 5.04.320.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL:

Sec. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

Sec. 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Sec. 3. Effective Date. This ordinance shall be published as provided in the City Charter and ordinances and shall be effective thirty (30) days after final passage.

Sec. 4. Purpose. The intent of this ordinance is to comply with Sec. 5.04.320 of the Wrangell Municipal Code prescribing that the Council shall annually establish differential taxation zones for assessment purposes.

Sec. 5. Wrangell Municipal Code, Section 5.04.310 is hereby repealed and reenacted to read as follows:

5.04.310 Differential taxation zones--Defined.

A. Tax differential Zone 1 includes Blocks 8, 9, 10, 11, and 12 of ASLS #83-8, and Blocks 13 and 14 of ASLS #83-8.

B. Tax differential Zone 3 includes Lots 6 through 17 of Block 7, ASLS No. 83-7, Lots 24 through 42 of Block 2, ASLS No. 83-7, USS 3398, USS 2967, USS 2968, USS 2969, USS 2922, USS 2921, USS 3000, USS 3534, Lots 5-16, 17B of USS 2589, ATS 604, ATS 973, ADM USS 9, ATS 651, USS 3753, USS 3705, USS 3747, USS 3709 and all taxable property not defined in Tax Differential Zones 1 and 4.

C. Tax differential Zone 4 includes USS 2321, USS 2900, USS 2905, USS 3701, USS 2904, USS 3402, USS 1336, USS 3010, USS 1518, USS 3823, USS 125, USS 1593, USS 1240, USS 1948, USS 2127, ATS 243, ATS 83, USS 1119, USS 1815, USS 2906 Tract 6-9, Lots 1-5 USS 2589, USS 3403.

PASSED IN FIRST READING January 23, 2001

PASSED IN SECOND READING February 13, 2001

Fern D. Neimeyer
Fern D. Neimeyer, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 725

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, CREATING WRANGELL MUNICIPAL CODE TITLE 15, SECTION 15.12.223 ELECTRICAL RATE INCENTIVE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 15, Chapter 15.12, Section 15.12.223, is hereby amended as follows:

15.12.223 Electrical Rate Incentive

Notwithstanding KWH fee schedules B, C, and D of this chapter, the council may upon a finding of beneficial public interest by resolution, offer an electrical rate incentive to new or expanded commercial or industrial users comply with all of the following stipulations:

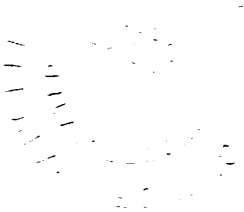
- A. The incentive rate shall be no less than \$.07 per KWH.**
- B. The rate shall apply only to electricity consumed in the new or expanded portion of the business and shall be measurable by installation of a separate electrical meter.**
- C. The term of this incentive shall not exceed five years from date of meter hookup nor continue longer than 7 days after any billing for electrical service becomes delinquent.**
- D. All other customer charges related to the delivery of electric service shall be charged as per provisions of this chapter.**

PASSED IN FIRST READING July 23, 2002

PASSED IN SECOND READING August 13, 2002

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 724

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, PROVIDING THE FUNDING FOR THE PORT AND HARBOR'S PLANNED BOAT HAULOUT AND MARINE REPAIR FACILITY, EFFECTIVE UPON APPROVAL BY THE VOTERS AT THE GENERAL ELECTION OF OCTOBER 1, 2002

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is a special ordinance which is to be omitted from the Wrangell Municipal Code.

SEC. 2. 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. 3. General Election. The question of providing the funding for the Port and Harbor's planned Boat Haulout and Marine Repair Facility in Wrangell before the voters of the City of Wrangell at the General Election to be held October 1, 2002.

SEC. 4. Ballot Proposition. The City Clerk is hereby ordered to take all necessary steps to place the following question on the General election ballot to the qualified voters in the City of Wrangell on October 1, 2002:

PROPOSITION

APPROVAL OF CITY OF WRANGELL ORDINANCE NO. _____,
PROVIDING THE FUNDING FOR THE PORT AND HARBOR'S PLANNED BOAT
HAULOUT AND MARINE REPAIR FACILITY IN WRANGELL

SHALL CITY OF WRANGELL ORDINANCE
NO. _____, WHICH PROVIDES AS FOLLOWS, BE APPROVED?

"Should the Council of the City of Wrangell be authorized to withdraw up to \$1,000,000 from the City Permanent Fund to economically assist and help fund the Port and Harbor's planned Boat Haulout and Marine Repair Facility?"

Yes _____

No _____

SEC. 5. Election Precinct. For the purpose of the election on the foregoing proposition to be submitted at said general election, the City shall one election precinct.

SEC. 6. Polling Hours. The polls will be open for voting on the proposition between the hours of 8:00 a.m. and 8:00 p.m. on the date of said general election.

SEC. 7. Qualification of Voters. The qualification for voters on the aforementioned proposition shall be the same as for voters at municipal elections generally.

SEC. 8. Notice. Notice, publication and posting shall be given by the City Clerk in accordance with the provisions of the Wrangell Municipal Code, the Charter, Statutes and law.

SEC. 9. Effective Date. This ordinance shall become effective only upon the affirmative vote of a majority of the voters who vote on the question at said general election.

PASSED IN FIRST READING July 16, 2002

PASSED IN SECOND READING July 26, 2002

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 723

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, PROVIDING FOR THE ASSISTANCE TO THE SEAFOOD PROCESSING INDUSTRY IN WRANGELL, EFFECTIVE UPON APPROVAL BY THE VOTERS AT THE GENERAL ELECTION OF OCTOBER 1, 2002

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is a special ordinance which is to be omitted from the Wrangell Municipal Code.

SEC. 2. 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. 3. General Election. The question of providing for the assistance to the seafood processing industry in Wrangell before the voters of the City of Wrangell at the General Election to be held October 1, 2002.

SEC. 4. Ballot Proposition. The City Clerk is hereby ordered to take all necessary steps to place the following question on the General election ballot to the qualified voters in the City of Wrangell on October 1, 2002:

PROPOSITION

APPROVAL OF CITY OF WRANGELL ORDINANCE NO. 723,
PROVIDING ASSISTANCE TO THE SEAFOOD PROCESSING INDUSTRY IN
WRANGELL

SHALL CITY OF WRANGELL ORDINANCE
NO. 723, WHICH PROVIDES AS FOLLOWS, BE APPROVED?

“Should the Council of the City of Wrangell be authorized to withdraw up to \$1,000,000 from the City Permanent Fund to economically assist the seafood processing industry in Wrangell?

Yes _____

No _____

SEC. 5. Election Precinct. For the purpose of the election on the foregoing proposition to be submitted at said general election, the City shall one election precinct.

SEC. 6. Polling Hours. The polls will be open for voting on the proposition between the hours of 8:00 a.m. and 8:00 p.m. on the date of said general election.

SEC. 7. Qualification of Voters. The qualification for voters on the aforementioned proposition shall be the same as for voters at municipal elections generally.

SEC. 8. Notice. Notice, publication and posting shall be given by the City Clerk in accordance with the provisions of the Wrangell Municipal Code, the Charter, Statutes and law.

SEC. 9. Effective Date. This ordinance shall become effective only upon the affirmative vote of a majority of the voters who vote on the question at said general election.

PASSED IN FIRST READING July 16, 2002

PASSED IN SECOND READING July 26, 2002

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 722

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, PROVIDING FOR THE SALE OF THE WRANGELL INSTITUTE PROPERTY, EFFECTIVE UPON APPROVAL BY THE VOTERS AT THE GENERAL ELECTION OF OCTOBER 1, 2002

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is a special ordinance which is to be omitted from the Wrangell Municipal Code.

SEC. 2. 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. 3. General Election. The question of providing for the sale of the Wrangell Institute property before the voters of the City of Wrangell at the General Election to be held October 1, 2002.

SEC. 4. Ballot Proposition. The City Clerk is hereby ordered to take all necessary steps to place the following question on the General election ballot to the qualified voters in the City of Wrangell on October 1, 2002:

PROPOSITION

APPROVAL OF CITY OF WRANGELL ORDINANCE NO. _____,
DISPOSING OF REAL PROPERTY
FOR NOT LESS THAN THE APPRAISED VALUE

SHALL CITY OF WRANGELL ORDINANCE
NO. _____, WHICH PROVIDES AS FOLLOWS, BE APPROVED?

“Should the Council of the City of Wrangell be authorized to sell, in part or in whole, the Wrangell Institute property for not less than the appraised value?

Yes _____

No _____

SEC. 5. Election Precinct. For the purpose of the election on the foregoing proposition to be submitted at said general election, the City shall one election precinct.

SEC. 6. Polling Hours. The polls will be open for voting on the proposition between the hours of 8:00 a.m. and 8:00 p.m. on the date of said general election.

SEC. 7. Qualification of Voters. The qualification for voters on the aforementioned proposition shall be the same as for voters at municipal elections generally.

SEC. 8. Notice. Notice, publication and posting shall be given by the City Clerk in accordance with the provisions of the Wrangell Municipal Code, the Charter, Statutes and law.

SEC. 9. Effective Date. This ordinance shall become effective only upon the affirmative vote of a majority of the voters who vote on the question at said general election.

PASSED IN FIRST READING July 16, 2002

PASSED IN SECOND READING July 26, 2002

Bruce E. Hardy
Bruce E. Hardy, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 721

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 15, CHAPTER 15.12 ELECTRICITY

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 15, Chapter 15.12, Sections 15.12.192, 15.12.200, 15.12.210, and 15.12.215, is hereby amended as follows:

Title 15

PUBLIC SERVICES

Chapters:

15.12 Electricity

15.12.192 Hydroelectrical wholesale power rate adjustment. A. Applicability. An adjustment shall be made to each billing for kilowatt hours rendered under Schedule A, Schedule B, Schedule C, and shore service for boats to reflect increases or decreases in the wholesale power rate charged per kilowatt hour for the purchase of energy generated by the Lake Tyee Hydroelectric Project. The adjustment will be effective the first billing period following the date the wholesale power rate is set as provided in the Long Term Power Sales Agreement between the City and Alaska Power Authority, et al. The base wholesale power rate used to determine the adjustment is [6.2] 6.8 cents per kilowatt hour, which rate was effective [July 1, 1997] July 1, 2002.

15.12.200 Meter rates—Residential service (Schedule A).

B. Rate.		
Customer charge		\$8.00 per month
Energy charge		
0 – 300 kWh	[\$0.09 PER KWH]	\$0.114 per kWh
Over 300 kWh	[\$0.072 PER KWH]	\$0.092 per kWh

15.12.210 Meter rates—Small commercial service (Schedule B).


C. Rate. [SCHEDULE B]				
	[EFF 7/1/98]	[EFF 7/1/99]	[EFF 7/1/00]	[EFF 7/1/01]
	[3.0%]	[3.0%]	[3.0%]	[3.0%]
Customer charge	[\$9.00/mo]	[\$9.00/mo]	[\$9.00/mo]	[\$9.00/mo]
Energy charge	[0.083/kWh]	[0.089/kWh]	[0.091/kWh]	[0.094] 0.106/kWh

15.12.215 Meter rates—Large commercial service (Schedule C).

D. Rate. [SCHEDULE C]				
	[EFF 7/1/98]	[EFF 7/1/99]	[EFF 7/1/00]	[EFF 7/1/01]
	[3.0%]	[3.0%]	[3.0%]	[3.0%]
Customer charge	[\$13.50/mo]	[\$13.50/mo]	[\$13.50/mo]	[\$13.50/mo]
Energy charge				
0-70,000 kWh	[0.077/kWh]	[0.079/kWh]	[0.081/kWh]	[0.083] 9.5/kWh
Over 70,000 kWh	[0.074/kWh]	[0.076/kWh]	[0.078/kWh]	[0.080] 9.2/kWh

PASSED IN FIRST READING July 16, 2002

PASSED IN SECOND READING July 26, 2002



Bruce E. Harding, Mayor

ATTEST: 
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 720

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 6, CHAPTER 6.04, ALCOHOLIC BEVERAGES, SPECIFICALLY SECTION 6.04.100 HOURS OF SALE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 6, Chapter 6.04, Section 6.04.100, is hereby amended as follows:

Chapter 6.04

ALCOHOLIC BEVERAGES

Sections:

6.04.100 Hours of sale.

6.04.100 Hours of sale. C. Opening Hours Extended. Upon application therefor, opening hours may be extended by special permit issued by the city manager to permit licensed premises hold a club license (as defined by Alaska law) to open between the hours of eight a.m. and ten a.m. of any calendar day during those days when licensed premises may be otherwise open under Alaska law. The permit may be issued for only those days and the establishment may only be open for those days covered by the permit. Said special permit may be given only for special occasions in conjunction with a convention or similar activity. **From April 15-September 30, all package liquor stores may open at 8:00 a.m., to accommodate the charter and tourism industries.**

PASSED IN FIRST READING July 16, 2002

PASSED IN SECOND READING July 26, 2002

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 719

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 5 REVENUE AND FINANCE, CHAPTER 5.08 SALES TAX, SPECIFICALLY SECTION 5.08.100 PENALTY AND INTEREST

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 5, Chapter 5.08, Section 5.08.100, is hereby amended as follows:

Title 5

REVENUE AND FINANCE

Chapters:

5.08 Sales Tax

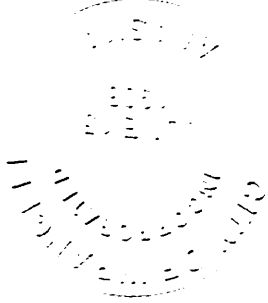
5.08.100 Penalty and interest. In the event a return is not made or the appropriate tax not paid within one month following the reporting quarter, such failure is presumed wilful and , regardless of wilful or advertent, a penalty of five percent of such tax as is unpaid shall be added to such tax for the first month of delinquency or any fraction thereof, and an additional five percent shall be added for each additional month of delinquency or fraction thereof, until the total penalty of fifteen percent has accrued. Interest at the rate of fifteen percent per year from the date of delinquency until paid shall accrue in the same manner. **The City Council may upon a verified showing of medical necessity, as the reason for a failure to pay sales tax in a timely manner, waive all or any portion of the penalty and/or interest assessed hereinabove.** Such penalty and interest shall be collected in the same manner as the tax.

PASSED IN FIRST READING June 25, 2002

PASSED IN SECOND READING July 16, 2002

Bruce E. Hardy
Bruce E. Hardy, Mayor

ATTEST Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 718

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, providing for the issuance of a general obligation bond of the City in the principal sum of \$485,000 for the purpose of providing funds to pay a portion of the costs of certain capital improvements to Wrangell schools; providing for the date, form and terms of said bond; providing for the disposition of the proceeds of sale of the bond; providing for the annual levy of taxes to pay the principal of and interest on the bond; and providing for the sale of the bond to the Alaska Municipal Bond Bank.

WHEREAS, at an election held on February 19, 2002, a majority of the qualified electors of the City of Wrangell, Alaska (the "City") voted in favor of a proposition authorizing the issuance of general obligation bonds of the City in the principal amount of not to exceed \$485,000 to pay the costs of capital improvements to remedy structural and building code deficiencies at the Wrangell Intermediate and Primary Schools, as authorized by Ordinance No. 709 of the City, passed by the City Council on November 20, 2001; and

WHEREAS, the Council wishes to authorize the issuance of such general obligation bonds and finds that it is in the best interest of the City to sell such bonds to the Alaska Municipal Bond Bank (the "Bond Bank") on the terms and conditions set forth herein and in a loan agreement between the City and the Bond Bank, as authorized by this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, as follows:

SECTION 1. Classification. This ordinance is a special ordinance that is to be omitted from the Wrangell Municipal Code.

SECTION 2. Definitions. As used in this ordinance, the following words shall have the following meanings, unless a different meaning clearly appears from the context:

“Bond Bank” means the Alaska Municipal Bond Bank, a public corporation and instrumentality of the State of Alaska, created pursuant to the provisions of Chapter 85, Title 44, Alaska Statutes, as amended.

“Bond Fund” means the “City of Wrangell General Obligation Bond Redemption Fund, 2002,” authorized to be created pursuant to Section 7 of this ordinance.

“Bond Register” means the registration books for the Bond maintained by the Registrar.

“Bond” means the City of Wrangell, Alaska, General Obligation Bond, 2002, issued in the principal amount of \$485,000 pursuant to this ordinance for the purposes authorized by Ordinance No. 709 and approved by the qualified electors of the City at an election held on February 19, 2002.

“City” means the City of Wrangell, Alaska, a home rule municipal corporation duly organized and existing under the Constitution and laws of the State of Alaska and its City Charter.

“Code” means the federal Internal Revenue Code of 1986, as now or hereafter amended, and the applicable regulations promulgated thereunder.

“Council” means the general legislative authority of the City, as duly constituted from time to time.

“Finance Director” means the Finance Director of the City or the successor to the duties of such office.

“Government Obligations” means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States Government.

“Loan Agreement” means the Loan Agreement by and between the City and the Bond Bank authorized to be entered into pursuant to Section 14 of this ordinance.

“Registrar” means the Finance Director, for the purposes of registering and authenticating the Bond, maintaining the Bond Register, and paying principal and interest on the Bond.

“Sale Resolution” means the resolution relating to the sale of the Bond to the Bond Bank and approval of the Loan Agreement, to be adopted by the Council pursuant to this ordinance.

SECTION 3. Findings and Authorization of Improvements. The Council hereby ratifies and confirms its findings, set forth in Section 3 of Ordinance No. 709, regarding the renovations required of the Wrangell schools described therein.

SECTION 4. Authorization of Bond. The City hereby authorizes the issuance and sale of the Bond in the total principal amount of \$485,000 to provide funds to pay costs of certain capital improvements to Wrangell schools, as authorized by Ordinance No. 709 and approved by a majority of the voters voting thereon at an election held in the City on February 19, 2002, and all costs incidental thereto and to the issuance of the Bond. The Bond shall be a general obligation of the City and shall be designated “City of Wrangell, Alaska, General Obligation Bond, 2002.” The Bond shall be dated as of the date established by subsequent resolution of the Council (the “Sale Resolution”), shall be in fully registered form in the denomination of \$5,000 or any integral multiple thereof; shall be numbered in such manner as the Registrar shall determine; shall bear interest at the rate or rates, shall mature on the date or dates and shall be paid in installments in the principal amounts and on the dates as the Council shall determine by the Sale Resolution, in accordance with the Loan Agreement. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months.

SECTION 5. Registration, Payment and Transfer. The Finance Director shall act as authenticating agent, paying agent and registrar for the Bond (collectively, the “Registrar”). Both principal of and interest on the Bond shall be payable in lawful money of the United States of America. Installments of principal of and interest on the Bond shall be paid by check or draft of the Registrar mailed (on the date such interest is due) to the registered owners or nominees at the addresses appearing on the Bond Register on the fifteenth day of the month preceding each interest payment date. The final installment of principal of the Bond shall be payable upon presentation and surrender of the Bond to the Registrar by the registered owner or nominee at the office of the Registrar in Wrangell, Alaska. Notwithstanding the foregoing, if the Bond is sold to the Bond Bank pursuant to the provisions of Section 14 of this ordinance, payments of principal of and interest on the Bond shall be made to the Bond Bank in accordance with the Loan Agreement.

The Bond may be transferred only on the Bond Register maintained by the Registrar for that purpose upon the surrender thereof by the registered owner or nominee or his/her duly authorized agent and only if endorsed in the manner provided thereon, and thereupon a new fully registered Bond of like principal amount, maturity and interest rate shall be issued to the transferee in exchange therefor. Upon surrender thereof to the Registrar, the Bond is interchangeable for a bond or bonds in any authorized denomination of an equal aggregate principal amount, with interest rates and maturities corresponding to the interest rates and installment payment schedule of the Bond as initially issued. Such transfer or exchange shall be without cost to the registered owner or transferee.

The City may deem the person in whose name the Bond is registered to be the absolute owner thereof for the purpose of receiving payment of the principal of and interest on the Bond and for any and all other purposes whatsoever.

SECTION 6. Prepayment.

A. **Prepayment.** The City by the Sale Resolution, in accordance with the Loan Agreement, may provide for optional prepayment of some or all principal installments of the Bond at the times and at such prepayment prices deemed by the Council to be in the best interests of the City.

B. **Notice of Prepayment.** Unless waived by the owner of the Bond, notice of any prepayment shall be given not less than 30 nor more than 60 days prior to the date fixed for prepayment by first class mail, postage prepaid, to the registered owner of the Bond at the address appearing on the Bond Register. The requirements of this section shall be deemed to be complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owner of the Bond. Each official notice of prepayment shall be dated and shall state: (i) the prepayment date, (ii) the prepayment price or prepayment premium, if any, payable upon such prepayment; (iii) if less than all of an installment of principal is to be prepaid, the principal amount to be prepaid (which must be an integral multiple of \$5,000); (iv) that the interest on the Bond, or on the principal amount thereof to be prepaid, designated for prepayment in such notice, shall cease to accrue from and after such prepayment date; and (v) that on such date there will become due and payable on the Bond the principal amount thereof to be prepaid and the interest accrued on such principal amount to the prepayment date. Notwithstanding the foregoing, so long as the Bond is held by the Bond Bank, the provisions of the Loan Agreement applicable to notice of prepayment of the Bond shall apply.

SECTION 7. Creation of Bond Fund and Provision for Tax Levy Payments. A special fund of the City known as the “City of Wrangell General Obligation Bond Redemption Fund, 2002” (the “Bond Fund”), is hereby authorized and directed to be created in the office of the Finance Director. The Bond Fund shall be drawn upon for the sole purpose of paying the principal of and interest on the Bond.

The City hereby irrevocably covenants and agrees, for as long as the Bond is outstanding and unpaid, that each year it will include in its budget and levy an ad valorem tax, without limitation as to rate or amount, upon all property within the City subject to taxation in an amount that will be sufficient, together with all other funds of the City that may legally be used and which the City may apply for such purposes, to pay the principal of and interest on the Bond as the same shall become due. All of such taxes and any of such other money so collected shall be paid into the Bond Fund. None of the money in the Bond Fund shall be used for any other purpose than the payment of the principal of and interest on the Bond. Money in the Bond Fund not needed to pay the interest or principal next coming due may temporarily be deposited in such institutions or invested in such obligations as may be lawful for the investment of City money. Any interest or profit from the investment of such money shall be deposited in the Bond Fund.

The City hereby irrevocably pledges that a sufficient portion of each annual levy to be levied and collected by the City prior to the full payment of the principal of and interest on the Bond will be and is hereby irrevocably set aside, pledged and appropriated for the payment of the principal of and interest on the Bond. The Bond is a general obligation of the City, and the full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of said taxes and for the prompt payment of the principal of and interest on the Bond as the same shall become due.

SECTION 8. Defeasance. In the event that money and/or “Government Obligations,” maturing at such time or times and bearing interest to be earned thereon in amounts sufficient to redeem and retire the Bond or a portion of the Bond in accordance with its terms, are set aside in a special account to effect such prepayment or retirement and such money and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on the Bond so provided for and such Bond or portion thereof shall cease to be entitled to any lien, benefit or security of this ordinance, except the right to receive the funds so set aside and pledged, and such Bond or portion thereof shall be deemed not to be outstanding hereunder.

SECTION 9. Tax Covenants; Special Designation.

A. **No Arbitrage or Private Activity Bond.** The City hereby covenants that it will not make any use of the proceeds of sale of the Bond or any other funds of the City that may be deemed to be proceeds of the Bond pursuant to Section 148 of the Code and the applicable regulations thereunder that will cause the Bond to be an “arbitrage bond” within the meaning of said Section and said regulations. The City will comply with the applicable requirements of Section 148 of the Code (or any successor provision thereof applicable to the Bond) and the applicable regulations thereunder throughout the term of the Bond.

The City further covenants that it will not take any action or permit any action to be taken that would cause the Bond to constitute a “private activity bond” under Section 141 of the Code.

B. **Special Designation.** The City hereby designates the Bond as a “qualified tax-exempt obligation” under Section 265(b) of the Code. The City does not expect to issue tax-exempt obligations in an aggregate principal amount exceeding \$10,000,000 during calendar year 2002.

SECTION 10. Lost or Destroyed Bond. In case the Bond shall be lost, stolen or destroyed, the Registrar may execute and deliver a new Bond of like amount, date, and tenor to the registered owner thereof upon the owner's paying the expenses and charges of the City in connection therewith and upon his/her filing with the Registrar evidence satisfactory to the Registrar that such Bond was actually lost, stolen or destroyed and of his/her ownership thereof, and upon furnishing the City with indemnity satisfactory to the Registrar.

SECTION 11. Form of the Bond. The Bond shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. R-1

\$485,000

STATE OF ALASKA

CITY OF WRANGELL

GENERAL OBLIGATION BOND, 2002

FINAL MATURITY DATE:

INTEREST RATES: See Below

REGISTERED OWNER: Alaska Municipal Bond Bank

PRINCIPAL AMOUNT: Four Hundred Eighty-Five Thousand and No/100 Dollars

The City of Wrangell, Alaska, a municipal corporation organized and existing under and by virtue of the laws and Constitution of the State of Alaska (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount specified above in accordance with the installment payment schedule set forth below, unless prepaid prior thereto as provided herein, together with interest on such installments from the date hereof or the most recent date to which interest has been paid or duly provided for at the interest rates set forth below:

Principal Installment Payment Year (_____ 1)	Principal Installment Amount	Interest Rate
2003		
2004		
2005		
2006		
2007		
2008		
2009		
2010		
2011		
2012		
2013		
2014		
2015		
2016		

Both principal of and interest on this bond are payable in lawful money of the United States of America. Installments of principal of and interest on this bond are payable by check or draft of the Finance Director of the City (the "Registrar") mailed (on the date such interest is due) to the Registered Owner hereof at the address appearing on the records maintained by the Registrar as of the fifteenth day of the month preceding the interest payment date. The final installment of principal of and interest on this bond shall be paid to the Registered Owner hereof upon presentation and surrender of this bond at the office of the Registrar.

This bond is a general obligation bond of the City in the total principal amount of \$485,000, as authorized by the voters of the City and issued pursuant to Ordinance No. 718 passed by the City Council on July 9, 2002, and Resolution No. _____ of the City Council, adopted on August 15, 2002 (together, the "Bond Ordinance"), to provide funds for making certain capital improvements to Wrangell schools. Capitalized terms used in this bond and not otherwise defined herein shall have the meanings given such terms in the Bond Ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by the Registrar.

The City hereby irrevocably covenants and agrees with the owner of this bond that it will include in its annual budget and levy taxes annually, without limitation as to rate or amount, upon all the property subject to taxation in amounts sufficient, together with all other money legally available therefor, to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest.

This bond is subject to prepayment as provided in the Bond Ordinance.

The pledge of tax levies for payment of principal of and interest on this bond may be discharged prior to maturity of the bond by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

This bond is issued in fully registered form and is transferable only on the records maintained by the Registrar for that purpose upon the surrender of this bond by the registered owner hereof or his/her duly authorized agent and only if endorsed in the manner provided hereon, and thereupon a new fully registered bond of like principal amount and interest rate shall be issued to the transferee in exchange therefor. Such exchange or transfer shall be without cost to the registered owner or transferee. The City may deem the person in whose name this bond is registered to be the absolute owner hereof for the purpose of receiving payment of the principal of and interest on this bond and for any and all other purposes whatsoever.

It is hereby certified and declared that this bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Alaska and the charter, ordinances, and resolutions of the City, that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed, and that this bond does not exceed any Constitutional, statutory or charter limitations.

IN WITNESS WHEREOF, the City of Wrangell, Alaska, has caused this bond to be signed on behalf of the City with the manual or facsimile signature of the Mayor, to be attested by the manual or facsimile signature of the City Clerk, and the seal of the City to be imprinted or impressed hereon, as of this ____ day of _____, 2002.

CITY OF WRANGELL, ALASKA

By _____ /s/ _____
Mayor

ATTEST:

_____/s/_____
City Clerk

The Certificate of Authentication for the Bond shall be in substantially the following form and shall appear on the front of the Bond:

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This is the General Obligation Bond, 2002, dated _____, 2002, of the City of Wrangell, Alaska, described in the within-referenced Bond Ordinance.

Finance Director, City of Wrangell,
as Registrar

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

PLEASE INSERT SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER
OF TRANSFEREE

[Empty rectangular box for Social Security or Taxpayer Identification Number]

(Please print or typewrite name and address, including zip code of Transferee)

the within bond and all rights thereunder and does hereby irrevocably constitute and appoint _____
_____ of _____, or its
successor, as agent to transfer said bond on the books kept by the Registrar for registration
thereof, with full power of substitution in the premises.

DATED: _____, _____.

SIGNATURE GUARANTEED:

NOTICE: Signature(s) must be
guaranteed pursuant to law.

NOTE: The signature of this Assignment must
correspond with the name of the registered owner as
it appears upon the face of the within bond in every
particular, without alteration or enlargement or any
change whatever.

SECTION 12. Execution of the Bond. The Bond shall be signed on behalf of the City by the manual or facsimile signature of the Mayor, shall be attested by the manual or facsimile signature of the City Clerk, and the seal of the City shall be impressed or imprinted thereon.

Only such Bond as shall bear thereon a Certificate of Authentication in the form set forth in Section 11 hereof, manually executed by the Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated, registered, and delivered hereunder and is entitled to the benefits of this ordinance.

In case any of the officers of the City who shall have signed, attested, authenticated, registered or sealed the Bond shall cease to be such officers before the Bond so signed, attested, authenticated, registered or sealed have been actually issued and delivered, such Bond shall be valid nevertheless and may be issued by the City with the same effect as though the persons who had signed, attested, authenticated, registered or sealed the Bond had not ceased to be such officers. The Bond may also be signed, attested, authenticated, registered or sealed on behalf of the City by such persons as at the actual date of execution of the Bond shall be the proper officers of the City although at the original date of the Bond any such person shall not have been such officer.

SECTION 13. Application of Proceeds of Bond. There is hereby authorized to be created in the office of the Finance Director a special fund of the City to be known as the “2002 Wrangell Schools Renovation Fund” (the “Renovation Fund”). At the time of delivery of the Bond, the proceeds of the Bond shall be deposited as follows:

- (a) The accrued interest, if any, to the date of delivery shall be deposited in the Bond Fund and used to pay a portion of interest on the Bond on the first interest payment date;

(b) The balance of the Bond proceeds shall be deposited in the Renovation Fund and used to pay costs of the Improvements (as defined in Ordinance No. 709), and costs incidental thereto and to the issuance of the Bond.

Money remaining in the Renovation Fund after all of such costs have been paid or reimbursed shall be deposited in the Bond Fund. Money in the Renovation Fund may be invested as permitted by law. All interest earned and profits derived from such investments shall be retained in and become a part of the Renovation Fund.

SECTION 14. Sale of the Bond. The City Manager and Finance Director are authorized to negotiate the sale of the Bond to the Bond Bank on terms and conditions consistent with this ordinance to be set forth in a Loan Agreement by and between the City and the Bond Bank, including, without limitation, the date, principal payment schedule, interest rates and prepayment provisions of the Bond, in substantially the form attached as Exhibit A to this ordinance, an undertaking for ongoing disclosure with respect to the Bond, and such agreements or certificates as are necessary with respect to bond insurance (if any) for the Bond Bank's bonds, all subject to the Council's approval by the Sale Resolution.

The City officials, their agents and representatives are hereby authorized and directed to do everything necessary to complete the Improvements authorized by Ordinance No. 709, and for the proper issuance, execution and delivery of the Bond to the Bond Bank, and for the proper use and application of the funds derived from such sale.

SECTION 15. General Authorization; Prior Acts. The Mayor, City Manager, City Clerk and Finance Director of the City and any other appropriate officers and agents of the City are each hereby authorized and directed to take such steps, to do such other acts and things, and to execute such letters, certificates, agreements, papers, financing statements, assignments or

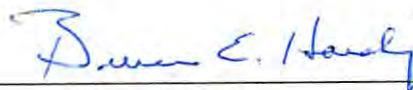
instruments as in their judgment may be necessary, appropriate or desirable in order to carry out the terms and provisions of, and complete the transactions contemplated by, this ordinance. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified and confirmed.

SECTION 16. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bond.

SECTION 17. Effective Date. In accordance with Section 2-13 of the City Charter, this ordinance shall take effect 30 days after its passage.

PASSED IN FIRST READING June 25, 2002

PASSED IN SECOND READING July 12, 2002



Mayor

ATTEST: Christina Jamison
City Clerk

CERTIFICATE

I, the undersigned, duly chosen, qualified and acting City Clerk of the City of Wrangell, Alaska (the "City") and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached is a true and correct copy of Ordinance No. 718 of the City (the "Ordinance"), as finally passed at a regular meeting of the Council held on July ~~9~~¹², 2002, and duly recorded in my office.


2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum of the Council was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 15 day of July, 2002.



City Clerk, City of Wrangell

[City Seal]



CITY OF WRANGELL, ALASKA
GENERAL OBLIGATION BOND, 2002

\$485,000

ORDINANCE NO. 718

AN ORDINANCE of the City of Wrangell, Alaska, providing for the issuance of a general obligation bond of the City in the principal sum of \$485,000 for the purpose of providing funds to pay a portion of the costs of certain capital improvements to Wrangell schools; providing for the date, form and terms of said bond; providing for the disposition of the proceeds of sale of the bond; providing for the annual levy of taxes to pay the principal of and interest on the bond; and providing for the sale of the bond to the Alaska Municipal Bond Bank.

PASSED: July ~~9~~¹², 2002

Prepared by:

PRESTON GATES & ELLIS LLP
Seattle, Washington

CITY OF WRANGELL, ALASKA
GENERAL OBLIGATION BOND, 2002

\$485,000

ORDINANCE NO. 718

AN ORDINANCE of the City of Wrangell, Alaska, providing for the issuance of a general obligation bond of the City in the principal sum of \$485,000 for the purpose of providing funds to pay a portion of the costs of certain capital improvements to Wrangell schools; providing for the date, form and terms of said bond; providing for the disposition of the proceeds of sale of the bond; providing for the annual levy of taxes to pay the principal of and interest on the bond; and providing for the sale of the bond to the Alaska Municipal Bond Bank.

PASSED: July ¹²~~9~~, 2002

Prepared by:

PRESTON GATES & ELLIS LLP
Seattle, Washington

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 718

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EXHIBIT A Form of Loan Agreement

* Neither this Table of Contents nor the preceding cover page is a part of this ordinance.

FY 2002 0 TO 7,000 GALLONS \$29.19 EACH ADDITIONAL 1,000 GALLONS, \$6.60 PER 1,000 GALLONS]
For rates, see Section 15.04.640, Monthly Water Rates, Class B—Commercial and Industrial—Flat Rates

PASSED IN FIRST READING June 11, 2002

PASSED IN SECOND READING June 25, 2002

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 716

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING TITLE 15, CHAPTER 15.04, WATER, SPECIFICALLY INCREASING WATER RATES BY FOURTEEN PERCENT PER YEAR OVER A PERIOD OF TWO YEARS BY TWENTY-EIGHT PERCENT AND PROVIDING FOR A PUBLIC HEARING

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective August 1, 2002.

SEC. 4. Providing for a Public Hearing. A public hearing is scheduled for June 11, 2002

SEC. 5. Wrangell Municipal Code, Title 15, Chapter 15.04, Section 15.04.640, is hereby amended as follows:

MONTHLY WATER RATES

Class A—Residential

Designation

		<u>Effective Dates</u>	
		<u>7/1/01</u>	<u>7/1/02</u>
			<u>7/1/03</u>
Inside City limits, per family unit	[15.46]	<u>17.62</u>	<u>20.09</u>
[Outside city limits, per family unit]	[27.61]		

Note A: The residential schedule is restricted to service used exclusively for general domestic purposes.

Note B: Where central laundry facilities are furnished for the exclusive use of tenants in apartment buildings or trailer courts, no charge in addition to above will be made.

Class B—Commercial and Industrial—Flat Rates

Designation

		<u>Effective Dates</u>	
	<u>[7/1/01]</u>	<u>7/1/02</u>	<u>7/1/03</u>
Bakeries	[58.51]	<u>66.70</u>	<u>76.04</u>
Bars	[58.51]	<u>66.70</u>	<u>76.04</u>
Barbershops—one chair	[14.62]	<u>16.67</u>	<u>19.00</u>
per each additional chair	[11.70]	<u>13.34</u>	<u>15.21</u>
Beauty Shops—one basin	[14.62]	<u>16.67</u>	<u>19.00</u>
per each additional basin	[11.70]	<u>13.34</u>	<u>15.21</u>
Canneries:			
Shellfish canneries	[292.50]	<u>333.45</u>	<u>380.13</u>
Fish processing	[311.97]	<u>355.65</u>	<u>405.44</u>
Rinsing and packaging only	[58.51]	<u>66.70</u>	<u>76.04</u>
Saltwater process only	[58.51]	<u>66.70</u>	<u>76.04</u>
Churches	[14.62]	<u>16.67</u>	<u>19.00</u>
Cleaners and cleaning plants	[29.19]	<u>33.28</u>	<u>37.94</u>
Clubs, lodges—without bar or restaurant facilities	[14.62]	<u>16.67</u>	<u>19.00</u>
Cold storage plants	[311.97]	<u>355.65</u>	<u>405.44</u>
Convenience Store	[8.45]	<u>9.63</u>	<u>10.98</u>
Docks	[73.07]	<u>83.30</u>	<u>94.96</u>
Docks or marinas for small boats, including oil docks	[48.77]	<u>55.60</u>	<u>63.38</u>
Garages, service stations, car lots:			
Without washrack	[29.19]	<u>33.28</u>	<u>37.94</u>
With washrack	[43.88]	<u>50.02</u>	<u>57.02</u>
Grocery stores			
Without meat market	[21.87]	<u>24.93</u>	<u>28.42</u>
With meat market	[45.28]	<u>51.62</u>	<u>58.85</u>
Hospitals	[116.27]	<u>132.55</u>	<u>151.11</u>
Hydrants, fire, each	[9.27]	<u>10.57</u>	<u>12.05</u>
Hotels and motels:			
Ten rooms or less	[43.88]	<u>50.02</u>	<u>57.02</u>
Over ten rooms, per room	[3.41]	<u>3.89</u>	<u>4.43</u>
Laundromats, self-service:			
Under thirty-pound capacity, per machine	[15.46]	<u>17.62</u>	<u>20.09</u>
Thirty pounds or over capacity, per machine	[31.16]	<u>35.52</u>	<u>40.49</u>
Meat markets	[23.39]	<u>26.66</u>	<u>30.39</u>
Multi-family (per unit)	[11.84]	<u>13.50</u>	<u>15.39</u>

Class B—Commercial and Industrial—Flat Rates

Designation

	<u>Effective Dates</u>		
	<u>[7/1/01]</u>	<u>7/1/02</u>	<u>7/1/03</u>
Oceangoing freight and passenger			
Vessels taking water:			
[Fifteen tons or less]	[29.19]		
[Each ton over fifteen tons]	[0.88]		
<u>0 – 3,600 gals</u>		<u>34.20</u>	<u>38.99</u>
<u>each additional gallon</u>		<u>0.0114</u>	<u>0.013</u>
Office building, per employee	[0.96]	<u>1.09</u>	<u>1.24</u>
Each additional plumbed office	[14.62]	<u>16.67</u>	<u>19.00</u>
Each additional unplumbed office	[3.41]	<u>3.89</u>	<u>4.43</u>
Offices, medical	[49.72]	<u>56.68</u>	<u>64.62</u>
Offices, dental	[49.72]	<u>56.68</u>	<u>64.62</u>
Without laboratory			
and/or x-ray unit	[14.62]	<u>16.67</u>	<u>19.00</u>
Plane floats	[29.19]	<u>33.28</u>	<u>37.94</u>
Public showers:			
First two stalls	[15.62]	<u>17.81</u>	<u>20.30</u>
Per each additional stall	[3.81]	<u>4.34</u>	<u>4.95</u>
Ranger District (Forest Service)	[149.89]	<u>170.87</u>	<u>194.79</u>
Restaurants, lunch counters, etc.:			
Up to and including thirty seats	[43.88]	<u>50.02</u>	<u>57.02</u>
Over thirty seats	[58.51]	<u>66.70</u>	<u>76.04</u>
Fountain only	[14.62]	<u>16.67</u>	<u>19.00</u>
Sawmills	[974.94]	<u>1,111.43</u>	<u>1,267.03</u>
Schools, per classroom	[9.66]	<u>11.01</u>	<u>12.55</u>
Shops and stores	[14.62]	<u>16.67</u>	<u>19.00</u>
Stores—dry goods, gifts, etc.	[15.62]	<u>17.81</u>	<u>20.30</u>
Swimming pool, public	[198.07]	<u>225.80</u>	<u>257.41</u>
Theaters, seating five hundred people			
or less	[29.19]	<u>33.28</u>	<u>37.94</u>

*Rates herein apply to the average monthly usage. No adjustments will be made for seasonal work.

Note 1: All commercial enterprise consisting of more than one facility shall be charged the sum of the applicable rates for each facility.

[Note 2: All commercial and industrial rates to customers outside the city limits shall be seventy-five percent higher than the designated rate within city limits.]

Note [3] 2: The monthly rate for any establishment no herein designated shall be

determined by the City Council. Until such rate may be established, the rate deemed most applicable shall apply, subject to adjustment.

PASSED IN FIRST READING May 28, 2002

PASSED IN SECOND READING June 11, 200~~1~~



Bruce E. Harding, Mayor

ATTEST: 
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 715

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING TITLE 9, CHAPTER 9.04 GARBAGE, SPECIFICALLY INCREASING MONTHLY REFUSE COLLECTION OR DISPOSAL FEES, REFUSE CONTAINERS—SPECIFICATIONS, REFUSE CONTAINERS—MAINTENANCE, REFUSE CONTAINERS—LOCATION, AND PROVIDING FOR A PUBLIC HEARING

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective August 1, 2002.

SEC. 4. Providing for a Public Hearing. A public hearing is scheduled for June 11, 2002.

SEC. 5. Wrangell Municipal Code, Title 9, Chapter 9.04, Section 9.04.070, is hereby amended as follows:

Schedule A
Section 9.04.070

MONTHLY REFUSE COLLECTION OR DISPOSAL FEES

Class A. Mandatory Rate for All Occupants or Persons.

Residential

Designation	Monthly Rate
Residential, volume, Per Unit	
Minimum one 32 gallon container	[\$15.00] <u>\$18.00</u>
two 32 gallon containers	[\$30.00] <u>\$30.00</u>

each additional 30 gallon container	[\$7.50] <u>\$6.00</u>
Off curbside pickup (additional monthly rate)	\$10.00

Commercial and Industrial

Small Commercial, Per 32 gallon container	[\$15.00] <u>\$18.00</u>
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Other Commercial

2 Cubic Yard Dumpster

1 Pick up per week	[\$48.00] <u>\$65.00</u>
2	[\$96.00] <u>\$130.00</u>
3	[\$144.00] <u>\$195.00</u>
4	[\$192.00] <u>\$260.00</u>
5	[\$240.00] <u>\$325.00</u>
One extra pick up per month	[\$12.00] <u>\$16.25</u>

More than one extra pick up per month will be billed at the appropriate rate.

4 Cubic Yard Dumpster

1 Pick up per week	[\$96.00] <u>\$130.00</u>
2	[\$192.00] <u>\$260.00</u>
3	[\$288.00] <u>\$390.00</u>
4	[\$384.00] <u>\$520.00</u>
5	[\$480.00] <u>\$650.00</u>
Special One-time extra per month	[\$24.00] <u>\$32.50</u>

More than one extra pick up per month will be billed at the appropriate rate.

Landfill Charges

[\$5.00] <u>\$10.00</u> per cubic yard	
Minimum charge <u>up to 1 cubic yard</u>	[\$5.00] <u>\$10.00</u>

<u>Each additional yard:</u>	<u>\$5.00</u>
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Cars:

<u>No tires and no fluids:</u>	<u>\$25.00 each</u>
<u>With tires and fluids:</u>	<u>\$65.00 each</u>

<u>Batteries:</u>	<u>\$2.00 each</u>
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<u>Washers and Dryers:</u>	<u>\$10.00 each</u>
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<u>Refrigerators and Freezers:</u>	<u>\$10.00 without Freon</u>
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each additional 30 gallon container	[\$7.50] <u>\$6.00</u>
Off curbside pickup (additional monthly rate)	\$10.00

Commercial and Industrial

Small Commercial, Per 32 gallon container [~~\$15.00~~] **\$18.00**

Other Commercial

2 Cubic Yard Dumpster

1 Pick up per week	[\$48.00] <u>\$65.00</u>
2	[\$96.00] <u>\$130.00</u>
3	[\$144.00] <u>\$195.00</u>
4	[\$192.00] <u>\$260.00</u>
5	[\$240.00] <u>\$325.00</u>
One extra pick up per month	[\$12.00] <u>\$16.25</u>

More than one extra pick up per month will be billed at the appropriate rate.

4 Cubic Yard Dumpster

1 Pick up per week	[\$96.00] <u>\$130.00</u>
2	[\$192.00] <u>\$260.00</u>
3	[\$288.00] <u>\$390.00</u>
4	[\$384.00] <u>\$520.00</u>
5	[\$480.00] <u>\$650.00</u>
Special One-time extra per month	[\$24.00] <u>\$32.50</u>

More than one extra pick up per month will be billed at the appropriate rate.

Landfill Charges

[\$5.00] <u>\$10.00</u> per cubic yard	
Minimum charge <u>up to 1 cubic yard</u>	[\$5.00] <u>\$10.00</u>

Each additional yard: **\$5.00**

Cars:

<u>No tires and no fluids:</u>	<u>\$25.00 each</u>
<u>With tires and fluids:</u>	<u>\$65.00 each</u>

Batteries: **\$2.00 each**

Washers and Dryers: **\$10.00 each**

Refrigerators and Freezers: **\$10.00 without Freon**

Refrigerators and Freezers:

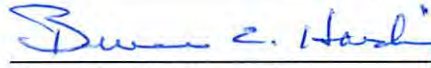
\$35.00 with Freon

Items that can be brought to the landfill free of charge if separated:

Cardboard, glass, and aluminum

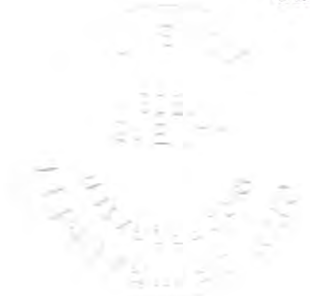
PASSED IN FIRST READING May 28, 2002

PASSED IN SECOND READING June 11, 2002



Bruce E. Harding, Mayor

ATTEST: 
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 714

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE, TITLE 3 ADMINISTRATION AND PERSONNEL, SPECIFICIALLY 3.56.230 (H) ANNUAL MEET AND CONFER MEETING

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

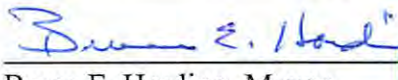
SEC. 4. Public Hearing. There shall be a public hearing held on June 11, 2002.

SEC. 5. Wrangell Municipal Code, Title 3, Chapter 3.56, Section 3.56.230 H. Annual Meet and Confer Meeting, is hereby amended as follows:

3.56.230 MISCELLANEOUS PROVISIONS. H. Annual meet and confer meeting. 4. The meeting shall be in the month of [March] **January** which will allow for any changes requiring financial consideration to be considered in the upcoming budget.

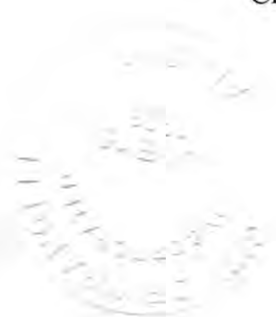
PASSED IN FIRST READING May 28, 2002

PASSED IN SECOND READING June 11, 2002



Bruce E. Harding, Mayor

ATTEST: 
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 713

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, CREATING SECTION 15.08.205 FUNDS ACCOUNTING SYSTEM AND SECTION 15.08.210 USE OF MONEYS, TO WRANGELL MUNICIPAL CODE TITLE 15, PUBLIC SERVICES

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective July 1, 2002.

SEC. 4. Wrangell Municipal Code, Title 15, Sections 15.08.205 and 15.08.210, are hereby created as follows:

Title 15

PUBLIC SERVICES

Chapter 15.08

SEWERS

Sections:

15.08.205 Funds-accounting system.

15.08.210 Use of moneys.

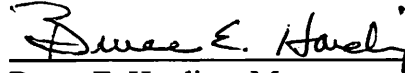
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15.08.205 Funds-accounting system. The Sewer Fund, owned and operated by the City, shall be operated from an enterprise fund separate from the General Fund. An accounting system for each fund shall be established within the general accounting system of the City, and shall be so setup and maintained as to reflect the financial condition of the enterprise. A balance sheet and statement of income and expense shall be made for the Sewer Fund annually and as often as the city council may require.


15.08.210 Use of moneys. None of the income money or property of the Sewer Fund shall be placed in the General Fund or be used for the benefit of anything outside of the fund to which it belongs without due compensation or due value received and returned.

PASSED IN FIRST READING April 23, 2002

PASSED IN SECOND READING May 14, 2002



Bruce E. Harding, Mayor

ATTEST: 
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 712

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, CREATING SECTION 9.04.061 FUNDS ACCOUNTING SYSTEM AND SECTION 9.04.062 USE OF MONEYS, TO WRANGELL MUNICIPAL CODE TITLE 9, HEALTH AND SAFETY

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective July 1, 2002.

SEC. 4. Wrangell Municipal Code, Title 9, Sections 9.04.061 and 9.04.062, are hereby created as follows:

Title 9

HEALTH AND SAFETY

Chapter 9.04

GARBAGE

Sections:

9.04.010	Definitions.
9.04.020	Refuse containers—Specifications.
9.04.030	Refuse containers—Maintenance.
9.04.040	Refuse containers—Location.
9.04.050	Disposal—Restrictions generally.
9.04.060	Sanitation department.
9.04.061	Funds-accounting system.
9.04.062	Use of moneys.

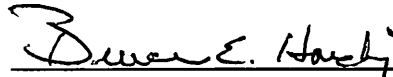
9.04.061 Funds-accounting system. The Sanitation Fund, owned and operated by the City, shall be operated from an enterprise fund separate from the

General Fund. An accounting system for each fund shall be established within the general accounting system of the City, and shall be so setup and maintained as to reflect the financial condition of the enterprise. A balance sheet and statement of income and expense shall be made for the Sanitation Fund annually and as often as the city council may require.


9.04.062 Use of moneys. None of the income money or property of the Sanitation Fund shall be placed in the General Fund or be used for the benefit of anything outside of the fund to which it belongs without due compensation or due value received and returned.

PASSED IN FIRST READING April 23, 2002

PASSED IN SECOND READING May 14, 2002



Bruce E. Harding, Mayor

ATTEST: 
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 711

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, CREATING WRANGELL MUNICIPAL CODE TITLE 5, CHAPTER 5.24 GENERAL FIXED ASSETS

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 5, Chapter 5.24, Section 5.24.010 is hereby amended as follows:

Title 5

REVENUE AND FINANCE

Chapters:

<u>5.02</u>	<u>Investment of City Funds</u>
<u>5.04</u>	<u>Property Tax</u>
<u>5.06</u>	<u>Transient Occupancy Tax</u>
<u>5.08</u>	<u>Sales Tax</u>
<u>5.10</u>	<u>Purchases and Sales</u>
<u>5.12</u>	<u>Improvements and Assessments</u>
<u>5.16</u>	<u>Improvements by Petition</u>
<u>5.18</u>	<u>Grants Administration</u>
<u>5.20</u>	<u>Investment Policy, Objectives, and Guidelines</u>
	<u>City of Wrangell Permanent Fund</u>
<u>5.22</u>	<u>Enhanced 911 Surcharge</u>
<u>5.24</u>	<u>General Fixed Assets</u>

Chapter 5.24

GENERAL FIXED ASSETS

Sections:

5.24.010 General Fixed Assets

5.24.010 General Fixed Assets. The finance director shall maintain a general fixed asset group of accounts detailing all assets purchased from revenues of any source of \$5,000 or greater, and all assets received as donations and gifts of \$5,000 or greater. All licensed vehicles and mobile equipment of any value shall also be included in the general fixed assets. All fixed assets shall be coded to reflect the city department which is using and responsible for the asset. The general fixed assets should be part of the annual financial statement audit.

PASSED IN FIRST READING March 26, 2002

PASSED IN SECOND READING April 9, 2002

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 738

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WRANGELL, ALASKA, AMENDING WMC CHAPTER 5.08
SALES TAX

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage, except Section 5.08.005 (K), which shall become effective on the first day of January, 2004.

SEC. 4. Wrangell Municipal Code, Title 5, Chapter 5.08, is hereby amended as follows:

Chapter 5.08

SALES TAX

5.08.005 Definitions. For the purposes of this chapter, the following words and phrases have the meanings hereinafter respectively ascribed to them.
K. "Travel and adventure services" includes, but are not limited to, tours and charters on land and water, guide services, admissions, lectures, transportation services (excluding air transportation), and the rental of lodging, aircraft, vehicles, watercraft, and equipment, including fishing, boating, camping and other tour or adventure related goods. Travel and adventure services also include sales of goods incidental or related to such services. Regardless of the location of any marketing, brokering, packaging, re-sale, assignment, or other arrangement and regardless of the beginning or ending of any other related services the point of delivery of a travel and adventure service is within the city if the ultimate consumer of the travel and adventure service receives any such service which begins, [ENDS,] or occurs within the corporate limits of the City of Wrangell. (Effective January 1, 2004)

5.08.020 Rate of Tax. The consumer sales tax is levied in the amount of seven percent of the sales price of all retail sales, on all rents, and on all services, made, paid or performed within the municipality, [EXCEPT THAT ON SALES OF LESS

THAN TWO DOLLARS AND NINE CENTS SAID TAX IS LEVIED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:]

[SALES PRICE	AMOUNT OF TAX]
[UNDER \$0.08	NONE]
[\$0.08 TO .21	\$0.01]
[.22 TO .35	.02]
[.36 TO .49	.03]
[.50 TO .64	.04]
[.65 TO .78	.05]
[.79 TO .92	.06]
[.93 TO 1.07	.07]
[1.08 TO 1.21	.08]
[1.21 AND OVER	STRAIGHT SEVEN PERCENT]

5.08.050 Exemptions from tax. The following transactions are exempt from the tax levied under this chapter:

M. All sales of any single unit of which the price exceeds one thousand two hundred dollars, and all services, including contract prices for any single job of which the price exceeds one thousand **two hundred** dollars shall be taxable only to the limit of one thousand **two hundred** dollars.

PASSED IN FIRST READING October 14, 2003

PASSED IN SECOND READING October 28, 2003

Valery McCandless serving as
Valery McCandless, Mayor / Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 737

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE, TITLE 15, PUBLIC SERVICES, SECTION 15.12.140 C, SPECIFICALLY DISCONTINUANCE OF SERVICE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 15, Chapter 15.12, Section 15.12.140 C, is hereby amended as follows:

Chapter 15.12
ELECTRICITY

Sections:

15.12.140 Discontinuance of service.

15.12.140 Discontinuance of service. C. Service shall be discontinued by the city in the following manner: Notice shall be given by telephone call, personal contact [AND] or by hanging a notice on the customer door informing them that service will be discontinued in five working days if the full delinquent amount has not been paid or a signed contract for payments has not be consumated with the electrical department. If notice cannot be given in the above manner, then notice shall be provided by certified letter or publication. If no contact can be made, then power shall be disconnected within 5 working days of the mailing of the notice. In the case of fraudulent use of service, as determined by the electrical department, the city may discontinue service without notice.

PASSED IN FIRST READING October 14, 2003

PASSED IN SECOND READING October 28, 2003

Valery McCandless serving as
Valery McCandless, Mayor *Mayor*

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 736

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE, TITLE 15, PUBLIC SERVICES, SECTION 15.12.140 C, SPECIFICALLY DISCONTINUANCE OF SERVICE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 15, Chapter 15.12, Section 15.12.140 C, is hereby amended as follows:

Chapter 15.12
ELECTRICITY

Sections:

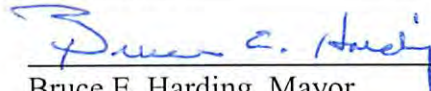
15.12.140 Discontinuance of service.

15.12.140 Discontinuance of service. C. Service shall be discontinued by the city in the following manner: Notice shall be given by [REGISTERED OR CERTIFIED LETTER, OR BY PUBLICATION] **telephone call, personal contact and by hanging a notice on the customer door** informing [THE PERSON] **them** that service will be discontinued in five working days **if the full delinquent amount has not been paid or a signed contract for payments has not been consummated with the electrical department.** **If notice cannot be given in the above manner, then notice shall be provided by certified letter or publication. If no contact can be made, then power shall be disconnected within 5 working days of the mailing of the notice.** [THE PERSON SHALL BE NOTIFIED OF HIS/HER OPPORTUNITY TO MEET WITH THE CITY FINANCE DIRECTOR OR HIS DESIGNEE TO APPEAL THE DECISION TO TERMINATE ELECTRICAL SERVICE PRIOR TO TERMINATION.] In the case of

fraudulent use of service, as determined by the [FINANCE DIRECTOR OR HIS DESIGNEE] **electrical department**, the city may discontinue service without notice.

PASSED IN FIRST READING September 9, 2003

PASSED IN SECOND READING September 23, 2003



Bruce E. Harding, Mayor

ATTEST: 
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 735

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WRANGELL, ALASKA, AMENDING WMC CHAPTER 5.08
SALES TAX

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage, except Section 5.08.005 (K), which shall become effective on the first day of January, 2004.

SEC. 4. Wrangell Municipal Code, Title 5, Chapter 5.08, is hereby amended as follows:

Chapter 5.08

SALES TAX

Sections:

<u>5.08.005</u>	<u>Definitions.</u>
5.08.010	Levy of tax.
5.08.020	Rate of tax.
[5.08.030	TAX ON NONCASH CONSIDERATIONS—RENT AND SERVICES DEFINED.]
5.08.040	Tax levy on aggregate sales amount.
5.08.050	Exemptions from tax.
5.08.055	Suspension-Sales of Food Products for Human Consumption and Utility Services Rates
5.08.060	Refund for senior citizens.
5.08.070	Limitations of use of tax proceeds.
5.08.080	Duty to collect and make return.
5.08.090	Quarterly returns.
5.08.100	Penalty and interest.
<u>5.08.105</u>	<u>Collection procedures.</u>

5.08.110	Lien for unpaid taxes.
5.08.120	Payment to director of finance.
5.08.130	Sales tax inspector—Duties.
5.08.140	Discrepancies in returns—Investigation—Collection procedures.
5.08.150	Penalty for violation.
5.08.160	Severability.

5.08.005 Definitions. For the purposes of this chapter, the following words and phrases have the meanings hereinafter respectively ascribed to them.

A. “Buyer or consumer” means, without limitation, every individual, receiver, assignee, trustee in bankruptcy, trust estate, member, firm, partnership, joint venture, club, company, business, trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

B. “Common carrier: is a person or entity that holds itself out to the general public as providing transportation of goods for compensation and regularly issues bills of lading or other receipts for the carriage of goods.

C. “Finance director” means the city finance director, or any other city employee designated by the city manager to perform the functions and duties of the finance director as described in the municipal code.

D. “Retail sale” means any sale of goods or services, including barter, credit, installment and conditional sales, for any purpose other than resale in the regular course of business. The delivery of property in the city is considered subject to sales tax if the retailer maintains any office, distribution or sales house within the city, or solicits business or accepts orders through any agent, salesman, member or representative within the city.

E. “Sale of services” means the sale of services, which includes parts and labor, for a specific job or task. Sales tax shall be computed on the invoice for the total job or task, said invoice period not to exceed thirty days.

F. “Sales price” means and includes the consideration, whether money, credit, rights or other property expressed in terms of money paid or delivered by a buyer to a seller, all without any deduction on account of the cost of property sold, the cost of materials used, labor costs, discount, delivery costs, federal and state taxes, or any other expenses whatsoever paid or accrued, and without any deduction on account of losses.

G. “Sales tax” means and includes the tax levied in this chapter on gross revenues derived from all taxable commercial retail sales or services, said revenues being computed in dollars and cents and the tax payable by the seller or the person performing the services.

H. “Seller” means any person or entity making a retail sale to a buyer or consumer, whether as agent, broker or principal, any person or entity performing services for remuneration, or a purchasing cooperative.

I. “Services” includes all services of every manner and description provided in whole or part within the city, including travel and adventure services and delivery services, that are performed or furnished for consideration whether in conjunction

with the sale of goods or not, but does not include services rendered by an employee to an employer.

J. "Single-unit sale" means the sale of a separate, single item or service which is customarily sold, advertised, contracted for sale or sold in the normal course of business as a separate and single item or unit or by a single unit of measurement (i.e., per gallon, ton, hour, day, week, month, foot, sack, yard, pound, piece, group, each, box, set, package, or other common unit of measurement). A single-unit sale shall include a sale by contract, quote, bid or other lump-sum amount only if the sale is based on and computed as a single bid, quote, sum, or package price rather than as an accumulation, sum, or aggregation of prices of separate identifiable or separable unit prices as defined above. For purposes of package tours, every individual in the tour will count as a single unit. For purposes of harbor fees and port dockage, each foot or other measurement of length will count as a single unit.

K. "Travel and adventure services" includes, but are not limited to, tours and charters on land and water, guide services, admissions, lectures, transportation services (excluding air transportation), and the rental of lodging, aircraft, vehicles, watercraft, and equipment, including fishing, boating, camping and other tour or adventure related goods. Travel and adventure services also include sales of goods incidental or related to such services. Regardless of the location of any marketing, brokering, packaging, re-sale, assignment, or other arrangement and regardless of the beginning or ending of any other related services the point of delivery of a travel and adventure service is within the city if the ultimate consumer of the travel and adventure service receives any such service which begins, ends, or occurs within the corporate limits of the City of Wrangell. (Effective January 1, 2004)

L. Tax on noncash considerations. When sales, rentals of property, or services are made, paid, performed or furnished for other than cash, the price shall be computed in dollars and cents on the reasonable value of the items sold, paid, performed or delivered.

M. Rent and services defined. The term "rent," as used in this chapter, includes rent of both real and personal property and the term "services" includes furnishing of labor and materials for accomplishing a specified result when the resulting object or product is not for resale by the purchaser in the ordinary course of business.

5.08.020 Rate of Tax. The consumer sales tax is levied in the amount of seven percent of the sales price of all retail sales, on all rents, and on all services, made, paid or performed within the municipality, except that on sales of less than two dollars and nine cents said tax is levied in accordance with the following schedule:

Sales Price	Amount of Tax
Under \$0.08	None
\$0.08 to .21	\$0.01
.22 to .35	.02
.36 to .49	.03
.50 to .64	.04
.65 to .78	.05

.79 to .92	.06
.93 to 1.07	.07
1.08 to 1.21	.08
1.21 and over	Straight seven percent

[5.08.030 TAX ON NONCASH CONSIDERATIONS--RENT AND SERVICES DEFINED. A. WHEN SALES, RENTALS OF PROPERTY, OR SERVICES ARE MADE, PAID, PERFORMED OR FURNISHED FOR OTHER THAN CASH, THE PRICE SHALL BE COMPUTED IN DOLLARS AND CENTS ON THE REASONABLE VALUE OF THE ITEMS SOLD, PAID, PERFORMED OR DELIVERED.

B. THE TERM "RENT," AS USED IN THIS CHAPTER, INCLUDES RENT OF BOTH REAL AND PERSONAL PROPERTY AND THE TERM "SERVICES" INCLUDES FURNISHING OF LABOR AND MATERIALS FOR ACCOMPLISHING A SPECIFIED RESULT WHEN THE RESULTING OBJECT OR PRODUCT IS NOT FOR RESALE BY THE PURCHASER IN THE ORDINARY COURSE OF BUSINESS.]

5.08.050 Exemptions from tax. The following transactions are exempt from the tax levied under this chapter:

M. All sales of any single [ARTICLE] unit of which the price exceeds one thousand **two hundred** dollars, and all services, including contract prices for any single job of which the price exceeds one thousand dollars shall be taxable only to the limit of one thousand dollars;

W. Gross receipts derived from services provided by any form of air service are exempt.

[5.08.055 SUSPENSION - SALES OF FOOD PRODUCTS FOR HUMAN CONSUMPTION AND UTILITY SERVICES RATES. A. THE SALES TAX IMPOSED BY THIS CHAPTER ON RETAIL SERVICES OF FOOD PRODUCTS FOR HUMAN CONSUMPTION AND ON UTILITY SERVICES RATES IS SUSPENDED THROUGH DECEMBER 31, 1998, WITH THE SUSPENSION ON UTILITY SERVICES RATES TO COMMENCE WITH THE FEBRUARY, 1997 BILLING PERIOD.

B. FOR PURPOSE OF THIS SECTION, "FOOD PRODUCTS" MEANS ANY FOOD OR FOOD PRODUCT INTENDED FOR HUMAN CONSUMPTION, EXCEPT ALCOHOLIC BEVERAGES, TOBACCO, AND HOT FOODS AND HOT-FOOD PRODUCTS PREPARED FOR IMMEDIATE CONSUMPTION.

C. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO SALES OF FOOD OR FOOD PRODUCTS INTENDED FOR INDIVIDUAL PUBLIC SERVICE AND CONSUMPTION WHERE THE FOOD OR FOOD PRODUCT IS PROVIDED COMPLETELY PREPARED AND WHETHER CONSUMPTION IS ON OR OFF THE PREMISES, OR TO SALES BY RESTAURANTS, TAKE-OUT OR TO-GO OPERATIONS, TAVERNS, BARS, AND DELICATESSEN TYPE OPERATIONS. SUBSECTION A OF THIS SECTION ALSO DOES NOT APPLY TO SALES OF FOOD OR FOOD PRODUCTS PREPARED BY THE SELLER OR PREPARED ON

THE SELLER'S PREMISES, SUCH AS PREPARED SANDWICHES, DELI TRAYS AND SALAD BARS, EXCEPT THAT SUBSECTION A DOES APPLY TO:

1. RAW MEAT PREPARED BY PERSONS WHO SLAUGHTER, PROCESS OR HARVEST ANIMALS, INCLUDING FISH AND FOWL, OR DRESS OR WRAP SLAUGHTERED RAW MEAT, INCLUDING FISH AND FOWL, SUCH AS FISH MONGERS, BUTCHERS, OR MEAT WRAPPERS;

2. COLD MEAT AND CHEESE SLICED AND/OR WRAPPED IN ANY QUANTITY DETERMINED BY THE BUYER, SOLD BY SELLERS SUCH AS MEAT MARKETS, DELICATESSENS, AND GROCERY STORES;

3. BAKERIES WHICH SELL ONLY BAKED GOODS OR COMBINATION BAKERY BUSINESSES TO THE EXTENT THAT SALES OF BAKED GOODS ARE SEPARATELY ACCOUNTED FOR AND THE BAKED GOODS ARE NOT SOLD AS PART OF MEALS OR WITH BEVERAGES IN UNSEALED CONTAINERS; AND

4. BULK FOOD PRODUCTS SOLD FROM BINS OR BARRELS, INCLUDING BUT NOT LIMITED TO FLOUR, FRUITS, VEGETABLES, SUGAR, SALT, CANDY, CHIPS AND COCOA.

D. FOR PURPOSES OF SUBSECTION A "UTILITY SERVICES RATES" MEANS GARBAGE SERVICE RATES UNDER SECTIONS 9.04.070 AND 9.04.095, WATER SERVICE RATES UNDER SECTION 15.04.640, SEWER SERVICE RATES UNDER SECTION 15.08.240 AND ELECTRIC SERVICE RATES UNDER SECTIONS 5.12.180 THROUGH AND INCLUDING SECTION 5.12.230 AND UNDER SECTION 5.12.250.]

[5.08.060 REFUND FOR SENIOR CITIZENS. A. A PERSON SIXTY-FIVE YEARS OF AGE OR OLDER, OR A PERSON THAT IS DECLARED IN WRITING TO BE TOTALLY DISABLED BY THE SOCIAL SECURITY ADMINISTRATION MAY OBTAIN FROM THE DIRECTOR OF FINANCE AN APPLICATION FOR REFUND OF SALES TAX.

B. TO DETERMINE QUALIFICATION AND AMOUNT FOR SALES TAX REFUND, THE FOLLOWING RULES SHALL APPLY:

1. AN APPLICANT MUST RESIDE WITHIN THE CITY FOR EACH MONTH THAT A REFUND IS SOUGHT.

2. AN APPLICANT MAY FILE FOR A REFUND IN AN AMOUNT OF EIGHTEEN DOLLARS PER MONTH OR, IF RESIDING IN A LONG-TERM CARE FACILITY, IN AN AMOUNT OF NINE DOLLARS PER MONTH EFFECTIVE JANUARY 1, 2000.

C. REFUNDS MAY BE REQUESTED FOR THOSE MONTHS THAT AN APPLICANT QUALIFIES AT THE END OF EACH SEMI-ANNUAL PERIOD ON APPLICATIONS PROVIDED BY THE DIRECTOR OF FINANCE. APPLICATIONS SHALL BE SUBMITTED TO THE DIRECTOR OF FINANCE WITHIN ONE MONTH AFTER THE PRECEDING SEMI-ANNUAL PERIOD. AT THE OPTION OF THE APPLICANT, REFUNDS MAY BE REQUESTED FOR THOSE MONTHS THAT AN APPLICANT QUALIFIES ANNUALLY, AS FOLLOWS:

1. JANUARY THROUGH DECEMBER, APPLICATION MUST BE FILED NO LATER THAN JANUARY 31ST.

D. AN APPLICANT SHALL BE REQUIRED TO PROVIDE PROOF OF AGE WITH THE FIRST FILING.

E. AN APPLICANT THAT IS ABSENT FROM THE CITY FOR MORE THAN FIFTEEN DAYS OF ANY MONTH SHALL NOT BE ELIGIBLE FOR A REFUND FOR THAT MONTH.

F. A LATE APPLICATION SHALL BE GIVEN CONSIDERATION ONLY UPON SHOWING GOOD CAUSE FOR SUCH DELINQUENCY, WHICH MUST BE APPROVED BY THE CITY CLERK.

G. AN APPLICATION FILED WITH THE DIRECTOR OF FINANCE WHICH IS DENIED MAY BE APPEALED TO THE CITY COUNCIL. THE CITY COUNCIL'S DECISION SHALL BE FINAL.

H. THIS SECTION IS INTENDED TO RELIEVE THE FINANCIAL BURDEN OF TAXES FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER, OR PERSONS RECOGNIZED AS TOTALLY DISABLED BY THE SOCIAL SECURITY ADMINISTRATION.

I. ANY PERSON WHO WILLFULLY FALSIFIES INFORMATION TO OBTAIN A SALES TAX REFUND SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE PUNISHED AS PROVIDED IN CHAPTER 1.20 OF THIS CODE AND SHALL NOT BE ENTITLED TO A REFUND FOR THE CALENDAR YEAR IN WHICH THE INFORMATION IS FALSIFIED.]

5.08.070 Limitations of use of tax proceeds. The proceeds of the tax levied under this chapter shall be used in such amounts as the council of the city shall determine from time to time, depending upon the rate of tax collected, as follows:

A. Twenty-eight percent of the total amount of tax collected shall be used only for any of the following purposes:

1. To pay principal and interest for any bond indebtedness relating to education **and** [,] health [OR SANITATION] of the city;
2. To operate and maintain school facilities;
3. To construct and maintain sewers within the city and other purposes relating to the health and sanitation of the city.

B. Four percent of the total amount of tax collected shall be used only to plan, design, [AND] construct, **and/or improve** streets and sidewalks [IMPROVEMENTS], **such as pavement of gravel streets or the repavement of previously paved streets.**

5.08.105 Collection procedures. **A. Whenever the finance director believes a return is inaccurate, or whenever a seller is delinquent in filing a report or paying tax due, the finance director shall mail to the seller's last address on file with the city a written demand requesting the filing of a corrected or required sales tax return and payment of the tax due within ten days.**

B. In the event the seller does not comply with the demand, the finance director shall make a sales tax assessment against the seller. The assessment shall estimate the taxable revenue received by the seller during the period in question. The estimate may be based upon previous returns filed by the seller, information received during an investigation conducted under Section 5.08.130 of this chapter,

or any other relevant information known to the finance director. The assessment shall state the amount of taxes, penalties and interest assessed, and shall contain a brief statement explaining the basis of the assessment.

C. A notice of assessment shall be sent to the seller's last known address by first class mail. The notice of assessment shall contain a copy of the assessment and a statement notifying the seller of the seller's right to a hearing. The notice of assessment shall state that if a timely request for a hearing is not made, the assessment shall become final thirty days after the date the notice of assessment was mailed to the seller.

D. The seller shall have a right to a hearing before the finance director concerning the assessment. The seller may request a hearing by delivering to the finance director a written request for a hearing within thirty days of the date the notice of assessment was mailed. The finance director shall schedule the hearing and notify the seller of date and time for the hearing by mail. The hearing shall be conducted informally. The seller shall make available for examination and copying at the hearing the seller's books, records, papers and other documents relating to the seller's sales and revenue during the period involved in the assessment. The seller shall be given an opportunity to produce records and testimony and to present argument relating to the assessment.

E. After the hearing, the finance director shall issue a written decision upholding or modifying the assessment. The decision shall be mailed by first class mail to the seller's last address on file with the city. The decision shall notify the seller the assessment may be appealed by filing a written notice of appeal to the sales tax board of appeals within thirty days of the date the written decision of the finance director was mailed to the seller. Failure of the seller to file a timely appeal shall be deemed to be a waiver of any right to appeal such decision.

F. Board of Appeals.

1. The sales tax board of appeals consists of three members. One member shall be appointed by the mayor from the city council, with majority approval of council. One member is to be appointed by the appellant. One member is to be mutually agreed upon by the other two members. If the third member is not mutually agreed upon within forty-five days after receipt of the written decision of the finance director, the Mayor shall appoint the third member with majority approval of council. The board shall elect from its membership a chairperson, a vice-chairperson and a secretary. Three members of the board shall constitute a quorum for the transaction of business. The city shall provide secretarial and other staff support required by the board.

2. All decisions of the board shall be in writing and shall be maintained and indexed by the sales tax office for review by the public. Records and proceedings before the board is public, except that the board may deliberate in closed session. The board may recommend, in writing, that the city manager compromise and abate penalties and interest, and may recommend, in writing, that the city manager negotiate and enter into a payment plan for delinquent sales taxes, penalties and interest.

3. The board shall follow rules of procedure governing sales tax appeals and proceedings as adopted by the city council.

4. The board shall issue a final decision upholding or modifying the assessment. The final decision shall be mailed by first class to the seller's last known address. The final assessment shall notify the seller that it is the final administrative decision of the city on the subject of the assessment and may be appealed to the Superior Court for the state of Alaska in accordance with state law and court rules.

G. After an assessment has become final, the city may file a civil action against the seller for collection of the taxes, penalties and interest due under the assessment. The seller shall be liable to pay the city's full reasonable attorney's fees and costs incurred in the civil action. Interest and penalties on the assessment shall continue to accrue until the seller's liability has been paid in full.

H. After an assessment for delinquent taxes from the failure of filing a tax return in accordance with Section 5.08.080 has become final, and regardless of whether a civil action has been commenced, the finance director may publish the name of a delinquent seller and the amount due under the assessment in the local newspaper.

5.08.130 Sales tax inspector--Duties. A. The city council shall from time to time designate [NOT TO EXCEED ONE] a person [AT ANY ONE TIME] to make investigations and inspections of the books and records of the persons, firms and corporations who are liable for taxes under this chapter. Such persons shall be the sales tax inspector of the city.

[5.08.150 PENALTY FOR VIOLATION. ANY PERSON, FIRM OR CORPORATION VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER OR ANY DUTY IMPOSED UNDER THIS CHAPTER, OR WHO FAILS TO FILE A RETURN OF TAXES DUE AS PROVIDED UNDER THIS CHAPTER, OR TO PAY THE TAX PROVIDED UNDER THIS CHAPTER, SHALL BE GUILTY OF A MISDEMEANOR AND, IN ADDITION TO OTHER PENAL SANCTIONS IMPOSED BY THIS CHAPTER IN THE FORM OF PENALTY AND INTEREST, SHALL UPON CONVICTION THEREOF BE PUNISHED BY A FINE NOT TO EXCEED THREE HUNDRED DOLLARS.]

PASSED IN FIRST READING August 26, 2003

PASSED IN SECOND READING September 9, 2003

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 734

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AUTHORIZING A ZONE CHANGE AND MODIFICATIONS TO THE LOTS INCLUDED IN THE PROPOSED NED'S RESUBDIVISION, REQUESTING ALL OF PROPOSED LOT B (THE REPLAT OF TRACT J-1A AND LOT 10, OF THE SUBDIVISION OF TRACT I, U.S.S. 2321), ON WHICH JOHNSON CONSTRUCTION AND SUPPLY BUILDINGS ARE LOCATED, BE ZONED FROM RURAL RESIDENTIAL I TO RURAL RESIDENTIAL II

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is not an ordinance of a permanent nature and shall not be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Compliance with Procedures and Notices. The procedures and notices as required and set out in Chapter 2.76 of Title 20 of the Wrangell Municipal Code have been followed and complied, the Council hereby finds that the public convenience, necessity and general welfare of the inhabitants of the City of Wrangell requires that the following described property should be rezoned from Rural Residential I to Rural Residential II.

SEC 5. Public Hearing. A public hearing was held on July 15, 2003.

SEC 6. Property Rezoned as follows: The property hereinafter described is hereby rezoning Tract J-2, portion of Tract J-1A as proposed in Ned's Resubdivision and portion of Lot 10, USS 2321 as proposed in Ned's Resubdivision, from Rural Residential I to Rural Residential II. The official zoning map of the City of Wrangell is hereby amended to reflect the above rezoned and said official zoning map should be amended.

PASSED IN FIRST READING July 15, 2003

PASSED IN SECOND READING July 22, 2003

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 733

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, PROPOSING THE ADOPTION OF A REVISED CITY CHARTER IN LIEU OF THE EXISTING CITY CHARTER, AND DIRECTING THAT THE QUESTION BE PUT BEFORE THE VOTERS AT THE OCTOBER 7, 2003 GENERAL ELECTION.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Charter Amendments. Pursuant to Section 13-1 of the Charter of the City of Wrangell, Alaska, the City Council proposes that a revised Home Rule Charter of the City of Wrangell, as attached hereto as Exhibit A, be adopted in lieu of the existing Home Rule Charter, and that the same be submitted to the qualified voters of the City for approval or rejection at the general election to be held on October 7, 2003. The City Clerk is directed to publish or post the proposed revised charter as required by Section 13-1 of the Charter and Section 2.12.070 of the Wrangell Municipal Code, and to take all steps necessary to place the question of such revised charter adoption on the general election ballot on October 7, 2003.

SEC. 2. Revised Charter Proposition. The revised charter adoption to be submitted to the voters for approval or rejection is set forth in the following proposition.

Proposition No. 1
ADOPTION OF A REVISED HOME RULE CHARTER

Shall a revised Home Rule Charter for the City of Wrangell, Alaska, as attached hereto as Exhibit A, be adopted in lieu of the existing Home Rule Charter?

YES NO

SEC. 3. Election Precinct. For the purpose of the foregoing proposition, to be submitted at the general election, the City shall have one election precinct.

SEC. 4. Polling Hours. The polls will be open for voting on the foregoing proposition between the hours of 8:00 a.m. and 8:00 p.m. on the date of said general election.

SEC. 5. Qualification of Voters. The qualifications of voters on the foregoing proposition shall be the same as for voters at municipal elections generally.

SEC. 6. Notice. Notice shall be given by the City Clerk in accordance with the provisions of the Wrangell Charter and Municipal Code, and other applicable law.

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 its application to other persons or circumstances, shall not be affected thereby.

SEC. 8. Effective Date of Adoption of Revised Charter. The adoption of the revised Home Rule Charter of the City of Wrangell shall become effective on the date next following the occurrence of both the approval of the pertinent proposition regarding the adoption by a majority of qualified voters voting on the question at the general election and the certification of the results of that election by the City Council.

SEC. 9. Effective Date of Ordinance. This ordinance shall become effective immediately upon passage.

SEC. 10. Classification. This ordinance is a special ordinance which is to be omitted from the Wrangell Municipal Code.

PASSED IN FIRST READING _____ July 15, _____ 2003

PASSED IN SECOND READING _____ July 22, _____ 2003

Bruce E. Harding

Bruce E. Harding, Mayor

ATTEST:

Christie L. Jamieson

Christie L. Jamieson, CMC, City Clerk

CHARTER OF THE CITY OF WRANGELL, ALASKA

PREAMBLE

We, the people of the City of Wrangell, exercising the powers of home rule granted to us by the constitution and laws of the State of Alaska, in order to provide for more efficient, adequate and economical government, do hereby ordain, ratify and establish this Charter of the City of Wrangell, Alaska.

ARTICLE I

INCORPORATION, FORM OF GOVERNMENT, POWERS, INTERPRETATION

Incorporation

Section 1-1. The City of Wrangell, Alaska, shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Wrangell, Alaska." It shall succeed to and possess all the property, rights, privileges, franchises, and powers and immunities now belonging to the corporation known as the City of Wrangell, Alaska; and shall be liable for all debts and other obligations for which the corporation is legally bound at the time this charter goes into effect.

Boundaries

Section 1-2. The boundaries of the city as they exist at the time this charter goes into effect, shall remain the boundaries of the city until they are changed in a manner authorized or permitted by the state constitution and/or law. The boundaries of the City of Wrangell as existing at the time this charter goes into effect are described as follows:

An area encompassing all those islands bounded on the west by Zimovia Strait, on the north and east by Eastern Passage and on the south by the section line extending from the center line of Eastern Passage west along the southern boundary of section 24 of T63S, R84E, Copper River Meridian, thence south along the eastern section line boundary of sections 26 and 35 of T63S, R84E and continuing along the eastern section line boundary of sections 2 and 11 of T64S, R84E, thence west along the southern boundary line of sections 11, 10, 9, 8 and 7 of T64S, R84E to the center line of Zimovia Strait.

Form of Government

Section 1-3. The municipal government provided by this charter shall be known as the "council-manager government."

Powers of the City

Section 1-4. The City of Wrangell, Alaska shall have all the powers, functions, rights, privileges, franchises and immunities of every name and nature

whatever, which a home-rule city may have under the constitution and laws of the State of Alaska. The city may exercise all powers not prohibited by law or by this charter. The enumeration or mention of particular powers by this charter shall not be deemed to be exclusive or limiting.

Interpretation—Definitions

Section 1-5.

(a) When used in this charter, the singular number includes the plural, and the plural the singular, and the masculine gender includes the feminine and neuter, unless the context clearly indicates otherwise.

(b) When the word “city” is used in this charter, it shall mean the City of Wrangell, Alaska, unless the context clearly indicates another meaning.

(c) When the word “person” is used in this charter, it shall mean an association, firm and corporation as well as an individual, unless the context clearly indicates otherwise.

(d) When the word “publish,” “published” or “publication” is used in this charter, it shall mean publish, published or publication in a newspaper of general circulation within the city at least one time; provided that the council by resolution may find and declare that the publication of any particular ordinance, notice or document in such a newspaper is very impracticable or impossible under the circumstances then existing, and provide instead that the ordinance, notice or document shall be published by posting a copy in each of at least five conspicuous public places in the city. In all such cases of publication by posting, the city clerk shall provide any person a copy of the ordinance, notice or document posted, on request, without charge, at any time within two months after the posting.

ARTICLE II THE COUNCIL

City Council: Governing Body, Number, Qualifications

Section 2-1.

(a) The governing body of the city shall be the council.

(b) The council shall be composed of seven members, which shall consist of the mayor and six other council members. Hereinafter, the term “council member” includes the mayor unless specifically noted.

(c) Only qualified voters of the city who have resided within the city at least one year immediately preceding his or her election are eligible to serve on the city council. If any council member ceases to be a resident of the city, he or she shall thereupon forfeit office.

Mayor and Vice Mayor

Section 2-2.

(a) The mayor shall preside at meetings of the council, and shall certify the passage of all ordinances and resolutions passed by it. The mayor shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. The mayor shall have all powers, rights, privileges, duties and responsibilities of council members, including the power to vote, however the mayor may not initiate motions. The mayor shall have no regular administrative duties except signing such written obligations of the city as the council may require.

(b) At the first meeting following certification of the regular election, or as soon thereafter as practicable, the council shall elect one of its members vice mayor, who shall serve as such until the next such first meeting. The vice mayor shall act as mayor during the absence or disability of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council and qualifies. If the office of vice mayor becomes vacant, the council shall elect from its members another vice mayor for completion of the unexpired term.

City Council: Compensation, Holding other office

Section 2-3. No council member may receive any compensation for serving on the council, but may be reimbursed for expenses incurred in the discharge of his or her official duties. Unless otherwise provided by ordinance, a council member may hold no other compensated city office or employment.

Terms of Council Members

Section 2-4. The term of the office of mayor shall be two years and until a successor qualifies. The term of other council members shall be three years and until a successor qualifies.

Council not to Interfere in Hiring and Removals

Section 2-5. No council member may direct or request the appointment of any person to, or removal from, office or employment by the city manager or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purpose of inquiry, the council and its members shall deal with employees hired by the city manager solely through the city manager, and the council and its members may not give orders on administrative matters to those employees either publicly or privately, except as otherwise provided in this charter or by ordinance.

City Clerk

Section 2-6. There shall be a city clerk, who shall be an officer of the city. The clerk shall be appointed by, and serve at the pleasure of, the city council.

Council: Meetings

Section 2-7.

(a) The council shall hold at least one regular meeting every month at such time or times as it may prescribe by ordinance, resolution or rules of the council. All meetings of the council shall be open to the public, and the public shall have a reasonable opportunity to be heard. The journal of its proceedings shall be open to public inspection.

(b) Special meetings of the council shall be held at the regular meeting place of the council, unless otherwise provided by the council. Special meetings shall be called by the city clerk on the written request of the mayor, the city manager, or any two members of the council.

(c) The council may recess for the purpose of discussing, in a closed or executive session, any question permitted by law which is expressed in the motion calling for the executive session. The public may be excluded from the session, but the final action shall not be taken by the council on any matter discussed until brought back into regular session.

Council: Quorum, Actions, Rules

Section 2-8.

(a) Four council members shall constitute a quorum for the transaction of business.

(b) Actions of the council are adopted by a majority of the membership present when the vote is taken.

(c) The council may determine its own rules.

Ordinances: Enacting Clause

Section 2-9. The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the Council of the City of Wrangell, Alaska," and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Wrangell, Alaska."

Ordinances: Passages, When in Effect

Section 2-10.

(a) A proposed ordinance shall be read, and voted upon. The vote on final passage of every ordinance shall be yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten days after its passage, every ordinance shall be published in full or by number and title.

(b) All ordinances shall go into effect upon adoption, unless a later time is specified.

Ordinances: Emergency

Section 2-11. An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of the public peace, health or safety, and which may be introduced and adopted at the same meeting. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency.

Ordinances: Adoption by Reference

Section 2-12. The council by ordinance may adopt by reference codes, ordinances, standards and regulations relating to building, plumbing, electrical installations, and other matters which it has power to regulate otherwise. Such code, ordinance, standard or regulation so adopted need not be enrolled in the book of ordinances, but a copy shall be filed and kept in the office of the city clerk. The city clerk shall keep copies of all such codes, ordinances, standards and regulations in force for distribution or sale at their approximate cost.

Ordinances and Resolutions: Codification

Section 2-13.

(a) The ordinances of the city shall be codified by perpetually keeping the ordinance provisions of permanent nature updated by use of a loose-leaf system. Titles, enacting clauses and emergency sections may be omitted from the code. Temporary and special sections and parts of ordinances may be omitted from the code. Permanent general ordinances and parts of ordinances which are to be repealed from the code shall be omitted therefrom. A copy of the code shall be filed and kept in the office of the city clerk.

(b) Resolutions adopted by the council shall be given a permanent identifying number, and bearing a notation of the date of adoption and adopting authority, be entered by the clerk in a properly indexed book of resolutions.

Ordinances: Violation

Section 2-14.

(a) A person, partnership, corporation or association, or agent thereof, who violates a provision of an ordinance shall be guilty of a misdemeanor and upon conviction, punishable as prescribed by ordinance which shall not exceed a fine of (one thousand dollars) \$1000.00, imprisonment for ninety days, or both.

(b) The city may institute a civil action against any person who violates a city ordinance. In addition to injunctive and compensatory relief, a civil penalty not to exceed (one thousand dollars) \$1000.00 may be imposed for each violation. Each day, or part thereof, that a violation of a city ordinance continues shall constitute a separate violation.

ARTICLE III
CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

City Manager: Appointment and Removal, Qualifications, Powers and Duties

Section 3-1.

(a) There shall be a city manager, appointed by the council, who serves at the pleasure of the council. The council may suspend or remove the city manager at any time.

(b) The council shall choose the manager on the basis of executive and administrative qualifications. At the time of appointment, the manager need not be a resident of the city or state, but, during his or her tenure of office, shall reside within the city.

(c) No council member may be appointed city manager or acting city manager sooner than one year after leaving office, except by a vote of three-fourths of the authorized membership of the council.

(d) The city manager shall be chief administrative officer and head of the administrative branch of the city government. The manager shall have such powers and perform such duties as specified by the council.

Acting City Manager

Section 3-2.

(a) If the city manager is absent from the city, is unable to perform his or her duties, has been suspended by the council, or there is a vacancy in the office of the city manager, the council may appoint an acting city manager to serve until the city manager returns, until his or her disability or suspension ceases, or until another city manager is appointed and qualifies, as the case may be. The council may suspend or remove an acting city manager at any time.

(b) If the city manager is absent from the city or unable to perform his or her duties, the city manager may appoint a director of a city department to serve as acting city manager until the city manager returns or his or her disability ceases. This appointment may be superceded at any time by the council.

Administrative Departments, Offices and Agencies; Boards and Commissions

Section 3-3.

(a) There shall be such administrative departments, offices and agencies as this charter establishes and as the council may establish.

(b) The council by ordinance may provide for advisory, regulatory, administrative, appellate, and quasi-judicial boards and commissions. Unless provided otherwise by ordinance or this charter, the council shall appoint and remove all members of city boards and commissions.

Department of Finance: Director

Section 3-4. There shall be a director of finance, who shall be head of the department of finance, treasurer and an officer of the city.

City Assessor: Duties

Section 3-5. There shall be a city assessor, who is appointed by and serves at the pleasure of the city council, and under the direction of the city manager. The city assessor shall assess property for taxation in accordance with this charter, the ordinances of the city, and the provisions of Alaska Statutes, Title 29, applicable to home rule municipalities.

Department of Public Works: Director

Section 3-6. There shall be a director of public works.

Department of Electric: Director

Section 3-7. There shall be a director of electric.

Public Library

Section 3-8. The city may have a public library or libraries. The council shall determine by ordinance the establishment and operation of the city library system.

Wrangell Medical Center

Section 3-9. The city-operated Wrangell Medical Center shall be operated by a board established by ordinance and appointed by the council.

Nolan Museum and Civic Center

Section 3-10. The city-operated James and Elsie Nolan Museum and Civic Center shall be operated by a board established by ordinance and appointed by the council.

City Attorney

Section 3-11. There shall be a city attorney or attorneys, as needed, who shall be appointed by, and serve at the pleasure of, the city council.

ARTICLE IV
OFFICERS AND EMPLOYEES

Qualifications of Officers and Employees

Section 4-1. Officers and employees of the city shall have the qualifications prescribed by this charter and such additional qualifications as the council may prescribe; but the council shall not prescribe additional qualifications for members of the city council.

Official Bonds

Section 4-2. The city manager, the director of finance, and such other officers and employees as the council may designate, before entering upon their duties, shall be bonded, by individual and/or group bonds, for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Oath of Affirmation of Office

Section 4-3. Every officer of the city, before entering upon the duties of his or her office, shall take and subscribe to the oath or affirmation of office prescribed by the Alaska Constitution, Article XII, Section 5. The oath or affirmation shall be filed and kept in the city clerk's office.

Who May Administer Oaths and Affirmations

Section 4-4. All officers authorized by federal or state law, the mayor, the city manager, the city clerk, the heads of all administrative departments, and such other officers as the council may authorize, may administer oaths and affirmations.

Public Records

Section 4-5. All records and accounts of every office, department or agency of the city government shall be open to public inspection except as otherwise provided by Alaska Statutes, City code or other applicable law.

ARTICLE V BUDGET, TAXATION AND FISCAL AFFAIRS

Fiscal Year

Section 5-1. The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June, unless otherwise provided by ordinance.

Budget: Preparation and Submission

Section 5-2. At least five weeks before the beginning of the fiscal year, the city manager shall prepare and submit to the council a proposed budget for the next fiscal year, which shall contain detailed estimates of anticipated revenues (including surplus) and proposed expenditures for the year. The total of such proposed expenditures shall not exceed the total of such anticipated revenues. The budget shall be in such form and have such contents as the council may require. The budget and any budget message accompanying it, shall be a public record in the office of the city clerk, and shall be open to public inspection. Sufficient copies of the budget and any budget message shall be made for distribution to persons on request.

Same: Public Hearing

Section 5-3. The council shall hold a public hearing on the proposed budget, and any interested person shall have an opportunity to be heard thereat for or against the estimates or any item thereof. The council may continue the hearing at later meetings.

Same: Amendment—Adoption—Appropriations

Section 5-4. The council may insert, strike out, increase or decrease items in the budget, and may otherwise amend it. The council, not later than the third day before the beginning of the fiscal year, shall adopt the budget and make the appropriations for the next fiscal year. If the council fails to adopt the budget and make the appropriations on or before that day, the budget, as submitted or as amended, as the case may be, shall go into effect and be deemed to have been finally adopted by the council; and the proposed expenditures therein shall become the appropriations for the next fiscal year. Appropriations shall never exceed the revenues.

Transfer and Reduction of Appropriation Balances

Section 5-5.

(a) Transfers. Except as the council by ordinance may provide otherwise, the city manager may transfer unencumbered appropriation balances or parts thereof from any item of appropriations within a department, office or agency to any other item of appropriation, including new items, within the same department, office or agency; and the council, by motion, resolution or ordinance, may transfer unencumbered appropriations balances or parts thereof from any item of appropriation to any other item of appropriation, including new items, whether such other item is within the same department, office or agency, or not; except that transfer of any funds from the Swimming Pool Fund to any other fund requires a vote of the people.

(b) Reductions. If during the fiscal year it appears that revenues available will be insufficient to meet the amount appropriated, the council may reduce any appropriation. No appropriation may be reduced by more than the amount of the unencumbered balance.

Supplemental and Emergency Appropriations

Section 5-6.

Supplemental and Emergency Appropriations. The council may make supplemental and emergency appropriations during a fiscal year, in accordance with procedures set out in the City Code.

Taxation: Powers

Section 5-7. The city shall have all powers of taxation which home-rule cities may have under the state constitution and law, except that a new sales or use tax or an increase in rate of levy of a sales tax approved by ordinance does not take effect until ratified by a majority of the voters at an election.

Same: Assessment, Levy and Collection of Property Taxes

Section 5-8. The council by ordinance shall provide for the annual assessment, levy and collection of taxes on property.

Same: Assessment—Equalization

Section 5-9. The taxable status of property shall be determined as of the first day of January or such other date as may hereafter be prescribed by law, which is called the assessment day. The council shall sit as a board of equalization for the purpose of hearing an appeal from a determination of the assessor, or it may delegate this power to a board created by ordinance.

Same: Lien on Real Property

Section 5-10. The city shall have a lien on all real property against which city taxes are assessed, for the taxes and all collection charges, penalties and interest which may accumulate thereto; and the lien shall continue until the taxes and any such charges, penalties and interests are paid. The lien is prior and paramount to all other liens or encumbrances against the property.

Disbursements: Authority—Method

Section 5-11. Disbursements of City funds shall be made only in accordance with appropriations made as provided in this charter, or, in case of funds which are not formally appropriated, then by authority granted by the Council. The Council shall prescribe the method or methods of disbursing City funds.

If the City Manager obtains authority through Council approval of a budget to incur needed City expenses, payments may be made in conformity with a requisition and purchase order system, or other administrative procedure which is approved by the Council, without separate approval of the Council for each transaction or item involved.

Deposit and Investment of Funds

Section 5-12. The council may regulate the deposit and investment of city funds, and determine how funds of the city are to be invested.

Purchases and Sales

Section 5-13. The council by ordinance shall provide for competitive bidding for goods and services and sales of surplus city property, and for any exceptions thereto.

Contracts and Sales

Section 5-14.

(a) The sale or lease of any city property, real or personal, or the sale or other disposal of any interest therein, the value of which property, lease, or interest is more than (one million dollars) \$1,000,000.00, shall be made only by authority of an ordinance enacted or ratified at any election by an affirmative vote of a majority of the qualified voters of the city who vote upon the question of approval or enacting the ordinance (the ordinance being submitted to the voters by the Council or by initiative of the voters).

(b) An entire public utility and appurtenant franchises belonging to the City may be sold or leased only by authority of an ordinance enacted or ratified at an election by an affirmative vote of a majority of the qualified voters of the city who vote upon the question.

(c) Any other provision of this charter notwithstanding, the city may enter into an agreement for the purchase, sale or other disposal of electric power, or an agreement providing for participation by the city in the construction, acquisition or operation of hydroelectric power facilities, upon such terms as the city council may approve by resolution.

Audits

Section 5-15.

(a) The council shall designate a qualified public accountant to make an annual independent audit of the accounts and financial transactions of the city. The report shall be open to public inspection.

(b) The council shall cause to be conducted such internal audits as it deems appropriate or as required by law.

City Permanent Fund

Section 5-16. The City of Wrangell will create a Permanent Fund in the initial amount of (five million dollars) \$5,000,000.00 from the Southeast Economic Timber Relief Funds. The principal will be maintained and grow through wise investment and inflation proofing. The City of Wrangell will develop ordinances for the administration of this fund, which shall include restrictions of types of investments, expenditure of earnings, inflation formula, and all other administrative functions necessary to insure the security of this fund.

ARTICLE VI BORROWING

General-obligation Bonds, etc.

Section 6-1. The city shall have power to borrow money and to issue its general-obligation bonds or other such evidences of indebtedness therefor, but only when authorized by the council for capital improvements and ratified at an election by a majority of those qualified to vote and voting on the question. General obligation evidences of indebtedness may also be secured by revenues from a revenue-producing utility or enterprise when they are issued for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement and/or equipment of the said utility or enterprise, and/or by other designated funds or revenues specifically pledged for payment of principal and interest thereon. Capital improvements as used hereinabove may also include a part or all of the city's share of the cost of a public improvement of which a part is to be paid by benefited property.

The restrictions of this section do not apply to borrowing money to meet appropriations for a particular fiscal year, nor to indebtedness to be paid from special assessments to be made on benefited property, nor to refunding indebtedness.

Borrowing to Meet Appropriations

Section 6-2. The city shall have power to borrow money to meet appropriations for any fiscal year in anticipation of the collection of revenues for that year, when authorized by the council, and without submitting the question to the voters. All debts so contracted shall be paid before the end of the next fiscal year.

Revenue Bonds, etc.

Section 6-3. The city shall have power to borrow money and to issue revenue bonds or other such evidences of indebtedness therefor, the principal and interest of which are payable solely out of, and the only security of which is, the revenues of a revenue-producing utility or enterprise; but only when authorized by the council for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement and/or equipment of the said utility or enterprise. Two or more public works may be combined and treated as one entity for the purpose of acquisition, construction, improvement, extension, maintenance, operation and financing; and the governing body may provide for the payment of principal and interest from any additional special funds or other unpledged revenues which the city may specifically pledge for payment including but not limited to revenue of a combined system of public works and special assessments on the benefited property. An election is not required to authorize the issuance and sale of revenue bonds, unless otherwise provided by ordinance.

Council to Have Power to Regulate

Section 6-4. The council shall have power to regulate the indebtedness of the city and the issuance of bonds and other evidences of indebtedness, regardless of type or purpose, including general-obligation, revenue, special-assessment, refunding and other, subject only to the limitations imposed by the state constitution and law and this charter.

ARTICLE VII LOCAL IMPROVEMENT DISTRICTS

Council May Determine Necessity—How Cost May Be Paid—Establishment

Section 7-1.

- (a) The council may determine the necessity for any public improvement.
- (b) The cost of a public improvement may be paid wholly by the city, or partly by the city and partly by benefited property, or wholly by benefited property, as the council may determine. Said cost or part thereof to be borne by benefited property may be assessed by special assessment upon the benefited property.
- (c) The council shall prescribe by ordinance procedures for the establishment and dissolution of local improvement districts.

ARTICLE VIII PUBLIC UTILITIES AND ENTERPRISES

City-operated Enterprise Funds

Section 8-1.

- (a) City operated utilities (including water, sewer, electric, sanitation, and ports and harbors) shall be operated from an enterprise fund or funds separate from the general fund. An accounting system for each such fund shall be established within the general accounting system of the city, and shall be so set up and maintained as to reflect the financial condition of the enterprise or enterprises and its or their income and expense. A balance sheet and statement of income and expense (profit and loss) shall be made for each such fund annually and as often as the council may require.
- (b) None of the income, money, resources or property of the enterprise fund or funds shall be placed in the general fund or be used for the benefit of anything outside of the fund to which it belongs without due compensation or due value received in return; provided that this shall not prohibit payment into the general fund by such utilities of an amount in lieu of taxes reasonably estimated to be the amount which said utilities would pay in taxes if they were privately owned.

ARTICLE IX ELECTIONS

Administration

Section 9-1. The council shall by ordinance prescribe the rules and procedures for conducting city elections.

Regular Election

Section 9-2. There shall be a non-partisan regular election held annually on the first Tuesday in October, or on such other date as the council may provide by ordinance.

Special Elections

Section 9-3. The council may call special elections and submit questions to voters, as provided by ordinance or resolution.

ARTICLE X INITIATIVE AND REFERENDUM

Initiative and Referendum: Authorized—Exceptions

Section 10-1.

(a) The qualified voters of the city, by the initiative, may propose and enact any ordinance which the council has power to enact under this charter except as otherwise provided in this section. The qualified voters of the city, by the referendum, may approve or reject any ordinance passed by the council except as otherwise provided in this section.

(b) Ordinances dedicating revenues, ordinances making, repealing, transferring, or otherwise changing appropriations, ordinances creating courts, defining the jurisdiction of courts or prescribing their rules, and special ordinances, shall not be subject to either the initiative or the referendum. Ordinances necessary for the immediate preservation of the public peace, health, or safety (herein called emergency ordinances), shall not be subject to the referendum.

Petitions

Section 10-2. An initiative or referendum shall be proposed by filing an application with the city clerk containing the ordinance to be initiated or referred. The application shall be signed by at least ten (10) voters who sponsor the petition. The application shall contain a copy of the ordinance initiated or sought to be referred and conform to such other requirements as may be established by ordinance. Upon the clerk's certification that the application is in proper form and meets the requirements of this chapter and the ordinances of the city, the city clerk shall prepare a petition for circulation for signatures. The petition shall then be signed by a number of qualified voters of the city equal at least to twenty-five percent of the total votes cast at the immediately preceding regular city election.

A petition with sufficient signatures must be filed with the city clerk within 90 days after the petition is issued by the city clerk. Each copy of the petition filed must bear the sponsor's sworn statement that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be. Within 10 days after the petition is filed, the city clerk, with such assistance from the city attorney as the city clerk deems necessary, shall ascertain whether the petition is legal and has sufficient signatures, and shall certify the city clerk's finding to said petition. If the city clerk certifies that a petition is insufficient, a sponsor of the petition may protest that decision by filing a written protest with the city manager within seven days of the certification. The city manager shall present the protest to the council at its next regular meeting, and the council shall hear and decide the protest.

Ballot Title and Proposition—Submission

Section 10-3. If an initiative or a referendum petition is found to be legal and to have sufficient signatures, the city clerk, with such assistance from the city attorney as the city clerk deems necessary, shall prepare the ballot title and proposition for the ordinance. The city clerk shall place the question on the ballot for the next regular or special city election held not less than 60 days after final determination of the legality and sufficiency of the petition. The council by resolution or ordinance may call a special election for the purpose. If, in the case of an initiative petition, the council enacts, prior to the election, an ordinance substantially the same as the one in the petition, or if the council repeals the ordinance before the referendum election, the petition is void and the matter may not be placed before the voters.

Vote Required—Effect

Section 10-4.

(a) If a majority of the votes cast on the proposition favor the enactment of an initiative ordinance, it shall be enacted. If at least as many votes are cast for the approval of a referred ordinance as are cast against it, it shall be approved and go into effect; otherwise it shall be rejected.

(b) If two or more initiated or referred ordinances which have conflicting provisions are enacted or approved at the same election, the one receiving the largest affirmative vote shall prevail.

(c) The effect of an ordinance may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed unless the modifying or negating measure is approved by the voters. If an ordinance is repealed in a referendum election or by the council after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted for a period of two years unless the substantially similar legislation is approved by the voters.

(d) If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified. If an initiative or referendum measure is approved by the voters or the council adopts a substantially similar measure after an initiative petition is filed or repeals an ordinance after a referendum is filed, a new petition application which would negate the earlier measure or enact an earlier repealed measure may not be filed sooner than six months after the earlier measure has been adopted or repealed.

Further Regulation by Ordinance

Section 10-5. The council by ordinance may further regulate the procedures for the initiative and referendum.

ARTICLE XI INTERGOVERNMENTAL RELATIONS

Cooperation with Other Units of Government—Transfer of Powers and Functions

Section 11-1. Agreements, including those for cooperative or joint administration of any function or power, may be made by the council with any other local government, with the state, or with the United States, unless otherwise provided by law or by this charter. Such agreement for cooperative or joint administration of any function or power shall be made only by ordinance. Procedures for making contracts prescribed in any other sections of this charter shall not apply to agreements made pursuant to this section.

Thomas Bay Power Authority

Section 11-2. There shall be created a Thomas Bay Power Authority owned jointly and equally by the City of Wrangell, Alaska, and the City of Petersburg, Alaska, for the purpose of constructing and operating a hydro-electric power generating utility which authority shall have all express, implied and incidental powers thereto, including but not limited to acquiring extra-territorial properties, and obtaining financing and the issuance of revenue bonds in its own name, and which authority may incorporate or otherwise reorganize as a separate entity, but in any event to be managed jointly by a commission of representatives from the municipalities as they shall respectively appoint.

ARTICLE XII AMENDMENT AND SEPARABILITY OF CHARTER

Amendment of Charter: Proposal, Approval

Section 12-1. Proposals to amend this charter may be made in either of the following ways: (1) The qualified voters of the city, by initiative petition, may initiate amendments to this charter in the same manner, as nearly as may be, as they may initiate ordinances; and (2) the council by resolution or ordinance may

propose, and submit or provide for the submission of, charter amendments to the qualified voters of the city. A charter amendment initiated by petition of the qualified voters shall be submitted to the qualified voters at a regular or special election in the same manner as an initiated ordinance and subject to the same regulations, as nearly as may be. A charter amendment proposed by the council may be submitted to the qualified voters of the city at any regular or special election held not less than 60 days after passage of the said resolution or ordinance. Any amendment thus submitted to the qualified voters shall become effective upon approval by majority of the qualified voters who vote on the question of approval. If more than one amendment is proposed, all of them except those which are so inter-related that they should be approved or rejected together, shall be submitted in such manner that the voters may vote on them separately. A copy or copies of every charter amendment approved by the qualified voters shall be filed as may be required by law. A new charter may be proposed and approved in lieu of this charter in the same manner as an amendment to this charter may be proposed and approved.

It is hereby recognized that the manner of adoption, amendment and repeal of home-rule charters may be regulated by law; and any binding provision of the state constitution or law regulating such manner shall prevail over any conflicting provision of this charter or of any ordinance.

Separability Clause

Section 12-2. If a court of competent jurisdiction should hold any section or part of this charter invalid, such holding shall not affect the remainder of this charter and the context in which such section or part so held invalid may appear, except to the extent that another part of the charter may be inseparably connected in meaning and effect with that section or part.

If a court of competent jurisdiction holds a part of this charter invalid, or if a change in the state constitution or law renders a part of this charter invalid or inapplicable, the council by ordinance may take such appropriate action as will enable the city government to function properly.

ARTICLE XIII SUCCESSION IN GOVERNMENT

Charter—When in Effect

Section 13-1. This charter shall go into effect on January 1 following its approval by a majority of the qualified voters voting on the question of approval, and the government provided by it shall be deemed a continuation of the government existing previously under law.

Officers and Employees to Continue

Section 13-2. The incumbents of the offices of mayor, other council members, and all other offices and positions of employment (including members of boards and commissions), under the statutory government of this city at the

time this charter goes into effect, shall continue in their respective offices and positions of employment under this charter until their respective terms expire or until their services are terminated in accordance with the provisions of this charter and ordinances relating to the creation, change and abolition of offices and removal of officers and employees, as the case may be.

Ordinances Continued

Section 13-3. All ordinances, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or until they expire by their own limitations.

Pending Actions and Proceedings

Section 13-4. The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes effect, brought by or against the municipality or any office, department, agency or officer thereof.

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 732

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, CREATING WRANGELL MUNICIPAL CODE SECTION 15.16.055, COLUMBARIUM

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective June 13, 2003.

SEC. 4. Wrangell Municipal Code, Title 15, Chapter 15.16, Section 15.16.055, is hereby created as follows:

Columbarium

15.16.055 Columbarium. A. Definition: A structure of vaults lined with recesses for cinerary urns. There shall be 100 niches located at the Sunset Gardens Cemetery. The dimension for each niche shall be 12"X12"X15 1/2", which may accommodate one or two urns.

B. Fee: The fee per niche shall be ^{two} ~~three~~ hundred dollars (\$235). The fee per opening and closing for each niche shall be ^{thirty-five g'} fifty dollars (\$50).

PASSED IN FIRST READING February 11, 2003

PASSED IN SECOND READING May 13, 2003

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 731

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 3.52 PARKS, RECREATION AND YOUTH BOARD

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 3, Chapter 3.52, Section 3.52.010, is hereby amended as follows:

Chapter 3.52

PARKS, RECREATION AND YOUTH BOARD

Sections:

3.52.010	Established—Membership—Organization.
3.52.020	Powers and duties.
3.52.030	Director—Appointment.
3.52.040	Director—Powers and duties.
3.52.050	Absence from meetings.

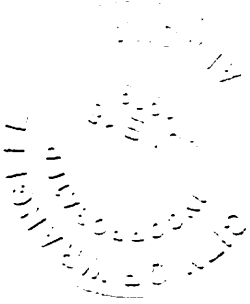
3.52.010 Established—Membership—Organization. A. There shall be created a parks, recreation and youth board, which shall consist of [SEVEN] **five** members appointed by the mayor with the approval of the council for overlapping three year terms. All members of the board shall be residents of the city. The terms of the members shall begin on October 1st, with three members to be appointed in the first year, and two members in each of two successive years and in like manner thereafter. A member may be removed by the mayor with approval of the council for the good of the service. Vacancies shall be filled for the unexpired terms. Members shall serve without compensation. A quorum shall consist of [FOUR] **three** members.

PASSED IN FIRST READING March 25, 2003

PASSED IN SECOND READING April 8, 2003

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 730

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 14, CHAPTERS 14.01 GENERAL PROVISIONS, 14.05 HARBOR MOORAGE, 14.07 PORT OPERATIONS AND OTHER SERVICES, AND 14.13 IMPOUNDMENT OF VESSELS

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective May 1, 2003.

SEC. 4. Wrangell Municipal Code, Title 14, Chapters 14.01, 14.05, 14.07, and 14.13, are hereby amended as follows:

14.11.005 Fee Schedule. The following fees shall be charged for the uses indicated:
Use Fee

A. Transient Moorage 14.05.010		
Daily - Prepaid	[\$0.25/PER FOOT]	<u>\$0.30/per foot</u>
Daily - Invoiced	[\$0.35/PER FOOT]	<u>two times the daily prepaid</u>
Monthly	[\$1.10/PER FOOT]	<u>\$1.38/per foot</u>
Annual (Must be qualified for wait list)	[\$9.60/PER FOOT]	<u>\$12.00/per foot</u>
B. Reserved Moorage 14.05.010		
Wait list deposit	\$50.00 each	
Annual	[\$ 9.60/PER FOOT]	<u>\$12.00/per foot</u>
C. Customer Service Moorage 14.05.015		
Wait list deposit	\$50.00 each	
Annual	[\$ 1.18 PER SQUARE FOOT]	<u>1.5 times the annual rate</u>

D. Electric Utility Service 14.07.040
Daily \$5.00/rental period

E. Outside Dock Face Moorage 14.07.005C

1. 00-99 Feet	[\$0.75/FOOT]	<u>1. 00-99 Feet</u>	<u>\$0.90/foot</u>
2. 100-199 Feet	[\$1.00/FOOT]	<u>2. 100-199 Feet</u>	<u>\$1.15/foot</u>
3. 200-299 Feet	[\$1.15/FOOT]	<u>3. 200-299 Feet</u>	<u>\$1.30/foot</u>
4. 300-399 Feet	[\$1.35/FOOT]	<u>4. 300-499 Feet</u>	<u>\$1.50/foot</u>
5. 400 Feet and over	[\$1.50/FOOT]	<u>5. 500-599 Feet</u>	<u>\$1.75/foot</u>
		<u>6. 600-up Feet</u>	<u>\$2.00/foot</u>

F. Inside Dock Face Moorage 14.07.005C

1. 00-99 Feet	[\$0.75/FOOT]	<u>1. 00-99 Feet</u>	<u>\$0.90/foot</u>
2. 100-199 Feet	[\$1.00/FOOT]	<u>2. 100-199 Feet</u>	<u>\$1.15/foot</u>
3. 200-299 Feet	[\$1.15/FOOT]	<u>3. 200-299 Feet</u>	<u>\$1.30/foot</u>
4. 300-399 Feet	[\$1.35/FOOT]	<u>4. 300-499 Feet</u>	<u>\$1.50/foot</u>
5. 400 Feet and over	[\$1.50/FOOT]	<u>5. 500-599 Feet</u>	<u>\$1.75/foot</u>
		<u>6. 600-up Feet</u>	<u>\$2.00/foot</u>

G. Barge Ramp Facility Moorage 14.07.005C

Daily (\$25.00 minimum) [\$0.025/PER GROSS TON] \$0.03/per gross ton

H. Net and Gear Work on Dock 14.07.005D

First two rental periods \$25.00 Each additional rental period \$20.00

I. Wharfage 14.07.010C

General cargo	\$2.50/ton
Vehicles	\$2.50/ton
Explosives	\$6.25/ton
Lumber	\$1.00/tmbf
Empty containers	\$3.75 each
Sand and gravel	
<500 tons	\$1.00/ton
501-1500 tons	\$500.00 + \$0.20/ton for each ton over 500
1500+ tons	\$800.00 + \$0.05/ton for each ton over 1500

J. Storage 14.07.020B

Outside Storage (\$6.25 minimum)	[\$0.005/SQUARE FT]	<u>\$0.006/square ft daily</u>
<u>Old Mill Office (Office Use Only)</u>		<u>\$0.63/square ft monthly</u>
Inside Storage South Building	[\$.25/SQUARE FT]	<u>\$0.30/square ft monthly</u>
Inside Storage North Building	[\$.20/SQUARE FT]	<u>\$0.25/square ft monthly</u>
<u>Floating</u> Log Storage	[\$0.0025/TMBF]	<u>\$0.10/tmbf monthly</u>
Vending Storage	[\$7.50 DAILY PER VEHICLE (OR MAX 10X20 FEET)]	<u>50% of Covered Vendor Storage Rate</u>

- K. Gridiron 14.07.020B
Daily (after first two rental periods) \$1.00/foot
- L. Launch Ramps 14.07.025
No charge \$0.00
- M. Parking 14.07.030
No charge \$0.00
- N. Services of the Harbormaster 14.07.035
Replace mooring lines \$10.00+cost of line
Moving boat (minimum \$20.00) \$1.00/foot
Pumping \$25.00 plus labor
Labor \$22.00/hour
Raising of boats \$150.00 + cost of materials and professional services
- O. For rates, see Section 15.04.640,
Monthly Water Rates, Class B--Commercial and Industrial--Flat Rates
- P. Hoists 14.07.050
After first two (2) hours \$25.00/hour
- Q. Work float 14.07.055
Trespass fee \$50.00/rental period
- R. Gear float 14.07.060
Trespass fee \$100.00/rental period
- S. Vendor Shelter 14.07.065
Annual Reserved **12 times the Reserved Season Rate**
Reserved for entire season [\$62.25/MONTH] **\$77.81/month**
Month to month [\$72.25/MONTH] **\$90.31/month**
Day to day [\$14.45/DAY] **\$18.06/month**
- T. Seaplane Float 14.07.085
[NO CHARGE] [\$0.00]
Daily **\$5.00**
Monthly **\$100.00**
Annual Reserved **\$420.00**
- U. Impoundment Storage 14.13.025
Minimum of \$50.00 per month \$0.01/sq. ft. per day
- V. Impoundment Fee 14.13.025
This fee is in addition to other related costs \$100.00

W. Transient Moorage at Summer Floats
 0-80 feet [\$.50/FOOT PER DAY] \$0.63/foot per day
 81-up [\$.75/FOOT PER DAY] \$0.94/foot per day

X. Moorage for Mill Dock and Back Side of City Dock monthly Dock Rates
 0-80 feet [\$2.50/FOOT PER MONTH] \$3.13/foot per month
 81-up [\$3.00/FOOT PER MONTH] \$3.75/foot per month

Y. Travel and Adventure Services

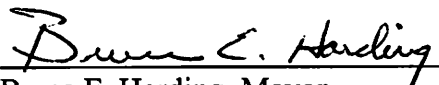
<u>Transportation Vehicles</u>	<u>\$50.00/monthly</u>
<u>10X10 Space</u>	<u>\$20.00/monthly</u>
<u>Passenger Vessels - motorized</u>	
<u>Daily</u>	<u>\$10.00/departure</u>
<u>Monthly</u>	<u>\$2.00/per foot per month</u>
<u>Annual</u>	<u>\$400.00</u>
<u>Passenger Vessels – non-motorized</u>	
<u>Water Vessel</u>	<u>\$1.00/launch</u>
<u>Land Vehicle</u>	<u>\$.50/rental</u>

14.01.030 Definitions

HH. “Travel and Adventure Services” includes, but are not limited to, Transportation Vehicles and Passenger Vessels that provide: tours, charters, guide services and transportation services on land and water, utilizing the port and harbor facilities. “Travel and Adventure Services” does not include cruise vessels that are paying the dock face moorage.

PASSED IN FIRST READING March 11, 2003

PASSED IN SECOND READING March 25, 2003


 Bruce E. Harding, Mayor

ATTEST: 
 Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 729

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WRANGELL, ALASKA BY REZONING LOT 4A, BLOCK C, NOLAN SUBDIVISION FROM WATERFRONT DEVELOPMENT TO OPEN SPACE PUBLIC

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Compliance with Procedures and Notices. The procedures and notices as required and set out in Chapter 20.76 of Title 20 of the Wrangell Municipal Code have been followed and complied, the Council hereby finds that the public convenience, necessity and general welfare of the inhabitants of the City of Wrangell requires that the following described property should be rezoned from Waterfront Development to Open Space Public.

SEC. 5. Public Hearing. A public hearing occurred on March 11, 2003.

SEC. 6. Property Rezoned as follows: The property hereinafter described is hereby rezoning Lot 4A, Block C, Nolan Subdivision, from Waterfront Development to Open Space Public. The official zoning map of the City of Wrangell is hereby amended to reflect the above rezone and said official zoning map should be physically amended.

PASSED IN FIRST READING February 11, 2003

PASSED IN SECOND READING March 11, 2003

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 728

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE SECTION 5.20.090 SPECIFIC INVESTMENT GOALS AND CREATING WRANGELL MUNICIPAL CODE SECTION 5.20.095 DISTRIBUTION OF PERMANENT FUND EARNINGS

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 5, Chapter 5.20, Section 5.20.090, is hereby amended as follows:

5.20.090 Specific Investment Goals.

Over the investment horizon established in this statement, it is the goal of the aggregate Plan assets to exceed:

An absolute rate of return of 9.5%. This rate of return will satisfy a 5.5% to be deposited annually in the City of Wrangell's General Fund, 3% inflation as determined by the consumer price index for Anchorage, and 1% fund growth.

SEC. 5. Wrangell Municipal Code, Title 5, Chapter 5.20, Section 5.20.095, is hereby created as follows:

5.20.095 Distribution of Permanent Fund Earnings.

The Distribution of Permanent Fund earnings shall be as follows:

1. The fund shall be protected from inflation by returning to the fund the amount of inflation from the previous calendar year. The percent of inflation shall be calculated by the percent change in the Anchorage Consumer Price index from December 31st of one year to December 31st of the next year. The amount that should be in the fund through inflation proofing is cumulative from November 1, 1997. Any amount above the accumulation of the annual inflation may be distributed to the General Fund. In the event that there is not enough earnings to inflation proof the fund in a given year, no funds may be distributed until the inflation proof for that year and all previous years is satisfied.
2. After the fund is inflation proofed each year, any earnings which total up to 5.5% may be distributed to the General Fund. In the event that one-year does not provide distribution to the General Fund, the following year would be limited to the maximum of the 5.5% distribution amount, even if earnings were more.
3. After the fund is inflation proofed and 5.5% is distributed to the General Fund, any excess funds shall be returned into the fund for growth.

PASSED IN FIRST READING January 28, 2003

PASSED IN SECOND READING February 11, 2003

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 727

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WRANGELL, ALASKA BY REZONING LOTS Z2, Z3, Z4 AND Z5 OF THE ROAD HOUSE SUBDIVISION FROM LIGHT INDUSTRIAL TO RURAL RESIDENTIAL

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is not an ordinance of a permanent and general nature and shall not become part of the code of the City of Wrangell, Alaska.

SEC. 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.

SEC. 3. Effective Date. This ordinance shall be published as provided in the City Charter and ordinances and shall be effective thirty (30) days after final passage.

SEC. 4. Compliance with Procedures and Notices. The procedures and notices as required and set out in Chapter 20.76 of Title 20 of the Wrangell Municipal Code have been followed and complied, the Council hereby finds that the public convenience, necessity and general welfare of the inhabitants of the City of Wrangell requires that the following described property should be rezoned from Light Industrial to Rural Residential.

SEC. 5. Public Hearing. A public hearing has been set for January 14, 2003.

SEC. 6. Property Rezoned as follows: The property hereinafter described is hereby rezoning Lots Z2, Z3, Z4 and Z5 of the Road House Subdivision from Light Industrial to Rural Residential. The official zoning map of the City of Wrangell is hereby amended to reflect the above rezone and said official zoning map should be physically amended.

PASSED IN FIRST READING December 10, 2002

PASSED IN SECOND READING January 14, 2003



Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST. Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 726

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, REPEALING EXISTING CHAPTER 3.56 OF THE WRANGELL MUNICIPAL CODE ENTITLED "PERSONNEL POLICY" IN ITS ENTIRETY, EFFECTIVE MARCH 1, 2003, AND ADDING A NEW CHAPTER 3.58 ENTITLED "PERSONNEL RULES AND POLICIES" TO THE WRANGELL MUNICIPAL CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Repeal of Wrangell Municipal Code Chapter 3.56. Existing Wrangell Municipal Code Chapter 3.56, entitled "Personnel Policy" is hereby repealed in its entirety, effective March 1, 2003.

SEC. 5. New Wrangell Municipal Code Chapter 3.58. A new Chapter 3.58 to be entitled "Personnel Rules and Policies" is hereby added to the Wrangell Municipal Code as follows:

Chapter 3.58

PERSONNEL RULES AND PROCEDURES

Sections:

3.58.10 Personnel Rules and Policies.

3.58.010 Personnel Rules and Policies. Employees of the City shall be subject to such personnel policies and rules as are established by ordinance or resolution of the Council.

PASSED IN FIRST READING December 10, 2002

PASSED IN SECOND READING January 14, 2003

Bruce E. Harding
Bruce E. Harding, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 762

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, REPEALING WMC § 5.04.300 ENTITLED "DIFFERENTIAL TAXATION ZONES - ADOPTED", WMC § 5.04.310 ENTITLED "DIFFERENTIAL TAXATION ZONES - DEFINED", AND WMC § 5.04.320 ENTITLED "DIFFERENTIAL TAXATION ZONES - ADOPTION - CLASSES - REVIEW" AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Repeal. WMC § 5.04.300 entitled "Differential taxation zones - Adopted", WMC § 5.04.310 entitled "Differential taxation zones - Defined", and WMC § 5.04.320 entitled "Differential taxation zones - Adoption - Classes - Review" are hereby repealed in their entirety.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.


SEC. 3. 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. 4. Effective Date. This ordinance shall be effective commencing January 1, 2005.

PASSED IN FIRST READING November 23, 2004

PASSED IN SECOND READING December 14, 2004

Attest:


Christie L. Jamieson
City Clerk


Valery McCandless
Mayor


sewinga
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 761

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, REPEALING EXISTING CHAPTER 20.80 OF THE WRANGELL MUNICIPAL CODE ENTITLED "APPEALS" IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 20.80 ENTITLED "APPEALS" TO THE WRANGELL MUNICIPAL CODE RELATING TO APPEALS TO THE BOARD OF ADJUSTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon final passage.

SEC. 5. Repeal. Existing Chapter 20.80 of the Wrangell Municipal Code entitled "Appeals" is hereby repealed in its entirety.

SEC. 6. New Chapter. A new Chapter 20.80 to the Wrangell Municipal Code is hereby enacted to read as follows:

Chapter 20.80
APPEALS

Sections:

20.80.010 Board of Adjustment Appeals

20.80.010 Board of Adjustment Appeals. A. The board of adjustment shall hear and decide:

- (1) Appeals from decisions of the planning commission regarding administrative decisions of city employees made in the enforcement, administration or application of this title.

- (2) Appeals from decisions of the planning commission on requests for conditional uses:
- (3) Appeals from a decision of the planning commission on a request for a variance from the terms of this title.

B. In exercising the above-mentioned powers, the board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed and may make such order, requirement, decision or determination as may be appropriate, and to that end shall have all the powers of the body who made the original decision.

C. Time for appeal:

- (1) All appeals shall be filed in writing with the clerk no later than fifteen (15) days after the date of the decision; provided, however, if the clerk determines that a notice of appeal filed within such fifteen (15) day period is incomplete or lacking in sufficient detail, the clerk shall notify the appellant in writing at the address indicated in the notice of appeal specifying the deficiencies. The appellant shall have an additional ten (10) days from the date such notice is mailed to correct such deficiencies by filing a supplement to the notice of appeal correcting such deficiencies or adding additional information.
- (2) Any appeal filed after the time provided above shall not be considered by the board of adjustment.
- (3) Upon such notice of appeal having been duly filed, the clerk shall thereupon send a copy thereof to the zoning administrator, and the planning commission, together with a written request for all pertinent records and transcripts, including the written decision and/or resolution of the planning commission granting or denying the said application. The zoning administrator shall, within seven (7) days after having received said copy of the appeal and request, certify and deliver said records, transcripts and documents to the clerk of the board of adjustment.
- (4) An appeal to the board stays enforcement proceedings unless the board or a court issues an order otherwise for good cause shown.
- (5) The board of adjustment shall hear and decide appeals on the record established by the planning commission considering all pertinent records, transcripts, documents, testimony or other evidence certified to it by the zoning administrator. The board of adjustment shall consider at a public meeting all appeals not later than thirty (30) days

following the date the certified record specified in (3) above is delivered to the clerk of the board of adjustment; provided however, the date for the public meeting may be continued for a period not to exceed an aggregate total of thirty (30) additional days as follows:

- (a) By the clerk upon the clerk's determination there is a lack of a quorum.
 - (b) By the board for purposes of securing additional information, or upon written request for a continuance by the appellant, submitted not less than three (3) days prior to the scheduled session, or for other good cause shown.
- (6) At least ten (10) days' notice of the time and place of the public meeting shall be published in a newspaper of general circulation in the city. In addition, at least ten (10) days' written notice of the time and place of said public meeting shall be given to the appellant(s) and affected property owners or possessors, as such is determined within this title.
- (7) The board of adjustment, after having received and considered [SAID]the said appeal, the certified records, transcripts and documents, at a duly held appeal hearing, shall forthwith render a decision as set forth in subsection (B) above. The board of adjustment may provide an opportunity to hear a limited summary of the appeal and may question the appellant, the zoning administrator and interested parties who appeared before the planning commission about the appeal; however, evidence not previously before the planning commission will not be heard or made a part of the board of adjustment record. The decisions of the board of adjustment shall be by motion and the vote shall be taken by roll call. A majority vote in the affirmative by the members present at a hearing in which a quorum is present adopts any motion. Following adoption of the motion, the members voting on the prevailing side of the motion shall with the presiding officers, develop formal specific findings of fact which support the decision and which shall be deemed part of the final decision and permanently entered in the record of the appeal proceedings.
- (8) The adoption of the motion and entry of the findings of fact constitutes the final decision of the board of adjustment, and the date of the entry of the findings of fact constitutes the date of the final decision of the board of adjustment. The clerk of the board of adjustment shall, not later than ten (10) days of the date of the final decision, certify said motion to the zoning administrator and planning

commission. In addition, a certified copy of the motion shall immediately be mailed to the appellant(s) by certified mail, return receipt requested. The appellant shall be informed of his further right of appeal as set forth in subsection (E).

- (9) If the board of adjustment fails within thirty (30) days after the date on which the hearing of the appeal is closed, to affirmatively reverse, affirm, modify or remand the decision of the planning commission, the decision of the administrative official or planning commission shall be deemed to be upheld and affirmed.

D. Procedure of the board of adjustment :

- (1) The council is the board of adjustment. Meetings of the board are held at the call of the presiding officer. The presiding officer may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public, and the board shall keep minutes of its proceedings showing its decision, the reasons for its decision, and the vote of each member upon each question. Said minutes shall be public records.
- (2) The owner of the property, a city officer or any party with ownership or possessory interest in property located within the city may file with the board of adjustment a notice of appeal specifying in detail such person's objections to the action appealed from. All such appeals shall be filed in writing with the city clerk, who is the clerk of the board of adjustment and shall contain all of the following information:
 - (1) Name, address and telephone number of the appellant;
 - (2) A statement indicating the appellants' standing in the matter;
 - (3) A description of the action appealed from, including property descriptions;
 - (4) A specific and detailed statement of the basis and grounds upon which the appeal is made; and
 - (5) A statement of the relief sought.

Grounds upon which the board of adjustment may grant an appeal are (I) a procedural error, (II) an error in the application of the pertinent law, (III) lack of evidence to support findings and conclusions, or (IV) misrepresentation of a fact.

E. *Judicial review.* The owner of the property, a municipal officer or any party with ownership or possessory interest in property located within the city may appeal an action of the board of adjustment to the superior court in the manner provided by

Rule 602 of the Rules of the Appellate Procedure of the State of Alaska.

PASSED IN FIRST READING October 26, 2004

PASSED IN SECOND READING November 23, 2004

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, -serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 760

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SUBSECTION A OF WMC § 19.16.090 ENTITLED "FINAL PLAT--PREPARATION AND DATA", ADDING A NEW SUBSECTION C THERETO RELATING TO THE FORMAT AND CONTENTS OF FINAL PLATS, AND PROVIDING FOR AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Subsection A of WMC § 19.16.090, entitled "Final Plat--Preparation and Data", is hereby amended to provide as follows:

A. The final plat shall be drawn on mylar not less than eighteen by twenty-four inches in size. All lines and printing shall be made with non-fading black ink at a scale of one hundred feet to an inch. In addition, it is mandatory that, along with the final plat paper copy and mylar, a compact disk be submitted with the drawing in (1) "*.dxf" (drawing exchange format) or (2) AutoCad "*.dwg" format (using AutoCad 2000 or newer).

SEC. 2. New Section. A new subsection C is added to WMC § 19.16.090, entitled "Final Plat--Preparation and Data", to provide as follows:

C. In addition to the requirements of 19.16.090(B), the electronic plat version submitted on the compact disk shall:

1. Have polygons that must close, have no undershoots or overshoots, and have parcel boundaries with clean snapped intersections;
2. Show only survey boundary and ties to control on the City of Wrangell layer; and,
3. Not show any text, area, title block, annotation, symbols, bearing or distances, leaders, or other similar details on the City of Wrangell layer.

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 final passage.

PASSED IN FIRST READING October 26, 2004

PASSED IN SECOND READING November 23, 2004

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 759

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW CHAPTER 3.54 ENTITLED “JAMES AND ELSIE NOLAN MUSEUM AND CIVIC CENTER BOARD” TO THE WRANGELL MUNICIPAL CODE CONCERNING THE JAMES AND ELSIE NOLAN MUSEUM AND CIVIC CENTER BOARD.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Chapter. A new chapter, 3.54, entitled “James and Elsie Nolan Museum and Civic Center” is hereby added to the Wrangell Municipal Code, Title 3, Chapter 3.54, to provide as follows:

Chapter 3.54

JAMES AND ELSIE NOLAN MUSEUM AND CIVIC CENTER BOARD

Sections:

- 3.54.010 Established–Membership–Organization.
- 3.54.020 Powers and duties.

3.54.010 Established–Membership–Organization. (a) There shall be a James and Elsie Nolan Museum and Civic Center Board which shall consist of eleven members, qualified and selected as set forth below.

(1) The present membership of the board is hereby confirmed. To the extent feasible, future boards shall consist of two at-large members and a representative recommended by each of the following organizations:

- City Council
- School Board
- Chamber of Commerce
- Forest Service
- Friends of Museum
- Alaska Native Brotherhood
- Alaska Native Sisterhood
- Wrangell Cooperative Association
- Convention and Visitors Bureau

Organizational representatives shall be selected by their respective organizations and approved by the council. Applications for at-large positions shall be submitted to the city clerk and the at-large members approved by the council. To the extent feasible, at least one board member should have financial and budgetary experience and at least one board member should have building maintenance and construction experience.

(2) All members of the board shall be residents of the city and serve without compensation.

(3) The term of a member shall be for three years or until a successor is appointed. The present members of the board shall determine by lot the length of terms so that the terms of four members shall be for one year, the terms of four other members shall be for two years, and the terms of three members shall be for three years, resulting in staggered terms for members subsequently appointed.

(b) The board shall hold regular meetings at least once each calendar quarter at such times as its chair may determine. The chair shall give each member at least 48 hours prior written or oral notice of the date, time and place of each meeting.

(c) The board shall give reasonable public notice of its meetings, its meetings shall be open to the public, and reasonable opportunity shall be provided for the public to be heard at each meeting.

(d) Six members of the board shall constitute a quorum for the transaction of business. Actions of the board are taken by the vote of a majority of the members duly present at a meeting of the board duly held at which a quorum is present. The board shall keep minutes of its proceedings and records of its official actions.

(e) Any member who misses more than two regular meetings in a consecutive twelve-month period without being excused by the board shall automatically forfeit membership on the board.

(f) The board shall annually elect from among its members a chair, vice chair and secretary-treasurer.

(g) Board members shall conduct their activities in such a way that no conflict of interest arises between their other interests and the policies, interests and operation of the museum and civic center.

(h) The board may establish its own rules, regulations and policies consistent with this chapter and subject to the approval of the council.

3.54.020 Powers and duties. The powers and duties of the board shall be as follows:

(a) Receive, consider and evaluate public opinions and recommendations regarding the staffing, equipping and managing of the museum and civic center and regarding the care and maintenance of the museum collection;

(b) Advise the curator, civic center manager, city manager and city council on planning and implementation of programs dealing with the use and development of the museum and civic center and the museum collection;

(c) Review and make recommendations to the council regarding the museum and civic center budget;

(d) Strive to create public interest in and public support for the programs and activities of the museum and civic center; and,

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon finalize passage.

PASSED IN FIRST READING October 26, 2004

PASSED IN SECOND READING November 23, 2004

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless serving as
Mayor
Mayor



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 758

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, CONCERNING THE ENHANCED 911 SYSTEM, REPEALING EXISTING WMC CHAPTER 5.22 ENTITLED "ENHANCED 911 SURCHARGE" EFFECTIVE JANUARY 1, 2005, ADDING A NEW WMC CHAPTER 5.22 ENTITLED "ENHANCED 911 TELEPHONE SERVICE", IMPOSING A 911 SURCHARGE ON ALL LOCAL EXCHANGE ACCESS LINES AND WIRELESS TELEPHONE NUMBERS SERVED BY THAT SYSTEM, AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Repeal. Existing Chapter 5.22 of the Wrangell Municipal Code entitled "Enhanced 911 Surcharge" is repealed effective January 1, 2005.

SEC. 2. New Chapter. A new chapter to be numbered 5.22 and entitled "Enhanced 911 Telephone Service" is hereby added to the Wrangell Municipal Code, Title 5, Chapter 5.22, to provide as follows:

Chapter 5.22

ENHANCED 911 TELEPHONE SERVICE

Sections:

- | | |
|----------|--|
| 5.22.010 | Definitions. |
| 5.22.020 | Authorization to Provide Enhanced 911 Service. |
| 5.22.030 | Enhanced 911 Surcharge on Local Exchange. |
| 5.22.040 | Billing and Collection. |
| 5.22.050 | Use of Proceeds. |
| 5.22.060 | Annual Review. |

5.22.010 Definitions. The following definitions shall apply to this chapter:

- (a) "Enhanced 911 Service Area" means all the area of the city.
- (b) "Enhanced 911 System" means a telephone system consisting of network, database and enhanced 911 equipment that uses the single three digit number, 911, for reporting a police, fire, medical or other emergency situation and that enables the users of a public telephone system to reach a public safety answering point to report emergencies by dialing 911; an enhanced 911 system includes the personnel required to acquire, install, administer, operate and maintain the system

and its facilities and to dispatch the calls generated by the system.

(c) "Local Exchange Access Line" means a telephone line that connects a local exchange service customer to the local exchange telephone company switching office and has the capability of reaching local public safety agencies but does not include a line used by a carrier to provide inter-exchange services.

(d) "Local Exchange Service" means the transmission of two-way interactive switched voice communications furnished by a local exchange telephone company within a local exchange area, including access to enhanced 911 systems; in this paragraph, "local exchange area" means a geographic area encompassing one or more political subdivisions as described in maps, tariffs or rate schedules filed with the Regulatory Commission of Alaska.

(e) "Local Exchange Telephone Company" means any telephone utility certificated under AS 42.05 to provide local exchange service and includes all public and privately owned telephone utilities.

(f) "Public Safety Answering Point" means a city-operated 24-hour local jurisdiction communications facility that receives 911 service calls and directly dispatches emergency response services or that relays calls to the appropriate public or private safety agency.

(g) "Wireless Telephone" means a telephone that is not a wireline telephone and includes cellular and mobile telephones; each wireless telephone number is considered to be a separate wireless telephone.

(h) "Wireless Telephone Company" means any telephone utility or provider of local telephone service that provides telephone service for wireless telephone customers who receive monthly or periodic bills sent to an address within the designated enhanced 911 service area. It includes both publicly and privately owned providers.

(i) "Wireline Telephone" means a telephone that uses a local exchange access line.

5.22.020 Authorization to provide enhanced 911 service. The manager is authorized and directed to continue to provide enhanced 911 service to users of telephone service provided by any local exchange telephone company and any wireless telephone company within the enhanced 911 service area. The manager is further authorized to provide for the operation of an enhanced 911 system. The enhanced 911 system shall provide service for all of the enhanced 911 service area.

5.22.030 Enhanced 911 surcharge on local exchange access lines and wireless telephone numbers. Beginning with the first billing for any telephone services rendered on January 1, 2005, and each month thereafter, there is imposed a surcharge of seventy-five cents (75¢) per month for each local exchange access line for wireline telephones and for each wireless telephone number within the enhanced 911 service area. The surcharge shall apply to all such wireline and wireless telephones, even those serving government agencies and non-profit organizations. The amount of the surcharge imposed is subject to review and determination by the Council pursuant to Section 5.22.060.

5.22.040 Billing and collection. (a) Each local exchange telephone company shall bill each month and collect the enhanced 911 surcharge from all of its customers in the enhanced 911 service area. Each wireless telephone company that provides telephone service to wireless telephone customers with billing addresses within the enhanced 911 service area shall impose an enhanced 911 surcharge each month and collect the surcharge from customers in the enhanced 911 service area. A local exchange telephone customer may not be subject to more than one enhanced 911 surcharge on a local exchange access line for a wireline telephone. A wireless telephone customer may not be subject to more than one enhanced 911 surcharge for each wireless telephone number. A customer that has more than one hundred local exchange access lines from a local exchange telephone company in the municipality is liable for the enhanced 911 surcharge only on one hundred local exchange access lines.

(b) Each local exchange telephone company or wireless telephone company shall include the appropriate enhanced 911 surcharge, stated separately and included in the total amount owed, in the bills delivered to its customers. A customer is liable for payment of the enhanced 911 surcharge in the amounts billed by the telephone company until the amounts have been paid to the telephone company.

(c) Each local exchange telephone company or wireless telephone company shall remit the amounts collected to the city no later than sixty days after the end of the month in which the amount was collected. From each remittance made in a timely manner under this subsection, the telephone company is entitled to deduct and retain the greater of one percent (1%) of the collected amount or One Hundred Fifty Dollars (\$150.00) as the cost of administration for collecting the enhanced 911 surcharge. In addition, a wireless telephone company is entitled to full recovery of the recurring and nonrecurring costs associated with implementation and operation of Phase I E911 service as allowed under Federal Communications Commission proceedings entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 9-1-1 Emergency Calling Systems" (CC Docket No. 94-102; RM-8143).

(d) A local exchange telephone company or wireless telephone company is not obligated to take legal action to enforce collection of the enhanced 911 surcharge. However, if a company is attempting to collect an unpaid debt from a customer, the telephone company shall also attempt to collect any unpaid enhanced 911 surcharge that the customer owes. If a customer pays a portion of a bill that includes an enhanced 911 surcharge, the amount paid shall be prorated between the telephone company and the enhanced 911 surcharge. The telephone company shall annually provide the city with a list of the amounts due for the nonpayment of enhanced 911 surcharges, together with the names and addresses of those customers who carry a balance that can be determined by the telephone company to be for the nonpayment of the enhanced 911 surcharges. The telephone company is not liable for uncollected amounts.

(e) The city may, at its own expense, require an annual audit of a local exchange telephone company's or wireless telephone company's books and records concerning the collection and remittance of the enhanced 911 surcharge.

5.22.050 Use of proceeds. All of the revenue received by the city under this chapter shall be used for the enhanced 911 system.

5.22.060 Annual review. The Council shall review the surcharge annually to determine whether the amount of the surcharge is adequate, excessive or insufficient to meet anticipated enhanced 911 system needs. The review may be part of the city budget process. Approval of a budget that includes expenditures for enhanced 911 services which are equal to or greater than the budgeted revenues from the surcharge will be deemed to be the Council's review and determination that the surcharge is sufficient for the year. In the event the Council fails to timely conduct the review or make the determination, any adjustment in the amount of the surcharge will be prospective only from the date the review and determination is made.

SEC. 3. Classification. Section 2 of 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 commencing January 1, 2005.

PASSED IN FIRST READING October 12, 2004

PASSED IN SECOND READING October 26, 2004

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, -serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 757

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION, WMC §5.10.062, ENTITLED “DISPOSITION OF PERSONAL PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES” TO CHAPTER 5.10 OF THE WRANGELL MUNICIPAL CODE ENTITLED “PURCHASES AND SALES” AND PROVIDING AN EFFECTIVE DATE

WHEREAS the City adopted WMC Chapter 04.10 entitled “Economic Development” in 1997, and

WHEREAS WMC §04.10.005 B.4. provides that the City, in order to promote, enhance, further and provide for economic development, may sell, lease, exchange or otherwise dispose of real or personal property or an interest in real or personal property, and

WHEREAS there are no provisions in WMC Chapter 5.10 entitled “Purchases and Sales” specifically addressing disposition of personal property for economic development purposes, and

WHEREAS WMC Chapter 5.10 should be amended to provide for such disposition in order to promote, enhance, further and provide for economic development,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Section. A new section, 5.10.062, entitled “Disposition of personal property for economic development purposes” is hereby added to the Wrangell Municipal Code, Title 5, Chapter 5.10, to provide as follows:

5.10.062 Disposition of personal property for economic development purposes. A. In the exercise of the city’s economic development powers, the council may determine, in its sole discretion, that it is in the best interest of the city to dispose of city-owned personal property, or any interest therein, which interest has a value of one million dollars or less (as determined by the city assessor or a qualified appraiser), by sale, lease or otherwise, without requests for proposals or sealed bid procedures and at less than fair market value.

B. In determining the best interests of the city under this section, the council may consider any relevant factors, which may include:

1. The desirability of the economic development project,
2. The actual or potential economic benefits to the city, its economy and other businesses within the city,

3. The contribution of the proponent to the economic development project in terms of money, labor, innovation, expertise, experience and otherwise,

4. The business needs of the proponent of the project in terms of integration into existing facilities and operations, stability in business planning, business commitments, and marketing,

5. Actual or potential local employment due to the economic development project, and

6. Actual and potential enhancement of tax and other revenues to the city related to the project.

C. Prior to disposal under subsection A of this section, the council shall hold a public hearing. The city clerk shall publish notice of the public hearing in a newspaper of general circulation in the city at least five (5) days prior to the hearing. The notice shall include the date, time and place of the hearing, a general description of the personal property or interest, and the proposed disposition and its purpose.

D. Following the hearing, the council may authorize disposition of the personal property or interest therein by resolution.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be shall be effective upon adoption.

PASSED IN FIRST READING October 12, 2004

PASSED IN SECOND READING October 26, 2004

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 755

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, VALIDATING LATE FILED TIMBER PROCESSING PROPERTY TAX EXEMPTIONS UNDER WRANGELL MUNICIPAL CODE SECTION 5.04.036 FOR TAX YEARS 2000 THROUGH 2004

Recitals

WHEREAS WMC §5.04.036 provides for a timber processing exemption which is to be available annually for tax years 2000 through 2005 and

WHEREAS WMC §5.04.036 provides that applications for the timber processing exemption must be submitted by January 15 of each assessment year and that there shall be no waivers of a failure to meet such deadline, and

WHEREAS it appears that applicants have received the benefit of the timber processing exemption in prior years although the exemption application was filed after January 15, and

WHEREAS the Finance Department discovered in June of 2004 that WMC §5.04.036 required that timber processing exemption applications be filed by January 15, and

WHEREAS based on its discovery of the requirements of WMC §5.04.036, the Finance Department issued a supplemental assessment for tax year 2004 for Silver Bay Logging Inc. on the grounds that its exemption request was filed after January 15,

WHEREAS Silver Bay Logging Inc. has received the benefit of the exemption for prior years when its application had been filed after January 15, and

WHEREAS Silver Bay Logging Inc. has appealed the 2004 supplemental assessment, and

WHEREAS, under the circumstances, the Council believes it is in the City's interest to validate the late filed applications,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Applications Valid. All applications for the timber processing exemption set forth in WMC §5.04.036 submitted for tax years 2000 through 2004 shall be deemed timely filed, notwithstanding the fact that such applications may have been filed after January 15 of the particular tax year.

SEC. 2. Classification. This ordinance is of a special nature and shall not be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING August 10, 2004

PASSED IN SECOND READING August 24, 2004

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 754

AN EMERGENCY ORDINANCE AUTHORIZING AND APPROVING THE AMENDMENT OF CERTAIN AGREEMENTS AND THE EXECUTION OF OTHER AGREEMENTS NEEDED FOR THE ISSUANCE OF BONDS BY THE FOUR DAM POOL JOINT ACTION AGENCY, AUTHORIZING AND DIRECTING CERTAIN CITY OFFICIALS TO TAKE SUCH ACTION AND EXECUTE SUCH OTHER AGREEMENTS AND DOCUMENTS NECESSARY OR APPROPRIATE TO COMPLETE THE FINANCING AND REFINANCING OF THE FOUR DAM POOL JOINT ACTION AGENCY PROJECT, RATIFYING PREVIOUS ACTIONS BY CITY OFFICIALS, DECLARING AN EMERGENCY, AND ESTABLISHING AN EFFECTIVE DATE

Recitals

WHEREAS Copper Valley Electric Association ("CVEA"), the City of Ketchikan d/b/a Ketchikan Public Utilities ("KPU"), Kodiak Electric Association ("KEA"), the City of Petersburg d/b/a Petersburg Municipal Power and Light ("Petersburg") and the City of Wrangell d/b/a City of Wrangell Light Department ("Wrangell") (collectively, the "Purchasing Utilities") formed a joint action agency pursuant to AS 42.45.300 to 42.45.320 (the "JAA") to purchase four hydroelectric projects (the "Project") from the State of Alaska; and

WHEREAS to form the JAA, the Purchasing Utilities entered into a Joint Action Agency Agreement dated as of December 1, 2000, and a First Amended and Restated JAA Agreement dated as of December 1, 2001 (together, the "JAA Agreement"); and

WHEREAS the Alaska Energy Authority ("AEA") and the Purchasing Utilities agreed to terms concerning the sale and purchase of the Project in a Memorandum of Understanding dated April 11, 2000, as amended on May 30, 2000 (collectively, the "MOU"); and

WHEREAS power from the Four Dam Pool Project is sold by the JAA to the Purchasing Utilities pursuant to a Long-Term Power Sales Agreement between the Purchasing Utilities and the JAA, as assignee of the AEA, effective October 28, 1985 (the "PSA"); and

WHEREAS to acquire the Project from the AEA, the JAA entered into an Agreement for the Purchase and Sale of the Four Dam Pool Project, dated as of January 1, 2002, as amended, (the "Purchase and Sale Agreement") between the AEA and the JAA, and financed the purchase of the Project with a loan in the amount of \$77,100,000 (the "AIDEA Loan") evidenced by a Loan and Security Agreement dated as of January 31, 2002, by and

between the Alaska Industrial Development and Export Authority ("AIDEA") and the JAA; and

WHEREAS the JAA is authorized by AS 42.45.300-42.45.320 (the "Act"), to issue, sell and secure the payment of revenue bonds in accordance with the provisions contained in the Act; and the JAA determined that it is in its best interest to issue revenue bonds in an amount sufficient, together with other moneys available therefore, to refinance the AIDEA Loan for the acquisition of the Project and to pay costs of bond issuance; and

WHEREAS the JAA intends to issue two series of revenue bonds in the aggregate principal amount not to exceed \$77,000,000 (collectively, the "Bonds") pursuant to an Indenture of Trust (the "Indenture") between the JAA and Wells Fargo Bank, National Association ("Trustee"); and

WHEREAS in order to secure the performance of its obligations under the Indenture and the Bonds, the JAA has agreed to grant to Trustee and a mortgage trustee a first lien security interest in JAA's right, title and interest in, to and under the Project, pursuant to the Indenture and a Deed of Trust Assignment of Rents and Leases, Security Agreement and Fixture Filing, (the "Deed of Trust"); and

WHEREAS the Alaska State Legislature enacted legislation set forth in Chapter 100, SLA 2004 (the "2004 Legislation") (i) authorizing the JAA to use JAA facilities, projects and related assets owned, leased or operated by the JAA as security in accordance with applicable law, (ii) authorizing transfer of the project and related assets in connection with a foreclosure or other enforcement of a lien or security interest to a secured party, without legislative approval, (iii) stating that the JAA functions as a political subdivision in the ownership and acquisition of the power project and (iv) authorizing amendment of the MOU consistent with the 2004 Legislation; and

WHEREAS the Purchasing Utilities and the AEA desire to amend the MOU to be consistent with the 2004 Legislation in a Second Amendment to Memorandum of Understanding (the "Second Amendment to MOU"); and

WHEREAS the Purchasing Utilities desire to amend and restate the JAA Agreement to conform with changes in the 2004 Legislation and to address certain technical matters related to the granting of security interests in property and rights of the JAA and have agreed upon the terms of a Second Amended and Restated Joint Action Agency Agreement, by and among the Purchasing Utilities (the "Second Amended and Restated JAA Agreement"), and such amendment requires the unanimous approval of the Purchasing Utilities; and;

WHEREAS to perfect the security interests of the Trustee and a mortgage trustee (the "Secured Parties") in personal property of the JAA associated with the Project, the Project operators must agree that each operator holds personal property of the JAA for the benefit of the Secured Parties, pursuant to a Bailee Control Agreement and Acknowledgment (the "Bailee Agreement"); and

WHEREAS the Internal Revenue Code (the "Code") and the Bond financing require the Purchasing Utilities to enter into a Tax and General Certificate (the "Tax and General Certificate") in which the Purchasing Utilities make certain representations regarding the Bond financing and certain covenants regarding their actions prescribed by the Code; and

WHEREAS the Indenture requires each of the Purchasing Utilities to subordinate their respective rights and interests under the PSA to the lien on the Project granted in favor of the Trustee by the JAA to secure the Bonds (the "Subordination Agreement") (the Second Amendment to MOU, Second Amended and Restated JAA Agreement, the Tax and General Certificate and the Subordination Agreement, collectively, the "Purchasing Utility Documents"); and

WHEREAS the members of the City Council of Wrangell, Alaska, have been provided certain summary materials concerning the bond financing of the Project, copies of the 2004 Legislation, substantially final forms of the Indenture, the Deed of Trust, the Official Statement created in connection with the sale of the Bonds, and substantially final forms of the Purchasing Utility Documents (collectively, the "Principal Bond Documents"); and

WHEREAS the City Council has determined that it is in the best interests of the City for the JAA to refinance the AIDEA Loan through the issuance of revenue bonds and desires to approve, authorize, take or direct to be taken those actions that are necessary, appropriate or useful to complete the JAA's bond financing of the Project and the completion of the various transactions, transfers, arrangements and other matters set forth in or contemplated by the Principal Bond Documents; and

WHEREAS the City Council finds that approving and authorizing the execution and delivery of the Purchasing Utility Documents is necessary by emergency ordinance to ensure the immediate refinancing of the AIDEA Loan with Bonds while interest rates are more favorable, and to preserve of the financial health of the Agency and the Purchasing Utility;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Approval of Bond Financing and Principal Bond Documents. The JAA bond financing is hereby approved, and the Principal Bond Documents are each hereby approved in the form provided to the City Council in connection with the adoption of this Ordinance, with such changes thereto that any of the Authorized Officers (as defined below) shall approve, with such to be conclusively evidenced by the execution and delivery of such Documents by an Authorized Officer.

SEC. 2. Designation of Authorized Officers. Robert S. Prunella and James R. Nelson (each an "Authorized Officer" and together the "Authorized Officers") are hereby authorized and directed for and on behalf of the City of Wrangell, Alaska, d/b/a City of

Wrangell Light Department, to take or direct to be taken all action to negotiate, execute, deliver and perform all documents, agreements or instruments to which the City of Wrangell, Alaska, d/b/a City of Wrangell Light Department, is a party and as may be necessary, desirable, appropriate or expedient and in the best interest of the City of Wrangell, Alaska, d/b/a City of Wrangell Light Department, to facilitate the JAA's bond issuance to refinance the Project and the completion of the various transactions, transfers, arrangements and other matters set forth in or contemplated by the Principal Bond Documents; provided however, that the Authorized Officers shall not execute and deliver documents on behalf of the City of Wrangell, Alaska, d/b/a City of Wrangell Light Department, or take or direct to be taken any other actions to complete the closing of the refinancing of the Project until such time as there has been Satisfaction of the Closing Conditions (as defined below).

SEC. 3. Satisfaction of Closing Conditions. The Authorized Officers shall proceed to execute and deliver documents on behalf of the City of Wrangell, Alaska, d/b/a City of Wrangell Light Department, and take or direct to be taken other actions to complete the closing of the refinancing of the Project only after an Authorized Officer has determined that the documents are satisfactory and in final form.

SEC. 4. Execution and Delivery of Purchasing Utility Documents. Each Authorized Officer is hereby authorized and directed upon Satisfaction of Closing Conditions to execute and deliver the Purchasing Utility Documents, each in the form provided to the City Council in connection with the adoption of this Ordinance, with such changes thereto that any of the Authorized Officers shall approve, with such approval to be conclusively evidenced by the execution and delivery of such Documents.

SEC. 5. Additional Actions. Each Authorized Officer is hereby authorized and directed to negotiate, execute and deliver such additional documents and take or direct to be taken such further actions such Officer, in his or her reasonable discretion, may deem to be necessary or appropriate to complete the transactions and arrangements contemplated by the Principal Bond Documents and to carry out the purposes, terms and intentions of this Ordinance.

SEC. 6. Ratification of Prior Actions. All acts and deeds previously done by any of the Authorized Officers or any of the officers, agents or employees of the City of Wrangell, Alaska, d/b/a City of Wrangell Light Department, for and on behalf of the City of Wrangell, Alaska, d/b/a City of Wrangell Light Department, in carrying out the purposes, terms and intentions of this Ordinance related to the issuance of the Bonds are hereby ratified and approved.

SEC. 7. Electrical Transmission Line – Distribution Line Easement. This ordinance does not grant or approve, or authorize either of the Authorized Officers to grant or approve, the Electrical Transmission Line – Distribution Line Easement in favor of the Four Dam Pool Power Agency referenced in the form of Deed of Trust. Any such easement may only be granted by future City Council action as required by the Wrangell Municipal Code.

SEC. 8. Declaration of Emergency. The City Council declares that approving and authorizing the execution and delivery of the Purchasing Utility Documents is necessary by emergency ordinance to ensure the immediate refinancing of the AIDEA Loan with Bonds while interest rates are more favorable, and to preserve the financial health of the Agency and the Purchasing Utility.

SEC. 9. Classification. This ordinance is of a special nature and shall not be codified in the Wrangell Municipal Code.

SEC. 10. 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. 11. Effective Date. This ordinance shall be effective upon adoption.

INTRODUCED AND PASSED: August 10, 2004

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 753

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 8, MUSEUM/CIVIC CENTER, SPECIFICALLY CHAPTER 8.02, ADMISSION RATES

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective after final passage.

SEC. 4. Public Hearing. A public hearing shall be held on July 27, 2004.

SEC. 5. Wrangell Municipal Code, Title 8, Chapter 8.02, Section 8.02.010, is hereby amended as follows:

Title 8

MUSEUM/CIVIC CENTER

Chapters:

8.02 Admission Rates

Chapter 8.02

ADMISSION RATES

Sections:

8.02.010	Rates
\$5.00	Adult Walk-in's
\$3.00	Senior Citizens (60+)
\$2.00	Children 6-12

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 756

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION, WMC §16.12.012, ENTITLED “DISPOSITION OF REAL PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES” TO CHAPTER 16.12 OF THE WRANGELL MUNICIPAL CODE ENTITLED “DISPOSITION OF PUBLIC LANDS AND TIDELANDS” AND PROVIDING AN EFFECTIVE DATE

WHEREAS the City adopted WMC Chapter 04.10 entitled “Economic Development” in 1997, and

WHEREAS WMC §04.10.005 B.4. provides that the City, in order to promote, enhance, further and provide for economic development, may sell, lease, exchange or otherwise dispose of real or personal property or an interest in real or personal property, and

WHEREAS there are no provisions in WMC Chapter 16.12 entitled “Disposition of Public Lands and Tidelands” specifically addressing disposition of public lands and tidelands for economic development purposes, and

WHEREAS WMC Chapter 16.12 should be amended to provide for such disposition in order to promote, enhance, further and provide for economic development,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Section. A new section, 16.12.012, entitled “Disposition of real property for economic development purposes” is hereby added to the Wrangell Municipal Code, Title 16, Chapter 16.12, to provide as follows:

16.12.012 Disposition of real property for economic development purposes. A. In the exercise of the city’s economic development powers, the council may determine, in its sole discretion, that it is in the best interest of the city to dispose of city-owned real property, including tidelands, or any interest therein, which interest has a value of one million dollars or less (as determined by the city assessor or a qualified appraiser), without requests for proposals or sealed bid procedures and at less than fair market value.

B. In determining the best interests of the city under this section, the council may consider any relevant factors, which may include:

1. The desirability of the economic development project,

2. The actual or potential economic benefits to the city, its economy and other businesses within the city,

3. The contribution of the proponent to the economic development project in terms of money, labor, innovation, expertise, experience and otherwise,

4. The business needs of the proponent of the project in terms of integration into existing facilities and operations, stability in business planning, business commitments, and marketing,

5. Actual or potential local employment due to the economic development project,

6. Actual and potential enhancement of tax and other revenues to the city related to the project, and

7. Existing and reasonably foreseeable land use patterns and ownership.

C. Prior to disposal under subsection A of this section, the council shall hold a public hearing. The city clerk shall publish notice of the public hearing in a newspaper of general circulation in the city at least five (5) days prior to the hearing. The notice shall include the date, time and place of the hearing, a general or legal description of the real property or interest, and the proposed disposition and its purpose.

D. Following the hearing, and with comments/recommendations from the Port Commission, the Planning and Zoning Commission, and the Economic Development Committee, the council may authorize disposition of the real property or interest therein by resolution.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be shall be effective upon adoption.

PASSED IN FIRST READING October 12, 2004

PASSED IN SECOND READING October 26, 2004

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

Free Children under 6
\$12.00 Family
\$3.00 ea Organized Groups, 10 or more
\$2.00 ea School Groups (non-Wrangell)
Free School Groups (Wrangell)
\$2.00 Wrangell Residents with Driver's License/ID
Free Friends of the Museum Members

\$10.00 Individual Yearly Pass (July – June)

\$25.00 Family Yearly Pass (July – June)

PASSED IN FIRST READING July 13, 2004

PASSED IN SECOND READING July 28, 2004

Valery McCandless *-serving as*
Valery McCandless, Mayor *Mayor*

ATTEST: Christie L Jamieson
Christie L. Jamieson, City Clerk

ORDINANCE NO. 752

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING TITLE 15, CHAPTER 15.08, SEWERS, SPECIFICALLY INCREASING SEWER RATES BY FIVE PERCENT AND PROVIDING FOR A PUBLIC HEARING

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

Sec. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

Sec. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective July 1, 2004.

Sec. 4. Providing for a Public Hearing. A public hearing is scheduled for June 22, 2004.

Sec. 5. Wrangell Municipal Code, Chapter 15.08.240 Schedule of Rates and Charges, is hereby amended as follows:

Class A

Residential Rates

<u>Designation</u>	Effective <u>7/1/02</u>	Effective <u>7/1/04</u>
Per family unit	[30.40/mo]	<u>31.92</u>

Note 1: The residential schedule is restricted to service used exclusively for general domestic purposes.

Note 2: Where central laundry facilities are furnished for the exclusive use of tenants in apartment building or trailer courts, no charge in addition to above will be made.

Class B

Commercial Rates

<u>Designation</u>	<u>Effective</u> <u>7/1/02</u>	<u>Effective</u> <u>7/1/04</u>
Bakeries	[91.23/mo]	<u>95.79</u>
With initial preparation off premises	[45.61]	<u>47.89</u>
Bars	[91.23]	<u>95.79</u>
Barbershops, two chairs	[30.40]	<u>31.92</u>
Per each additional chair	[15.20]	<u>15.96</u>
Beautyshops, two basins	[30.40]	<u>31.92</u>
Per each additional basin	[15.20]	<u>15.96</u>
Canneries:	[30.40]	<u>31.92</u>
Shellfish canneries	Special	
Fish processing	Special	
Rinsing and packaging only	Special	
Salt Water process only	Special	
Churches	[30.40]	<u>31.92</u>
Cleaners and cleaning plants	[60.81]	<u>63.85</u>
Clubs and lodges:		
Without bar or restaurant facilities	[30.40]	<u>31.92</u>
With bar or restaurant facilities	[60.81]	<u>63.85</u>
Cold Storage Plants	Special	
Convenience Stores	[17.12]	<u>17.98</u>
Docks	[30.40]	<u>31.92</u>
Garages, service stations, car lots:		
Without washrack	[30.40]	<u>31.92</u>
with washrack	[60.81]	<u>63.85</u>
Grocery stores:		
Without meat market	[30.40]	<u>31.92</u>
With meat market	[60.81]	<u>63.85</u>
Hotels and motels, per room	[6.85]	<u>7.19</u>
First ten rooms or less	[91.23]	<u>95.79</u>
Over ten rooms, per room	[6.06]	<u>6.36</u>
Hospitals 2 ERU's plus per-bed		
Charge of .4 ERU 24 beds	[352.80]	<u>370.44</u>
Laundromats, self-service per		
Machine	[50.16]	<u>52.67</u>
Under thirty-pound capacity, per		
Machine	[15.20]	<u>15.96</u>
Thirty pound or over capacity, per	[45.61]	<u>47.89</u>
Machine		

Class B

Commercial Rates

<u>Designation</u>	<u>Effective</u> <u>7/1/02</u>	<u>Effective</u> <u>7/1/04</u>
Multi-family (per unit)	[30.40]	<u>31.92</u>
Office buildings,		
Per employee	[3.02]	<u>3.17</u>
Each additional plumbed office	[30.40]	<u>31.92</u>
Each additional unplumbed office	[6.06]	<u>6.36</u>
Offices, medical	[17.12]	<u>17.98</u>
With laboratory and/or x-ray unit	[60.81]	<u>63.85</u>
Without laboratory and/or x-ray unit	[30.40]	<u>31.92</u>
Offices, dental:	[30.40]	<u>31.92</u>
With laboratory and/or x-ray unit	[60.81]	<u>63.85</u>
Without laboratory and/or x-ray unit	[30.40]	<u>31.92</u>
Public showers:		
First two stalls	[30.40]	<u>31.92</u>
Per each additional stall	[6.06]	<u>6.36</u>
Ranger District (Forest Service)	[237.23]	<u>249.09</u>
Restaurants, lunch counters, etc.:		
Up to and including thirty seats	[91.23]	<u>95.79</u>
Each additional twenty seats or fraction		
Thereof	[30.40]	<u>31.92</u>
Lunchcounters, drive-in or fast food,		
Of less than thirty seats	[45.61]	<u>47.89</u>
Industrial	Special	
Schools, per class room	[13.06]	<u>13.71</u>
Shops and stores	[30.40]	<u>31.92</u>
Stores: drygoods, gift, etc.	[30.40]	<u>31.92</u>
Swimming pool, public	[243.31]	<u>255.48</u>
Roominghouses	[30.40]	<u>31.92</u>
Each bed	[6.06]	<u>6.36</u>

PASSED IN FIRST READING June 8, 2004

PASSED IN SECOND READING June 22, 2004

Valery M^cCandless,
Valery McCandless, Mayor

*acting as
Mayor*

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 751

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING TITLE 15, CHAPTER 15.04, WATER, SPECIFICALLY INCREASING WATER RATES BY TEN PERCENT IN YEAR ONE AND FIVE PERCENT EACH YEAR FOR THE FOLLOWING TWO YEARS AND PROVIDING FOR A PUBLIC HEARING

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective July 1, 2004.

SEC. 4. Providing for a Public Hearing. A public hearing is scheduled for June 22, 2004.

SEC. 5. Wrangell Municipal Code, Title 15, Chapter 15.04, Section 15.04.640, is hereby amended as follows:

MONTHLY WATER RATES

Class A—Residential

Designation

		<u>Effective Dates</u>		
		<u>7/1/04</u>	<u>7/1/05</u>	<u>7/1/06</u>
Inside City limits, per family unit	[20.09]	<u>22.10</u>	<u>23.20</u>	<u>24.36</u>

Note A: The residential schedule is restricted to service used exclusively for general domestic purposes.

Note B: Where central laundry facilities are furnished for the exclusive use of tenants in apartment buildings or trailer courts, no charge in addition to above will be made.

Class B—Commercial and Industrial—Flat Rates

Designation

	[7/1/03]	<u>Effective Dates</u>		
		<u>7/1/04</u>	<u>7/1/05</u>	<u>7/1/06</u>
Bakeries	[76.04]	<u>83.64</u>	<u>87.83</u>	<u>92.22</u>
Bars	[76.04]	<u>83.64</u>	<u>87.83</u>	<u>92.22</u>
Barbershops—one chair	[19.00]	<u>20.90</u>	<u>21.95</u>	<u>23.04</u>
per each additional chair	[15.21]	<u>16.73</u>	<u>17.57</u>	<u>18.45</u>
Beauty Shops—one basin	[19.00]	<u>20.90</u>	<u>21.95</u>	<u>23.04</u>
per each additional basin	[15.21]	<u>16.73</u>	<u>17.57</u>	<u>18.45</u>
Canneries:				
Shellfish canneries	[380.13]	<u>418.14</u>	<u>439.05</u>	<u>461.00</u>
Fish processing	[405.44]	<u>445.98</u>	<u>468.28</u>	<u>491.70</u>
Rinsing and packaging only	[76.04]	<u>83.64</u>	<u>87.83</u>	<u>92.22</u>
Saltwater process only	[76.04]	<u>83.64</u>	<u>87.83</u>	<u>92.22</u>
Churches	[19.00]	<u>20.90</u>	<u>21.95</u>	<u>23.04</u>
Cleaners and cleaning plants	[37.94]	<u>41.73</u>	<u>43.82</u>	<u>46.01</u>
Clubs, lodges—without bar or restaurant facilities	[19.00]	<u>20.90</u>	<u>21.95</u>	<u>23.04</u>
Cold storage plants	[405.44]	<u>445.98</u>	<u>468.28</u>	<u>491.70</u>
Convenience Store	[10.98]	<u>12.08</u>	<u>12.68</u>	<u>13.32</u>
Docks	[94.96]	<u>104.46</u>	<u>109.68</u>	<u>115.16</u>
Docks or marinas for small boats, including oil docks	[63.38]	<u>69.72</u>	<u>73.20</u>	<u>76.86</u>
Garages, service stations, car lots:				
Without washrack	[37.94]	<u>41.73</u>	<u>43.82</u>	<u>46.01</u>
With washrack	[57.02]	<u>62.72</u>	<u>65.85</u>	<u>69.15</u>
Grocery stores				
Without meat market	[28.42]	<u>31.26</u>	<u>32.83</u>	<u>34.47</u>
With meat market	[58.85]	<u>64.74</u>	<u>67.97</u>	<u>71.37</u>
Hospitals	[151.11]	<u>166.22</u>	<u>174.53</u>	<u>183.26</u>
Hydrants, fire, each	[12.05]	<u>13.26</u>	<u>13.92</u>	<u>14.61</u>
Hotels and motels:				
Ten rooms or less	[57.02]	<u>62.72</u>	<u>65.86</u>	<u>69.15</u>
Over ten rooms, per room	[4.43]	<u>4.87</u>	<u>5.12</u>	<u>5.37</u>
Laundromats, self-service:				
Under thirty-pound capacity, per machine	[23.20]	<u>25.52</u>	<u>26.80</u>	<u>28.14</u>
Thirty pounds or over capacity, per machine	[40.49]	<u>44.54</u>	<u>46.77</u>	<u>49.10</u>
Meat markets	[30.39]	<u>33.43</u>	<u>35.10</u>	<u>36.86</u>

Class B—Commercial and Industrial—Flat Rates

Designation

		<u>Effective Dates</u>		
	[7/1/03]	<u>7/1/04</u>	<u>7/1/05</u>	<u>7/1/06</u>
Multi-family (per unit)	[15.39]	<u>16.93</u>	<u>17.78</u>	<u>18.66</u>
Oceangoing freight and passenger				
Vessels taking water:				
0 – 3,600 gals	[38.99]	<u>42.89</u>	<u>45.03</u>	<u>47.29</u>
each additional gallon	[0.01]	<u>0.01</u>	<u>0.02</u>	<u>0.02</u>
Office building, per employee	[1.24]	<u>1.36</u>	<u>1.43</u>	<u>1.50</u>
Each additional plumbed office	[19.00]	<u>20.90</u>	<u>21.95</u>	<u>23.04</u>
Each additional unplumbed office	[4.43]	<u>4.87</u>	<u>5.12</u>	<u>5.37</u>
Offices, medical	[64.62]	<u>71.08</u>	<u>74.64</u>	<u>78.37</u>
Offices, dental	[64.62]	<u>71.08</u>	<u>74.64</u>	<u>78.37</u>
Without laboratory				
and/or x-ray unit	[19.00]	<u>20.90</u>	<u>21.95</u>	<u>23.04</u>
Plane floats	[37.94]	<u>41.73</u>	<u>43.82</u>	<u>46.01</u>
Public showers:				
First two stalls	[20.30]	<u>22.33</u>	<u>23.45</u>	<u>24.62</u>
Per each additional stall	[4.95]	<u>5.45</u>	<u>5.72</u>	<u>6.00</u>
Ranger District (Forest Service)	[194.79]	<u>214.27</u>	<u>224.98</u>	<u>236.23</u>
Restaurants, lunch counters, etc.:				
Up to and including thirty seats	[57.02]	<u>62.72</u>	<u>65.86</u>	<u>69.15</u>
Over thirty seats	[76.04]	<u>83.64</u>	<u>87.83</u>	<u>92.22</u>
Fountain only	[19.00]	<u>20.90</u>	<u>21.95</u>	<u>23.04</u>
Sawmills	[1267.03]	<u>1393.73</u>	<u>1463.42</u>	<u>1536.59</u>
Schools, per classroom	[12.55]	<u>13.81</u>	<u>14.50</u>	<u>15.22</u>
Shops and stores	[19.00]	<u>20.90</u>	<u>21.95</u>	<u>23.04</u>
Stores—dry goods, gifts, etc.	[20.30]	<u>22.33</u>	<u>23.45</u>	<u>24.62</u>
Swimming pool, public	[257.41]	<u>283.15</u>	<u>297.31</u>	<u>312.17</u>
Theaters, seating five hundred people				
or less	[37.94]	<u>41.73</u>	<u>43.82</u>	<u>46.01</u>

*Rates herein apply to the average monthly usage. No adjustments will be made for seasonal work.

Note 1: All commercial enterprise consisting of more than one facility shall be charged the sum of the applicable rates for each facility.

Note 2: The monthly rate for any establishment no herein designated shall be determined by the City Council. Until such rate may be established, the rate deemed most applicable shall apply, subject to adjustment.

PASSED IN FIRST READING June 8, 2004

PASSED IN SECOND READING June 22, 2004

Valery McCandless, serving as
Valery McCandless, Mayor
Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 750

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, RELATING TO THE INSTALLMENT SALES OF REAL PROPERTY, AMENDING SUBSECTION D OF SECTION 16.12.040 OF THE WRANGELL MUNICIPAL CODE ENTITLED "VALUE ASSESSMENT - NOTICE OF TERMS", AMENDING WMC SECTION 16.12.090 ENTITLED "EFFECTIVE DATE OF RESOLUTION", AMENDING WMC SECTION 16.12.105 ENTITLED "OVER-THE-COUNTER SALES", REPEALING WMC SECTION 16.12.110 ENTITLED "DEFAULT PROVISIONS" AND ADDING A NEW SECTION 16.12.115 ENTITLED "RATIFICATION OF PRIOR CONVEYANCES" TO THE WRANGELL MUNICIPAL CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC.1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon adoption..

SEC. 4. Amendment. Subsection D of WMC Section 16.12.040 entitled "Value assessment - Notice of terms" is hereby amended to provide as follows:

D. Terms. Certified or Cashiers check or cash equal to twenty-five percent (25%) of the bid must accompany the bid. Personal checks will not be accepted. Purchasers may choose to pay balance by cash or execute an installment purchase agreement with the City of Wrangell. The term of installment purchase agreement shall not exceed fifteen (15) years. Interest rate on unpaid balance will accrue at prime plus two (2) points at time of closing. **The unpaid balance shall be evidenced by a promissory note secured by a deed of trust on the property.**

SEC. 5 Amendment. WMC Section 16.12.090 entitled "Effective date of resolution" is hereby amended to provide as follows:

16.12.090 Effective date of resolution. A resolution providing for the disposition of property shall become effective upon adoption by the council. The City Attorney shall prepare a deed or other appropriate instrument of conveyance to be executed by the Mayor and Clerk, **subject to any deed of trust securing installment payments of the purchase price and other obligations to the city.** [AND EXCHANGE SAME WITH THE SUCCESSFUL PURCHASER WHEN PURCHASE PRICE, PLUS ANY INTEREST DUE, IS PAID IN FULL]

SEC. 6. Amendment. WMC Section 16.12.105 entitled “Over-the-counter sales” is hereby amended to provide as follows:

16.12.105 Over-the-counter sales. A. Lots or parcels of land offered for sale pursuant to Section 16.12.030 for which no responsive bids are received may, upon resolution of the council, be offered for [PUBLIC SALE] over-the-counter **sale** upon such terms and conditions as provided in Sections 16.12.[030] **040(C) and (D).**

B. The resolution shall specify the date and hour on which over-the-counter sales shall commence and an expiration date.

C. Such lots shall be offered by the city clerk over the counter at City Hall on a first-come first-served basis and be sold for the minimum bid value (appraised valuation).

D. The purchases shall be ratified by a resolution [AUTHORIZING THE MAYOR AND CLERK TO SUBSEQUENTLY ISSUE AN APPROPRIATE FORM OF DEED, UPON PAYMENT IN FULL.] **of the council, and conveyed as provided for in Section 16.12.090.**

SEC. 7. Repeal. WMC Section 16.12.110 entitled “Default provisions” is hereby repealed in its entirety.

SEC. 8. New Section. A new section, 16.12.115, entitled “Ratification of prior conveyances” is hereby added to the Wrangell Municipal code to provide as follows:

16.12.115 Ratification of prior conveyances. Previous installment sales of city property made before April 1, 2004 where the property was conveyed by a deed subject to a deed of trust securing payment of the purchase price are hereby ratified and approved.

PASSED IN FIRST READING April 15, 2004

PASSED IN SECOND READING April 27, 2004

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless serving as
Valery McCandless
Mayor



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 749

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING TITLE 14, SPECIFICALLY ADDING NEW SECTION 14.07.013 PORT DEVELOPMENT FEE AND AMENDING SECTION 14.11.005 FEE SCHEDULE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective after final passage.

SEC. 4. Public Hearing. A public hearing shall be held on March 9, 2004.

SEC. 5. Wrangell Municipal Code, Title 14, Section 14.07.013 and 14.11.005, are hereby amended as follows:

Chapter 14.07

PORT OPERATIONS AND OTHER SERVICES

Sections:

14.07.013 Port Development Fees. **A. In addition to any other fees assessed pursuant to this chapter, a Port Development Fee shall be assessed against each vessel which exceeds 120 feet in length over all and carries revenue generating passengers at port of Wrangell facilities. This additional fee shall be assessed each time the vessel uses port of Wrangell facilities during the period of May 1 through September 30 of each year. A vessel will be considered to have used port of Wrangell facilities once each time it is moored to a port of Wrangell facility.**
B. The additional fee shall be assessed as listed in section 14.11.005.
C. The master or agent of each vessel shall provide the length over all of the vessel upon request of the City.
D. Proceeds from this fee shall be dedicated for the maintenance, design and construction of port facilities.

14.11.005 Fee Schedule. The following fees shall be charged for the uses indicated:

Use	Fee
Z. Port Development Fee	
<u>120-499</u>	<u>\$1.25/foot</u>
<u>500-up</u>	<u>\$2.00/foot</u>

PASSED IN FIRST READING March 2, 2004

PASSED IN SECOND READING March 9, 2004

Valery McCandless, serving as
Valery McCandless, Mayor Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 748

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING TITLE 5, REVENUE AND FINANCE, SPECIFICALLY ADDING SALES TAX SECTIONS 5.08.005 (H), 5.08.005 (J) AND 5.08.050 (X), (Y)

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective April 1, 2004.

SEC. 4. Wrangell Municipal Code, Title 5, Sections 5.08.005 (H), 5.08.005 (J), and 5.08.050 (X & Y), is hereby amended as follows:

5.08.005 Definitions. For the purposes of this chapter, the following words and phrases have the meanings hereinafter respectively ascribed to them.

H. "Seller" means any person or entity making a retail sale to a buyer or consumer, whether as agent, broker or principal, any person or entity performing services for remuneration, or a purchasing cooperative. **Notwithstanding any other provision of this chapter, arrangements made with another person or agent, including, but not limited to, a travel agent, cruise ship business, broker or other representative, regardless of the location of the travel agent, cruise ship business, broker or other representative, by a provider of services, rentals or goods, to market such services, rentals or goods (including travel and adventure services), to provide such services, rentals, or goods to another person, or the transfer to the buyer of the right or privilege to receive such services, rentals or goods, is a taxable sale by such provider, not a sale for resale, and such provider is a seller for the purposes of this chapter.**

J. "Single-unit sale" means the sale of a separate, single item or service which is customarily sold, advertised, contracted for sale or sold in the normal course of business as a separate and single item or unit or by a single unit of measurement (i.e. per gallon, ton, hour, day, week, month, foot, sack, yard, pound, piece, group, each, box, set, package, or other common unit of measurement). A single-unit sale shall include a sale by contract, quote, bid, or other lump-sum amount only if the sale is based on and

computed as a single bid, quote, sum, or package price rather than as an accumulation, sum, or aggregation of prices of separate identifiable or separable unit prices as defined above. [FOR PURPOSES OF PACKAGE TOURS, EVERY INDIVIDUAL IN THE TOUR WILL COUNT AS A SINGLE UNIT.] For purposes of harbor fees and port dockage, each foot or other measurement of length will count as a single unit.

Sales of package travel and adventure services sold to a single pre-existing group where the sales price is invoiced to a single person or company is a single unit sale to such group. Sales of a travel and adventure service to individuals is a single unit sale to the individual notwithstanding the fact that the service provider receives a single payment through an arrangement with a travel agent, cruise ship business, broker or other representative.

5.08.050 Exemptions from tax. The following transactions are exempt from the tax levied under this chapter:

(X.) That part of the sales price paid by the buyer for travel and adventure services purchased outside the city or on a cruise ship which is not remitted, directly or indirectly, to the person providing or performing the service within the city. For purposes of this exemption, "cruise ship" means:

(1) A commercial passenger vessel that carries passengers for hire except that "cruise ship" does not include a vessel:

- a. authorized to carry fewer than twenty (20) passengers;**
- b. that does not provide overnight accommodations and transportation for at least twenty (20) passengers for hire; or,**
- c. operated by the United States, State of Alaska, or a foreign government.**

(Y.) Sales of goods where the entire transaction, both payment and delivery, takes place on board a cruise ship. For purposes of this exemption, a "cruise ship" has the same meaning as set forth in subsection (X) of this section.

PASSED IN FIRST READING _____ March 2 _____, 2004

PASSED IN SECOND READING _____ March 9 _____, 2004

Valery M. Candless, serving as Mayor
Valery McCandless, Mayor

ATTEST: *Christie L. Jamieson*
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 747

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, CREATING WRANGELL MUNICIPAL CODE TITLE 8, MUSEUM/CIVIC CENTER, SPECIFICALLY CHAPTER 8.02, ADMISSION RATES

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective after final passage.

SEC. 4. Public Hearing. A public hearing shall be held on March 9, 2004.

SEC. 5. Wrangell Municipal Code, Title 8, Chapter 8.02, Section 8.02.010, is hereby added as follows:

Title 8

MUSEUM/CIVIC CENTER

Chapters:

8.02 Admission Rates

Chapter 8.02

ADMISSION RATES

Sections:

8.02.010 Rates

<u>\$5.00</u>	<u>Adult Walk-in's</u>
<u>\$3.00</u>	<u>Senior Citizens (60+)</u>
<u>\$2.00</u>	<u>Children 6-12</u>

Free Children under 6
\$12.00 Family
\$3.00 ea Organized Groups, 10 or more
\$2.00 ea School Groups (non-Wrangell)
Free School Groups (Wrangell)
\$2.00 Wrangell Residents with Driver's License/ID
Free Friends of the Museum Members

PASSED IN FIRST READING March 2, 2004

PASSED IN SECOND READING March 9, 2004

Valery McCandless Sevingas
Valery McCandless, Mayor Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 746

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SUBSECTIONS A., B., AND C OF SECTION 16.12.040 ENTITLED “VALUE ASSESSMENT - NOTICE OF TERMS” AND SECTION 16.12.100 ENTITLED “RATIFICATION BY ELECTION – PROCEDURE” OF THE WRANGELL MUNICIPAL CODE, RELATING TO THE DISPOSITION OF REAL PROPERTY OR INTEREST IN REAL PROPERTY OWNED BY THE CITY

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon final passage.

SEC. 4. Amendment. Subsections A, B, and C of Section 16.12.040 of the Wrangell Municipal Code entitled “Value assessment - Notice of Terms” are hereby amended to provide as follows:

16.12.040 Value assessment - Notice of terms. A. When an application is filed for the sale, lease or other disposition of real property, tidelands or any interest therein, the city clerk shall cause an appraisal of the [PROPERTY] **interest to be disposed of** to be made by the assessor, who shall submit a report to the council, which will include his estimate of the market value of the **interest** [PROPERTY, THAT IS THE PRICE A WILLING BUYER NOT COMPELLED TO PURCHASE THE PROPERTY WOULD PAY TO A WILLING SELLER NOT COMPELLED TO SELL THE PROPERTY]. The council shall then submit the application and, upon approval of a majority of those voting on the question, the council shall approve the sale on such terms and conditions as provided herein, or set by the council. The costs of appraisal fees, survey fees and fees necessary for the preparation of documents, and all other costs associated with the application shall be borne by the applicant.

B. Following approval by the council, if the subject [PROPERTY] **interest** has a value of one million dollars or less, the city clerk shall thereafter give notice of the sale, lease or other disposition by publication of notice in a newspaper of general

circulation in the city at least thirty days before the date of the sale, lease, or other disposition, and the notice shall be thirty days before the date of the sale, lease, or other disposition, and the notice shall be posted within that time in at least three public places in the city.

C. The notice shall contain a description of the property and the interest therein which is being disposed; the estimated value of the **interest** [PROPERTY]; declare that the disposition shall be effected through sealed bids, the forms for which may be obtained in advance at the city clerk's office at city hall; shall specify the address to which the sealed bids shall be addressed or delivered by the bidders; state the date and hour upon which bids shall be opened in public, and that sealed bids may be submitted at any time prior to the opening; that the property may be sold, leased, or disposed to the highest responsible bidder for cash, or terms as provided in section 16.12.015; that the city reserves the right to reject any and all bids.

SEC. 5. Amendment. Section 16.12.100 of the Wrangell Municipal Code entitled "Ratification by election – Procedure" is hereby amended to provide as follows:

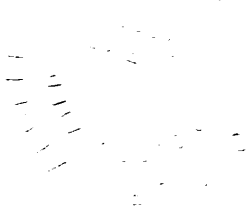
16.12.100 Ratification by election - Procedure. [REAL] **An interest in real** property which has a value of one million dollars or more shall be disposed of by a noncode ordinance, ratified by election. The ordinance shall provide for the terms and conditions of the subject disposal. The ordinance may be submitted at a special or general election [AND THE ORDINANCE SHALL GIVE THE TIME AND PLACE OF THE ELECTION].

PASSED IN FIRST READING January 27, 2004

PASSED IN SECOND READING February 10, 2004

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless sewingas
Valery McCandless
Mayor



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 745

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION 1.01.130 ENTITLED "REVISION OF CODE", SPECIFICALLY RELATING TO REVISING AND EDITING THE ORDINANCES OF THE CITY OF WRANGELL WITHOUT CHANGING THE MEANING THEREOF, TO THE WRANGELL MUNICIPAL CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon final passage.

SEC. 4. New Section. A new section, 1.01.130 entitled "Revision of Code" is hereby added to the Wrangell Municipal Code to provide as follows:

1.01.130 Revision of Code. A. The city clerk, with such help from the municipal attorney as may be necessary, shall revise for consolidation into the city code all ordinances of a general and permanent nature and all ordinances of a temporary or special nature enacted by the council.

B. The city clerk shall edit and revise the laws for consolidation without changing the meaning of any ordinance in the following manner:

(1) Renumber sections, parts of sections, articles, chapters, and titles as needed;

(2) Change the wording of section or subsection titles, or delete subsection titles, and change or provide new titles for articles, chapters, and titles;

(3) Change capitalization for the purpose of uniformity;

(4) Substitute the proper designation for the terms "the preceding section", "this ordinance", and like terms;

(5) Substitute the proper calendar date for "effective date of this ordinance", "date of passage of this ordinance", and other phrases of similar

import;

(6) Strike out figures if they are merely a repetition of written words or vice versa, or substitute figures for written words or vice versa for the purpose of uniformity;

(7) Correct manifest errors which are clerical, typographical, or errors in spelling, or errors by way of additions or omissions;

(8) Correct manifest errors in references to laws;

(9) Rearrange sections, combine sections or parts of sections with other sections or parts of sections, divide long sections into two or more sections, and rearrange the order of sections to conform to a logical arrangement of subject matter as may most generally be followed in the code;

(10) Omit all temporary ordinances, all titles to acts, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity, and construction clauses unless, from their nature, it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

PASSED IN FIRST READING January 27, 2004

PASSED IN SECOND READING February 10, 2004

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as Mayor
Valery McCandless
Mayor

ORDINANCE NO. 744

AN ORDINANCE OF THE CITY OF WRANGELL, ALASKA,
VOIDING THE AUTHORIZATION OF CERTAIN REVENUE
BONDS OF THE CITY

WHEREAS, in 1997 and 1998, the City Council (the "Council") of the City of Wrangell, Alaska (the "City") authorized the issuance of four series of revenue bonds of the City for improvements to facilities of the City's electric, sewer, water and port systems, as further described herein, and all such authorizations were approved by the City's voters in accordance with applicable requirements of the City's Charter; and

WHEREAS, the authorized improvements to the electric, sewer and port systems were financed instead from alternative sources, and the authorized improvements to the water system were financed by the issuance of only a portion of the bonds authorized for such purpose; and

WHEREAS, the Council wishes to void the authorization of such unissued bonds, as further described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, as follows:

Section 1. Classification. This ordinance is a special ordinance that is to be omitted from the Wrangell Municipal Code.

Section 2. Severability. In the event that any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this ordinance or the bonds authorized herein, but this ordinance and the bonds shall be construed and enforced as if such invalid provision had not been contained herein; provided, however, that any provision that shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 3. Findings. The Council hereby finds as follows with respect to certain authorized but unissued revenue bonds of the City:

A. That the capital improvements to the City's sewer system authorized by Resolution No. 08-97-689 and approved by the City's voters at an election held on October 7, 1997, have been completed and that the \$940,000 in revenue bonds authorized to be issued to finance such capital improvements were not issued and do not need to be issued because the City obtained other funds to pay the cost of such improvements.

B. That the capital improvements to the City's water system authorized by Resolution No. 08-97-690 and approved by the City's voters at an election held on October 7, 1997, have been completed and that \$957,500 of the \$2,657,500 in revenue bonds authorized to

be issued to finance such capital improvements were not issued and do not need to be issued because the City obtained other funds to pay the cost of such improvements.

C. That the capital improvements to the City's port system authorized by Resolution No. 08-97-691 and approved by the City's voters at an election held on October 7, 1997, have been completed and that the \$1,200,000 in revenue bonds authorized to be issued to finance such capital improvements were not issued and do not need to be issued because the City obtained other funds to pay the cost of such improvements.

D. That the capital improvements to the City's electric utility power plant authorized by Resolution No. 5-98-727 and approved by the City's voters at an election held on July 21, 1998, have been completed and that the \$1,500,000 in revenue bonds authorized to be issued to finance such capital improvements were not issued and do not need to be issued because the City obtained other funds to pay the cost of such improvements.

Section 4. Voiding Bond Authorizations. Because the capital improvements described in Section 3 have been completed without the necessity of issuing the authorized but unissued revenue bonds described in Section 3, the Council hereby voids the authorization of the following revenue bonds of the City:

Description of Bonds	Authorizing Resolution	Principal Amount Authorized	Principal Amount Issued	Principal Amount Voided
sewer revenue bonds	08-97-689	\$940,000	0	\$940,000
water revenue bonds	08-97-690	\$2,657,500	\$1,700,000	\$957,500
port revenue bonds	08-97-691	\$1,200,000	0	\$1,200,000
electric utility revenue bonds	5-98-777	\$1,500,000	0	\$1,500,000

Section 5. Effective Date. In accordance with Section 2-10 of the City Charter, this ordinance shall take effect immediately upon its adoption.

PASSED IN FIRST READING January 27, 2004

PASSED IN SECOND READING February 10, 2004

Valery McCandless, -serving as
Valery McCandless, Mayor Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

ORDINANCE NO. 743

AN ORDINANCE OF THE CITY OF WRANGELL, ALASKA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$1,970,000 TO FINANCE COSTS OF CAPITAL REPAIRS AND RENOVATIONS TO THE WRANGELL HIGH SCHOOL, MIDDLE SCHOOL, AND ELEMENTARY/PRIMARY SCHOOL; AND PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY AT A SPECIAL ELECTION TO BE HELD ON APRIL 13, 2004, OF A PROPOSITION APPROVING SUCH CAPITAL PROJECTS AND RATIFYING THE AUTHORIZATION OF SAID BONDS.

WHEREAS, based on the updated Wrangell Schools Condition Survey Update, the City Council the "Council") of the City of Wrangell, Alaska (the "City"), has determined that it is in the best interest of the City and its residents to undertake a plan of capital repairs and renovations, including structural, mechanical and electrical improvements and ADA compliance, for the Wrangell High School, Middle School and Elementary/Primary School (as further described herein, the "Improvements"); and

WHEREAS, the State of Alaska, Department of Education and Early Development has approved the Improvements for 70% reimbursement of debt service if the City authorizes general obligation bonds to finance the cost of the Improvements; and

WHEREAS, the Council has determined that it is in the best interest of the City and its residents to authorize general obligation bonds in the principal amount of not to exceed \$1,970,000 to finance the cost of the Improvements; and

WHEREAS, in accordance with Alaska law and the City Charter, the Council wishes to place a proposition regarding such plan of capital improvements and the question of incurring debt and issuing general obligation bonds to finance such capital improvements before the City's voters at a special election to be held on April 13, 2004;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, as follows:

Section 1. Classification. This ordinance is a special ordinance that is to be omitted from the Wrangell Municipal Code.

Section 2. Severability. In the event that any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this ordinance or the bonds authorized herein, but this ordinance and the bonds shall be construed and enforced as if such invalid provision had not been contained herein;

provided, however, that any provision that shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 3. Findings; Improvements. It is hereby found and declared that the public welfare and benefit require that the following capital improvements be made to facilities of the School District of the City of Wrangell (as hereafter described, collectively, the “Improvements”):

Repairs and renovations to the Wrangell High School, Middle School and Elementary/Primary School, based on the updated Wrangell Schools Condition Survey Update, including structural, mechanical and electrical improvements and improvements designed to comply with the Americans with Disability Act.

The cost of all necessary design, engineering and other consulting services, inspection and testing, purchases of equipment, and other costs incurred in connection with the making of the Improvements shall be deemed a part of the costs of the Improvements. The School Board shall determine the exact specifications for the Improvements. The School Board shall determine the application of available funds with respect to the Improvements so as to accomplish, as nearly as may be, all Improvements described or provided for in this section.

Section 4. Authorization of Bonds. For the purpose of providing all or a portion of the funds required to pay the cost of the Improvements, together with incidental costs and costs related to the sale and issuance of the Bonds, the City shall issue and sell its general obligation bonds in the aggregate principal amount of not to exceed \$1,970,000 (the “Bonds”). The Bonds shall be issued in an amount not exceeding the amount approved by the electors of the City and not exceeding the amount permitted by the constitution of the State of Alaska and the City Charter. The balance, if any, of the cost of the Improvements shall be paid out of any other legally available funds. The Bond proceeds shall not be used for other than a capital purpose.

The Bonds shall be issued in such amounts and at such time or times as found necessary and advisable by the Council and as permitted by law. The Bonds may be issued in one or more series and shall bear interest payable at a rate or rates authorized by the Council. The Bonds shall mature in such amounts and at such times within a maximum term of 20 years from date of issue, all as authorized by the Council and as provided by law.

The Bonds shall be general obligations of the City and, unless paid from other sources, both principal of and interest on the Bonds shall be payable out of annual tax levies to be made upon all the taxable property within the City without limitation as to rate or amount and in excess of any constitutional or statutory tax limitation.

The exact date, form, term, options of redemption, maturities, covenants and manner of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the City. After voter approval of the Bond proposition and in anticipation of the issuance of such Bonds, the City may issue short-term obligations as authorized by the laws of the State of Alaska and City Charter.

Section 5. Bond Election. The proposition that the City shall issue the Bonds to pay costs of the Improvements shall be submitted to the qualified voters of the City for their ratification or rejection at a special election to be held in the City on April 13, 2004. Said proposition shall be in substantially the following form:

PROPOSITION 1

**\$1,970,000 GENERAL OBLIGATION BONDS
FOR CAPITAL IMPROVEMENTS TO WRANGELL SCHOOLS**

Shall Ordinance No. 743 be approved; shall a plan of capital repairs and renovations to Wrangell High School, Middle School and Elementary/Primary School be approved; and shall the City of Wrangell incur debt and issue general obligation bonds in the principal amount of not to exceed \$1,970,000, maturing within a maximum of 20 years, to pay the cost of such capital repairs and renovations, all as provided in Ordinance No. 743?

BONDS Yes

BONDS No

Wrangell Public School Project Information

**Estimated Taxpayer Costs and Revenues
(Based on a minimum 15-year amortization period for the Bonds)**

Estimated total cost, including bond interest:

Improvements	\$ 1,970,000
Bond interest	<u>623,672</u>
Total	\$ 2,593,672

Estimated amount that will be paid by the:

State of Alaska (70%)*	\$ 1,815,570
City of Wrangell (30%)	\$ 778,102

Estimated annual debt payments by the:

State of Alaska (70%)*	\$ 121,038
City of Wrangell (30%)	<u>51,874</u>
Total	\$ 172,912

Approximate amount of taxes that would be levied annually on \$100,000 in assessed value to retire this debt:

With No State reimbursement	\$ 178.00
With 70% State reimbursement	\$ 53.00

* All estimates of payments by the State of Alaska
assume annual appropriation by the State legislature
at the maximum reimbursement rate of 70%.

* * * * *

Section 6. Notice. Notice, publication and posting shall be given by the City Clerk in accordance with the provisions of the Wrangell Municipal Code, the City Charter, and state law.

Section 7. Election Precinct. For the purpose of the special election on the Bond proposition, the City shall have one election precinct.

Section 8. Polling Hours. The polls will be open for voting on the proposition between the hours of 8:00 a.m. and 8:00 p.m. on the date of said special election.

Section 9. Qualification of Voters. The qualifications of voters on the proposition set forth in this ordinance shall be the same as for voters at municipal elections generally.

PASSED IN FIRST READING January 27, 2004

PASSED IN SECOND READING February 10, 2004

Valery McCandless, serving as
Valery McCandless, Mayor Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk


CLERK'S CERTIFICATE

I, the undersigned, City Clerk of the City of Wrangell, Alaska (the "City"), and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance (the "Ordinance") is a true and correct copy of Ordinance No. 743 of the City, as finally passed at a meeting of the Council held on February 10, 2004, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption of said Ordinance have been fully fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of February, 2004.



City Clerk, City of Wrangell, Alaska

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 742

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SCHEDULE "A" OF SECTION 9.04.070 OF THE WRANGELL MUNICIPAL CODE, ENTITLED "MONTHLY REFUSE COLLECTION OR DISPOSAL FEES" BY INCREASING THOSE FEES AND PROVIDING FOR A PUBLIC HEARING

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective February 1, 2004.

SEC. 4. Providing for a Public Hearing. A public hearing is scheduled for January 27, 2004.

SEC. 5. Schedule A of Section 9.04.070 of the Wrangell Municipal Code, is hereby amended as follows:

Schedule A
Section 9.04.070

MONTHLY REFUSE COLLECTION OR DISPOSAL FEES

[CLASS A.] Mandatory Rate for All Occupants or Persons.

Residential

Designation	Monthly Rate	
Residential, volume, Per Unit		
Minimum one 32 gallon container	[\$18.00]	<u>\$18.32</u>
Two 32 gallon containers	[\$30.00]	<u>\$30.54</u>
Each additional 30 gallon container	[\$6.00]	<u>\$6.11</u>
Off curbside pickup (additional monthly rate)	[\$10.00]	<u>\$10.18</u>

Designation	Monthly Rate	
Commercial and Industrial		
Small Commercial, Per 32 gallon container	[\$18.00]	<u>\$18.32</u>
Other Commercial		
2 Cubic Yard Dumpster		
1 Pick up per week	[\$65.00]	<u>\$66.17</u>
2	[\$130.00]	<u>\$132.34</u>
3	[\$195.00]	<u>\$198.51</u>
4	[\$260.00]	<u>\$264.68</u>
5	[\$325.00]	<u>\$330.85</u>
One extra pick up per month	[\$16.25]	<u>\$16.54</u>

More than one extra pick up per month will be billed at the appropriate rate.

4 Cubic Yard Dumpster		
1 Pick up per week	[\$130.00]	<u>\$132.34</u>
2	[\$260.00]	<u>\$264.68</u>
3	[\$390.00]	<u>\$397.02</u>
4	[\$520.00]	<u>\$529.36</u>
5	[\$650.00]	<u>\$661.70</u>
Special One-time extra per month	[\$32.50]	<u>\$33.09</u>

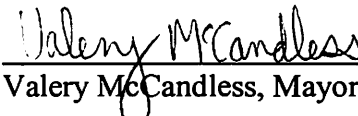
More than one extra pick up per month will be billed at the appropriate rate.


Landfill Charges

\$10.00 per cubic yard		
Minimum charge up to 1 cubic yard	[\$10.00]	<u>\$10.18</u>
Each additional yard:	[\$5.00]	<u>\$5.09</u>

PASSED IN FIRST READING January 13, 2004

PASSED IN SECOND READING January 27, 2004


 Valery McCandless, Mayor serving as Mayor

ATTEST: 
 Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 741

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION 5.04.040 ENTITLED "SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION QUALIFICATIONS" TO THE WRANGELL MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2005

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective commencing January 1, 2005.

SEC. 4. Providing for a Public Hearing. A public hearing is scheduled for January 27, 2004.

SEC. 5. New Section. A new section, 5.04.040, entitled "Senior Citizen and Disabled Veteran Exemption Qualifications" is hereby added to the Wrangell Municipal Code, Title 5, Chapter 5.04, to provide as follows:

5.04.040 Senior Citizen and Disabled Veteran Exemption Qualifications.

A. The real property owned and occupied as the primary residence and permanent place of abode by:

1. A resident sixty-five (65) years of age or older on January 1 of the assessment year, or

2. A resident who is a disabled veteran on January 1 of the assessment year, or

3. A resident at least sixty (60) years old on January 1 of the assessment year who is the widow or widower of a person who qualified for an exemption under (1) or (2) of this subsection is exempt from taxation on the first one hundred fifty thousand dollars (\$150,000.00) of the assessed value of the real

property. Only one (1) exemption may be granted for the same property, and if two (2) or more persons are eligible for an exemption for the same property, the parties shall decide between or among themselves who is to receive the benefit of the exemption. Real property may not be exempted under this subsection if the assessor determines, after notice and hearing to the parties, that the property was conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the assessor may be appealed under AS 44.62.560 through AS 44.62.570.

B. To be eligible for an exemption under paragraph A of this section, for a year the individual applying for an exemption must also meet requirements under one of the following paragraphs:

1. The individual shall be eligible for a permanent fund dividend under AS 43.23.005 for that same year or for the immediately preceding year; or

2. If the individual has not applied or does not apply for one or both of the permanent fund dividends, the individual would have been eligible for one of the permanent fund dividends identified in paragraph 1 of this subsection had the individual applied.

An exemption may not be granted under paragraph A of this section except upon written application for the exemption on a form designated by the assessor. The claimant must file the application no later than January 15 of the assessment year for which the exemption is sought. The council, for good cause shown, may waive the claimant's failure to make timely application for exemption for that year and authorize the assessor to accept the application as if timely filed. The claimant must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and is approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If the application for exemption is approved after taxes have been paid, the amount of tax that the claimant has already paid for the assessment year for the property exempted shall be refunded to the claimant. The assessor shall require proof in the form the assessor considers necessary of the right to and amount of an exemption claimed under paragraph A of this section and shall require a disabled veteran claiming an exemption under paragraph A of this section to provide evidence of the disability rating. The assessor may require proof under this section at any time.

C. In this section:

1. *Disabled veteran* means a disabled person:

a. separated from the military service of the United States under a condition that is not dishonorable, who is a resident of the state, whose disability was incurred or aggravated in the line of duty in the military service of the United States, and whose disability has been rated as fifty (50) per cent or more by

the branch of service in which that person served or by the Veterans' Administration;
or,

b. who served in the Alaska Territorial Guard, who is a resident of the state, whose disability was incurred or aggravated in the line of duty while serving in the Alaska Territorial Guard, and whose disability has been rated as fifty (50) per cent or more;

2. *Real property* includes but is not limited to mobile homes, whether classified as real or personal property for municipal tax purposes.

PASSED IN FIRST READING January 13, 2004

PASSED IN SECOND READING January 27, 2004

Valery McCandless, serving as
Valery McCandless Mayor
Mayor

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 740

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION 3.28.005 TO THE WRANGELL MUNICIPAL CODE TO BE ENTITLED "DEPARTMENT GENERALLY – CHIEF" RELATING TO THE ESTABLISHMENT OF THE CITY POLICE DEPARTMENT

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. New Section. A new section, 3.28.005, entitled "Department generally – Chief" is hereby added to the Wrangell Municipal Code, Title 3, Chapter 3.28, to provide as follows:

3.28.005 Department generally – Chief. There shall be a police department, the head of which shall be the police chief.

PASSED IN FIRST READING December 9, 2003

PASSED IN SECOND READING January 13, 2004

Valery McCandless, serving as
Valery McCandless, Mayor Mayor

ATTEST

Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 739

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION 3.24.005 TO THE WRANGELL MUNICIPAL CODE TO BE ENTITLED "DEPARTMENT GENERALLY - CHIEF" RELATING TO THE ESTABLISHMENT OF THE CITY FIRE DEPARTMENT

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. New Section. A new section, 3.24.005, entitled "Department generally - Chief" is hereby added to the Wrangell Municipal Code, Title 3, Chapter 3.24, to provide as follows:

3.24.005 Department generally - Chief. There shall be a fire department, the head of which shall be the fire chief, appointed by the city manager for an indefinite term. The fire chief shall be an officer of the city and shall have supervision and control of the fire department.

PASSED IN FIRST READING December 9, 2003

PASSED IN SECOND READING January 13, 2004

Valery McCandless, serving as Mayor
Valery McCandless, Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 775

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE SECTION 5.08.110 ENTITLED "LIEN FOR UNPAID TAXES" RELATING TO SALES TAX LIENS AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Wrangell Municipal Code 5.08.110 is hereby amended to provide as follows:

5.08.110 Lien for unpaid taxes. [ALL TAXES, PENALTIES AND INTEREST ASSESSED ARE DECLARED TO BE A LIEN PRIOR, PARAMOUNT AND SUPERIOR TO ALL OTHER LIENS OR ENCUMBRANCES UPON ALL THE REAL AND PERSONAL PROPERTY OF THE PERSON, FIRM OR CORPORATION LIABLE THEREOF, AND ALSO UPON ALL THE REAL AND PERSONAL PROPERTY USED WITH THE PERMISSION OF THE OWNER THEREOF IN PROSECUTING THE VARIOUS INDUSTRIES OR LINES OF BUSINESS INVOLVED. THE SPECIAL REMEDIES FOR THE RECOVERY OF THIS TAX SHALL NOT BE DEEMED EXCLUSIVE OF ANY OTHER REMEDY, CIVIL OR CRIMINAL OR BOTH, NOW PROVIDED BY LAW FOR THE RECOVERY OF MONEYS DUE AND OWING THE CITY.] **A. The sales tax, interest and penalties imposed by this chapter, and the administrative costs under subsection F of this section, shall constitute a lien in favor of the city upon all of the real and personal property of every person making taxable sales subject to this chapter.**

B. The lien imposed by this section arises and attaches at such time as payment becomes delinquent and continues until the entire amount is satisfied.

C. If delinquent sales taxes, including interest and penalties, are not paid within ten (10) days from the mailing of notice and demand for payment thereof, a notice of lien may be recorded in the office the district recorder. Upon recordation, the sales tax lien has priority over all other liens except:

- (1) Liens for property taxes and special assessments;**
- (2) Liens that were perfected before the recording of the sales tax lien for amounts actually advanced before the recording of the sales tax lien; and,**
- (3) Mechanics' and materialmen's liens for which claims**

of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the sales tax lien.

D. An action to foreclose a lien created by this section shall be commenced and pursued in the manner provided for the foreclosure of liens in AS 09.45.170-09.45.220.

E. The remedy provided in this section is not exclusive and shall be in addition to all other remedies available to the city to collect the sales taxes, penalties and interest due under this chapter.

F. Fees for the administrative costs of filing on notices of liens and releasing of liens shall be:

(1) Filing of notices of lien: Twenty-five Dollars (\$25.00), plus recorder's office filing fee.

(2) Release of liens: Twenty-five Dollars (\$25.00), plus recorder's office filing fee.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____ November 22 _____, 2005

PASSED IN SECOND READING: _____ December 13 _____, 2005

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless serving as
Valery McCandless
Mayor

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CITY OF WRANGELL, ALASKA

ORDINANCE NO. 774

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION, 5.08.095 ENTITLED “CONFIDENTIAL INFORMATION”, TO THE WRANGELL MUNICIPAL CODE RELATING TO SALES TAX RETURNS, REPEALING SUBSECTION H OF WMC §5.08.105 ENTITLED “COLLECTION PROCEDURES”, AMENDING SUBSECTION C OF WMC §5.08.140 ENTITLED “DISCREPANCIES IN RETURNS – INVESTIGATION - COLLECTION PROCEDURE”, AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Section. A new section, 5.08.095, to be entitled “Confidential information” is hereby added to the Wrangell Municipal Code to provide as follows:

5.08.95 Confidential information. A. Except as otherwise provided in this section, returns filed with the city for the purpose of complying with the terms of this chapter and all information obtained from such returns are private and confidential, and such returns and information shall be kept from inspection by private persons.

B. This section does not prohibit the delivery to a person, or the person’s duly authorized representative, of a copy of any return filed by that person.

C. This section does not prohibit the publication of statistics presented in a manner that prevents the identification of particular buyers or sellers.

D. This section does not prohibit the disclosure of such returns or information through enforcement or collection proceedings or when required by court order or prohibit furnishing such returns and information on a reciprocal basis to other agencies or political subdivisions of the state or United States concerned with the enforcement of tax laws.

E. The city may disclose, by public inspection or publication, the name (including any business name), the estimated balance due, and the current status of payments and filings of any seller, or agent of any seller, who does not file a return or remit in full all sales taxes and any penalty and interest due within forty-five (45) days after being required to do so by the provisions of this chapter. In disclosing or publishing information under this section, the city need not notify a taxpayer prior to disclosure or publication. Publication of delinquencies under this section may report tax amounts delinquent by more than forty-five (45) days according to records maintained by the city in the normal course of business. Publications may indicate whether the amount has been calculated based upon voluntary filings or based upon involuntary estimated filings. Publications need not reflect whether the amount is disputed by the taxpayer.

SEC 2. Repeal. Subsection H of Wrangell Municipal Code Section 5.08.105 entitled "Collection procedures" is hereby repealed in its entirety.

SEC. 3. Amendment. Subsection C of Wrangell Municipal Code Section 5.08.140 entitled "Discrepancies in returns – Investigation – Collection procedure" is hereby amended to provide as follows:

Except as otherwise provided in this chapter, the director of finance shall keep confidential all facts which he has learned as a result of such investigations until such time as the same are reported to the council.

SEC. 4. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 5. 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. 6. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: November 22, 2005

PASSED IN SECOND READING: December 13, 2005

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

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ORDINANCE NO. 773

AN ORDINANCE OF THE CITY OF WRANGELL, ALASKA, authorizing the issuance of general obligation bonds in an amount not to exceed \$2,809,000 to finance costs of capital repairs and renovations to the Wrangell High School, Middle School, and Elementary/Primary School; and providing for the submission to the qualified voters of the City at the regular election to be held on October 4, 2005, of a proposition approving such capital projects and ratifying the authorization of said bonds.

WHEREAS, based on the updated Wrangell Schools Condition Survey Update, the City Council (the "Council") of the City of Wrangell, Alaska (the "City"), has determined that it is in the best interest of the City and its residents to undertake a plan of capital repairs and renovations, including structural, mechanical and electrical improvements and ADA compliance, for the Wrangell High School, Middle School and Elementary/Primary School (as further described herein, the "Improvements"); and

WHEREAS, the State of Alaska, Department of Education and Early Development has approved the Improvements for 70% reimbursement of debt service if the City authorizes general obligation bonds to finance the cost of the Improvements; and

WHEREAS, the Council has determined that it is in the best interest of the City and its residents to authorize general obligation bonds in the principal amount of not to exceed \$2,809,000 to finance the cost of the Improvements; and

WHEREAS, in accordance with Alaska law and the City Charter, the Council wishes to place a proposition regarding such plan of capital improvements and the question of incurring debt and issuing general obligation bonds to finance such capital improvements before the City's voters at the regular election to be held in the City on October 4, 2005;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, as follows:

Section 1. Classification. This ordinance is a special ordinance that is to be omitted from the Wrangell Municipal Code.

Section 2. Severability. In the event that any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this ordinance or the bonds authorized herein, but this ordinance and the bonds shall be construed and enforced as if such invalid provision had not been contained herein; provided, however, that any provision that shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 3. Findings; Improvements. It is hereby found and declared that the public welfare and benefit require that the following capital improvements be made to facilities of the School District of the City of Wrangell (as hereafter described, collectively, the "Improvements"): Repairs and renovations to the Wrangell High School, Middle School and Elementary/Primary School, based on the updated Wrangell Schools Condition Survey Update, including structural, mechanical and electrical improvements and improvements designed to comply with the Americans with Disability Act.

The cost of all necessary design, engineering and other consulting services, inspection and testing, purchases of equipment, and other costs incurred in connection with the making of the Improvements shall be deemed a part of the costs of the Improvements. The School Board shall determine the exact specifications for the Improvements. The School Board shall determine the application of available funds with respect to the Improvements so as to accomplish, as nearly as may be, all Improvements described or provided for in this section.

Section 4. Authorization of Bonds. For the purpose of providing all or a portion of the funds required to pay the cost of the Improvements, together with incidental costs and costs related to the sale and issuance of the Bonds, the City shall issue and sell its general obligation bonds in the aggregate principal amount of not to exceed \$2,809,000 (the "Bonds"). The Bonds shall be issued in an amount not exceeding the amount approved by the electors of the City and not exceeding the amount permitted by the constitution of the State of Alaska and the City Charter. The balance, if any, of the cost of the Improvements shall be paid out of any other legally available funds. The Bond proceeds shall not be used for other than a capital purpose.

The Bonds shall be issued in such amounts and at such time or times as found necessary and advisable by the Council and as permitted by law. The Bonds may be issued in one or more series and shall bear interest payable at a rate or rates, mature in such amounts and at such times within a maximum term of 20 years from date of issue, all as the Council shall provide in accordance with the City Charter and other applicable law.

The Bonds shall be general obligations of the City and, unless paid from other sources, both principal of and interest on the Bonds shall be payable out of annual tax levies to be made upon all the taxable property within the City without limitation as to rate or amount and in excess of any constitutional or statutory tax limitation. The full faith, credit and resources of the Borough shall be pledged to the payment when due of the principal of and interest on the Bonds.

The exact date, form, term, options of redemption, maturities, covenants and manner of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the City. After voter approval of the Bond proposition and in anticipation of the issuance of such Bonds, the City may issue short-term obligations as authorized by the laws of the State of Alaska and City Charter.

Section 5. Appropriation and Reimbursement. If the issuance of the Bonds is ratified at the election authorized by this ordinance, the City anticipates that prior to the issuance of the Bonds it may be obligated to pay certain costs of the Improvements. Therefore, so much of the total authorization as shall be necessary, not exceeding \$2,809,000, is hereby appropriated from the general fund of the City to pay costs of the Improvements. The amounts expended under the

appropriation made by this section shall be reimbursed to the general fund from the proceeds of the sale of the Bonds or the short-term obligations authorized by this ordinance. The Council hereby declares that this section shall constitute a declaration of the City's intent to reimburse such fund from proceeds of tax-exempt bonds within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended.

Section 6. Bond Election. The proposition that the City shall issue the Bonds to pay costs of the Improvements shall be submitted to the qualified voters of the City for their ratification or rejection at the regular election to be held in the City on October 4, 2005. Said proposition shall be in substantially the following form:

PROPOSITION 1

\$2,809,000 GENERAL OBLIGATION BONDS
FOR CAPITAL IMPROVEMENTS TO WRANGELL SCHOOLS

Shall Ordinance No. 773 be approved; shall a plan of capital repairs and renovations to Wrangell High School, Middle School and Elementary/Primary School be approved; and shall the City of Wrangell incur debt and issue general obligation bonds in the principal amount of not to exceed \$2,809,000, maturing within a maximum of 20 years, to pay the cost of such capital repairs and renovations, all as provided in Ordinance No. 773.

BONDS Yes

BONDS No

Estimated Taxpayer Costs
(Based on a minimum 15-year amortization period for the Bonds)

Estimated total cost, including bond interest:

Improvements	\$ 2,809,000
Bond interest	<u>953,649</u>
Total	\$ 3,762,649

Estimated amount that will be paid by the:

State of Alaska (70%)*	\$ 2,633,854
City of Wrangell (30%)	\$ 1,128,795

Estimated annual debt payments by the:

State of Alaska (70%)*	\$ 175,590
City of Wrangell (30%)	<u>75,253</u>
Total	\$ 250,843

Approximate amount of taxes that would be levied

annually on \$100,000 in assessed value to retire this debt:

With no State reimbursement (requiring a millage increase of 2.33 mills)	\$	233.00
With 70% State reimbursement* (requiring a millage increase of .70 mills)	\$	70.00

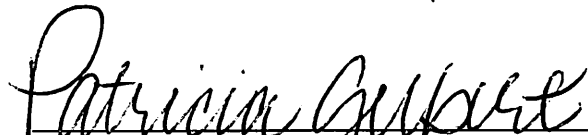
* All estimates of payments by the State of Alaska assume annual appropriation by the State legislature at the maximum reimbursement rate of 70%.

Section 7. Election Procedures. Notices and conduct of the election and canvassing of the election results shall be done in accordance with applicable provisions of the Wrangell Municipal Code, the City Charter, and state law.

Section 8. Effective Date. This ordinance shall become effective immediately upon its adoption.

PASSED IN FIRST READING: July 12, 2005

PASSED IN SECOND READING: July 26, 2005


Vice-Mayor

ATTEST: 
City Clerk

CLERK'S CERTIFICATE

I, the undersigned, City Clerk of the City of Wrangell, Alaska (the "City"), and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance (the "Ordinance") is a true and correct copy of Ordinance No. 773 of the City, as finally passed at a meeting of the Council held on July 26, 2005, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption of said Ordinance have been fully fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of July, 2005.



City Clerk, City of Wrangell, Alaska

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 772

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING THE FOLLOWING PROVISIONS OF THE WRANGELL MUNICIPAL CODE, SECTION 2.40.010 ENTITLED “RECALL”, SUBSECTION A.2 OF SECTION 2.40.030 ENTITLED “APPLICATION FOR RECALL PETITION”, SUBSECTION B OF SECTION 2.40.040 ENTITLED “RECALL PETITION”, SUBSECTION A.2 OF SECTION 2.40.060 ENTITLED “SUFFICIENCY OF PETITION” AND SUBSECTIONS A AND C OF SECTION 2.40.120 ENTITLED “SUCCESSORS” AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Wrangell Municipal Code Section 2.40.010 entitled “Recall” is hereby amended to provide as follows:

2.40.010 Recall. An official who is elected or appointed to an elective municipal office may be recalled by the voters after the official has served the first [SIX MONTHS] 120 days of the term for which elected or appointed.

SEC. 2. Amendment. Subsection A.2 of Wrangell Municipal Code Section 2.40.030 entitled “Application for recall petition” is hereby amended to provide as follows:

2. The [ADDRESS TO WHICH] name and address of the contact person and an alternate to whom all correspondence relating to the petition may be sent;

SEC. 3. Amendment. Subsection B of Wrangell Municipal Code Section 2.40.040 entitled “Recall petition” is hereby amended to provide as follows:

B. [COPIES OF THE PETITION SHALL BE PROVIDED TO EACH SPONSOR BY THE CLERK.] The clerk shall notify the contact person in writing when the petition is available. That person is responsible for notifying sponsors. Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk’s office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed.

SEC. 4. Amendment. Subsection A.2 of Wrangell Municipal Code Section 2.40.060 entitled “Sufficiency of petition” is hereby amended to provide as follows:

2. If the petition is insufficient, identify the insufficiency and notify the [SPONSORS AT THE ADDRESS PROVIDED UNDER PARAGRAPH

(2) OF SUBSECTION (A) OF SECTION 2.40.040] **contact person** by certified mail.

SEC. 5. Amendment. Subsections A and C of Wrangell Municipal Code Section 2.40.120 entitled "Successors" are hereby amended to provide as follows:

2.40.120 Successors. A. If an official is recalled from the governing body, the office of that official is filled in accordance with AS 29.20.180. If all members of the governing body are recalled, the governor shall appoint [ADDITIONAL MEMBERS] **three qualified persons to the governing body. The appointees shall appoint additional members** to fill remaining vacancies in accordance with AS 29.20.180.

C. **A person who has been recalled may not be appointed under subsection (A) or (B) of this section to the office from which the person was recalled.** A person appointed under subsection (A) or (B) of this section serves until a successor is elected and takes office.

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: _____ June 28 _____, 2005

PASSED IN SECOND READING: _____ July 12 _____, 2005

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 771

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, REPEALING EXISTING CHAPTER 2.16 OF THE WRANGELL MUNICIPAL CODE ENTITLED "CANDIDATES", ADDING A NEW CHAPTER 2.16 TO THE WRANGELL MUNICIPAL CODE ENTITLED "CANDIDATES", AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Repeal. Existing Chapter 2.16 of the Wrangell Municipal Code entitled "Candidates" is hereby repealed in its entirety.

SEC. 2. New Chapter. A new Chapter 2.16 entitled "Candidates" is hereby added to the Wrangell Municipal Code to provide as follows:

Chapter 2.16

CANDIDATES

Sections:

- 2.16.010 Declaration of Candidacy - Filing
- 2.16.020 Declaration of Candidacy - Form

2.16.010 Declaration of Candidacy - Filing. Any person who will possess the qualifications for holding the office sought at the time of taking office may have his or her name placed on the ballot as a candidate for an elective office of the city by filing, not less than thirty (30) days nor more than sixty (60) days prior to the election, a sworn declaration of candidacy with the city clerk.

2.16.020 Declaration of Candidacy - Form. The declaration of candidacy for an elected office of the city shall be in substantially the following form as provided by the city clerk's office:

DECLARATION OF CANDIDACY

I, (name), declare that I reside at (address), in the City of Wrangell, Alaska, and that I shall be qualified to hold the office I seek at the time of taking office.

I declare myself a candidate for the office of _____ for a term of _____ years commencing _____ and ending _____ and request that my name be printed on the official ballot for the city election to be held in the City of Wrangell, Alaska, on the _____ day of _____, in the year _____.

(Signature of Candidate)

Subscribed and sworn to before me this ____ day of _____, in the year ____.

(Notary Public or City Clerk)

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 final passage.

PASSED IN FIRST READING: _____ June 14 _____, 2005

PASSED IN SECOND READING: _____ June 28 _____, 2005

Attest:

Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 770

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE SECTION 3.04.070 ENTITLED "QUORUM" RELATING TO THE REQUIRED QUORUM FOR THE CITY COUNCIL AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Section 3.04.070 of the Wrangell Municipal Code entitled "Quorum" is hereby amended to provide as follows:

3.04.070 Quorum. At all meetings of the council, [FIVE] **four** council members or [FOUR] **three** members and the mayor shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day or from time to time. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon final passage.

PASSED IN FIRST READING: May 24, 2005

PASSED IN SECOND READING: June 14, 2005

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 769

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SECTION 15.12.190 ENTITLED "FUEL ADJUSTMENT CHARGE" RELATING TO ADJUSTING THE RATE CHARGED FOR ELECTRICITY WHEN DIESEL FUEL IS USED TO GENERATE ELECTRICITY AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Section 15.12.190 of the Wrangell Municipal Code entitled "Fuel adjustment charge" is hereby amended to provide as follows:

15.12.190 Fuel adjustment charge. A. [A SURCHARGE SHALL BE APPLIED TO EACH ELECTRIC BILLING FOR ALL KILOWATT HOURS RENDERED UNDER APPLICABLE RATE SCHEDULES TO REFLECT INCREASES OR DECREASES IN THE COST OF FUEL TO BE USED TO GENERAL ELECTRIC ENERGY DURING THE MONTH PRIOR TO THE BILLING PERIOD. THE BASE RATE USED TO DETERMINE THE SURCHARGE IS .062 PER KILOWATT HOUR EFFECTIVE WITH BILLINGS RENDERED ON OR AFTER JULY 10, 1985.] **In addition to the charges and rates set forth in this chapter, there shall be a fuel surcharge applied to the kilowatt hour sales of electrical energy whenever diesel fuel is used to generate electrical energy during the billing period immediately preceding the current billing period. The fuel surcharge rate shall be calculated as set forth in B below.**

B. [THE CHARGE SHALL BE CALCULATED AS FOLLOWS:

$$\text{FUEL ADJUSTMENT RATE} = \frac{(A - (B \times C))}{C}$$

WHERE: A = FUEL EXPENSE DURING PRIOR MONTH
B = BASE FUEL RATE
C = APPLICABLE SALES DURING PRIOR MONTH

NOTE: THE BASE FUEL RATE REFLECTS THE COST OF DIESEL FUEL AT EIGHTY CENTS PER GALLON.]

$$\underline{R} = \frac{(((G \times P)/D) - T) \times D}{K}$$

For purposes of the above formula:

R = Rate to be charged for the fuel surcharge portion of the monthly bill

G = Gallons of diesel used during the preceding billing period

P = Price per gallon based on latest fuel delivery during the billing period of diesel consumption

D = KWHs produced by diesel generation for the billing period

T = Cost per KWH that is paid to purchase power from Tyee (Four Dam Pool)

K = Total KWHs sold during the preceding billing period (including KWHs sold to the city)

C. [WHILE THE CITY IS RECEIVING ELECTRICITY FROM TYEE HYDROELECTRIC FACILITY AND THE DIESEL GENERATING UNITS DO NOT OPERATE IN EXCESS OF THIRTY SUCCESSIVE DAYS THERE SHALL BE NO FUEL ADJUSTMENT SURCHARGE EVEN THOUGH THE COST OF DIESEL FUEL EXCEEDS EIGHTY CENTS PER GALLON]. **The fuel surcharge rate shall be applied to KWHs sold. For example, if R under the above formula equals .053 per KWH, then the fuel surcharge would equal 5.3 cents for each KWH sold to the customer.**

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective May 25, 2005.

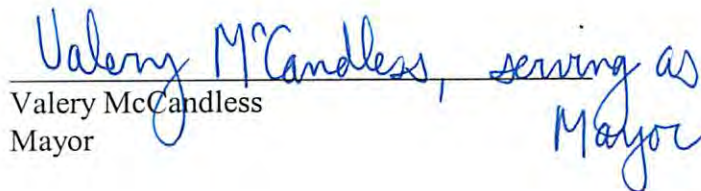
PASSED IN FIRST READING: May 10, 2005

PASSED IN SECOND READING: May 24, 2005

Attest:



Christie L. Jamieson
City Clerk


Valery McCandless, *serving as*
Mayor

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GW\O\15.12.190 Fuel Surcharge.doc

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 768

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SUBSECTION D OF WRANGELL MUNICIPAL CODE SECTION 15.12.140 ENTITLED "DISCONTINUANCE OF SERVICE" RELATING TO THE DUE DATE AND DELINQUENCY OF ELECTRIC UTILITY BILLS AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Subsection D of Wrangell Municipal Code § 15.12.140 entitled "Discontinuance of service" is hereby amended to provide as follows:

D. [ALL MONTHLY BILLS FOR SERVICE RENDERED AND MINIMUM CHARGES ARE DUE AND PAYABLE UPON RECEIPT. A CUSTOMER WHO FAILS TO PAY HIS OR HER BILL WITHIN TWENTY DAYS FROM ITS DATE SHALL BE DEEMED TO HAVE A DELINQUENT ACCOUNT.] **The due date for monthly electric utility bills is the twentieth day of the month except when such date falls on a weekend or city holiday. In that event, the due date is the last city business day before such weekend or holiday. The bill shall become delinquent if payment is not actually received on or before the due date. Payments placed in the City Hall drop box after 5:00 p.m. or on a weekend or city holiday will be deemed received the next city business day.** Interest will be added to the delinquent account at the maximum rate allowable under Alaska State Statutes 45.45.010. Service to customers with delinquent accounts may be discontinued in accordance with the procedures in this code. Service may not be reestablished until the account is paid in full, plus the following charges:

Charge for disconnect	\$20.00
Charge for reconnect	20.00
Total extra cost	40.00

Customers ordering temporary disconnection of service will be charged for this service at the following rates:

Charge for disconnect	\$20.00
Charge for reconnect	20.00
Total extra cost	40.00

The right is reserved to refuse service to anyone who is indebted to the city for light or power, merchandise or labor and material in connection with electric service.

Where scheduling does not permit normal service reconnection on the same

day as requested, the customer may elect to pay an after-hours charge equal to the actual cost of overtime labor to obtain reconnection of service that day; otherwise, service will be reconnected the next business day.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective June 1, 2005.

PASSED IN FIRST READING: May 10, 2005

PASSED IN SECOND READING: May 24, 2005

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

MAS:ce133.237.0033
G:\W\O\15.12.140 D Due-Delinquent.wpd

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 767

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW CHAPTER 3.50 ENTITLED "CEMETERY ADVISORY COMMITTEE" TO THE WRANGELL MUNICIPAL CODE RELATING TO ADVICE AND RECOMMENDATIONS CONCERNING MUNICIPAL CEMETERIES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Chapter. A new chapter, 3.50, entitled "Cemetery Advisory Committee" is hereby added to the Wrangell Municipal Code, Title 3, Chapter 3.50, to provide as follows:

Chapter 3.50

CEMETERY ADVISORY COMMITTEE

Sections:

- 3.50.010 Established-Membership-Organization.
- 3.50.020 Powers and duties.

3.50.010 Established-Membership-Organization. (a) There shall be a Cemetery Advisory Committee which shall consist of four members, qualified and selected as set forth below.

(1) The present membership of the board is hereby confirmed. Future members shall be appointed by the mayor with the approval of the council. A member may be removed by the mayor with the approval of the council for the good of the service.

(2) All members of the committee shall be residents of the city and serve without compensation.

(3) The term of a member shall be for three years or until a successor is appointed. The present members of the committee shall determine by lot the length of terms so that the term of one member shall be for one year, the term of one other member shall be for two years, and the terms of two members shall be for three years, resulting in staggered terms for members subsequently appointed.

(b) The committee shall hold regular meetings at least once each calendar quarter at such times as its chair may determine. The chair shall give each member at least 48 hours prior written or oral notice of the date, time and place of each meeting.

(c) The committee shall give reasonable public notice of its meetings, its meetings shall be open to the public, and reasonable opportunity shall be provided for the public to be heard at each meeting.

(d) Three members of the committee shall constitute a quorum for the transaction of business. Actions of the committee are taken by the vote of a majority

of the members duly present at a meeting of the committee duly held at which a quorum is present. The committee shall keep minutes of its proceedings and records of its official actions.

(e) Any member who misses more than two regular meetings in a consecutive twelve-month period without being excused by the committee shall automatically forfeit membership on the committee.

(f) The committee shall annually elect from among its members a chair, vice chair and secretary-treasurer.

(g) Committee members shall conduct their activities in such a way that no conflict of interest arises between their other interests and the policies, interests and operation of the municipal cemeteries.

(h) The committee may establish its own rules, regulations and policies consistent with this chapter and subject to the approval of the council.

3.50.020 Powers and duties. The powers and duties of the committee shall be as follows:

(a) Receive, consider and evaluate public opinions and make recommendations regarding the staffing, equipping, care, maintenance, and managing of the municipal cemeteries;

(b) Advise the city manager and city council on planning and implementation of programs dealing with the use and development of the municipal cemeteries;

(c) Review and make recommendations to the council regarding the budget of the municipal cemeteries; and,

(d) Perform such other activities as the council may from time to time designate.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon finalize passage.

PASSED IN FIRST READING: April 12, 2005

PASSED IN SECOND READING: April 26, 2005

Attest:

Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

April 27, 2005 (1:46PM)
MAS:ce\33.237.0002
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CITY OF WRANGELL, ALASKA

ORDINANCE NO. 766

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WMC CHAPTER 15.16 CEMETERY, SPECIFICALLY SECTION 15.16.080 UNIFORMITY OF GROUNDS AND MARKERS

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective April 27, 2005.

SEC. 4. Providing for a Public Hearing. A public hearing is scheduled for April 26, 2005.

SEC. 5. Wrangell Municipal Code, Title 15, Chapter 15.16 Cemetery, Section 15.16.080 Uniformity of Grounds and Markers, is hereby amended as follows:

Chapter 15.16

CEMETERY

Sections:

15.16.080 Uniformity of grounds and markers.

15.16.080 Uniformity of grounds and markers. A. It is highly desirable that uniformity be maintained and, in order to maintain such uniformity, the city reserves the right to standardize the design and material used for markers, **to prohibit** the planting of trees and shrubs, and to prohibit the erection of fences or other structures of any kind to carry out such uniformity.

B. **Potted [P]plants of 10 to 12 inch pot size** may be placed on the grave next to the marker, under the supervision of the city. No temporary **decoration**, marker or monument may be placed upon or near a grave which extends above the surface of the ground except **on the day of burial**, on Memorial Day, Fourth of July [or] **and** Veteran's Day, and these shall be removed within seven days thereafter. All permanent markers

shall be set on foundations constructed and installed to the specifications of the city. **No marker shall extend beyond border of grave (3 ½ X 9).** Upon request, the city will install the markers for a fee of twenty-five dollars.

C. Sunset Gardens Cemetery began operation in 1966. The city desires that this cemetery be maintained in a uniform manner and the following rules shall apply:

No enclosure of any kind, such as a fence, roping, hedge, border or ditch shall be permitted around any grave, and no grave shall be raised above the established grade. The city shall remove all materials prohibited by this section which may be in place at the passage of the ordinance codified in this section, or which may in the future be placed on or near any grave, after giving thirty days notice of such action to any known party which may have an interest therein.

D. Holders containing flowers or other decorations will be removed as soon as the flowers fade and wither, and the city reserves the right to make such removal. Winter wreaths will be removed before mowing season. The city will dispose of all such flowers, along with holders containing flowers, or other decorations.

E. The city reserves the right to make special exceptions to the rules set forth in this section or to adopt additional rules by resolution in order to properly operate and maintain the cemeteries.

PASSED IN FIRST READING April 12, 2005

PASSED IN SECOND READING April 26, 2005

Valery McCandless, serving as Mayor
Valery McCandless, Mayor

ATTEST: *Christie L. Jamieson*
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 765

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WMC SECTION 14.07.055 ENTITLED "HOISTS", AMENDING SUBSECTION P OF WMC SECTION 14.11.005 ENTITLED "FEE SCHEDULE", AND PROVIDING FOR AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective April 1, 2005.

SEC. 4. Amendment. WMC Section 14.07.055 entitled "Hoists" is hereby amended as follows:

14.07.055 Hoists. Hoists in the ports and harbors of the City shall be activated, used and deactivated by access cards issued by the Harbor Department. Required fees for access cards and use of the hoists are as set forth in Section 14.11.005. Users of hoists will comply with the procedures set forth by the Harbor Department and shall sign user agreements as a condition to using the hoists. Hoist users shall not exceed the posted operational limits of the hoists. Users of the hoists do so at their own risk and shall defend, indemnify and hold harmless the City of Wrangell and its officials and employees from any claims relating to the use of the hoists.

SEC. 5. Amendment. Subsection P of WMC Section 14.11.005 is hereby amended to read as follows:

P.	Hoists 14.07.050	
	Hourly (billed in 6 minute increments)	\$10.00/hour
	6 Minute Minimum	\$1.00
	Resident Access Card (original issue)	\$10.00
	Transient Access Card (original issue)	\$20.00
	Replacement Access Card (lost or damaged)	\$20.00
	Access Card Refund	½ original fee

PASSED IN FIRST READING February 8, 2005

PASSED IN SECOND READING March 8, 2005

Valery McCandless *sewing as*
Valery McCandless, Mayor *Mayor*

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 764

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING CHAPTER 9.04 GARBAGE, SPECIFICALLY SECTION 9.04.020 REFUSE CONTAINERS—SPECIFICATIONS AND PROVIDING FOR A PUBLIC HEARING

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective February 1, 2005.

SEC. 4. Providing for a Public Hearing. A public hearing is scheduled for January 25, 2005.

SEC. 5. WMC 9.04.020 (a) is hereby amended as follows:

Chapter 9.02

GARBAGE

Section:

9.04.020 Refuse containers--Specifications

9.04.020 Refuse Containers—Specifications. A. Each and every owner, tenant, housekeeper or other person occupying any room, dwelling, house, apartment or other building or portion thereof and producing or being responsible for the disposal of refuse shall provide sturdy pest proof receptacles with a capacity [OF TWENTY TO THIRTY THREE GALLONS] **not to exceed 33 gallons** approved by the city manager or his authorized agent for residential use and/or 2 to 4 yard dumpsters sold or approved by the City of Wrangell for bulk storage. **Such containers shall not exceed 55 pounds in weight in full.**

PASSED IN FIRST READING January 11, 2005

PASSED IN SECOND READING January 25, 2005

Valery McCandless, serving as
Valery McCandless, Mayor
Mayor

ATTEST: Christie L. Jamieson
Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 763

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SECTION 2.32.060 ENTITLED "PROTEST" RELATING TO THE CITY CLERK'S DETERMINATION THAT AN INITIATIVE OR REFERENDUM PETITION IS INSUFFICIENT, AMENDING SUBSECTIONS (A) AND (B) OF SECTION 2.32.110 ENTITLED "EFFECT" RELATING TO THE EFFECT OF INITIATIVE AND REFERENDUM ELECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Wrangell Municipal Code Section 2.32.060 entitled "Protest" is hereby amended to read as follows:

2.32.060 Protest. If the clerk certifies that an initiative or referendum petition is insufficient, a signer of the petition may file a protest with the [MAYOR] city manager within seven days after the certification. The [MAYOR] city manager shall present the protest at the next regular meeting of the council. The council shall hear and decide the protest.

SEC. 2. Amendment. Subsections (A) and (B) of Wrangell Municipal Code Section 2.32.110 entitled "Effect" are hereby amended to read as follows:

2.32.110 Effect. A. The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed unless the modifying or negating measure is approved by the voters [IN AN INITIATIVE OR REFERENDUM ELECTION OR AN ELECTION HELD PURSUANT TO SECTION 10-9 OF THE CHARTER].
B. If an ordinance or resolution is repealed in a referendum election or by the council after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted for a period of two years unless the substantially similar legislation is approved by the voters [IN AN INITIATIVE ELECTION OR AN ELECTION HELD PURSUANT TO SECTION 10-9 OF THE CHARTER].

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 final passage.

PASSED IN FIRST READING: January 11, 2005

PASSED IN SECOND READING: January 25, 2005

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 776

AN ORDINANCE of the City of Wrangell, Alaska, authorizing the issuance of a general obligation bond of the City in the principal sum of \$2,809,000 to finance a portion of the cost of certain capital improvements to Wrangell schools as previously approved by the City's voters; providing for the form and terms of the bond; authorizing tax levies to pay the principal of and interest on the bond; authorizing the sale of the bond to the Alaska Municipal Bond Bank; and authorizing the City Manager to accept the final terms of the bond.

WHEREAS, at an election held on October 4, 2005, a majority of the qualified electors of the City of Wrangell, Alaska (the "City") voted in favor of a proposition authorizing the issuance of general obligation bonds of the City in the principal amount of not to exceed \$2,809,000 to pay costs of repairs and renovations to the Wrangell High School, Middle School and Elementary/Primary School, based on the updated Wrangell Schools Condition Survey Update, including structural, mechanical and electrical improvements and improvements designed to comply with the Americans with Disability Act, as authorized by Ordinance No. 773 of the City, passed by the City Council on July 26, 2005; and

WHEREAS, the Department of Education and Early Development of the State of Alaska ("DEED") has approved such general obligation bonds for 70% debt reimbursement, and the Council wishes to authorize the issuance of such general obligation bonds; and

WHEREAS, the Council finds that it is in the best interest of the City to sell such bonds to the Alaska Municipal Bond Bank (the "Bond Bank") on the terms and conditions set forth herein and in a loan agreement between the City and the Bond Bank authorized to be entered into by the City Manager;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, as follows:

SECTION 1. Classification. This ordinance is a special ordinance that shall be omitted from the Wrangell Municipal Code.

SECTION 2. Definitions. As used in this ordinance, the following words shall have the following meanings, unless a different meaning clearly appears from the context:

"Bond" means the City of Wrangell, Alaska, General Obligation Bond, 2006, in the principal amount of \$2,809,000 issued pursuant to and for the purposes provided in this ordinance and in a proposition approved at an election held in the City on October 4, 2005.

"Bond Bank" means the Alaska Municipal Bond Bank, a public corporation and instrumentality of the State of Alaska, created pursuant to the provisions of Chapter 85, Title 44, Alaska Statutes, as amended.

“Bond Bank Bonds” means a series of general obligation bonds issued by the Bond Bank to provide funds to lend to the City in accordance with the Loan Agreement.

“Bond Fund” means the “City of Wrangell Debt Service Fund.

“Bond Premium” means proceeds of the Bond representing an allocation of the original issue premium, if any, on the Bond Bank’s Bonds.

“Bond Register” means the registration books for the Bond maintained by the Registrar.

“City” means the City of Wrangell, Alaska, a home rule municipal corporation duly organized and existing under the Constitution and laws of the State of Alaska and its City Charter.

“Code” means the federal Internal Revenue Code of 1986, as now or hereafter amended, and the applicable regulations promulgated thereunder.

“Council” means the general legislative authority of the City, as duly constituted from time to time.

“Finance Director” means the Finance Director of the City or the successor to the duties of such office.

“Government Obligations” means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States Government.

“Loan Agreement” means the Loan Agreement by and between the City and the Bond Bank authorized to be entered into pursuant to Section 14 of this ordinance.

“Registrar” means the Finance Director, for the purposes of registering and authenticating the Bond, maintaining the Bond Register, and paying principal and interest on the Bond.

SECTION 3. Findings and Authorization of Improvements. The Council hereby ratifies and confirms its findings, set forth in Section 3 of Ordinance No. 773, regarding the capital improvements to the Wrangell schools authorized therein (as therein defined, the “Improvements”) and ratified and approved by the City’s voters at the election held on October 4, 2005.

SECTION 4. Authorization of Bond. The City hereby authorizes the issuance and sale of the Bond in the total principal amount of \$2,809,000 to provide funds to pay costs of the Improvements, all costs incidental thereto and the costs of issuance of the Bond. The Bond shall be a general obligation of the City and shall be designated the “City of Wrangell, Alaska, General Obligation Bond, 2006.” The Bond shall be dated as of the date established pursuant to Section 14 of this ordinance, shall be in fully registered form in the denomination of \$2,809,000; shall be numbered in such manner as the Registrar shall determine; shall mature on a date approximately 15 years from the date of issuance and shall be paid in installments in the principal amounts and at the interest rate or rates and on the dates established pursuant to Section

14 of this ordinance and set forth in the Loan Agreement. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months.

SECTION 5. Registration, Payment and Transfer. The Finance Director shall act as authenticating agent, paying agent and registrar for the Bond (collectively, the "Registrar"). Both principal of and interest on the Bond shall be payable in lawful money of the United States of America. Installments of principal of and interest on the Bond shall be paid by check or draft of the Registrar mailed (on the date such interest is due) to the registered owner or nominee at the address appearing on the Bond Register on the fifteenth day of the month preceding each interest payment date. The final installment of principal of the Bond shall be payable upon presentation and surrender of the Bond to the Registrar by the registered owner or nominee at the office of the Registrar in Wrangell, Alaska. Notwithstanding the foregoing, if the Bond is sold to the Bond Bank pursuant to the provisions of Section 14 of this ordinance, payments of principal of and interest on the Bond shall be made to the Bond Bank in accordance with the Loan Agreement.

The Bond may be transferred only on the Bond Register maintained by the Registrar for that purpose upon the surrender thereof by the registered owner or nominee or his/her duly authorized agent and only if endorsed in the manner provided thereon, and thereupon a new fully registered Bond of like principal amount, maturity and interest rate shall be issued to the transferee in exchange therefor. Upon surrender thereof to the Registrar, the Bond is interchangeable for a bond or bonds in any authorized denomination of an equal aggregate principal amount, with interest rates and maturities corresponding to the interest rates and installment payment schedule of the Bond as initially issued. Such transfer or exchange shall be without cost to the registered owner or transferee.

The City may deem the person in whose name the Bond is registered to be the absolute owner thereof for the purpose of receiving payment of the principal of and interest on the Bond and for any and all other purposes whatsoever.

SECTION 6. Prepayment.

A. **Prepayment.** Provisions for the optional prepayment of some or all principal installments of the Bond may be established pursuant to Section 14 and shall be set forth in the Loan Agreement. Portions of the principal amount of the Bond, in installments of \$5,000 or any integral multiple of \$5,000, may be prepaid.

So long as the Bond Bank is the owner of the Bond, notice of prepayment shall be given according to the terms of the Loan Agreement. If the Bond Bank is not the owner of the Bond, notice of prepayment shall be given not less than 30 nor more than 60 days prior to the date fixed for prepayment by first class mail, postage prepaid, to the Registered Owner of the Bond at the address appearing on the Bond Register. The requirements of this section shall be deemed complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owner of the Bond.

Each official notice of prepayment shall be dated and shall state: (i) the prepayment date, (ii) the prepayment price or prepayment premium, if any, payable upon such prepayment; (iii) if

less than all of an installment of principal is to be prepaid, the principal amount to be prepaid (which must be an integral multiple of \$5,000); (iv) that the interest on the Bond, or on the principal amount thereof to be prepaid, designated for prepayment in such notice, shall cease to accrue from and after such prepayment date; and (v) that on such date there will become due and payable on the Bond the principal amount thereof to be prepaid and the interest accrued on such principal amount to the prepayment date.

SECTION 7. Bond Fund and Provision for Tax Levy Payments. A special fund of the City known as the “City of Wrangell Debt Service Fund” (the “Bond Fund”), has heretofore been created for the purpose of paying general obligation bonds of the City. The Bond Fund shall be drawn upon to pay the principal of and interest on the Bond.

The City hereby irrevocably covenants and agrees, for as long as the Bond is outstanding and unpaid, that each year it will include in its budget and levy an ad valorem tax, without limitation as to rate or amount, upon all the property within the City subject to taxation in an amount that will be sufficient, together with all other funds of the City that may legally be used and which the City may apply for such purposes, to pay the principal of and interest on the Bond as the same shall become due. All of such taxes and any of such other money so collected shall be paid into the Bond Fund and used only for the payment of the principal of and interest on the Bond. Money in the Bond Fund not needed to pay the interest or principal next coming due may temporarily be deposited in such institutions or invested in such obligations as may be lawful for the investment of City money. Any interest or profit from the investment of such money shall be deposited in the Bond Fund.

The City hereby irrevocably pledges that a sufficient portion of each annual levy to be levied and collected by the City prior to the full payment of the principal of and interest on the Bond will be and is hereby irrevocably set aside, pledged and appropriated for the payment of the principal of and interest on the Bond. The Bond is a general obligation of the City, and the full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of said taxes and for the prompt payment of the principal of and interest on the Bond as the same shall become due.

SECTION 8. Defeasance. In the event that money and/or “Government Obligations,” maturing at such time or times and bearing interest to be earned thereon in amounts sufficient to redeem and retire the Bond or a portion of the Bond in accordance with its terms, are set aside in a special account to effect such prepayment or retirement and such money and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on the Bond so provided for and such Bond or portion thereof shall cease to be entitled to any lien, benefit or security of this ordinance, except the right to receive the funds so set aside and pledged, and such Bond or portion thereof shall be deemed not to be outstanding hereunder.

SECTION 9. Tax Exemption.

A. General. The City intends that interest on the Bond shall be excludable from gross income for federal income tax purposes pursuant to sections 103 and 141 through 150 the Code, and the applicable regulations. The City covenants not to take any action, or knowingly omit to take any action within its control, that if taken or omitted would cause the interest on the Bond to be includable in gross income, as defined in section 61 of the Code, for federal income tax purposes.

B. Tax Certificate. Upon the issuance of the Bond, the Finance Director is authorized to execute a federal tax certificate (the "Tax Certificate"), which will certify to various facts and representations concerning the Bond, based on the facts and estimates known or reasonably expected on the date of issuance of the Bond, and make certain covenants with respect to the Bond, including the following:

(i) *No Private Activity Bond.* The proceeds of the Bond will not be used in a manner that would cause the Bond to be a "private activity bond" within the meaning of the Code, as further described in the Tax Certificate. Moreover, the City covenants that it will use the proceeds of the Bond (including interest or other investment income derived from Bond proceeds), regulate the use of property financed, directly or indirectly, with such proceeds, and take such other and further action as may be required so that the Bond will not be a "private activity bond."

(ii) *No Federal Guarantee.* The City has not and will not take any action, and has not knowingly omitted and will not knowingly omit to take any action within its control, that, if taken or omitted would cause the Bond to be "federally guaranteed" within the meaning of the Code, as further described in the Tax Certificate.

(iii) *No Arbitrage Bond.* The City reasonably expects that the proceeds of the Bond will not be used in a manner that would cause the Bond to be an "arbitrage bond" within the meaning of the Code, as further described in the Tax Certificate.

The City covenants that it will comply with the Tax Certificate unless it receives advice from nationally recognized bond counsel or the Internal Revenue Service that certain provisions have been amended or no longer apply to the Bond.

C. Arbitrage Rebate. If the City does not qualify for an exception to the requirements of Section 148(f) of the Code relating to the payment of arbitrage rebate to the United States, the City will take all necessary steps to comply with the requirement that certain amounts earned by the City on the investment of the "gross proceeds" of the Bond (within the meaning of the Code) be rebated.

SECTION 10. Lost or Destroyed Bond. In case the Bond shall be lost, stolen or destroyed, the Registrar may execute and deliver a new Bond of like amount, date, and tenor to the registered owner thereof upon the owner's paying the expenses and charges of the City in connection therewith and upon his/her filing with the Registrar evidence satisfactory to the Registrar that such Bond was actually lost, stolen or destroyed and of his/her ownership thereof, and upon furnishing the City with indemnity satisfactory to the Registrar.

SECTION 11. Form of the Bond. The Bond shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. R-1

\$2,809,000

STATE OF ALASKA

CITY OF WRANGELL

GENERAL OBLIGATION BOND, 2006

FINAL MATURITY DATE:

INTEREST RATES: See Below

REGISTERED OWNER: Alaska Municipal Bond Bank

PRINCIPAL AMOUNT: Two Million Eight Hundred Nine Thousand and No/100 Dollars

The City of Wrangell, Alaska, a municipal corporation organized and existing under and by virtue of the laws and Constitution of the State of Alaska (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount specified above in accordance with the installment payment schedule set forth below, unless prepaid prior thereto as provided herein, together with interest on such installments from the date hereof or the most recent date to which interest has been paid or duly provided for at the interest rates set forth below:

Principal Installment Payment Year (_____)	Principal Installment Amount	Interest Rate
2007		
2008		
2009		
2010		
2011		
2012		
2013		
2014		
2015		
2016		
2017		
2018		
2019		
2020		
2021		

Both principal of and interest on this bond are payable in lawful money of the United States of America. Installments of principal of and interest on this bond are payable by check or draft of the Finance Director of the City (the "Registrar") mailed (on the date such interest is due) to the Registered Owner hereof at the address appearing on the records maintained by the Registrar as of the fifteenth day of the month preceding the interest payment date. The final installment of principal of and interest on this bond shall be paid to the Registered Owner hereof upon presentation and surrender of this bond at the office of the Registrar. Notwithstanding the foregoing, so long as the Bond Bank is the Registered Owner of this bond, payments of principal of and interest on this bond shall be made to the Bond Bank in accordance with the Loan Agreement.

This bond is a general obligation bond of the City in the total principal amount of \$2,809,000, as authorized by the voters of the City and issued pursuant to Ordinance No. 776 passed by the City Council on January 10, 2006 (the "Bond Ordinance"), to provide funds for making certain capital improvements to the Wrangell schools. Capitalized terms used in this bond and not otherwise defined herein shall have the meanings given such terms in the Bond Ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by the Registrar.

The City hereby irrevocably covenants and agrees with the owner of this bond that it will include in its annual budget and levy taxes annually, without limitation as to rate or amount, upon all the property subject to taxation in amounts sufficient, together with all other money legally available therefor, to pay the principal of and interest on this bond as the same shall

become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest.

This bond is subject to prepayment as provided in the Loan Agreement.

The pledge of tax levies for payment of principal of and interest on this bond may be discharged prior to maturity of the bond by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

This bond is issued in fully registered form and is transferable only on the records maintained by the Registrar for that purpose upon the surrender of this bond by the registered owner hereof or his/her duly authorized agent and only if endorsed in the manner provided hereon, and thereupon a new fully registered bond of like principal amount and interest rate shall be issued to the transferee in exchange therefor. Such exchange or transfer shall be without cost to the registered owner or transferee. The City may deem the person in whose name this bond is registered to be the absolute owner hereof for the purpose of receiving payment of the principal of and interest on this bond and for any and all other purposes whatsoever.

It is hereby certified and declared that this bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Alaska and the charter, ordinances, and resolutions of the City, that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed, and that this bond does not exceed any Constitutional, statutory or charter limitations.

IN WITNESS WHEREOF, the City of Wrangell, Alaska, has caused this bond to be signed on behalf of the City with the manual or facsimile signature of the Mayor, to be attested by the manual or facsimile signature of the City Clerk, and the seal of the City to be imprinted or impressed hereon, as of this _____ day of _____, 2006.

CITY OF WRANGELL, ALASKA

By _____ /s/ _____
Mayor

ATTEST:

_____/s/_____
City Clerk

The Certificate of Authentication for the Bond shall be in substantially the following form and shall appear on the front of the Bond:

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This is the General Obligation Bond, 2006, dated _____, 2006, of the City of Wrangell, Alaska, described in the within-referenced Bond Ordinance.

Finance Director, City of Wrangell,
as Registrar

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

PLEASE INSERT SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER
OF TRANSFEREE

[Empty rectangular box for Social Security or Taxpayer Identification Number]

(Please print or typewrite name and address, including zip code of Transferee)

the within bond and all rights thereunder and does hereby irrevocably constitute and appoint _____
of _____, or its
successor, as agent to transfer said bond on the books kept by the Registrar for registration
thereof, with full power of substitution in the premises.

DATED: _____, _____.

SIGNATURE GUARANTEED:

NOTICE: Signature(s) must be
guaranteed pursuant to law.

NOTE: The signature of this Assignment must
correspond with the name of the registered owner as
it appears upon the face of the within bond in every
particular, without alteration or enlargement or any
change whatever.

SECTION 12. Execution of the Bond. The Bond shall be signed on behalf of the City by the manual or facsimile signature of the Mayor, shall be attested by the manual or facsimile signature of the City Clerk, and the seal of the City shall be impressed or imprinted thereon.

Only such Bond as shall bear thereon a Certificate of Authentication in the form set forth in Section 11 hereof, manually executed by the Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated, registered, and delivered hereunder and is entitled to the benefits of this ordinance.

In case any of the officers of the City who shall have signed, attested, authenticated, registered or sealed the Bond shall cease to be such officers before the Bond so signed, attested, authenticated, registered or sealed have been actually issued and delivered, such Bond shall be valid nevertheless and may be issued by the City with the same effect as though the persons who had signed, attested, authenticated, registered or sealed the Bond had not ceased to be such officers. The Bond may also be signed, attested, authenticated, registered or sealed on behalf of the City by such persons as at the actual date of execution of the Bond shall be the proper officers of the City although at the original date of the Bond any such person shall not have been such officer.

SECTION 13. Application of Proceeds of Bond. There is hereby authorized to be created in the office of the Finance Director a special fund of the City to be known as the "2006 Wrangell Schools Renovation Fund" (the "Renovation Fund"). At the time of delivery of the Bond, the proceeds of the Bond shall be deposited in the Renovation Fund and used to pay costs of the Improvements (as defined in Ordinance No. 773), all costs incidental thereto and costs of issuance of the Bond; provided, however, that any Bond Premium exceeding the costs of issuance of the Bond shall be deposited in the Bond Fund. None of the proceeds of the Bond shall be used for other than a capital purpose.

Money remaining in the Renovation Fund after all of such costs have been paid or reimbursed shall be deposited in the Bond Fund. Money in the Renovation Fund may be invested as permitted by law. All interest earned and profits derived from such investments shall be retained in and become a part of the Renovation Fund.

SECTION 14. Sale of the Bond. The City Manager and Finance Director are authorized to negotiate the sale of the Bond to the Bond Bank on terms and conditions consistent with this ordinance to be set forth in a Loan Agreement by and between the City and the Bond Bank, including, without limitation, the date, principal payment schedule, interest rates and prepayment provisions of the Bond, in substantially the form attached as Exhibit A to this ordinance, all subject to the approval of the City Manager, which approval shall be evidenced by the City Manager's execution of the Loan Agreement.

The City officials, their agents and representatives are hereby authorized and directed to do everything necessary to complete the Improvements authorized by Ordinance No. 773, and for the proper issuance, execution and delivery of the Bond to the Bond Bank, and for the proper use and application of the funds derived from such sale.

SECTION 15. Ongoing Disclosure. The City acknowledges that, under Rule 15c2 12 of the Securities and Exchange Commission (the "Rule"), the City may now or in the future be an "obligated person" with respect to the Bond Bank Bonds. In accordance with the Rule and as the Bond Bank may require, the City shall undertake to provide certain annual financial information and operating data as shall be set forth in the Loan Agreement.

SECTION 16. General Authorization; Prior Acts. The Mayor, City Manager, City Clerk and Finance Director of the City and any other appropriate officers of the City are each hereby authorized and directed to take such steps, to do such other acts and things, and to execute such letters, certificates, agreements, papers, financing statements, assignments or instruments as in their judgment may be necessary, appropriate or desirable in order to carry out the terms and provisions of, and complete the transactions contemplated by, this ordinance. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified and confirmed.

SECTION 17. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bond.

SECTION 18. Effective Date. In accordance with Section 2-10 of the City Charter, this ordinance shall take effect upon its adoption.

PASSED IN FIRST READING: December 13, 2005

PASSED IN SECOND READING: January 10, 2006

ATTEST: Christie Jamieson
City Clerk

Valery McCandless
Mayor

sewingas
Mayor

CERTIFICATE

I, the undersigned, duly chosen, qualified and acting City Clerk of the City of Wrangell, Alaska (the "City") and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached is a true and correct copy of Ordinance No. 776 of the City (the "Ordinance"), as finally passed at a regular meeting of the Council held on January 10, 2006, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum of the Council was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of January, 2006.



City Clerk, City of Wrangell

CITY OF WRANGELL, ALASKA
GENERAL OBLIGATION BOND, 2006

\$2,809,000

ORDINANCE NO. 776

AN ORDINANCE of the City of Wrangell, Alaska, authorizing the issuance of a general obligation bond of the City in the principal sum of \$2,809,000 to finance a portion of the cost of certain capital improvements to Wrangell schools as previously approved by the City's voters; providing for the form and terms of the bond; authorizing tax levies to pay the principal of and interest on the bond; authorizing the sale of the bond to the Alaska Municipal Bond Bank; and authorizing the City Manager to accept the final terms of the bond.

PASSED: January 10, 2006

Prepared by:

PRESTON GATES & ELLIS LLP
Seattle, Washington

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 776

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* Neither this Table of Contents nor the preceding cover page is a part of this ordinance.

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 777

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION 9.04.075 ENTITLED "MONOFILL DISPOSAL PERMIT AND FEES" TO THE WRANGELL MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Section. A new section, 9.04.075, to be entitled "Monofill Disposal Permit and Fees", is hereby added to the Wrangell Municipal Code to provide as follows:

9.04.075 Monofill Disposal Permit and Fees. (a) In order to facilitate land development, the City monofill landfill disposal site may be used for the disposal of unclassified land development excavation materials as provided for in this section.

(b) A permit must be obtained from the Public Works Department prior to the disposal of any material. The terms of the permit shall establish the following:

- (1) The quantities of material for which disposal is allowed;
- (2) The location where disposal is allowed;
- (3) The grading requirements required;
- (4) Any access road maintenance requirements for quantities above 150 cubic yards;
- (5) The duration of the permit; and
- (6) Such other terms and conditions as the Public Works Department may require.

(c) The disposal fees for the monofill are \$1.00 per cubic yard of material.

(d) For purposes of this section, *unclassified excavation materials* means any material excavated in the process of land development except demolition materials, trees, brush, stumps and other similar materials.

(e) In addition to the penalties provided for in Section 9.04.110, any person who disposes of any material at the monofill with a permit, in violation of the terms and conditions of the permit, the provisions of this section may be excluded from use of the monofill. In addition to any other remedies available to it, the City shall have the right to enforce this section by injunctive relief.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.


SEC. 3. 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.

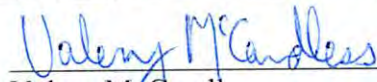
SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: February 14, 2006

PASSED IN SECOND READING: February 28, 2006

ATTEST:


Christie L. Jamieson
City Clerk

 *Valery McCandless, serving as Mayor*
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 778

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW CHAPTER 9.20 ENTITLED NUCLEAR FREE ZONE TO THE WRANGELL MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE

Recitals

WHEREAS the City of Wrangell enjoys a rural and clean air environment, and

WHEREAS nuclear waste is present in the State of Alaska,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Chapter. A new chapter, 9.20, entitled Nuclear Free Zone is hereby added to the Wrangell Municipal Code to provide as follows:

Chapter 9.20

NUCLEAR FREE ZONE

Sections:

- 9.20.010 Purpose.
- 9.20.020 Definitions.
- 9.20.030 Prohibitions.
- 9.20.040 Exclusions.

9.20.010 Purpose. The purpose of this chapter is to establish the city as a nuclear free zone, to acknowledge the orientation of the community toward peaceful development, and to protect the health and safety of the community and its resources on land and sea by prohibiting work on or storage of nuclear weapons or the storing or dumping of radioactive material within the city.

9.20.020 Definitions. For the purpose of this chapter, the following definitions shall have the meanings set forth below:

(a) "Component of a nuclear weapon" means any device, radioactive or non-radioactive, specially designed or modified for exclusive use as part of a nuclear weapon.

(b) "Direct activities of the federal government" means actions of the federal government, or of its agencies, but shall exclude actions of independent contractors.

(c) "Nuclear weapon" means any device the intended explosion of which results from the energy released by fission or fusion reactions involving atomic nuclei, including the means of guiding, transporting, propelling or triggering of the device, provided that such means is destroyed or rendered useless in the normal guiding, transporting, propelling or triggering of the device.

(d) "Person" means any individual, corporation, institution or other entity.

(e) "Radioactive material" means any radioactive material which is the by-product of any nuclear reaction or nuclear weapons production, any radioactive material or spent energy in the form of particles or rays by spontaneous disintegration of atomic nuclei, and any other material which the Nuclear Regulatory Commission determines to be nuclear materials, except as specifically exempted in section 9.20.040.

9.20.030 Prohibitions. (a) A person may not knowingly design, produce, deploy, launch, maintain or store nuclear weapons or the components of nuclear weapons. A person may not produce, store or dump radioactive material.

(b) A person may not establish, construct or operate a radioactive material disposal site or store or dump any radioactive material except as specifically exempted in section 9.20.040.

(c) No zoning, building, special use or other permits shall be issued by the city for facilities, structures or uses prohibited by this chapter.

9.20.040 Exclusions. Nothing in this chapter prohibits:

(a) Uses of small amounts of radioactive materials for smoke detectors, light-emitting watches and clocks, gauges, and other similar consumer and industrial devices.

(b) Use of radioactive materials for health care, including medical and dental purposes.

(c) Direct activities of the federal and state government that are exempted by federal or state law from the application of the prohibitions under this chapter.

(d) Storage of radioactive materials for activities excluded under this section 9.20.040.

(e) Naturally occurring radioactive materials and associated radon gas as may be present in sandblasting grit, rock formations, snow melt and like materials.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon final passage.

PASSED IN FIRST READING: February 14, 2006

PASSED IN SECOND READING: February 28, 2006

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless serving as
Valery McCandless
Mayor

MAAS:cc:33 237.0033
G/W/O:9.20 Nuclear Free Zone

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 779

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SUBSECTION A OF WRANGELL MUNICIPAL CODE SECTION 5.06.020 ENTITLED "IMPOSITION OF TRANSIENT OCCUPANCY TAX" AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Subsection A of Wrangell Municipal Code Section 5.06.020 entitled "Imposition of transient occupancy tax" is hereby amended to provide as follows:

5.06.020 Imposition of transient occupancy tax. A. There is [ENACTED] hereby levied a tax on hotel room rentals to transients [COMPUTED AT A FLAT RATE OF THREE DOLLARS PER DAY, OR PORTION THEREOF, PER ROOM] equal to six percent of the room rent, regardless of the number of occupants of such room. [EFFECTIVE JANUARY 1, 1997, THIS TAX SHALL INCREASE TO FOUR DOLLARS PER DAY, OR PORTION THEREOF, PER ROOM, REGARDLESS OF THE NUMBER OF OCCUPANTS OF SUCH ROOM.] This tax shall be applicable to all room rentals to transients, unless the rental is specifically exempted from taxation by constitution or other valid law.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.


SEC. 3. 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.

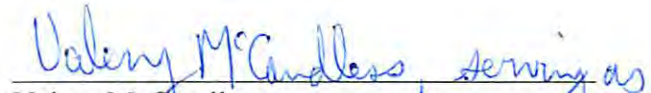

SEC. 4. Effective Date. This ordinance is effective commencing January 1, 2007, and shall apply to all room rentals sold on and after that date.

PASSED IN FIRST READING: February 14, 2006

PASSED IN SECOND READING: February 28, 2006

Attest:


Christie L. Jamieson
City Clerk


Valery McCandless, *-serving as*
Mayor 

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CITY OF WRANGELL, ALASKA

ORDINANCE NO. 780

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SUBSECTION C AND ADDING A NEW SUBSECTION E TO WRANGELL MUNICIPAL CODE SECTION 5.10.062 ENTITLED "DISPOSITION OF PERSONAL PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES" AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Subsection C of Wrangell Municipal Code Section 5.10.062 entitled "Disposition of Personal Property for Economic Development Purposes" is hereby amended to provide as follows:

C. Prior to disposal under subsection A of this section, the council shall hold a public hearing. The city clerk shall publish notice of the public hearing in a newspaper of general circulation in the city at least [FIVE (5)] **fourteen (14)** days prior to the hearing. The notice shall include the date, time and place of the hearing, a general or legal description of the real property or interest, and the proposed disposition and its purpose.

SEC. 2. New Subsection. A new subsection E is hereby added to Wrangell Municipal Code Section 5.10.062 entitled "Disposition of Personal Property for Economic Development Purposes" to provide as follows:

E. Where the acquisition of the personal property or any interest therein has been approved by the voters at an election, the disposition of such property or interest under this section by sale, trade or lease for a term exceeding five (5) years shall be made only by authority of and ordinance ratified by a majority of the qualified voters of the city who vote upon the question. For purposes of this subsection, the term of any such lease shall include the terms of all options to extend or renew the lease. The requirements of this subsection do not apply where the voter approval involved was in the form of authorizing the issuance of bonds to finance the acquisition of the personal property or any interest therein.

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 published as provided by law and shall be effective upon approval of final passage.

PASSED IN FIRST READING _____ December 13 _____, 2005

PASSED IN SECOND READING _____ March 14 _____, 2006

Attest: Christie L. Jamieson Valery McCandless, serving as
Christie L. Jamieson, City Clerk Valery McCandless, Mayor Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 781

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SUBSECTION C AND ADDING A NEW SUBSECTION E TO WRANGELL MUNICIPAL CODE SECTION 16.12.012 ENTITLED "DISPOSITION OF REAL PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES" AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Subsection C of Wrangell Municipal Code Section 16.12.012 entitled "Disposition of Real Property for Economic Development Purposes" is hereby amended to provide as follows:

C. Prior to disposal under subsection A of this section, the council shall hold a public hearing. The city clerk shall publish notice of the public hearing in a newspaper of general circulation in the city at least [FIVE (5)] **fourteen (14)** days prior to the hearing. The notice shall include the date, time and place of the hearing, a general or legal description of the real property or interest, and the proposed disposition and its purpose.

SEC. 2. New Subsection. A new subsection E is hereby added to Wrangell Municipal Code Section 16.12.012 entitled "Disposition of Real Property for Economic Development Purposes" to provide as follows:

E. Where the acquisition of the real property or any interest therein or the construction of a permanent improvement has been approved by the voters at an election, the disposition of such property, interest or improvement under this section by sale, trade or lease for a term exceeding five (5) years shall be made only by authority of and ordinance ratified by a majority of the qualified voters of the city who vote upon the question. For purposes of this subsection, the term of any such lease shall include the terms of all options to extend or renew the lease. The requirements of this subsection do not apply where the voter approval involved was in the form of authorizing the issuance of bonds to finance the acquisition of the real property or any interest therein or the construction of a permanent improvement.

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 published as provided by law and shall be effective upon approval of final passage.

PASSED IN FIRST READING _____ December 13 _____, 2005

PASSED IN SECOND READING _____ March 14 _____, 2006

Attest: Christie L. Jamieson Valery McCandless, serving as
Christie L. Jamieson, City Clerk Valery McCandless, Mayor
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 782

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING AND ADDING NEW SECTIONS TO TITLE 2 OF THE WRANGELL MUNICIPAL CODE, ENTITLED "ELECTIONS", AS FOLLOWS: AMENDING WMC § 2.04.010 ENTITLED "APPLICABILITY OF PROVISIONS", AMENDING WMC § 2.04.030 ENTITLED "EXPENSES", ADDING A NEW SECTION, § 2.04.040, TO THE WRANGELL MUNICIPAL CODE ENTITLED "VOTING DEVICES, BALLOT TYPES AND BALLOT CLARITY", AMENDING WMC § 2.08.010 ENTITLED "REGISTRATION", AMENDING WMC § 2.08.020 ENTITLED "DISQUALIFICATION OF VOTERS", AMENDING WMC § 2.08.040 ENTITLED "QUALIFICATION CERTIFICATION", AMENDING WMC § 2.12.010 ENTITLED "GENERAL ELECTIONS—TIME", AMENDING WMC § 2.12.020 ENTITLED "GENERAL ELECTIONS—NOTICE", AMENDING WMC § 2.12.030 ENTITLED "GENERAL ELECTIONS—SUBJECTS", AMENDING WMC § 2.12.060 ENTITLED "SPECIAL ELECTIONS—NOTICE", AMENDING WMC § 2.12.070 ENTITLED "ELECTION—PUBLICATION REQUIREMENTS AND NOTICE", AMENDING WMC § 2.16.010 ENTITLED "DECLARATION OF CANDIDACY - FILING", ADDING A NEW SECTION, § 2.16.030, TO THE WRANGELL MUNICIPAL CODE ENTITLED "WRITE-IN CANDIDATES AND WRITE-IN VOTES", AMENDING WMC § 2.20.140 ENTITLED "KEEPING OF ORIGINAL REGISTER", AMENDING WMC § 2.24.010 ENTITLED "ABSENTEE VOTING PERMITTED", AMENDING WMC § 2.24.020 ENTITLED "APPLICATION", AMENDING WMC § 2.24.030 ENTITLED "ABSENTEE BALLOTS—GENERALLY", AMENDING WMC § 2.24.040 ENTITLED "ABSENTEE BALLOTS—MAILING ENVELOPE", AMENDING WMC § 2.24.070 ENTITLED "ABSENTEE BALLOTS—COMPLETION AND RETURN BY VOTERS", AMENDING WMC § 2.28.030 ENTITLED "RULES FOR DETERMINING MARK ON BALLOTS", AMENDING WMC § 2.28.120 ENTITLED "CONTEST OF ELECTION—NOTICE", AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Wrangell Municipal Code Section 2.04.010 entitled "Applicability of provisions" is hereby amended to provide as follows:

2.04.010 Applicability of provisions. The provisions contained in this title shall apply to all [GENERAL ANNUAL ELECTIONS TO BE HELD IN THE CITY AND TO ALL SPECIAL ELECTIONS AND TO ALL SCHOOL ELECTIONS INSOFAR AS THE SAME MAY BE APPLICABLE] **regular and special municipal elections held in the City.**

SEC. 2. Amendment. Wrangell Municipal Code Section 2.04.030 entitled “Expenses” is hereby amended to provide as follows:

2.04.030 Expenses. A. The city shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, **optical scanning devices, reprogramming of optical scanning device memory cards,** ballots, voting booths, screens, national and state flags and other **pertinent** supplies, and any wages due judges and clerks.

B. Salaries for the election judges and clerks shall be set by the council.

C. However, all expenses of making a recount pursuant to an election contest shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount. [IF THE RECOUNT IS OBTAINED BY VOTERS, EACH OF THEM SHALL BE INDIVIDUALLY LIABLE FOR THE WHOLE AMOUNT OF SUCH EXPENSE.]

SEC. 3. New Section. A new section 2.04.040 is hereby added to the Wrangell Municipal Code entitled “Voting devices, ballot types and ballot clarity” to provide as follows:

2.04.040 Voting devices, ballot types and ballot clarity. **The city clerk will follow procedures consistent with state law for the preparation, process and tabulation of optically scanned, electronically generated or paper ballots. All official ballots shall be prepared to facilitate fairness, simplicity, and clarity to accurately reflect the intent of the voter.**

SEC. 4. Amendment. Wrangell Municipal Code Section 2.08.010 entitled “Registration” is hereby amended to provide as follows:

2.08.010 Registration. [VOTER REGISTRATION FOR REGULAR AND SPECIAL ELECTIONS IS NOT REQUIRED. THE FOREGOING DOES NOT MEAN THAT ELECTION OFFICIALS SHALL NOT KEEP A REGISTER OF THOSE PERSONS ACTUALLY VOTING OR OFFERING TO VOTE] **A person is qualified to vote in city elections who is registered to vote in state elections at a residence address within the city at least thirty (30) days before the election at which the person seeks to vote.**

SEC. 5. Amendment. Wrangell Municipal Code Section 2.08.020 entitled “Disqualification of voters” is hereby amended to provide as follows:

2.08.020 Disqualification of voters. No person may vote who has been convicted of a felony involving moral turpitude unless [HIS CIVIL RIGHTS HAVE BEEN RESTORED] **the person has been unconditionally discharged from custody as provided for by the Alaska Election Code.** No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

SEC. 6. Amendment. Wrangell Municipal Code Section 2.08.040 entitled “Qualification certification” is hereby amended to provide as follows:

2.08.040 Qualification certification. Each person, before voting a questioned ballot, shall certify as to his qualifications as a voter. Certification shall be by voter’s affixation of signature on the right-hand page of a book maintained at each polling place, the left-hand page of which shall state:

I hereby certify that I am:

- a citizen of the United States,
- both qualified to vote in State of Alaska elections and registered therefore for at least 30 days immediately preceding this municipal election,
- at least 18 years of age,
- a resident of the city for 30 days immediately preceding the election, and
- not disqualified by reason of having been convicted of a felony involving moral turpitude, and if so, **I have been unconditionally discharged from custody [THAT MY CIVIL RIGHTS HAVE BEEN RESTORED OR UNCONDITIONALLY DISCHARGED]**; nor disqualified because judicially determined to be of unsound mind.

Signed and dated this _____ day of _____,
[19] **in the year**_____.

SEC. 7. Amendment. Wrangell Municipal Code Section 2.12.010 entitled “General elections—Time” is hereby amended to provide as follows:

2.12.010 [GENERAL] Regular elections—Time. There shall be a [GENERAL ANNUAL] **regular** election in the city on the first Tuesday in the month of October in each year **for the election of city officials or any ballot propositions or issues**. [FOR THE ELECTION OF TWO MEMBERS OF THE COUNCIL FOR THREE-YEAR TERMS, FOR THE ELECTION OF A MAYOR FOR A TWO-YEAR TERM, AND A MEMBER OF THE SCHOOL BOARD FOR A THREE-YEAR TERM.]

SEC. 8. Amendment. Wrangell Municipal Code Section 2.12.020 entitled “General elections—Notice” is hereby amended to provide as follows:

2.12.020 [GENERAL] Regular elections—Notice. At least twenty days before any annual election the city clerk shall post and publish, or cause to be posted and published, at least once, notices thereof in three conspicuous places within the city limits, which said notices may be substantially in the following form:

NOTICE OF [GENERAL] REGULAR ELECTION

NOTICE IS HEREBY GIVEN that on the _____ day of October, [19] **in the year**, there will be held in the City of Wrangell, Alaska, an election for the purpose of (here insert officers to be elected or proposition to be voted upon). The polls for said election will be open at 8:00 a.m. on the said day and will close at 8:00 p.m. on the same day.

Each voter must have the qualifications prescribed by state law. Each voter shall be registered to vote in the precinct in which that person seeks to vote in municipal elections. A voter that desires to vote in a municipal election whose name does not appear on the precinct list provided by the State of Alaska for said municipal election shall be required to vote a questioned ballot.

SEC. 9. Amendment. Wrangell Municipal Code Section 2.12.030 entitled “General elections—Subjects” is hereby amended to provide as follows:

2.12.030 [GENERAL] **Regular elections—Subjects**. At any [GENERAL] **regular** election the voters shall vote upon the election of officers to fill vacancies and, in addition, upon any question or proposition which may be submitted by the council by resolution or ordinance for ratification by the voters or for an expression of **public** opinion by them.

SEC. 10. Amendment. Wrangell Municipal Code Section 2.12.060 entitled “Special elections—Notice” is hereby amended to provide as follows:

2.12.060 **Special elections—Notice**. Notice shall be given by both publication and posting as in the case of [GENERAL] **regular** elections. Notice of an election shall be given at least twenty days prior to the election.

SEC. 11. Amendment. Wrangell Municipal Code Section 2.12.070 entitled “Election—Publication requirements and notice” is hereby amended to provide as follows:

2.12.070 **Election—Publication requirements and notice**. Special publication requirements exist which may affect the ability to hold an election on a certain date, and may alter the notice requirements for an election. The publication requirements are set by charter, ordinances and state law. [SOME SPECIFIC EXAMPLES ARE AS FOLLOWS:

A. CHARTER AMENDMENT. SEE CHARTER SECTIONS 10-9 AND 13-1.

B. INITIATIVE AND REFERENDUM. SEE CHARTER SECTION 11-1 AND FOLLOWING SECTIONS.

C. RECALL. SEE CHARTER SECTION 11-6 AND CHAPTER 2.40, RECALL, OF THE WRANGELL MUNICIPAL CODE, SPECIFICALLY SECTION 2.40.090.]

SEC. 12. Amendment. Wrangell Municipal Code Section 2.16.010 entitled “Declaration of Candidacy - Filing” is hereby amended to provide as follows:

2.16.010 Declaration of Candidacy - Filing. Any person who will possess the qualifications for holding the office sought at the time of taking office may have his or her name placed on the ballot as a candidate for an elective office of the city by filing, not less than thirty (30) days nor more than sixty (60) days prior to the election, a sworn declaration of candidacy with the city clerk. **Any qualified person may be placed on the ballot as a candidate to fill a vacancy by filing with the city clerk a declaration of candidacy and a petition signed by at least twenty qualified voters.**

SEC. 13. New Section. A new section 2.16.030 is hereby added to the Wrangell Municipal Code entitled “Write-in Candidates and Write-in Votes” to provide as follows:

2.16.030 Write-in Candidates and Write-in Votes. Individuals who fail to file a declaration of candidacy but wish to run for office as a write-in candidate, must file with the city clerk a letter of intent no later than five p.m. on the Friday preceding the election in which the candidate plans to participate. Write-in votes cast for individuals who do not file a letter of intent will not be counted. In order to vote for a write-in candidate, the voter must, in space provided, write in the candidate’s name as the candidate’s name appears on the letter of intent filed with the city clerk. In addition, the voter must mark the oval opposite the candidate’s name. Stickers shall not be used.

SEC. 14. Amendment. Wrangell Municipal Code Section 2.20.140 entitled “Keeping of original register” is hereby amended to provide as follows:

2.20.140 Keeping of original register. The judges shall keep an original **register** in which each voter before receiving his ballot shall sign his name and give both his residence and mailing address. A record shall be kept in the registration book, in space provided, of the name of the persons who offer to vote but are refused, and a brief statement of the basis of the refusal. The signing of the register constitutes a certification by the voter that he is qualified to vote.

SEC. 15. Amendment. Wrangell Municipal Code Section 2.24.010 entitled “Absentee voting permitted” is hereby amended to provide as follows:

2.24.010 Absentee voting permitted. Any qualified elector of the city who is absent or expects to be absent from the city on the date of holding any municipal election, may vote [AT ANY SUCH ELECTION] **by absentee ballot.**

SEC. 16. Amendment. Wrangell Municipal Code Section 2.24.020 entitled “Application” is hereby amended to provide as follows:

2.24.020 Application for Absentee Ballot. A. Any such absent elector may make application to the city clerk on a blank form to be furnished by the city clerk for an official ballot which application shall be made not more than [THIRTY] twenty days nor later than five p.m. of the day preceding such election. Such form shall also include the oath and affidavit of the absentee voter. [, AND SHALL BE DULY SIGNED AND SWORN TO BY SUCH ELECTOR BEFORE AN OFFICER QUALIFIED TO ADMINISTER OATHS AND SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM:]

[APPLICATION FOR BALLOT TO BE VOTED AT
THE _____ ELECTION HELD
AT WRANGELL, ALASKA, ON THE _____
DAY OF _____, 19__]

[STATE OF ALASKA]

[CITY OF WRANGELL, ALASKA]

[I, _____ DO SOLEMNLY SWEAR THAT I AM A DULY QUALIFIED ELECTOR OF THE CITY OF WRANGELL, ALASKA IN COMPLIANCE WITH MUNICIPAL CODE CHAPTER 2.08. I EXPECT TO BE ABSENT FROM THE CITY OF WRANGELL ON THE DATE OF THE ABOVE ELECTION. I HEREBY APPLY FOR AN OFFICIAL BALLOT TO BE VOTED ON BY MYSELF AT SUCH ELECTION.]

[SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
DAY OF _____, 19__.

CITY CLERK/NOTARY PUBLIC]

[B. THE BLANKS IN SAID STATEMENT SHALL BE FILLED IN BY THE CITY CLERK TO THE EXTENT NECESSARY TO IDENTIFY THE ELECTION AT WHICH SAID BALLOT IS PROPOSED TO BE CAST. THE CITY CLERK SHALL KEEP AS A PART OF HIS RECORDS A LIST OF ALL APPLICATIONS SO RECEIVED AND OF THE MANNER AND DELIVERY OF BALLOTS THEREON.]

SEC. 17. Amendment. Wrangell Municipal Code Section 2.24.030 entitled “Absentee ballots—Generally” is amended to provide as follows:

2.24.030 Absentee [BALLOTS—GENERALLY] Voting in Person.

[A. BEFORE DELIVERING ANY BALLOT THE CLERK SHALL SATISFY HIMSELF OF THE APPLICANT'S RIGHT TO VOTE IN THE SUBJECT ELECTION AND MAY REQUIRE THE APPLICANT TO COMPLY WITH THE CHALLENGED BALLOT PROCEDURE.]

[B. THEREAFTER THE CLERK SHALL DELIVER TO SAID APPLICANT ELECTOR PERSONALLY OR BY REGISTERED MAIL, POSTAGE PREPAID, AN OFFICIAL BALLOT TO BE VOTED ON BY THE ELECTOR. THE CLERK SHALL ENTER ON THE APPLICATION THE NUMBER OF THE BALLOT ISSUED AND THE DATE OF DELIVERY OR MAILING.] **Not more than twenty days preceding the election, a qualified voter may vote an absentee ballot in the office of the city clerk. The city clerk shall provide the voter with an application for an absentee ballot which shall also serve as the oath and affidavit of the absentee voter, an official ballot, written instructions how to vote by absentee ballot, a secrecy sleeve in which the voted ballot is to be placed and an envelope in the voted ballot and affidavit are to be sealed. When the voter has completed voting their ballot and secured the voted ballot as instructed, the voted ballot is returned to the city clerk for safekeeping.**

SEC. 18. Amendment. Wrangell Municipal Code Section 2.24.040 entitled "Absentee ballots—Mailing envelope" is hereby amended to provide as follows:

2.24.040 Absentee [BALLOTS—MAILING ENVELOPE] Voting by Mail.

[A. THE CITY CLERK WILL FOLD SAID BALLOT AS SPECIFIED IN THIS TITLE FOR OTHER OFFICIAL BALLOTS, AND ENCLOSED THE SAME IN AN OFFICIAL ENVELOPE, UNSEALED, TO BE FURNISHED BY HIM, WHICH ENVELOPE SHALL BEAR ON ITS FACE THE NAME, OFFICIAL TITLE AND POST OFFICE ADDRESS OF THE CITY CLERK, AND ON THE OTHER SIDE A PRINTED STATEMENT SUBSTANTIALLY AS FOLLOWS:]

[I AM A DULY QUALIFIED ELECTOR OF THE CITY OF WRANGELL, ALASKA IN COMPLIANCE WITH CITY CODE CHAPTER 2.08. MY PERSONAL ATTENDANCE IN SAID CITY OF WRANGELL ON THE _____ DAY OF _____, 19____, THE DATE OF THE ELECTION, IS PREVENTED. DATED _____, 19____.]

[B. THE BLANKS IN SAID STATEMENT SHALL BE FILLED OUT BY THE CITY CLERK TO THE EXTENT NECESSARY TO IDENTIFY THE ELECTION AT WHICH SAID BALLOT IS PROPOSED TO BE CAST.] **A request to receive a ballot by mail must be received by the city clerk not less than five days before the election for which the absentee ballot is sought. The city clerk shall mail to the qualified voter an official ballot, an application for an absentee ballot which shall also serve as the oath and affidavit, instructions how to vote by absentee ballot, a secrecy sleeve in which the voted ballot is to be placed and an envelope in which the voter may return their voted ballot and completed affidavit. The return envelope con-**

taining the voted ballot and completed application shall be postmarked no later than the preceding day of the election.

SEC. 19. Amendment. Wrangell Municipal Code Section 2.24.070 entitled “Absentee ballots—Completion and return by voters” is hereby amended to provide as follows:

2.24.070 Absentee ballots—Completion and return by voters. [ON MARKING HIS ABSENTEE BALLOT, THE VOTER SHALL REFOLD SAME AS PREVIOUSLY FOLDED AND SHALL ENCLOSE IT IN THE PLAIN ENVELOPE MARKED “BALLOT ENVELOPE” AND THEREAFTER ENCLOSE THE BALLOT ENVELOPE IN THE OFFICIAL ENVELOPE, SEAL SAID ENVELOPE SECURELY AND] **The qualified voter shall deliver the absentee ballot** [IT] to the [OFFICER] **city** clerk who issued same at least by five p.m. of the day preceding the date of subject election. The ballot shall be marked, folded and sealed by the voter in private and secretly.

SEC. 20. Amendment. Wrangell Municipal Code Section 2.28.030 entitled “Rules for determining mark on ballots” is hereby amended to provide as follows:

2.28.030 Rules for determining mark on ballots. The election board shall canvass and count the votes according to the following rules:

A. A voter may mark his ballot only by **filling in the oval or** the use of **crossmarks**, “X” marks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.

B. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.

C. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.

D. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.

E. The mark shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated.

F. An erasure or correction invalidates only that section of the ballot in which it appears.

[G. STICKERS BEARING A CANDIDATE’S NAME MAY BE AFFIXED TO THE BALLOT IN LIEU OF WRITING IN A CANDIDATE’S NAME IF WRITE-IN VOTES OR BALLOTS ARE OTHERWISE PERMITTED.]

[H. IF DUPLICATE BALLOTS ARE FOUND FOLDED TOGETHER THEY SHALL BOTH BE REJECTED.]

G. To be a valid write-in vote, the candidate’s name must be written only in the section of the ballot that has a blank space provided for this purpose. The requirements of Section 2.16.030 entitled “Write-in Candidates and Write-in Votes” must also be met.

SEC. 21. Amendment. Wrangell Municipal Code Section 2.28.120 entitled "Contest of election—Notice" is hereby amended to provide as follows:

2.28.120 Contest of election—Notice. A. The candidate or one or more of the voters initiating a contest shall appear before the council at the meeting held to canvass the election returns, and there shall deliver to the council written notice of contest. B. The notice shall state the grounds of contest in detail, shall be signed under oath by the candidate or voter filing it, and shall be in substantially the following form:

NOTICE OF ELECTION CONTEST

The undersigned contest the regular (or special) election of the City of Wrangell, Alaska, held on the ____ day of _____, [19]in the year _____, on the following grounds: _____

Signature of Candidate or Person
Contesting Election

SUBSCRIBED and SWORN to before me this ____ day of _____, [19]in the year _____.

Notary Public for Alaska

SEC. 22. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 23. 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. 24. Effective Date. This ordinance shall be published as provided by law and shall be effective upon approval of final passage.

PASSED IN FIRST READING _____ March 28 _____, 2006

PASSED IN SECOND READING _____ April 11 _____, 2006

Attest: Christie L. Jamieson
Christie L. Jamieson, City Clerk

Valery McCandless, serving as Mayor
Valery McCandless, Mayor

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CITY OF WRANGELL, ALASKA

ORDINANCE NO. 783

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SUBSECTION P OF WRANGELL MUNICIPAL CODE §14.01.030 ENTITLED "DEFINITIONS" RELATING TO THE DEFINITION OF THE TERM "SEAPLANE FLOAT" AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Subsection P of Wrangell Municipal Code §14.01.030 entitled "Definitions" is hereby amended to provide as follows:

P. "Seaplane float" means a separate float [SET APART] **or portion of a float designated by the Harbormaster** for the exclusive use of seaplanes and float planes **by appropriate signs or markings giving notice of the restricted use of the float or portion of the float.**

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon final passage.

PASSED IN FIRST READING: May 23, 2006

PASSED IN SECOND READING: June 27, 2006

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 784

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, REPEALING, AMENDING AND ADDING NEW SUBSECTIONS TO TITLE 14 OF THE WRANGELL MUNICIPAL CODE ENTITLED "HARBOR AND PORT FACILITIES" AS FOLLOWS: REPEALING SUBSECTION C ("GRACE PERIOD") OF WMC §14.05.010 ENTITLED "TRANSIENT MOORAGE"; AMENDING SUBSECTION A ("TRANSIENT MOORAGE"), SUBSECTION B ("RESERVED MOORAGE"), SUBSECTION G ("BARGE RAMP FACILITY MOORAGE"), SUBSECTION J ("STORAGE"), SUBSECTION N ("SERVICES OF THE HARBORMASTER"), SUBSECTION W ("TRANSIENT MOORAGE AT SUMMER FLOATS") AND SUBSECTION X ("MOORAGE FOR MILL DOCK AND BACK SIDE OF CITY DOCK MONTHLY DOCK RATES") OF WMC §14.11.005 ENTITLED "FEE SCHEDULE"; ADDING SUBSECTION AA ("MARINE TRAVEL LIFT FEES") TO WMC §14.11.005 ENTITLED "FEE SCHEDULE"; AND, ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Repeal. Subsection C ("Grace Period") of Wrangell Municipal Code §14.05.010 entitled "Transient Moorage" is hereby repealed in its entirety.

SEC. 2. Amendment. Subsection A ("Transient Moorage") of Wrangell Municipal Code §14.11.005 entitled "Fee Schedule" is hereby amended to provide as follows:

A. Transient Moorage 14.05.010	
Daily – Prepaid	\$0.30/per foot
Daily – Invoiced	two times the daily prepaid
Monthly	[\$1.38/PER FOOT] \$3.00/foot
[ANNUAL (MUST BE QUALIFIED FOR WAIT LIST)]	\$12.00/PER FOOT]
Annual	Same as Reserved Moorage

SEC. 3. Subsection B ("Reserved Moorage") of Wrangell Municipal Code §14.11.005 entitled "Fee Schedule" will remain the same rates as follows:

B. Reserved Moorage 14.05.010	
Wait list deposit	\$50.00 each
Annual	\$12.00/per foot

SEC. 4. Amendment. Subsection G ("Barge Ramp Facility Moorage") of Wrangell Municipal Code §14.11.005 entitled "Fee Schedule" is hereby amended to provide as follows:

G. Barge Ramp Facility Moorage/ <u>Mill Dock/City Dock</u> 14.07.005C	
Daily ([\$25.00] \$100.00 minimum)	[\$ 0.03] 0.05 /[PER]gross ton
Beach Landing (\$25.00 minimum)	\$0.05/gross ton

SEC. 5. Amendment. Subsection J (“Storage”) of Wrangell Municipal Code §14.11.005 entitled “Fee Schedule” is hereby amended to provide as follows:

J. Storage 14.07.020B	
[OUTSIDE STORAGE (\$6.25 MINIMUM)	\$.006/SQUARE FT DAILY]
Outside Storage (\$6.25 minimum)	\$0.20/square ft monthly
Old Mill Office (Office Use Only)	\$0.63/square ft monthly
Inside Storage South Building	\$0.30/square ft monthly
Inside Storage North Building	\$0.25/square ft monthly
Floating Log Storage	\$0.10/tmbf monthly
Vending Storage	50% of Covered Vendor Storage Rate

SEC. 6. Amendment. Subsection N (“Services of the Harbormaster”) of Wrangell Municipal Code §14.11.005 entitled “Fee Schedule” is hereby amended to provide as follows:

N. Services of the Harbormaster 14.07.035	
Replace mooring lines	\$10.00 + cost of line
Moving boat (minimum \$20.00)	\$1.00/foot
Pumping	\$25.00 [PLUS]± labor
Labor	[\$22.00] \$22.00 \$28.50 /hour
Raising of boats	\$150.00 + cost of materials and professional services

SEC. 7. Amendment. Subsection W (“Transient Moorage at Summer Floats”) of Wrangell Municipal Code §14.11.005 entitled “Fee Schedule” is hereby amended to provide as follows:

W. Transient Moorage at Summer Floats	
0-80 feet	[\$0.63/foot per] \$0.63 \$0.65 /ft/day
81 <u>feet-up</u>	[\$0.94/foot per] \$0.94 \$0.95 /ft/day

SEC. 8. Amendment. Subsection X (“Moorage for Mill Dock and Back Side of City Dock monthly Dock Rates”) of Wrangell Municipal Code §14.11.005 entitled “Fee Schedule” is hereby amended to provide as follows:

X. Moorage for Mill Dock and Back Side of City Dock monthly Dock Rates	
0-80 feet	[\$3.13/foot per] \$3.13 \$4.00 /ft/month
81 <u>feet-up</u>	[\$3.75/foot per] \$3.75 \$5.00 /ft/month

SEC. 9. New Subsection. Subsection AA (“Marine Travel Lift Fees”) is hereby added to Wrangell Municipal Code §14.11.005 entitled “Fee Schedule” to provide as follows:

AA. Marine Travel Lift Fees

Round Trip	150 ton	
0-40 feet		\$11.00/ft
41-58 feet		\$12.00/ft
59 feet-up		\$13.00/ft
Hoist (minimum fee)		\$300.00/hour
Work Area Storage	150 ton	\$0.20/sf/month
Long-Term Storage		\$0.20/sf/month
Cancellation		\$300.00

Inspection Hoist	150 ton
Up to 2 hours of hoist time	60% of round trip
After first 2 hours of hoist time	\$75.00/15 minutes
Pressure Washer	\$1.00/ft
Electrical	\$5.00/day

SEC. 10. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 11. 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. 12. Effective Date. The effective date of this ordinance is July 1, 2006.

PASSED IN FIRST READING _____ May 23 _____, 2006

PASSED IN SECOND READING _____ June 27 _____, 2006

Attest: Christie L. Jamieson
Christie L. Jamieson, City Clerk

Valery McCandless
Valery McCandless, Mayor

_____ serving as
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 785

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, RELATED TO ANIMAL ESTABLISHMENTS AND ZONING, ADDING NEW SECTIONS 20.08.052 ENTITLED "ANIMAL", 20.08.054 ENTITLED "ANIMAL ESTABLISHMENT", 20.08.152 ENTITLED "COMMERCIAL ANIMAL ESTABLISHMENT", 20.08.262 ENTITLED "FOWL", AND 20.08.352 ENTITLED "LIVESTOCK" TO WRANGELL MUNICIPAL CODE CHAPTER 20.08 ENTITLED "DEFINITIONS"; ADDING A NEW SUBSECTION I TO WMC 20.16.040 ENTITLED "CONDITIONAL USES"; ADDING A NEW SUBSECTION V TO WMC § 20.16.050 ENTITLED "STANDARDS"; ADDING A NEW SUBSECTION L TO WMC § 20.20.040 ENTITLED "CONDITIONAL USES"; ADDING A NEW SUBSECTION V TO WMC § 20.20.050 ENTITLED "STANDARDS"; ADDING A NEW SUBSECTION E TO WMC § 20.28.030 ENTITLED "ACCESSORY USES PERMITTED"; AMENDING SUBSECTION L OF WMC § 20.28.040 ENTITLED "CONDITIONAL USES"; ADDING A NEW SUBSECTION Y TO WMC § 20.28.050 ENTITLED "STANDARDS"; AMENDING SUBSECTION D OF WMC § 20.30.030 ENTITLED "ACCESSORY USES PERMITTED"; AMENDING SUBSECTION L OF WMC § 20.30.040 ENTITLED "CONDITIONAL USES"; ADDING A NEW SUBSECTION Y TO WMC § 20.30.050 ENTITLED "STANDARDS"; ADDING A NEW SUBSECTION N TO WMC § 20.32.020 ENTITLED "CONDITIONAL USES"; ADDING A NEW SUBSECTION R TO WMC § 20.32.030 ENTITLED "STANDARDS"; AMENDING WMC § 20.40.030 ENTITLED "ACCESSORY USES PERMITTED"; ADDING A NEW SUBSECTION J TO WMC § 20.40.040 ENTITLED "CONDITIONAL USES"; ADDING A NEW SUBSECTION O TO WMC § 20.40.050 ENTITLED "STANDARDS"; ADDING A NEW SUBSECTION K TO WMC § 20.44.020 ENTITLED "PRINCIPAL USES PERMITTED"; ADDING A NEW SUBSECTION N TO WMC § 20.44.050 ENTITLED "STANDARDS"; AMENDING WMC § 20.48.040 ENTITLED "CONDITIONAL USES"; ADDING A NEW SUBSECTION L TO WMC § 20.48.050 ENTITLED "STANDARDS"; ADDING A NEW SUBSECTION E TO WMC § 20.50.040 ENTITLED "CONDITIONAL USES"; ADDING A NEW SUBSECTION O TO WMC § 20.50.050 ENTITLED "STANDARDS"; ADDING A NEW SUBSECTION E TO WMC § 20.51.040 ENTITLED "CONDITIONAL USES"; ADDING A NEW SUBSECTION K TO WMC § 20.51.050 ENTITLED "STANDARDS"; ADDING A NEW SECTION 20.52.270 ENTITLED "ANIMAL ESTABLISHMENTS" TO WRANGELL MUNICIPAL CODE CHAPTER 20.52, AND ESTABLISHING AN EFFECTIVE DATE;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New section. A new section 20.08.052 entitled “Animal” is hereby added to WMC Chapter 20.08 entitled “Definitions” to provide as follows:

20.08.052 Animal. “Animal” means all non-human members of the kingdom *Animalia*.

SEC. 2. New section. A new section 20.08.054 entitled “Animal establishment” is hereby added to WMC Chapter 20.08 entitled “Definitions” to provide as follows:

20.08.054 Animal establishment. “Animal establishment” means: (a) any property wherein or whereon any person engages in the business of regularly selling, training, boarding, or breeding animals for compensation; (b) any property used to house or board any horse, mule, donkey, or other livestock; (c) for animals other than livestock, fish or fowl, any property used to house more than 20 adult animals; or, (d) any property used to house more than 10 adult fowl.

SEC. 3. New section. A new section 20.08.152 entitled “Commercial animal establishment” is hereby added to WMC Chapter 20.08 entitled “Definitions” to provide as follows:

20.08.152 Commercial animal establishment. “Commercial animal establishment” means an animal establishment as defined in section 20.08.054(a).

SEC. 4. New section. A new section 20.08.262 entitled “Fowl” is hereby added to WMC Chapter 20.08 entitled “Definitions” to provide as follows:

20.08.262 Fowl. “Fowl” means all domesticated or domestic members of the order *Galliformes*, which includes chickens, turkeys, ducks, grouse, quails, pheasants and similar birds.

SEC. 5. New section. A new section 20.08.352 entitled “Livestock” is hereby added to WMC Chapter 20.08 entitled “Definitions” to provide as follows:

20.08.352 Livestock. “Livestock” means domestic animals of the type collected, used, raised or kept on a farm or ranch. The term “livestock” includes, but is not limited to, cattle, sheep, swine, goats, horses, mules and donkeys but does not include cats, dogs, rabbits or fowl.

SEC. 6. New subsection. A new subsection I is hereby added to WMC Section 20.16.040 entitled “Conditional uses” to provide as follows:

I. Animal establishments other than establishments for livestock.

SEC. 7. New subsection. A new subsection V is hereby added to WMC Section 20.16.050 entitled “Standards” to provide as follows:

V. Animal establishments. 20.52.270

SEC. 8. New subsection. A new subsection K is hereby added to WMC Section 20.20.040 entitled “Conditional uses” to provide as follows:

K. Animal establishments other than establishments for livestock.

SEC. 9. New subsection. A new subsection V is hereby added to WMC Section 20.20.050 entitled “Standards” to provide as follows:

V. Animal establishments. 20.52.270

SEC. 10. New subsection. A new subsection E is hereby added to WMC Section 20.28.030 entitled “Accessory uses permitted” to provide as follows:

E. Animal establishments other than commercial animal establishments.

SEC. 11. Amendment. Subsection L of WMC Section 20.28.040 entitled “Conditional uses” is hereby amended to provide as follows:

L. Commercial animal establishments.

SEC. 12. New subsection. A new subsection Y is hereby added to WMC Section 20.28.050 entitled “Standards” to provide as follows:

Y. Animal establishments. 20.52.270

SEC. 13. Amendment. Subsection D of WMC Section 20.30.030 entitled “Accessory uses permitted” is hereby amended to provide as follows:

D. Animal establishments other than commercial animal establishments.

SEC. 14. Amendment. Subsection L of WMC Section 20.30.040 entitled “Conditional uses” is hereby amended to provide as follows:

L. Commercial animal establishments.

SEC. 15. New subsection. A new subsection Y is hereby added to WMC Section 20.30.050 entitled “Standards” to provide as follows:

Y. Animal establishments. 20.52.270

SEC. 16. New subsection. A new subsection N is hereby added to WMC Section 20.32.020 entitled “Conditional uses” to provide as follows:

N. Animal establishments.

SEC. 17. New subsection. A new subsection R is hereby added to WMC Section 20.32.030 entitled “Standards” to provide as follows:

R. Animal establishments. 20.52.270

SEC. 18. Amendment. WMC Section 20.40.030 entitled “Accessory uses permitted” is hereby amended to provide as follows:

20.40.030 Accessory uses permitted. The following are permitted accessory uses in this district:

- A. Animal establishments other than commercial animal establishments; and,
- B. Uses and structures which are clearly incidental and subordinate to principal permitted uses and which will not create a nuisance or hazard are permitted as accessory uses.

SEC. 19. New subsection. A new subsection J is hereby added to WMC Section 20.40.040 entitled “Conditional uses” to provide as follows:

J. Commercial animal establishments.

SEC. 20. New subsection. A new subsection O is hereby added to WMC Section 20.40.050 entitled “Standards” to provide as follows:

O. Animal establishments. 20.52.270

SEC. 21. New subsection. A new subsection K is hereby added to WMC Section 20.44.020 entitled “Principal uses permitted” to provide as follows:

K. Animal establishments other than establishments for livestock.

SEC. 22. New subsection. A new subsection N s hereby added to WMC Section 20.44.050 entitled “Standards” to provide as follows:

N. Animal establishments. 20.52.270

SEC. 23. Amendment. WMC Section 20.48.040 entitled “Conditional uses” is hereby amended to provide as follows:

20.48.040 Conditional uses. The following are permitted conditional uses in this district:

- A. Animal establishments; and,
- B. Other compatible uses which are consistent with the intent of this chapter, as determined by the commission, may be allowed with appropriate conditions in accordance with Chapter 20.68, if such uses would serve the community's best interest.

SEC. 24. New subsection. A new subsection L is hereby added to WMC Section 20.48.050 entitled "Standards" to provide as follows:

- L. Animal establishments. 20.52.270

SEC. 25. New subsection. A new subsection E is hereby added to WMC Section 20.50.040 entitled "Conditional uses" to provide as follows:

- E. Animal establishments other than establishments for livestock.

SEC. 26. New subsection. A new subsection O is hereby added to WMC Section 20.50.050 entitled "Standards" to provide as follows:

- O. Animal establishments. 20.52.270

SEC. 27. New subsection. A new subsection E is hereby added to WMC Section 20.51.040 entitled "Conditional uses" to provide as follows:

- E. Animal establishments.

SEC. 28. New subsection. A new subsection K is hereby added to WMC Section 20.51.050 entitled "Standards" to provide as follows:

- K. Animal establishments. 20.52.270

SEC. 29. New section. A new section 20.52.270 is hereby added to WMC Chapter 20.52 entitled "Lots" to provide as follows:

20.52.270 Animal establishments. Animal establishments may be located in those districts where such use is allowed, subject to the following:

A. The owner of any animal establishment must provide, according to the needs of the animal:

1. adequate shelter from the elements;
2. adequate facilities to keep the animals on the owner's property and prevent straying;
3. adequate procedures and facilities to avoid unreasonable off-site odor or noise disturbance to adjacent properties;

4. adequate facilities for keeping the kennels, stables and other animal housing areas clean and free of filth; and,

5. adequate food, water and vaccinations.

B. No animal establishment shall cause any nuisance, hazard or damage to persons or to other property by:

1. disposal of water and waste products;

2. risks to health and well-being;

3. destruction of surface vegetation and soils; or

4. straying animals.

C. Animal establishments for horses, mules and donkeys shall comply with subsections A and B above and the following:

1. Shelters shall be roofed to allow the animal protection from the elements. Depending on the needs of the animals, the shelter must be divided into stalls large enough for the animal to turn completely around while standing inside. Manure and wet bedding shall be cleaned out regularly.

2. The owner shall prepare and maintain the ground in such a way that the area in which the animals are standing does not retain water and minimizes mud. Wood chips or other some similar porous material that will allow moisture to drain away from where animals are standing is ideal.

3. Adequate corrals must be provided and be enclosed by safe fencing. Barbed wire is not allowed. There must be adequate room in the corral for the animals to move about and self exercise without hurting themselves or others. Corrals shall not be allowed to accumulate a build-up of manure and/or filth.

4. Feed containers should have bottoms to prevent feed from coming in contact with the ground. The feed container should always be located on dry ground areas so that the animals will be forced to stand on the dry ground while feeding.

5. Storage of grain feed shall be in secure, rodent-proof closed containers.

6. Clean drinking water shall be provided at all times.

7. Manure on any stabling site shall be bermed such that there is no run-off beyond the limits of the site.

8. Manure shall be removed from the site regularly and disposed of in a legal manner.

9. There must be adequate vegetative buffers between stabling areas and adjacent property.

10. Minimum lot size must be 15,000 square feet for one animal plus an additional 5,000 square feet for each additional animal. In all zoning districts there must be 5,000 square feet of free space for each animal to allow the animal to move. Where the property owner submits a current detailed site plan and can demonstrate that adequate facilities for the exercise of the animals will be provided (for example, a commercial stable with an arena area), a conditional use permit may be granted with less restrictive minimum lot size requirements.

11. Corrals shall have a grade allowing water to drain away from the animals. Ditches or channels around the more elevated areas of the corral to catch and direct water away from the corral are recommended. Ditches or channels draining the

corral to lower grades shall discharge water in compliance with the Wrangell Municipal Code.

SEC. 30. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 31. 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. 32. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: June 27, 2006

PASSED IN SECOND READING: July 11, 2006

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

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CITY OF WRANGELL, ALASKA

ORDINANCE NO. 786

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW CHAPTER 3.56 ENTITLED "WRANGELL CONVENTION AND VISITOR BUREAU" TO THE WRANGELL MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Chapter. A new chapter, 3.56, entitled "Wrangell Convention and Visitor Bureau" is hereby added to the Wrangell Municipal Code, Title 3, Chapter 3.56, to provide as follows:

Chapter 3.56

WRANGELL CONVENTION AND VISITOR BUREAU

Sections:

- 3.56.010 Established-Membership-Organization.
- 3.56.020 Powers and duties.

3.56.010 Established-Membership-Organization. (a) There shall be a Wrangell Convention and Visitor Bureau which shall consist of seven members, qualified and selected as set forth below.

(1) The present membership of the bureau is hereby confirmed. Future members shall be appointed by the mayor with the approval of the council. A member may be removed by the mayor with the approval of the council for the good of the service.

(2) All members of the bureau shall be residents of the city and serve without compensation. Travel expenditures such as transportation, lodging, per diem and registration fees will be paid if authorized by the bureau. No member of the city council or the port commission shall be a member of the bureau.

(3) The term of membership shall be three year staggered terms. Members shall continue to serve until a successor is appointed and confirmed. A vacancy shall be filled by appointment by the mayor and confirmation by the council for the unexpired term.

(b) The bureau shall hold regular meetings at least once each calendar month at such times as its chair may determine. The chair shall give each member at least 48 hours prior written or oral notice of the date, time and place of each meeting.

(c) The bureau shall give reasonable public notice of its meetings, its meetings shall be open to the public, and reasonable opportunity shall be provided for the public to be heard at each meeting.

(d) Four members of the bureau shall constitute a quorum for the transaction of business. Actions of the bureau are taken by the vote of a majority of the members duly present at a meeting of the bureau duly held at which a quorum is present. The bureau shall keep minutes of its proceedings and records of its official actions.

(e) Any member who is absent more than one-half of all the meetings of the bureau, regular and special, in a consecutive four-month period shall automatically forfeit membership in the bureau.

(f) The bureau shall annually elect from among its members a chair and vice chair. The chair will preside at all meetings of the bureau and serve as the chief spokes person for the bureau. The vice chair will assist the chair and act as chair in the chair's absence.

(g) The bureau may establish its own rules, regulations and policies consistent with this chapter and subject to the approval of the council.

3.56.020 Powers and duties. The powers and duties of the committee shall be as follows:

(a) To make recommendations regarding the policies, staffing and management of the city's convention, visitor industry, and related economic development activities;

(b) To submit an annual marketing plan and operating budget to the city council containing recommendations for the use of the transient tax funds and any other general fund monies appropriated for visitor services;

(c) To make recommendations to city council regarding marketing, advertising schedules and ad placements;

(d) To disseminate visitor information data, reports, issues and other information to residents; and

(e) To make recommendations to the city council regarding visitor related issues, services and needs.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon final passage.

PASSED IN FIRST READING: July 11, 2006

PASSED IN SECOND READING: July 25, 2006

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 787

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, DECLARING A TAX-FREE DAY ON SEPTEMBER 9, 2006, ESTABLISHING CERTAIN EXEMPTIONS FROM THE CITY'S RETAIL SALES TAX, AND RELATED MATTERS.

Recitals

WHEREAS, In order to provide for economic development and encourage travel to Wrangell via the Inter-Island Ferry and other means; and

WHEREAS, In order to benefit the community and its economic stability and development by encouraging buying locally; and

WHEREAS, The council finds it appropriate to establish certain exemptions from the City's retail sales tax for September 9, 2006.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Declaration of Tax-Free Day. September 9, 2006, is hereby declared "Tax-Free Day".

SEC. 2. September 9, 2006 Sales Tax Exemptions.

(a) Subject to the other provisions of this ordinance and at the option of the seller, retail sales of goods and services for goods or services purchased and received by the buyer on September 9, 2006, are exempt from the City's retail sales tax imposed by Chapter 5.08 of the Wrangell Municipal Code.

(b) The exemption set forth in (a) above does not apply to rentals for any period greater than one day. Sales tax on rents for any period greater than one day shall not be prorated or adjusted in any manner to include a sales tax exemption for September 9, 2006.

(c) The exemption provided for in (a) above shall not apply to taxable sales made by the city.

(d) All sales made under the exemption provided for in (a) above shall be reported to the city as exempt sales using "TFD" as the exemption code for the sale.

SEC. 2. Classification. This is a special ordinance which is to be omitted from the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: July 25, 2006

PASSED IN SECOND READING: August 8, 2006

Attest: Christie L. Jamieson Valery McCandless, -serving as
Christie L. Jamieson Valery McCandless Mayor
City Clerk Mayor

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CITY OF WRANGELL, ALASKA

ORDINANCE NO. 788

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, RELATING TO AFTER-THE-FACT APPLICATION FEES AND THE EXPIRATION OF CONDITIONAL USE PERMITS AND VARIANCES, ADDING A NEW SECTION 20.68.035 ENTITLED "FEES--AFTER-THE-FACT APPLICATIONS," AMENDING SECTION 20.68.100 ENTITLED "EXPIRATION OF PERMIT," AMENDING SUBSECTION B.4 AND ADDING NEW SUBSECTIONS B.5 AND C TO SECTION 20.72.020 ENTITLED "APPLICATION," AMENDING SECTION 20.72.080 ENTITLED "EXPIRATION OF APPROVAL," AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Section. A new section, 20.68.035, entitled "Fees--After-the-fact applications," is hereby added to the Wrangell Municipal Code, Title 20, Chapter 20.68, to provide as follows:

20.68.035 Fees--After-the-fact applications. A. All conditional use permit applications must be accompanied by a \$50 application fee unless a higher after-the-fact application fee is required.

B. After-the-fact conditional use permit applications must be accompanied by a \$150 application fee unless:

1. The applicant did not own the property prior to NOVEMBER 1, 2006.
2. The violation existed prior to the applicant owning the property,
3. The violation was not disclosed to the applicant at the time the applicant acquired ownership, and
4. An application is submitted within sixty (60) days of the applicant receiving notice or otherwise becoming aware of the violation.

C. *After-the-fact* means an application for a conditional use permit which is received by the city after the use for which the permit is required has commenced.

SEC. 2. Amendment. Section 20.68.100 of the Wrangell Municipal Code, entitled "Expiration of permit," is hereby amended to provide as follows:

Any conditional use permit approved by the commission shall expires unless the privilege granted is utilized within one (1) year after the granting of the conditional use permit.

SEC. 3. Amendment. Subsection B.4 of Section 20.72.020 of the Wrangell Municipal Code, entitled “Application,” is hereby amended to provide as follows:

4. A fee of \$50 unless a higher after-the-fact application fee is required.

SEC 4. New Subsections. A new Subsection B.5 and a new Subsection C are hereby added to Section 20.72.020 of the Wrangell Municipal Code, entitled “Application,” to provide as follows:

5. The fee for after-the-fact variance applications is \$150 unless:

a. The applicant did not own the property prior to NOVEMBER 1, 2006

b. The violation existed prior to the applicant owning the property,

c. The violation was not disclosed to the applicant at the time the applicant acquired ownership, and

d. An application is submitted within sixty (60) days of the applicant receiving notice or otherwise becoming aware of the violation.

C. *After-the-fact* means an application for a variance which is received by the city after the construction, alteration or use for which the variance is required has commenced.

SEC. 5. Amendment. Section 20.72.080 of the Wrangell Municipal Code, entitled “Expiration of approval,” is hereby amended to provide as follows:

Any variance granted by the commission shall expires unless the privilege is utilized within one (1) year of granting the variance.

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. The effective date of this ordinance shall be NOVEMBER 1, 2006.

PASSED IN FIRST READING July 25, 2006

PASSED IN SECOND READING August 8, 2006

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

MAS:ce33.237.0033
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CITY OF WRANGELL, ALASKA

ORDINANCE NO. 789

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION 15.12.222 ENTITLED "RATE FOR SEPARATELY METERED HEAT AND HOT WATER" TO THE WRANGELL MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Section. A new section, 15.12.222, entitled "Rate for separately metered heat and hot water" is hereby added to the Wrangell Municipal Code to provide as follows:

15.12.222 Rate for separately metered heat and hot water.

A. Classification. Separately metered electricity used for electric furnaces/boilers and electric water heaters.

B. Availability. For the rates set forth in this section to apply, the electric furnace/boiler or electric water heater or both must be metered on a meter separate from the meter for other electric service. Such separate meters will be supplied by the city. The rate set forth in this section is only available for devices that have the primary purpose of providing building heat or hot water to the building's plumbing system. It is not available for other devices that may involve providing heat or heating water such as hot tubs, saunas, stoves or other appliances.

C. Rate.

Customer charge: One-half (1/2) the applicable monthly customer charge for the class of service

Energy charge: \$0.08/kWh

D. Transformers. For service under this section, the city will provide any transformer upgrades for residential service and commercial service transformers under 75 Kva at no cost to the customer. Any other transformer upgrades must be paid for by the customer.

E. Exclusive use. No other electric usage shall be connected to the separate meter for electric furnaces/boilers and electric water heaters.

F. Other terms and conditions. Except as otherwise expressly provided for in this section, all the provisions of Chapter 15.12 shall apply to service under this section including, but not limited to, Section 15.12.055 "Electrical Connection Fees", Section 15.12.060 concerning terms of service, Section 15.12.190 "Fuel adjustment charge" and Section 15.12.192 "Hydroelectric wholesale power rate adjustment".

G. Ineligibility. If an electric usage other than that permitted by this section is connected to the separate meter required by this section, both the customer and any property owned by the customer shall be ineligible for service at the rate provided for in this section for a period of three (3) years for the first such instance and shall be permanently ineligible for such rate upon the second such instance.

H. Penalties. Any violation of this section is punishable as provided for in Section 1.20.010(A), as that section may be amended, revised or replaced, and each day the violation continues shall constitute a separate offense.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective commencing October 1, 2006.

PASSED IN FIRST READING: September 12, 2006

PASSED IN SECOND READING: September 26, 2006

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, -serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 790

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SUBSECTION B OF WRANGELL MUNICIPAL CODE 5.04.040 ENTITLED "SENIOR CITIZEN AND DISABLED VETERAN EXEMPTION QUALIFICATIONS" AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Subsection B of Wrangell Municipal Code 5.04.040 entitled "Senior Citizen and Disabled Veteran Exemption Qualifications" is hereby amended to provide as follows:

B. To be eligible for an exemption under paragraph A of this section, for a year the individual applying for an exemption must also meet requirements under one of the following paragraphs:

1. The individual shall be eligible for a permanent fund dividend under AS 43.23.005 for that same year or for the immediately preceding year; or

2. If the individual has not applied or does not apply for one or both of the permanent fund dividends, the individual would have been eligible for one of the permanent fund dividends identified in paragraph 1 of this subsection had the individual applied.

An exemption may not be granted under paragraph A of this section except upon written application for the exemption on a form designated by the assessor. The claimant must file the application no later than [JANUARY 15] **March 1** of the assessment year for which the exemption is sought. The council, for good cause shown, may waive the claimant's failure to make timely application for exemption for that year and authorize the assessor to accept the application as if timely filed. **To be considered by the council, a request to waive the claimant's failure to make timely application for exemption must be in writing and filed no later than April 15 of the assessment year for which the exemption is sought.** The claimant must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and is approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If the application for exemption is approved after taxes have been paid, the amount of tax that the claimant has already paid for the assessment year for the property exempted shall be refunded to the claimant. The assessor shall require proof in the form the assessor considers necessary of the right to and amount of an exemption claimed under paragraph A of this section and shall require a disabled veteran claiming an

exemption under paragraph A of this section to provide evidence of the disability rating. The assessor may require proof under this section at any time.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: November 28, 2006

PASSED IN SECOND READING: December 12, 2006

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, sewingas
Valery McCandless
Mayor

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CITY OF WRANGELL, ALASKA

ORDINANCE NO. 791

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 15, CHAPTER 15.12 ELECTRICITY

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective 30 days after final passage.

SEC. 4. Wrangell Municipal Code, Title 15, Chapter 15.12, Sections 15.12.210, and 15.12.215, are hereby amended as follows:

Title 15

PUBLIC SERVICES

Chapters:

15.12 Electricity

15.12.210 Meter rates—Small commercial service (Schedule B).

C. Rate. **SCHEDULE B**

Retro 9/1/02

Customer charge **\$9.00/mo**

15.12.215 Meter rates—Large commercial service (Schedule C).

D. Rate. **SCHEDULE C**

Retro 9/1/02

Customer charge **\$13.50/mo**

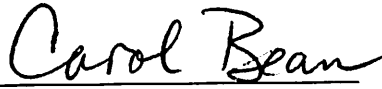
PASSED IN FIRST READING January 9, 2007

PASSED IN SECOND READING January 23, 2007



Tom Sims, Vice Mayor

ATTEST:



Carol Bean, Deputy City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 792

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, CITY OF WRANGELL, ALASKA AMENDING SCHEDULE A OF WRANGELL MUNICIPAL ODE §9.04.070 ENTITLED “COLLECTION OR DISPOSAL FEES” TO INCREASE SAID FEES AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Schedule A of Wrangell Municipal Code §9.04.070 entitled “Collection or disposal fees” is hereby amended to provide as follows:

Schedule A
Section 9.04.070

MONTHLY REFUSE COLLECTION OR DISPOSAL FEES

Mandatory Rate for All Occupants or Persons

		Monthly Rate
<u>Residential Collection</u>		
[DESIGNATION]		
[RESIDENTIAL, VOLUME, PER UNIT]		
<u>One 32-gallon</u> container (<u>minimum charge</u>)	[\$18.32]	<u>\$21.98</u>
<u>Two 32-gallon</u> containers	[\$30.54]	<u>\$36.65</u>
<u>Each</u> additional [32] <u>30-gallon container</u>	[\$6.11]	<u>\$7.33</u>
Off curbside <u>pick-up/month</u> [ADDITIONAL MONTHLY RATE]	[\$10.18]	<u>\$12.22</u>
<u>Commercial-[AND]Industrial Collection</u>		
[SMALL COMMERCIAL]		
Per <u>32-gallon container</u>	[\$18.32]	<u>\$21.98</u>
[OTHER COMMERCIAL]		
<u>2 cubic yard dumpster:</u>		
1 <u>pick-up/week</u> [PICK UP PER WEEK]	[\$66.17]	<u>\$79.40</u>
2 <u>pick-ups/week</u>	[\$132.34]	<u>\$158.81</u>
3 <u>pick-ups/week</u>	[\$198.51]	<u>\$238.21</u>
4 <u>pick-ups/week</u>	[\$264.68]	<u>\$317.62</u>
5 <u>pick-ups/week</u>	[\$330.85]	<u>\$397.02</u>
One extra <u>pick-up/month</u> [PICK UP PER MONTH]	[\$16.54]	<u>\$19.85</u>
More than one extra <u>pick-up/month</u> [PICK UP PER MONTH] will be billed at the appropriate rate.		
<u>4 cubic yard dumpster:</u>		
1 <u>pick-up/week</u> [PICK UP PER WEEK]	[\$132.34]	<u>\$158.81</u>
2 <u>pick-ups/week</u>	[\$264.68]	<u>\$317.62</u>

		Monthly Rate
3 <u>pick-ups/week</u>	[\$397.02]	<u>\$476.42</u>
4 <u>pick-ups/week</u>	[\$529.36]	<u>\$635.23</u>
5 <u>pick-ups/week</u>	[\$661.70]	<u>\$794.04</u>
<u>Special one-time extra pick-up</u> /[PER]month	[\$33.09]	<u>\$39.71</u>

More than one extra pick-up/month [PICK UP PER MONTH] will be billed at the appropriate rate.

Landfill Charges

[\$10.00 PER CUBIC YARD]		
<u>Up to 1 cubic yard (minimum charge)</u>	[\$10.18]	<u>\$12.00</u>
Each additional <u>cubic</u> yard	[\$5.09]	<u>\$6.00</u>
<u>Cars (each)</u>		
No tires and no fluids	[\$25.00 EACH]	<u>\$30.00</u>
With tires and fluids	[\$65.00 EACH]	<u>\$80.00</u>
<u>Batteries (each)</u>	[\$2.00 EACH]	<u>\$3.00</u>
<u>Washers and Drivers (each)</u>	[\$10.00 EACH]	<u>\$12.00</u>
[REFRIGERATORS AND FREEZERS (EACH WITHOUT FREON)]		
		[\$10.00 WITHOUT FREON]
<u>Refrigerators and Freezers (each with Freon)</u>	[\$35.00 WITH FREON]	<u>\$42.00</u>
<u>Cardboard, glass and aluminum (if separated) FREE</u>		

[ITEMS THAT CAN BE BROUGHT TO THE LANDFILL FREE OF CHARGE IF SEPARATED: CARDBOARD, GLASS, AND ALUMINUM]

Note 1: The monthly rates for any establishment not herein designated shall be determined by the city council. Until such rate may be established, the rate deemed most applicable shall apply, subject to adjustment.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. The effective date of this ordinance shall be March 1, 2007.

PASSED IN FIRST READING: _____ February 13 _____, 2007

PASSED IN SECOND READING: _____ February 27 _____, 2007

Attest: Christie L. Jamieson
Christie L. Jamieson, City Clerk

Valery McCandless
Valery McCandless, Mayor

Serving as Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 793

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION 5.04.080 ENTITLED "ASSESSOR-DESIGNEE" AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Section. A new section, 5.04.080, entitled "Assessor-Designee" is hereby added to the Wrangell Municipal Code, Title 5, Chapter 04, to provide as follows:

5.04.080 Assessor-Designee. As used in this chapter, the term "assessor" shall mean the assessor or the assessor's designee, and acts to be performed by the assessor may be performed by the assessor's designee.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: February 27, 2007

PASSED IN SECOND READING: March 20, 2007

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 794

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SUBSECTIONS (a) AND (a)(3) OF WRANGELL MUNICIPAL CODE §3.50.010 RELATING TO THE NUMBER OF MEMBERS OF THE CEMETERY ADVISORY COMMITTEE AND THEIR TERMS OF OFFICE AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Subsections (a) and (a)(3) of Wrangell Municipal Code §3.50.010 are hereby amended to provide as follows:

3.50.010 Established-Membership-Organization. (a) There shall be a Cemetery Advisory Committee which shall consist of [FOUR] five (5) members, qualified and selected as set forth below.

(3) The term of a member shall be for three years or until a successor is appointed.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: February 27, 2007

PASSED IN SECOND READING: March 20, 2007

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless sewingas
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 795

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SUBSECTION B ("RESERVED MOORAGE") OF WRANGELL MUNICIPAL CODE 14.11.005 ENTITLED "FEE SCHEDULE", AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Subsection B ("Reserved Moorage") of Wrangell Municipal Code 14.11.005 entitled "Fee Schedule" is hereby amended to provide as follows:

B. Reserved Moorage 14.05.010

Wait List Deposit \$50.00 each
[ANNUAL \$12.00/PER FOOT]

Annual:

<u>Effective 07-01-07</u>	<u>\$15.00/PER FOOT</u>
<u>Effective 07-01-08</u>	<u>\$18.00/PER FOOT</u>
<u>Effective 07-01-09</u>	<u>\$21.00/PER FOOT</u>
<u>Effective 07-01-10</u>	<u>\$24.00/PER FOOT</u>

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. The effective date of this ordinance is July 1, 2007.

SEC 5. Annual Evaluation. This ordinance will be subject to annual evaluation by the Port Commission.

PASSED IN FIRST READING March 20, 2007

PASSED IN SECOND READING April 10, 2007

Attest: Christie L. Jamieson Valery McCandless serving as
Christie L. Jamieson, City Clerk Valery McCandless, Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 796

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, DECLARING TAX-FREE DAYS ON A SATURDAY IN JUNE 2007 AND SEPTEMBER 8, 2007, ESTABLISHING CERTAIN EXEMPTIONS FROM THE CITY'S RETAIL SALES TAX, AND RELATED MATTERS

Recitals

WHEREAS, In order to provide for economic development and encourage travel to Wrangell via the Inter-Island Ferry and other means; and

WHEREAS, In order to benefit the community and its economic stability and development by encouraging buying locally; and

WHEREAS, The council finds it appropriate to establish certain exemptions from the City's retail sales tax on a Saturday in June 2007 and September 8, 2007.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Declaration of Tax-Free Days. On a Saturday in June 2007 and September 8, 2007, is hereby declared "Tax-Free Days".

SEC. 2. On a Saturday in June 2007 and September 8, 2007 Sales Tax Exemptions.

(a) Subject to the other provisions of this ordinance and at the option of the seller, retail sales of goods and services for goods or services purchased and received by the buyer on a Saturday in June 2007 and September 8, 2007, are exempt from the City's retail sales tax imposed by Chapter 5.08 of the Wrangell Municipal Code.

(b) The exemption set forth in (a) above does not apply to rentals for any period greater than one day. Sales tax on rents for any period greater than one day shall not be prorated or adjusted in any manner to include a sales tax exemption for a Saturday in June 2007, and September 8, 2007.

(c) The exemption provided for in (a) above shall not apply to taxable sales made by the city.

(d) All sales made under the exemption provided for in (a) above shall be reported to the city as exempt sales using "TFD" as the exemption code for the sale.

SEC. 2. Classification. This is a special ordinance which is to be omitted from the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: April 10, 2007

PASSED IN SECOND READING: April 24, 2007

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, -serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 797

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE §3.32.005 ENTITLED "ESTABLISHED - COMPOSITION" AND WRANGELL MUNICIPAL CODE §3.32.007 ENTITLED "MEMBERSHIP – APPOINTMENT - TERMS" RELATING TO THE MEDICAL CENTER AND LONG-TERM CARE FACILITY BOARD AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment . Wrangell Municipal Code §3.32.005 is hereby amended to provide as follows:

3.32.005 Established - Composition. There is established a board to be known as the "Wrangell Medical Center and Long-Term Care Facility Board," designated in this chapter as "board" or "hospital board," presently composed of five members. The board will be expanded to seven members by the election of two additional members at the October 2007 regular election. Board members shall be qualified electors of the city.

SEC. 2. Amendment . Wrangell Municipal Code §3.32.007 is hereby amended to provide as follows:

3.32.007 Membership – Appointment - Terms. The Wrangell Medical Center and Long-Term Care Facility Board shall consist of seven members. No member of the board shall be an employee of the Wrangell Medical Center and Long-Term Care Facility, a tenant of that facility, a contractor that provides medical or health care services to that facility, or an employee of any such tenant or contractor. Members shall be elected by the voters to serve four-year terms. The five members serving at the time the ordinance codified in this chapter becomes effective shall continue to serve their respective terms. Two additional members shall be elected at the October 2007 regular election. Notwithstanding the foregoing provisions, the term of each board member shall continue until his or her successor is elected and has qualified by taking the oath of office.

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: April 24, 2007

PASSED IN SECOND READING: June 12, 2007

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless, *acting as*
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 798

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE SECTION 3.04.080 ENTITLED REGULAR MEETINGS

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Wrangell Municipal Code Section 3.04.080 is hereby amended to provide as follows:

3.04.080 Regular Meetings. Regular meetings of the council shall be held on the second and fourth Tuesdays of each month, except that no regular meetings shall be held **the second Tuesday of July and August and** on the fourth Tuesday of December.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be published as provided by law and shall be effective upon adoption.

SEC. 5. Providing for a Public Hearing. A public hearing is scheduled for June 26, 2007.

PASSED IN FIRST READING: June 12, 2007

PASSED IN SECOND READING: June 26, 2007

Attest: 
Christie L. Jamieson
City Clerk


Tom Sims
Vice-Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 799

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, REPEALING WRANGELL MUNICIPAL CODE §15.16.020 CARETAKER – APPOINTMENT AND SALARY; AMENDING §15.16.070 OPENING AND CLOSING GRAVES (B) AND (C); AMENDING §15.16.080 UNIFORMITY OF GROUNDS AND MARKERS (A), (B), AND (D) AND §15.16.090 PRICE OF GRAVES – PERPETUAL CARE REQUIRED (A) AND ESTABLISHING FOR AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Repeal. Wrangell Municipal Code §15.16.020 is hereby repealed:

[15.16.020 CARETAKER – APPOINTMENT AND SALARY. THE CITY MANAGER IS AUTHORIZED TO ENGAGE THE SERVICES OF A CARETAKER OR SUPERINTENDENT, WHOSE SALARY SHALL BE FIXED ANNUALLY BY THE CITY COUNCIL, AND WHOSE SERVICES MAY BE TERMINATED AT THE WILL OF THE CITY MANAGER.]

SEC. 2. Amendment. Wrangell Municipal Code §15.16.070 is hereby amended to provide as follows:

15.16.070 Opening and closing graves. B. The fee for each opening and closing of a burial grave shall be [\$450.00] \$650.00, except the fee for the burial of a child six years of age or younger shall be [\$200.00] \$300.00. If the opening and closing of a burial grave is done on a holiday, Saturday or Sunday, the charge shall be [\$525.00 or \$300.00] \$775.00 or \$400.00 for the grave of a child six years of age or younger. Cremated remains will be buried by the city for a charge of [\$25.00] \$30.00. [A FEE SHALL BE PAID TO THE CITY OF \$300.00 FOR ALL DISINTERMENTS.]

C. The funeral director, or person in charge, shall notify the city when a burial grave is to be opened, and shall give the date and time graveside services will be conducted, which notice shall be given no less than 48 hours in advance of any service. Notice given less than 48 hours notice will be charged extra labor fees or any overtime hours required, equal to the hourly paid and benefit cost of employee required.

SEC. 3. Amendment. Wrangell Municipal Code §15.16.080 is hereby amended to provide as follows:

15.16.080 Uniformity of grounds and markers. A. It is highly desirable that uniformity be maintained and, in order to maintain such uniformity, the city reserves the right to standardize the design and material used for markers, to prohibit the planting of trees and shrubs, and to prohibit the erection of fences or other structures of any kind to carry out such uniformity. **Maximum size for the base of markers shall be 36"X 20" and 18" high. The maximum weight of markers shall be 250 lbs. Crosses shall not exceed 3 feet in height and width.**

B. [POTTED PLANTS OF 10 TO 12-INCH POT SIZE MAY BE PLACED ON THE GRAVE NEXT TO THE MARKER, UNDER THE SUPERVISION OF THE CITY.] No temporary decoration, marker or monument may be placed upon or near a grave which extends above the surface of the ground except on the day of burial, on Memorial Day, Fourth of July and Veteran's Day, and these shall be removed within seven days thereafter. All permanent markers shall be set on foundations constructed and installed to the specifications of the city **except those markers that have built-in foundations.** No marker shall extend beyond border of grave (three and one-half feet by nine feet). Upon request, the city will install the markers for a fee of [\$25.00] **\$50.00.**

[D. HOLDERS CONTAINING FLOWERS OR OTHER DECORATIONS WILL BE REMOVED AS SOON AS THE FLOWERS FADE AND WITHER; AND THE CITY RESERVES THE RIGHT OT MAKE SUCH REMOVAL. WINTER WREATHS WILL BE REMOVED BEFORE MOWING SEASON. THE CITY WILL DISPOSE OF ALL SUCH FLOWERS, ALONG WITH HOLDERS CONTAINING FLOWERS, OR OTHER DECORATIONS.]

SEC. 4. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 5. 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. 6. Effective Date. This ordinance shall be published as provided by law and shall be effective upon adoption.

PASSED IN FIRST READING: July 24, 2007

PASSED IN SECOND READING: August 28, 2007

ATTEST: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Valery McCandless serving as
Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 800

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, REPEALING WMC §16.12.100 ENTITLED "RATIFICATION BY ELECTION-PROCEDURE" CONCERNING THE DISPOSITION OF REAL PROPERTY AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Repeal. Wrangell Municipal Code §16.12.100 entitled "Ratification by election - Procedure" is hereby repealed in its entirety.

16.12.100 Ratification by election – Procedure.

~~An interest in real property which has a value of \$1,000,000 or more shall be disposed of by a noncode ordinance, ratified by election. The ordinance shall provide for the terms and conditions of the subject disposal. The ordinance may be submitted at a special or general election.~~

SEC. 2. 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. 3. Effective Date. This ordinance is effective upon final passage.

PASSED IN FIRST READING _____ August 7 _____, 2007

PASSED IN SECOND READING _____ August 28 _____, 2007

Attest: Christie L. Jamieson
Christie L. Jamieson, City Clerk

Valery McCandless, seringas
Valery McCandless, Mayor
Mayor

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G:\W\O\16.12.100 REPEAL.doc

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 801

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AUTHORIZING THE SALE OF THE PROMISSORY NOTE PAYABLE BY WRANGELL SEAFOODS, INC. TO THE CITY DATED MARCH 1, 2000, AND THE ASSIGNMENT OF THE DEED OF TRUST AND BUSINESS EQUIPMENT SECURITY AGREEMENT SECURING THE PAYMENT OF THAT NOTE, EFFECTIVE UPON APPROVAL BY THE VOTERS

WHEREAS Charter Section 5-14.A provides as follows:

Section 5-14. Contracts and sales.

A. The sale or lease of any city property, real or personal, or the sale or other disposal of any interest therein, the value of which property, lease, or interest is more than \$1,000,000 shall be made only by authority of an ordinance enacted or ratified at any election by an affirmative vote of a majority of the qualified voters of the city who vote upon the question of approval or enacting the ordinance (the ordinance being submitted to the voters by the council or by initiative of the voters).

WHEREAS Charter Section 5-17 provides as follows:

Section 5-17. Sale of city-held notes.

The city shall provide for the sale of any presently held or future city-financed notes by bid or request for proposal process upon terms approved by the council through public process.

WHEREAS Wrangell Municipal Code Section 5.02.085 provides as follows:

5.02.085 Sale of city-held notes.

The city may sell any presently held or future city financed notes by bid or request for proposal process upon terms approved by the council through public process.

WHEREAS the City Council finds it is in the best interests of the City that it shall have the authority to sell the promissory note from Wrangell Seafoods, Inc. payable to the City dated March 1, 2000, for a purchase price of at least One Million Dollars (\$1,000,000.00) and to take other actions related to such sale as set forth below,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is a special ordinance which is to be omitted from the Wrangell Municipal Code.

SEC. 2. 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. 3. Sale of Promissory Note. The following special ordinance is hereby enacted by the Council of the City of Wrangell:

The city council is authorized to sell the promissory note payable from Wrangell Seafoods, Inc. to the city, dated March 1, 2000, as modified by that Forbearance and Restructure Agreement between Wrangell Seafoods, Inc. and the city dated April 27, 2004, by competitive bid or by request for proposals process for a minimum purchase price of One Million Dollars (\$1,000,000.00). The city council is also authorized to assign the Deed of Trust and Business Equipment Security Agreement securing the payment of the promissory note to the purchaser of the note. The city council is further authorized to assign any or all of the city's rights under the Forbearance and Restructure Agreement, the Memorandum of Sale and Tidelands Permit between Wrangell Seafoods, Inc. and the city dated February 29, 2000, and to grant the purchaser of the note an option to assume the tidelands permit associated with said note.

SEC. 4. Ballot Proposition. The City Clerk is hereby ordered to take all necessary steps to place the following question on the general election ballot to the qualified voters in the City of Wrangell on October 2, 2007.

PROPOSITION

APPROVAL OF CITY OF WRANGELL
ORDINANCE NO. 801 AUTHORIZING THE SALE
OF THE PROMISSORY NOTE PAYABLE BY
WRANGELL SEAFOODS, INC. TO THE CITY
DATED MARCH 1, 2000, AND THE ASSIGNMENT
OF THE DEED OF TRUST AND BUSINESS
EQUIPMENT SECURITY AGREEMENT
SECURING THE PAYMENT OF THAT NOTE,
EFFECTIVE UPON APPROVAL BY THE VOTERS

SHALL CITY OF WRANGELL ORDINANCE NO.
801, WHICH PROVIDES AS FOLLOWS, BE
APPROVED?

The city council is authorized to sell the promissory note payable from Wrangell Seafoods, Inc. to the city, dated March 1, 2000, as modified by that Forbearance and Restructure Agreement between Wrangell Seafoods, Inc. and the city dated April 27, 2004, by competitive bid or by request for proposals process for a minimum purchase price of One Million Dollars (\$1,000,000.00). The city council is also authorized to assign the Deed of Trust and Business Equipment Security Agreement securing the payment of the promissory note to the purchaser of the note. The city council is further authorized to assign any or all of the city's rights under the Forbearance and Restructure Agreement, the Memorandum of Sale and Tidelands Permit between Wrangell Seafoods, Inc. and the city dated February 29, 2000, and to grant the purchaser of the note an option to assume the tidelands permit associated with said note.

_____ YES

_____ NO

SEC. 5. Election Precinct. For the purpose of the election on the foregoing proposition to be submitted at said special election, the City shall have one election precinct.

SEC. 6. Polling Hours. The polls will be open for voting on the proposition between the hours of 8:00 a.m. and 8:00 p.m. on the date of said special election.

SEC. 7. Qualification of Voters. The qualifications for voters on the aforementioned proposition shall be the same as for voters at municipal elections.

SEC. 8. Notice. Notice, publication and posting shall be given by the City Clerk in accordance with the provisions of the Wrangell Municipal Code, the Charter, Statutes and law.

SEC. 9. Effective Date. Section 3 of this ordinance shall become effective only upon the affirmative vote of a majority of the voters who vote on the question at said special election. The other provisions of this ordinance shall become effective upon adoption.

PASSED IN FIRST READING: August 7, 2007

PASSED IN SECOND READING: August 28, 2007

Attest: 
Christie L. Jamieson
City Clerk

 *serving as*
Valery McCandless
Mayor 

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 802

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION 14.05.060 ENTITLED "AUTHORITY OF HARBORMASTER TO UTILIZE RESTRICTED AREAS" AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Section. A new section, 14.05.060, entitled "Authority of harbormaster to utilize restricted areas" is hereby added to the Wrangell Municipal Code, Title 14, Chapter 05, to provide as follows:

14.05.060 Authority of harbormaster to utilize restricted areas. Notwithstanding any provision of the title to the contrary, the harbormaster may, from time to time, in the interest of safety, health, convenience, order and efficiency, authorize the otherwise use of restricted areas such as loading zones, the seaplane float and similar areas as transient moorage space for a specific period of time. Such use shall be subject to payment of transient moorage fees and all other ordinances pertaining to transient moorage.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.


SEC. 3. 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.


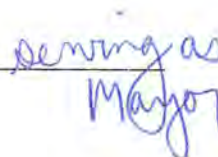
SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: August 28, 2007

PASSED IN SECOND READING: September 11, 2007

Attest:


Christie L. Jamieson
City Clerk

 *serving as*
Valery McCandless
Mayor 

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 803

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW CHAPTER 3.06 ENTITLED "CITY MANAGER" AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC.1. New Chapter. A new Chapter 3.06 entitled "City Manager" is hereby added to the Wrangell Municipal Code as follows:

Chapter 3.06

City Manager

Sections:

3.06.010 Appointment and removal.
3.06.020 Power and duties.
3.06.030 Acting city manager.

3.06.010 Appointment and removal.

- (a) The City Council shall appoint a City Manager by a majority vote of its membership. A City Manager is chosen on the basis of administrative qualifications and receives compensation set by the City Council. No City Council member may be appointed City Manager or Acting City Manager sooner than one year after leaving office except by a vote of three-fourths of the authorized membership of the City Council.
- (b) The City Manager holds office at the pleasure of the City Council and may be removed by a majority vote of the full membership of the City Council by a vote of confidence with or without cause. The City Manager serves at the pleasure of the City Council. The City Council may suspend or remove the City Manager at any time.
- (c) The City Council shall choose the City Manager on the basis of executive and administrative qualification. At the time of the appointment, the City Manager need not be a resident of the City or State but, during his tenure in office, shall reside within the City.

3.06.020 Powers and duties

The City Manager shall be responsible and accountable to the City Council for administration of all City affairs placed in his or her charge and shall follow and enforce the Municipal Laws of the City Charter, Code, Personnel Policies and Employee Handbook, including carrying out the directives of the City Council. The City Manager shall serve as the City's Chief Administrative Officer.

The City Manager Shall:

- (a) Appoint, employ and when necessary for the good of the City or service, lay off, suspend, demote and/or remove any administrative department heads, officers and employees except as otherwise provided by ordinance. The City Manager shall not have any governing power over the City Attorney or the City Clerk.
- (b) Submit an operating budget and financial report regarding budget standings to the City Council for each quarter during the calendar year, no later than 30 days after each calendar year quarter.
- (c) Submit an annual budget and capital improvement program to be adopted for consideration by the City Council.
- (d) Make and submit monthly financial and delinquent account reports to the City Council from each City department and other reports on municipal finance standings and operations as required or requested by the City Council. Make these records and reports available for public review.
- (e) Exercise custody over all real and personal property of the municipality as provided by City ordinance.
- (f) The City Manager and/or Acting City Manager shall perform other duties required by law and the City Council, and shall serve as personnel officer, unless the City Council authorizes the City Manager to appoint a personnel officer.
- (g) The City Manager shall counter sign all City checks.
- (h) Submit all City contracts and projects together with the City Manager's recommendations to the City Council for its prior approval, except as otherwise provided by ordinance.
- (i) Monitor and administer the performance of all contracts within the budget amount previously approved by the City Council.

(j) Submit all City Attorney communication received by the City Manager to the City Council no later than the next regular City Council meeting following its receipt, with the exception of matters of appeals and personnel.

(k) Attend all City Council meetings and shall have the right to take part in discussion when requested to do so by the Mayor or City Council, but shall not have the right to vote.

3.06.030 Acting City Manager

- (a) If the City Manager is absent from the City or is unable to perform the City Manager duties, the City Manager may appoint a director of a city department to serve as the acting City Manager until the City Manager returns. This City Manager appointment may be superseded at any time by the City Council.
- (b) The City Council will designate by resolution, the city officers or employees whom the City Manager may appoint as acting City Manager. The City Council shall update such resolution at least once every twelve (12) months.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.


SEC. 3. 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.

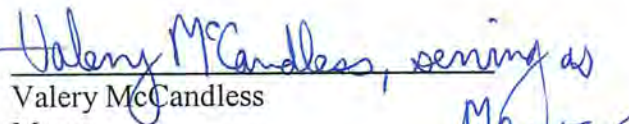
SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: September 11, 2007

PASSED IN SECOND READING: September 25, 2007

Attest:


Christie L. Jamieson
City Clerk


Valery McCandless
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 804

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WMC SECTION 15.12.065 ENTITLED "EXTENSION POLICIES", SPECIFICALLY SUBSECTIONS (H), (I), (J), AND (K), AND PROVIDING FOR AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon final passage.

SEC. 4. Amendment. WMC Section 15.12.065 entitled "Extension Policies", specifically subsections (h), (i), (j), and (k) are amended as follows:

Chapter 15.12

ELECTRICITY

Section:

15.12.065 Extension policies.

15.12.065 Extension policies.

[H. A COMBINATION METER BASE/MAIN DISCONNECT TYPE SERVICE ENTRANCE EQUIPMENT IS REQUIRED TO FACILITATE DE-ENERGIZING THE PREMISES WIRING IN AN EMERGENCY. NO METER WILL BE INSTALLED UNLESS A MAIN BREAKER/DISCONNECT EXISTS WITH THE METER SOCKET.]


[I. ALL RENTAL UNITS, EITHER SINGLE-FAMILY OR MULTIFAMILY, SHALL HAVE A MEANS BY WHICH THE ELECTRIC UTILITY CAN OPEN AND SEAL OPEN THE MAIN DISCONNECT FOR EACH STRUCTURE OR RENTAL UNIT WITHIN A STRUCTURE.]

[J. METERS SHALL BE INSTALLED SO THAT THE METER IS BETWEEN 5.5 FEET AND 6.5 FEET ABOVE FINISHED GRADE, PLATFORM, DECK, ETC.]

[K. WHERE THERE IS AN ELECTRICAL METER THAT IS UNATTAINABLE TO BE READ OR INSPECTED BECAUSE OF AN ANIMAL THE UTILITY BELIEVES TO BE DANGEROUS OR HAVE POTENTIAL TO DO BODILY HARM, THE ELECTRIC UTILITY, UPON WRITTEN NOTICE TO THE OWNER OR THE LANDLORD, WILL DISCONNECT THE ELECTRICAL SERVICE UNTIL CORRECTIONS ARE MADE.]

PASSED IN FIRST READING: October 23, 2007

PASSED IN SECOND READING: November 13, 2007



Paul Southland, Vice-Mayor

ATTEST: 

Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 805

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE SECTION 3.04.012 ENTITLED "QUALIFICATIONS" AND 3.04.100 ENTITLED "AGENDA" AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. WMC Section 3.04.012 entitled "Qualifications" is amended to provide as follows:

3.04.012 Qualifications. All members of the council, including the mayor, shall have resided within the city at least [THREE] one year[s]. This qualification is in addition to the qualifications of council members set forth in Section 2-1 of the Wrangell Charter.

SEC. 2. Amendment. WMC Section 3.04.100 entitled "Agenda" is amended to provide as follows:

3.04.100 Agenda. An agenda is not required for special council meetings; the list of topics contained in the notice given for such special meeting shall instead suffice. An agenda shall be prepared before all regular council meetings and shall be posted at City Hall by noon of the Monday preceding the meeting. All items and subject matters for agenda consideration shall be submitted by the public by [5:00] 12:00 p.m. on the Thursday preceding the meeting. The council may amend the agenda at the beginning of its meeting. The outline of the agenda shall be as from time to time prescribed and amended by resolution of the council.


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: _____ November 13 _____, 2007

PASSED IN SECOND READING: _____ November 27 _____, 2007


Tom C. Sims, Mayor

ATTEST:


Christie L. Jamieson, City Clerk



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 806

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION 3.52.045 ENTITLED "REGULAR MEETINGS" TO THE WRANGELL MUNICIPAL CODE CONCERNING THE PARKS, RECREATION AND YOUTH BOARD AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Section. A new section, 3.52.045, entitled "Regular Meetings" is hereby added to the Wrangell Municipal Code, Title 3, Chapter 3.52, to provide as follows:

3.52.045 Regular Meetings. Regular meetings of the Parks, Recreation and Youth Board shall be held on the first Wednesday of each month, except that no regular meetings shall be held in the months of July and August.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be published as provided by law and shall be effective upon final passage.

PASSED IN FIRST READING: November 13, 2007

PASSED IN SECOND READING: November 27, 2007

ATTEST: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Tom C. Sims
Tom C. Sims
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 807

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, ADDING A NEW SECTION, §3.04.114, ENTITLED "NEPOTISM" TO THE WRANGELL MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. New Section. A new section, §3.04.114, entitled "Nepotism" is hereby added to the Wrangell Municipal Code to provide as follows:

(d) 3.04.114 Nepotism. Neither the city manager, the council nor any other authority of the city government, may appoint or elect any person related to the mayor or any other councilmember, to the city manager, or to such person, or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the city government; but this shall not prohibit an officer or employee from continuing in the service of the city.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: November 13, 2007

PASSED IN SECOND READING: November 27, 2007

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Tom C. Sims
Tom C. Sims
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 808

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE SECTION 15.12.060 ENTITLED ENTRANCE AND CONNECTION – TERMS OF SERVICE, SPECIFICALLY SUBSECTION (M), AND PROVIDING FOR AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon final passage.

SEC. 4. Amendment. WMC Section 15.12.060 entitled “Entrance and Connection – Terms of Service”, specifically subsection (m) are amended as follows:

Chapter 15.12

ELECTRICITY

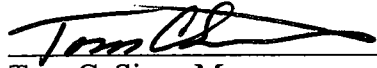
Section:

15.12.060 Service entrance and connection – Terms of service.

15.12.060 Service entrance and connection – Terms of service. M. Where there is an electrical meter that is unattainable to be read or inspected because of an animal the utility believes to be dangerous or have potential to do bodily harm, the electric utility, upon written notice or telephone communication to the owner or the landlord, will disconnect the service until corrections are made.

PASSED IN FIRST READING: _____ November 27 , 2007

PASSED IN SECOND READING: _____ December 12 , 2007



Tom C. Sims, Mayor

ATTEST: Carol Bean

~~Christie L. Jamieson, City Clerk~~

Carol Bean, Deputy City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 809

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 9.04, GARBAGE, IN ITS ENTIRETY, BY TRANSFERRING AND RELOCATING IT TO TITLE 15, PUBLIC SERVICES

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon final passage.


SEC. 4. Amendment. WMC Chapter 9.04 entitled "Garbage", is hereby transferred and relocated to WMC Title 15, Public Services, in its entirety, as a new Chapter 15.18. **This amendment is attached as Exhibit "A" and Exhibit "B".**

PASSED IN FIRST READING: January 22, 2008

PASSED IN SECOND READING: February 12, 2008



Tom C. Sims, Mayor

ATTEST: 

Christie L. Jamieson, City Clerk

Title 9

HEALTH AND SAFETY

Chapters:

- 9.04 Garbage**
- 9.08 Nuisances**
- 9.12 Fireworks**
- 9.16 Littering**
- 9.20 Nuclear Free Zone**

Chapter 9.04**GARBAGE***

Sections:

- 9.04.010 Definitions.
- 9.04.020 Refuse containers – Specifications.
- 9.04.030 Refuse containers – Maintenance.
- 9.04.040 Refuse containers – Location.
- 9.04.050 Disposal – Restricting generally.
- 9.04.060 Sanitation department.
- 9.04.061 Funds – Accounting system.
- 9.04.062 Use of moneys.
- 9.04.070 Collection or disposal fees.
- 9.04.075 Monofill disposal permit and fees.
- 9.04.080 Collection times and frequency.
- 9.04.090 Notification of collection need.
- 9.04.100 Disposal at and maintenance of municipal solid waste handling facility.
- 9.04.110 Penalty for violation.

9.04.010 Definitions.

The following words, when used in this chapter, shall have the meanings respectively ascribed to them:

A. “Garbage” includes all refuse accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, vegetables or fruits and containers originally used for such foodstuffs.

B. “Refuse” means garbage or rubbish or both.

C. “Rubbish” means nonputrescible solid wastes such as wastepaper, cardboard, wood, tin cans, glass, bottles, yard rakings, tree limbs, bedding, metals, trash, sweepings and all other similar substances which may become nuisances from all public and private establishments and residences.

Rocks, dirt, car bodies and scrap iron are excluded. [Ord. 200 § 5, 1967; prior code § 42.40.110.]

9.04.020 Refuse containers – Specifications.

A. Each and every owner, tenant, housekeeper or other person occupying any room, dwelling, house, apartment or other building or portion thereof and producing or being responsible for the disposal of refuse shall provide sturdy pest-proof receptacles with a capacity not to exceed 33 gallons approved by the city manager or his authorized agent for residential use and/or two- to four-yard dumpsters sold or approved by the City of Wrangell for bulk storage. Such containers shall not exceed 55 pounds in weight in full.

B. It shall be the duty of every person, firm or corporation owning, managing, operating, leasing or renting any commercial premises including apartment buildings with more than two apartments or mixed commercial buildings with three or more apartments to maintain a pest-proof bulk storage container or containers, approved by the city manager or his authorized agent.

* For statutory provisions on garbage and solid waste services, see AS 29.48.033.

C. It shall be the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or dwelling unit to place the daily accumulations of refuse in the container or containers required in this chapter, and it shall be the duty of every person placing garbage in any such container to eliminate, as far as possible, all water and liquid from such garbage and to securely wrap garbage in paper before placing same in such container or bag. [Ord. 764 § 5, 2005; Ord. 660 § 5, 1999; Ord. 634 § 4, 1997; Ord. 574 § 4, 1991.]

9.04.030 Refuse containers – Maintenance.

A. Every person in possession, charge or control of any place where refuse is created or accumulated shall provide sufficient number of containers to accommodate all refuse accumulated between successive collections.

B. The owner of a multiple dwelling less than three units shall furnish or require his tenants to furnish proper garbage containers. Refuse containers furnished by the tenants located at multiple dwellings shall be marked so as to indicate the apartment to which they belong.

C. Each container shall be kept closed except when it becomes necessary to deposit or to remove refuse. Each container shall be kept clean and upright so as not to create an odor nuisance or endanger public health or safety. [Ord. 660 § 5, 1999; Ord. 200 § 5, 1967; prior code § 42.40.020.]

9.04.040 Refuse containers – Location.

A. Containers approved for use by the city manager or his authorized agent, in which refuse is placed to be removed by the city or its authorized collector, shall be located in plain view in an accessible location at the ground level or on an open platform or open porch not more than four feet above the adjacent roadway and so placed that they may be reached from the ground by the collector. They shall not be located within a building or other structure unless such building or structure has been approved for refuse storage by the city manager or his authorized agent. If the premises on which such refuse accumulates abuts on a public alley, such container shall be located immediately adjacent to such alley. If such alley is not available but a private driveway is available said container shall be located immediately adjacent to such driveway. The containers shall be placed at the edge of the developed roadway. If more than one container is necessary to hold the refuse accumulated at a customer's premises, or if more than one container is used for the refuse from any one building, all containers shall be placed at the same location on the premises. A residential customer may choose to not place their refuse containers at the edge of the developed roadway and have the container picked up for an additional fee if said container is within 40 feet of the developed roadway.

B. The city or its authorized collector will not be required to collect refuse, garbage or rubble where there are obstructions such as excessive snow in pathway to containers, vicious dogs, excessive liquid in containers, parked vehicles, etc. [Ord. 660 § 5, 1999; Ord. 644 § 5, 1998; Ord. 574 § 4, 1991.]

9.04.050 Disposal – Restricting generally.

A. It is unlawful for any person to deposit refuse which may be offensive, noxious, or dangerous to the public health on any private property, public ground, alley, street, area, way, or on other public place within the city limits where it may become dangerous or offensive to the public health.

B. Outside burning of rubbish or other combustible materials shall be restricted to authorization or special permit of the fire chief.

C. Nothing contained in this chapter shall be construed to prevent a person from removing rubbish from his private property and transporting it to any approved disposal area; provided, that all city regulations relating to the use of the disposal area are complied with; and provided further, that the private

hauling shall not excuse said person from paying a refuse collection or disposal fee. [Ord. 383 § 5, 1979; prior code § 42.40.040.]

9.04.060 Sanitation department.

A. The sanitation department shall collect and dispose of refuse accumulated and make occasional inspections for compliance with this chapter.

B. It shall acquire such equipment and hire such employees as may be necessary to fulfill effectively its duties.

C. No person shall operate any other public refuse collection system without permission of the council. [Ord. 200 § 5, 1967; prior code § 42.40.050.]

9.04.061 Funds – Accounting system.

The sanitation fund, owned and operated by the city, shall be operated from an enterprise fund separate from the general fund. An accounting system for each fund shall be established within the general accounting system of the city, and shall be set up and maintained as to reflect the financial condition of the enterprise. A balance sheet and statement of income and expense shall be made for the sanitation fund annually and as often as the city council may require. [Ord. 712 § 4, 2002.]

9.04.062 Use of moneys.

None of the income money or property of the sanitation fund shall be placed in the general fund or be used for the benefit of anything outside of the fund to which it belongs without due compensation or due value received and returned. [Ord. 712 § 4, 2002.]

9.04.070 Collection or disposal fees.

A. Every owner, occupant, liveaboard, tenant or lessee within the city's service area shall receive refuse pickup service and shall pay such fees as are set forth in this section unless waiver of service is authorized by the city manager or his authorized agent, after special investigation of conditions upon which the waiver is requested.

B. Residential service shall consist of the removal of refuse substances, as defined in this chapter, in containers approved by the city manager or his authorized agent, weighing with contents when full not over 55 pounds, or the equivalent thereof, once weekly.

C. The city manager shall have the authority to waive any fees in Table 9.04.070 for a period of up to two weeks during community clean-up projects.

D. All customers shall be billed on the basis of the charges as set forth in Table 9.04.070.

E. Interest will be charged to all delinquent accounts in accordance with the rates set forth in AS 45.45.010. Delinquency shall occur after the twentieth day of the month.

Table 9.04.070 – Monthly Refuse Collection or Disposal Fees	
Mandatory Rates for All Occupants or Persons	
Designation	Monthly Rate
Residential Collection:	
One 32-gallon container (minimum charge)	\$21.98
Two 32-gallon containers	\$36.65
Each additional 30-gallon container	\$7.33
Off curbside pick-up/month	\$12.22
Commercial-Industrial Collection:	
Per 32-gallon container	\$21.98
2 cubic yard dumpster	
1 pick-up/week	\$79.40
2 pick-ups/week	\$158.81
3 pick-ups/week	\$238.21
4 pick-ups/week	\$317.62
5 pick-ups/week	\$397.02
One extra pick-up/month	\$19.85
More than one extra pick-up/month will be billed at the appropriate rate.	
4 cubic yard dumpster	
1 pick-up/week	\$158.81
2 pick-ups/week	\$317.62
3 pick-ups/week	\$476.42
4 pick-ups/week	\$635.23
5 pick-ups/week	\$794.04
Special one-time extra pick-up/month	\$39.71
More than one extra pick-up/month will be billed at the appropriate rate.	
Landfill Charges:	
Up to 1 cubic yard (minimum charge)	\$12.00
Each additional cubic yard	\$6.00

Cars (each)	
No tires and no fluids	\$30.00
With tires and fluids	\$80.00
Batteries (each)	\$3.00
Washers and dryers (each)	\$12.00
Refrigerators and freezers (each with Freon)	\$42.00
Cardboard, glass and aluminum (if separated)	Free

Note 1: The monthly rates for any establishment not herein designated shall be determined by the city council. Until such rate may be established, the rate deemed most applicable shall apply, subject to adjustment. [Ord. 792 § 1, 2007; Ord. 742 § 5, 2004; Ord. 715 § 5, 2002; Ord. 679 § 4, 2000; Ord. 660 § 5, 1999; Ord. 644 § 5, 1998; Ord. 575 § 4, 1991; Ord. 574 § 4, 1991; Ord. 571 § 5, 1991.]

9.04.075 Monofill disposal permit and fees.

A. In order to facilitate land development, the city monofill landfill disposal site may be used for the disposal of unclassified land development excavation materials as provided for in this section.

B. A permit must be obtained from the public works department prior to the disposal of any material. The terms of the permit shall establish the following:

1. The quantities of material for which disposal is allowed;
2. The location where disposal is allowed;
3. The grading requirements required;
4. Any access road maintenance requirements for quantities above 150 cubic yards;
5. The duration of the permit; and
6. Such other terms and conditions as the public works department may require.

C. The disposal fees for the monofill are \$1.00 per cubic yard of material.

D. For purposes of this section, “unclassified excavation materials” means any material excavated in the process of land development except demolition materials, trees, brush, stumps and other similar materials.

E. In addition to the penalties provided for in WMC 9.04.110, any person who disposes of any material at the monofill with a permit, in violation of the terms and conditions of this permit, the provisions of this section may be excluded from use of the monofill. In addition to any other remedies available to it, the city shall have the right to enforce this section by injunctive relief. [Ord. 777 § 1, 2006.]

9.04.080 Collection times and frequency.

Refuse shall be collected at such frequent intervals as to prevent health or fire hazards or unsightly conditions; provided, that collections shall be made not less than once a week from each residence, shop, store or other establishment and not less than twice a week from restaurants, boardinghouses or other places where conditions require more frequent collections. The council may set and alter by resolution the intervals between collections. [Ord. 200 § 5, 1967; prior code § 42.40.070.]

9.04.090 Notification of collection need.

All occupants and persons in possession, charge or control of premises and places in or upon which refuse is created or accumulated shall notify the authorized garbage collection service of the city that collection of refuse from such place is required; provided, that the failure of said person or occupant to notify the city shall not excuse the payment of the refuse collection or disposal fees. [Ord. 383 § 5, 1979; prior code § 42.40.080.]

9.04.100 Disposal at and maintenance of municipal solid waste handling facility.

The sanitation department shall dispose of refuse by conveying it to a municipal solid waste handling facility or other places designated by the council. Such municipal solid waste handling facility shall be kept in as sanitary condition as circumstances permit, using every reasonable means to destroy or cover the refuse and prevent it from becoming a refuge or breeding place for rats or other pests, or otherwise endangering public health and safety. [Ord. 644 § 5, 1998; Ord. 200 § 5, 1967; prior code § 42.40.090.]

9.04.110 Penalty for violation.

Any person keeping refuse in containers other than authorized by this chapter, or who keeps upon any premises in the city refuse which is offensive, or who fails to perform any act required by this chapter, shall have committed a violation which, upon conviction, is punishable by a fine not exceeding \$150.00 per violation. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues after the violator has been given actual or constructive notice of violation. [Ord. 290 § 5, 1973; prior code § 42.40.100.]

Title 15

PUBLIC SERVICES*

Chapters:

- 15.04 Water**
- 15.08 Sewers**
- 15.12 Electricity**
- 15.16 Cemetery**

* For statutory provisions on municipal utilities, see AS 29.48.040; for Charter provisions on the same, see Charter § 8-1.

City of Wrangell, Alaska

Ordinance No. 810

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, APPROPRIATING FUNDS UP TO \$5000 FROM THE GENERAL FUND RESERVE THAT MAY BE USED TO INFLUENCE THE OUTCOME OF THE ELECTION OF THE INCORPORATION OF THE CITY AND BOROUGH OF WRANGELL

Recitals

WHEREAS, the Local Boundary Commission at its November 7, 2007 decisional session, unanimously approved the Wrangell petition for Incorporation of the City and Borough of Wrangell, a Unified Home-Rule Borough as proposed by the Petitioner, which included the 191-square mile area of Meyers Chuck and Union Bay; and

WHEREAS, on December 17, 2007, the Local Boundary Commission issued their Statement of Decision and Order of Decision regarding the Petition to the Local Boundary Commission, determining that the Petition meets all applicable standards under the State Constitution and Commission regulations, meets the standards for incorporation under AS 29.05.031, and is in the best interests of the State; and

WHEREAS, on February 7th, 2008, the State of Alaska Division on Elections issued the Order and Notice of Election of the Incorporation of the City and Borough of Wrangell; and

WHEREAS, the City of Wrangell seeks to inform the public concerning the upcoming election to be held May 6, 2008; and

WHEREAS, the election process is new to the area voters and the vote for the Incorporation of the City and Borough of Wrangell may generate considerable questions from area residents, such that the Council finds it appropriate to appropriate funds for the dissemination of information concerning the election.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Appropriation of funds. The City of Wrangell, pursuant to AS 15.13.145, hereby appropriates up to \$5000 from the General Fund Reserve to provide information to area residents concerning the upcoming election of the Incorporation of the City and Borough of Wrangell and may be used to influence the outcome of the election.

SEC. 2. Classification. This is a special ordinance which is to be omitted from the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be published as provided by law and shall be effective upon final passage.

PASSED IN FIRST READING: February 26, 2008

PASSED IN SECOND READING: March 11, 2008



Tom C. Sims, Mayor

ATTEST: 
Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 811

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE SECTION 3.06.030 ENTITLED "ACTING CITY MANAGER" AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC.1. Amendment. WMC Section 3.06.030 entitled "Acting City Manager" is amended to provide as follows:

3.06.030 Acting City Manager

(a) If the City Manager is absent from the City or is unable to perform the City Manager duties, the City Manager may appoint [A] an officer [DIRECTOR] of [A] the city [DEPARTMENT] or Department Head to serve as the acting City Manager until the City Manager returns. This City Manager appointment may be superseded [AT ANY TIME] by the City Council.

[(B) THE CITY COUNCIL WILL DESIGNATE BY RESOLUTION, THE CITY OFFICERS OR EMPLOYEES WHOM THE CITY MANAGER MAY APPOINT AS ACTING CITY MANAGER. THE CITY COUNCIL SHALL UPDATE SUCH RESOLUTION AT LEAST ONCE EVERY TWELVE (12) MONTHS.]

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.


SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: February 26, 2008

PASSED IN SECOND READING: March 11, 2008

Attest:


Christie L. Jamieson
City Clerk


Tom C. Sims
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 812

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE SECTION 9.04.020 ENTITLED "REFUSE CONTAINERS-SPECIFICATIONS", ADDING WRANGELL MUNICIPAL CODE SECTION 9.04.025 ENTITLED "REFUSE CONTAINERS-CITY OWNED", AMENDING WRANGELL MUNICIPAL CODE SECTION 9.04.030 ENTITLED "REFUSE CONTAINERS-MAINTENANCE" BY ADDING SECTION D, AMENDING SCHEDULE A OF WRANGELL MUNICIPAL CODE SECTION 9.04.070 ENTITLED "COLLECTION OR DISPOSAL FEES" BY ADDING A TABLE ENTITLED "BULK STORAGE CONTAINER LEASING", AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. WMC Section 9.04.020 entitled "Refuse containers-Specifications" is amended to provide as follows:

9.04.020 Refuse containers – Specifications.

A. Except as provided in B, [E]each and every owner, tenant, housekeeper or other person occupying any room, dwelling, house, apartment or other building or portion thereof and producing or being responsible for the disposal of refuse shall provide sturdy pest-proof receptacles with a capacity not to exceed 33 gallons approved by the city manager or his authorized agent for residential use [**and/or two- to four-yard dumpsters sold or approved by the City of Wrangell for bulk storage**]. Such containers shall not exceed 55 pounds in weight in full.

B. It shall be the duty of every person, firm or corporation owning, managing, operating, leasing or renting any commercial premises, including apartment buildings with more than two apartments or mixed commercial buildings with three or more apartments, to maintain a pest-proof bulk storage container or containers provided by the City Sanitation Department[, **approved by the city manager or his authorized agent**].

C. It shall be the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or dwelling unit to place the daily accumulations of refuse in the container or containers required in this chapter, and it shall be the duty of every person placing garbage in any such container to eliminate, as far as possible, all water and liquid from such garbage and to securely

bag garbage [**wrap garbage in paper**] before placing same in such container [**or bag**].

SEC. 2. New Section. A new section, §9.04.025, entitled “Refuse containers-City Owned” is hereby added to the Wrangell Municipal Code to provide as follows:

9.04.25 Refuse containers – City Owned.

A. All bulk storage containers shall be provided and owned by the City Sanitation Department. An additional lease fee, as set forth in Schedule A to 9.04.070, shall be assessed in addition to collection charges on all City-owned bulk storage containers.

B. Customer-owned bulk storage containers previously approved by the City Sanitation Department shall be allowed to remain in service until the end of their usable life, at which time they will be replaced by City-owned bulk storage containers.

SEC. 3. Amendment. WMC Section 9.04.030 entitled “Refuse containers-Maintenance” is hereby amended to add section D as follows:

D. All City-owned bulk storage containers shall be maintained and repaired by the City.

SEC. 4. Amendment. Schedule A to WMC 9.04.070 entitled “Collection or disposal fees” is hereby amended to add a table entitled “Bulk Storage Container Leasing” as follows:

BULK STORAGE CONTAINER LEASING

	<u>Monthly Rate</u>
<u>1 & 2 yard painted</u>	<u>\$10.00</u>
<u>1 & 2 yard galvanized</u>	<u>\$ 7.06</u>
<u>4 yard painted</u>	<u>\$20.58</u>
<u>4 yard galvanized</u>	<u>\$14.98</u>

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: _____ February 26 _____, 2008

PASSED IN SECOND READING: _____ March 11 _____, 2008



Tom C. Sims, Mayor

ATTEST:



Christie L. Jamieson, City Clerk

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CITY OF WRANGELL, ALASKA

ORDINANCE NO. 813

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SUBSECTION B OF WRANGELL MUNICIPAL CODE SECTION 15.12.200 ENTITLED "METER RATES-RESIDENTIAL SERVICE (SCHEDULE A)" AND ESTABLISHING AN EFFECTIVE DATE FOR THE AMENDED METER RATES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Subsection B of WMC Section 15.12.200 entitled "Meter rates – Residential service (Schedule A)" is amended to provide as follows:

B. Rate.

Customer charge	\$8.00 per month
Energy charge	
0 – 300 KWH	\$0.114 per KWH
[Over 300 KWH	\$0.092 per KWH]
<u>301 – 1200 KWH</u>	<u>\$0.092 per KWH</u>
<u>Over 1200 KWH</u>	<u>\$0.08 per KWH</u>

SEC. 2. Effective Date of Rates. The rates set forth in Section 1 above shall be effective commencing with the electric usage billing period for March-April of 2008.

SEC. 3. Classification. Section 1 of 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: March 3, 2008

PASSED IN SECOND READING: March 11, 2008



Tom C. Sims, Mayor

ATTEST:



Christie L. Jamieson, City Clerk

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CITY OF WRANGELL, ALASKA

ORDINANCE NO. 814

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING THE TITLE WRANGELL MUNICIPAL CODE CHAPTER 3.52 ENTITLED "PARKS, RECREATION AND YOUTH BOARD", AMENDING WRANGELL MUNICIPAL CODE SECTION 3.52.010 ENTITLED "ESTABLISHED-MEMBERSHIP-ORGANIZATION", AMENDING WRANGELL MUNICIPAL CODE SECTION 3.52.020 ENTITLED "POWERS AND DUTIES", AMENDING WRANGELL MUNICIPAL CODE SECTION 3.52.040 ENTITLED "DIRECTOR-POWERS AND DUTIES", AMENDING WRANGELL MUNICIPAL CODE SECTION 3.52.045 ENTITLED "REGULAR MEETINGS", AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. The title of WMC Chapter 3.52 entitled "PARKS, RECREATION AND YOUTH BOARD" is amended to "PARKS AND RECREATION BOARD".

SEC. 2. Amendment. Subsection A of WMC Section 3.52.010 entitled "Established – Membership – Organization" is amended to provide as follows:

A. There shall be created a parks and[,] recreation[**and youth**] board, which shall consist of five members appointed by the mayor with the approval of the council for overlapping three-year terms. All members of the board shall be residents of the city. The terms of the members shall begin on October 1st, with three members to be appointed in the first year, and two members in each of two successive years and in like manner thereafter. A member may be removed by the mayor with approval of the council for the good of the service. Vacancies shall be filled for the unexpired terms. Members shall serve without compensation. A quorum shall consist of three members.

SEC. 3. Amendment. WMC Section 3.52.020 entitled "Powers and duties" is amended to provide as follows:

The parks and[,] recreation [**and youth**] board shall study the recreational needs of the people of the city[,]

relating to parks, playgrounds and other recreational facilities in[and] relation to public recreational programs and activities[,], to the director of the parks, recreation and youth services, the mayor and the council[,], as it deems desirable. The board shall also strive to create public interest in the establishment of a teen club to meet the recreational needs of the teenage youths. The board shall study the possibilities of summer recreation programs for all children, improved parks and recreation areas, and any other recreational activities.

SEC. 4. Amendment. WMC Section 3.52.040 entitled “Director – Powers and duties” is amended to provide as follows:

The director of parks, recreation and youth services, under the supervision and control of the city manager, shall have charge of and direct the recreational programs and activities sponsored or carried on by the city government[,], and shall have charge of the parks and playgrounds and other municipal facilities used in connection therewith. The director shall work with the parks[,], and recreation [**and youth**] board to effect and carry out the recommendations of the board, which recommendations have been approved by the council.

SEC. 5. Amendment. WMC Section 3.52.045 entitled “Regular meetings” is amended to provide as follows:

Regular meetings of the parks[,], and recreation [**and youth**] board shall be held on the first Wednesday of each month, except that no regular meetings shall be held in the months of July and August.


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: March 11, 2008

PASSED IN SECOND READING: March 25, 2008


Tom C. Sims, Mayor

ATTEST:


Christie L. Jamieson, City Clerk

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CITY OF WRANGELL, ALASKA

ORDINANCE NO. 815

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING VARIOUS SECTIONS OF THE CITY CODE IN ORDER TO ADDRESS ISSUES WHICH WOULD BE RAISED UPON CERTIFICATION OF THE BOROUGH FORMATION ELECTION AND ADOPTION OF THE BOROUGH CHARTER

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FO THE CITY OF WRANGELL, ALASKA:

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon adoption.

SEC. 4. New section. A new section, 3.58.030, entitled “Council not to interfere in hirings and removals” is hereby added to the Wrangell Municipal Code, to read as follows:

3.58.030 Council not to interfere in hirings and removals. No council member may direct or request the appointment of any person to, or removal from, office or employment by the city manager or, except as otherwise provided in this code or the city charter, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purpose of inquiry, the council and its members shall deal with employees hired by the city manager solely through the city manager, and the council and its members may not give orders on administrative matters to those employees either publicly or privately, except as otherwise provided in this code or the city charter.

SEC. 5. New section. A new section, 5.08.170, entitled “Ratification” is hereby added to the Wrangell Municipal Code, to read as follows:

5.08.170 Ratification. A new sales or use tax, or an increase in the rate of levy of a sales or use tax, does not take effect until ratified by a majority of voters at an election.

SEC. 6. New section. A new section, 5.10.035, entitled “When prior approval by the voters is required” is hereby added to the Wrangell Municipal Code, to read as follows:

5.10.035 When prior approval by the voters is required.

A. The sale or lease of any city property, real or personal, or the sale or other disposal of any interest therein, the value of which property, lease or interest is more than \$1,000,000, shall be made only by authority of an ordinance enacted or ratified at an election by an affirmative vote of a majority of the qualified voters of the city who vote upon the question of approval or enacting the ordinance (the ordinance being submitted to the voters by the council or by initiative of the voters).

B. An entire public utility and appurtenant franchises belonging to the city may be sold or leased only by authority of an ordinance enacted or ratified at an election by an affirmative vote of a majority of the qualified voters of the city who vote upon the question.

C. Any other provision notwithstanding, the city may enter into an agreement for the purchase, sale or other disposal of electric power, or an agreement providing for participation by the city in the construction, acquisition or operation of hydroelectric power facilities, upon such terms as the city council may approval by resolution.

SEC. 7. New chapter. A new Chapter 5.14, entitled City Budget, to the Wrangell Municipal Code is hereby enacted to read as follows:

Chapter 5.14
City Budget

Sections:

- 5.14.010 Preparation and submission of city budget
- 5.14.020 Fund transfers

5.14.010 Preparation and submission of city budget. At least five weeks before the beginning of the fiscal year, and in accordance with the city charter, the city manager shall prepare and submit to the council a proposed budget for the next year.

5.14.020 Fund transfers.

A. A transfer of any funds from the Swimming Pool fund to any other fund requires a vote of the people.

B. None of the income, money, resources or property of city-operated enterprise funds shall be placed in the general fund or be used for the benefit of anything outside of the fund to which it belongs without due compensation or due

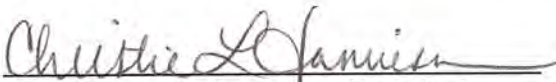
value received in return; provided, that this shall not prohibit payment into the general fund by city-operated utilities of an amount in lieu of taxes reasonably estimated to be the amount which said utilities would pay in taxes if they were privately owned.

PASSED IN FIRST READING May 13, 2008

PASSED IN SECOND READING May 27, 2008



Paul Southland, Vice-Mayor

ATTEST: 

Christie L. Jamieson, City Clerk

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 816

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING CHAPTER 5.10 OF THE CITY OF WRANGELL MUNICIPAL CODE TO CHANGE PURCHASE LIMITS, AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Action. This ordinance amends Chapter 5.10 of the City of Wrangell Municipal Code by deleting those words that are capitalized and in brackets and by adding those words that are underlined :

5.10.030 Every contract for, or purchase of, supplies, materials, equipment, contractual services, or public improvements for more than [~~\$5,000~~] \$10,000, excluding freight, shall require the prior approval by motion or resolution of the council; and under no circumstances may such contract or purchase be made without first obtaining the approval of the council.

5.10.040 A. Purchases of, or contracts for, supplies, materials, equipment, contractual services, or public improvements whose costs do not exceed [~~\$5,000~~] \$10,000 and in a single transaction may be made on the open market without competitive bidding or quotations; provided, that such purchases or contracts are for budgeted items or items previously approved by the council.

B. Except as otherwise provided in WMC 5.10.050, purchases of, or contracts for supplies, materials, equipment, or contractual services whose cost exceeds [~~\$5,000~~] \$10,000 but does not exceed [~~\$10,000~~] \$25,000 in a single transaction shall, at the option of the city purchasing authority, be made in the open market by written quotation or telephone solicitation or through the competitive bidding process set out in subsection (C) of this section.

C. Except as otherwise provided in WMC 5.10.050, before any purchase of, or contract for, supplies, materials, equipment, or contractual services is made whose cost exceeds [~~\$10,000~~] \$25,000, the city purchasing authority shall submit to at least three persons, firms or corporations dealing in and able to supply the bid and specifications to give them opportunity to bid. He shall also publish notice of the proposed purchase in the newspaper of general circulation within the city.

5.10.050 A. Supplies, materials, equipment or contractual services whose cost does not exceed [~~\$5,000~~] \$10,000, excluding freight costs, in a single

transaction.

F. Supplies, materials, equipment, or contractual services which must be purchased from a specific source in order to prevent incompatibility with previously purchased supplies, materials, equipment, or contractual services. For purposes of this subsection the term "incompatibility" is defined as the inability to (1) interconnect, combine, interchange, or join, or (2) that which causes or necessitates maintenance expertise or training where such acquisition would result in substantial duplication. The council must approve by motion or resolution any purchase whose cost exceeds [~~\$5,000~~] \$25,000 which is to be excluded from competitive bidding by the authority of this subsection.

K. Public improvement whose cost does not exceed [~~\$5,000~~] \$10,000 in a single transaction.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

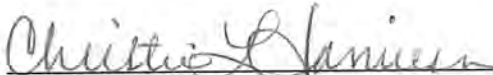
SEC. 3. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.


SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: May 13, 2008

PASSED IN SECOND READING: May 27, 2008

Attest:


Christie L. Jamieson
City Clerk


Paul Southland
Presiding Vice-Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 817

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING CHAPTER 5.10.040 OF THE CITY OF WRANGELL MUNICIPAL CODE TO INCLUDE A LOCAL BIDDING PREFERENCE, AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Action. This ordinance amends section 5.10.04, When Competitive Bidding or Quotations are Required, of the City of Wrangell Municipal Code by adding the following new subsection:

5.10.040 D. Local Bidder Preference Award. (1) Unless contrary to federal or state law or regulation, or as otherwise provided in section (2), below, a contract for, or purchase of, supplies, materials, equipment, contractual services, or public improvements shall be awarded to a local bidder where the bid by such local bidder is in all material respects comparable to the lowest responsible non-local bid, and if the amount bid by such local bidder does not exceed the lowest responsible non-local bid by more than:

(a) Five percent (5%) of the amount bid by the lowest responsible non-local bidder if that non-local bidder's bid is \$1,000,000 or less;

(b) Three percent (3%) of the amount bid by the lowest responsible non-local bidder if that non-local bidder's bid is \$1,000,001 or more.

(2) This preference shall not be interpreted to mean that the city is precluded from making the purchase from whatever source is most advantageous to the city after considering all factors in the public interest even when the price quoted by the local bidder satisfies section (1)(a) or (b), above.

(3) "Local bidder" for purposes of this section shall mean a bidder who:

(a) Holds a current Alaska business license;

(b) Submits a bid for goods or services under the name appearing on the person's current Alaska business license;

(c) Has maintained a place of business within the boundaries of the city for a period of six months immediately preceding the date of the bid;

(d) Is not delinquent in the payment of any utilities, taxes, charges or assessments owing to the city on account of that business;

(e) Is incorporated or qualified to do business under the laws of Alaska with its principal place of business in the city, is a proprietorship and the proprietor is a resident of the city, or is a partnership and all partners are residents of the City of Wrangell;

(f) If a joint venture, all joint venture partners must qualify under sections (a) – (e), above;

(g) The manager may require such documentation or verification by the person claiming to be a local bidder as is deemed necessary to establish the requirements of this section.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: May 13, 2008

PASSED IN SECOND READING: May 27, 2008

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Paul Southland
Paul Southland
Presiding Vice-Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 818

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, FOR PLACING THE QUESTION OF EXEMPTION FROM THE PUBLIC OFFICIAL FINANCIAL DISCLOSURE LAW (AS 39.50) ON THE OCTOBER 7, 2008 BALLOT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Action. The effect of this ordinance is to place the question of whether or not to exempt municipal officers and candidates for elective office from the requirements of the State of Alaska Public Official Financial Disclosure Law (AS 39.50) on the ballot at the next regular election, to be held on October 7, 2008.

SEC. 2. Classification. This is a non-code ordinance.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

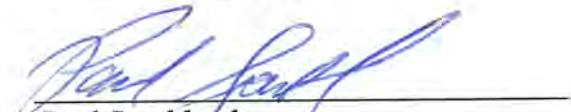
PASSED IN FIRST READING: May 13, 2008

PASSED IN SECOND READING: May 27, 2008

Attest:



Christie L. Jamieson
City Clerk



Paul Southland
Presiding Vice-Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 819

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING SECTION 14.11.005 ENTITLED "FEE SCHEDULE"; SECTION 14.05.015 ENTITLED "RESERVED MOORAGE" AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Amendment. Section 14.11.005, entitled "Fee Schedule" is hereby amended to the Wrangell Municipal Code to provide as follows:

14.11.005 Fee Schedule.

The following fees shall be charged for the uses indicated:

D. Electric Utility Service – WMC 14.07.045.

Daily	<u>20 amp 120 v</u>	\$5.00/ <u>day</u> [rental period]
	<u>30 amp 120 v</u>	<u>\$8.00/day</u>
	<u>50 amp single phase</u>	<u>\$10.00/day</u>
	<u>50 amp 3 phase</u>	<u>\$30.00/day</u>
	<u>100 amp 3 phase</u>	<u>\$50.00/day</u>

G. Barge Ramp Facility Moorage/Mill Dock/City Dock – WMC 14.07.005(C).

Daily (<u>\$750.00</u> [100.00] minimum)	<u>\$0.38</u> [0.05]/gross ton]
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J. Storage – WMC 14.07.020(B).

Outside storage (\$6.25 minimum)	<u>\$0.30</u> [0.20]/square foot monthly
[Old Mill Office (office use only)]	[\$0.63/square foot monthly]
Inside storage [south building]	<u>\$0.50</u> [0.30]/square foot monthly
[Inside storage north building]	[\$0.25/square foot monthly]

N. Services of the Harbormaster – WMC 14.07.040.

Labor	[\$28.50/hour]
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Labor costs will be the actual costs of the employee. They will include wages and employee costs. Overtime and callout rules will also apply.

AA. Marine Service Center Fees. [Marine Travel Lift Fees.]

Round trip <u>Travelift</u> (150 ton)	
0 – 40 feet	\$11.00/foot

41 – 58 feet	\$12.00/foot
59 feet and up	\$13.00/foot
Hoist (minimum fee)	\$300.00/hour
Work area storage [(150 ton)]	\$0.50 [0.20]/sq. ft./month
Long-term storage	\$0.30 [0.20]/sq. ft./month
<u>After 12 consecutive months, rate doubles</u>	
Cancellation	\$300.00
Inspection hoist (150 ton)	
Up to 2 hours of hoist time	60% of round trip
After first 2 hours of hoist time	\$75.00/15 minutes
Pressure washer	\$1.00/foot
Electrical	[\$5.00/day]
<u>Refer to 14.11.005 (D)</u>	
<u>Environmental Fee</u>	<u>\$15.00 per haulout or per month</u>
<u>Hydraulic Trailer Fees</u>	
<u>Round trip</u>	<u>\$8.25 per foot</u>
<u>One way</u>	<u>half of round trip</u>
<u>Minimum Fee</u>	<u>\$225.00</u>
<u>Off site transport fee</u>	<u>Round trip or One way Fee plus travel time at \$235.00 per hour with a one Hour minimum</u>

SEC. 2. Amendment. Section 14.05.015, “Reserved Moorage” is hereby amended to the Wrangell Municipal Code to provide as follows:

14.05.015 Reserved moorage.

L. Live aboard vessel limit. Live boards will constitute no more than 5% of total stalls. The float assignments are as follows:

<u>Shoemaker Bay</u>	<u>5</u>
<u>Heritage</u>	<u>5</u>
<u>Fish and Game</u>	<u>4</u>
<u>Reliance</u>	<u>3</u>
<u>Standard Oil</u>	<u>1</u>
<u>Inner Harbor</u>	<u>0</u>
<u>Total</u>	<u>18</u>

M. Live aboard vessel requirements. All live aboard vessels are required to have either a Type 1, 2 or 3 sewer system. Portable toilet systems are considered a Type 3 system. Vessels with Type 3 systems will be required to utilize the Harbor Department’s pump out system to ensure sewage is properly disposed of. Vessels that have either a Type 1 or 2 system will be required to obtain any necessary permits. Live aboard vessel owners currently in Wrangell Harbors that do not currently have a Type 1, 2 or 3 system will be given 90 days to comply with

this regulation. Failure to comply with this regulation will result in the loss of right to utilize their vessel as a live aboard.

N. Oversized Vessel Beam. A vessel that occupies more than 45% of the total birth width between the two finger stalls will be assessed in surcharge. A vessel's beam will be determined by measuring its widest point. A charge based on the cost of a square foot of space in the vessel's stall will be assessed for each foot of oversized width. The formula to be used is as follows: stall length X the excess width X the cost of a square foot of the vessel's stall. Any boat width measurement over six inches will be considered to be the next foot when determining the boat width figure.

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 published as provided by law and shall be effective upon adoption.

PASSED IN FIRST READING: May 27, 2008

PASSED IN SECOND READING: June 10, 2008

Attest: Christie L. Jamieson

Christie L. Jamieson
Borough Clerk

Donald J. McConachie, Sr.

Donald J. McConachie, Sr.
Mayor

CITY OF WRANGELL, ALASKA

ORDINANCE NO. 820

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, DECLARING TAX-FREE DAYS FOR ONE-DAY IN JUNE AND FOR ONE-DAY IN SEPTEMBER EACH YEAR, ESTABLISHING CERTAIN EXEMPTIONS FROM THE CITY'S RETAIL SALES TAX, AND RELATED MATTERS

Recitals

WHEREAS, In order to provide for economic development and encourage travel to Wrangell via the Inter-Island Ferry and other means; and

WHEREAS, In order to benefit the community and its economic stability and development by encouraging buying locally; and

WHEREAS, The council finds it appropriate to establish certain exemptions from the City's retail sales tax for one-day in June and for one-day in September each year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Declaration of Tax-Free Days. For one-day in June and for one-day in September for each year, is hereby declared "Tax-Free Days".

SEC. 2. In June for one-day and September for one-day each year Sales Tax Exemptions.

(a) Subject to the other provisions of this ordinance and at the option of the seller, retail sales of goods and services for goods or services purchased and received by the buyer for one day in June and for one day in September each year, are exempt from the City's retail sales tax imposed by Chapter 5.08 of the Wrangell Municipal Code.

(b) The exemption set forth in (a) above does not apply to rentals for any period greater than one day. Sales tax on rents for any period greater than one day shall not be prorated or adjusted in any manner to include a sales tax exemption for one-day in June and for one-day in September each year.

(c) The exemption provided for in (a) above shall not apply to taxable sales made by the city.

(d) All sales made under the exemption provided for in (a) above shall be reported to the city as exempt sales using "TFD" as the exemption code for the sale.

SEC. 2. Classification. This is a special ordinance which is to be omitted from the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: May 27, 2008

PASSED IN SECOND READING: June 10, 2008

Attest: Christie L. Jamieson
Christie L. Jamieson
Borough Clerk

Donald J. McConachie, Sr.
Donald J. McConachie, Sr.
Mayor



CITY OF WRANGELL, ALASKA

ORDINANCE NO. 821

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, AMENDING 15.12.060 OF THE CITY OF WRANGELL MUNICIPAL CODE RELATING TO SERVICE ENTRANCE AND CONNECTIONS – TERMS OF SERVICE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

SEC. 1. Action. This ordinance amends section 15.12.060 of the City of Wrangell Municipal Code by deleting those words that are capitalized and in brackets and by adding those words that are underlined:

5.12.060 L. L. Meters shall be installed so that [THE] a single meter is between 5.5 feet and 6.5 feet above finished grade, platform, deck, etc. In the case of multiple ganged meters, as allowed by the National Electric Code, the top meter may be no more than 6.5 feet above finished grade.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

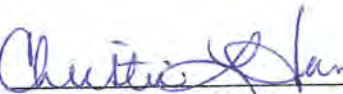
SEC. 3. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: May 27, 2008

PASSED IN SECOND READING: June 24, 2008

Attest:


Christie L. Jamieson
City Clerk


Donald J. McConachie, Sr.
Mayor



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 822

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA AMENDING THE CODE OF THE CITY AND BOROUGH OF WRANGELL, ALASKA TO CREATE A NEW ZONING DISTRICT, KNOWN AS THE TRANSITION (T) DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY AND BOROUGH OF WRANGELL, ALASKA BY REZONING ALL PROPERTY LOCATED OUTSIDE OF BOROUGH SERVICE AREA 1 FROM SINGLE-FAMILY RESIDENTIAL TO TRANSITION.

SEC. 1. Classification. This ordinance is of a permanent nature and sections 4 and 5 shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon adoption.

SEC. 4. New subparagraph. A new subparagraph 13 is hereby added to Wrangell Municipal Code Section (WMC) Section 20.12.010 entitled "Districts established – Map adopted by reference", Subsection A, to provide as follows (the new language is in bold):

20.12.010 Districts established – Map adopted by reference.

A. The city is divided into the following districts:

* * *

13. Transition (T) – Section 21.12.060.

* * *

SEC. 5. New Section. A new section 20.12.060 entitled "'T' Transition District" is hereby added to WMC Chapter 20.12 entitled "Districts Established – Boundaries" to provide as follows:

20.12.060 "T" Transition District. All property located within the City and Borough of Wrangell, but outside of the boundaries of Borough Service Area 1, shall be unrestricted until it is otherwise zoned, provided that no use commenced subsequent to the effective date of this ordinance and during such time as the property in question shall be unrestricted shall create any grandfather right or other right to continue such use if inconsistent with any subsequently enacted zoning regulation. Such property shall be known as the "T" Transition District.

SEC. 6. Compliance with Procedures and Notices. The procedures and notices having been followed and complied with as required and set out in Chapter 20.76 of Title 20 of the

Wrangell Municipal Code, the Assembly hereby finds that it is in the public's best interest that the following described property be rezoned from Single-Family Residential to Transition.

SEC. 7. Property Rezoned as follows: All property located outside of Borough Service Area 1, and as more specifically described on attached Exhibit '1', is hereby rezoned from Single-Family Residential (SF) (Ch. 20.16 WMC) to Transition (T) (Section 20.12.060 WMC). The official zoning map of the City and Borough of Wrangell is hereby amended to reflect the above rezone.

PASSED IN FIRST READING June 10, 2008

PASSED IN SECOND READING June 24, 2008


Donald J. McConachie, Sr., Mayor


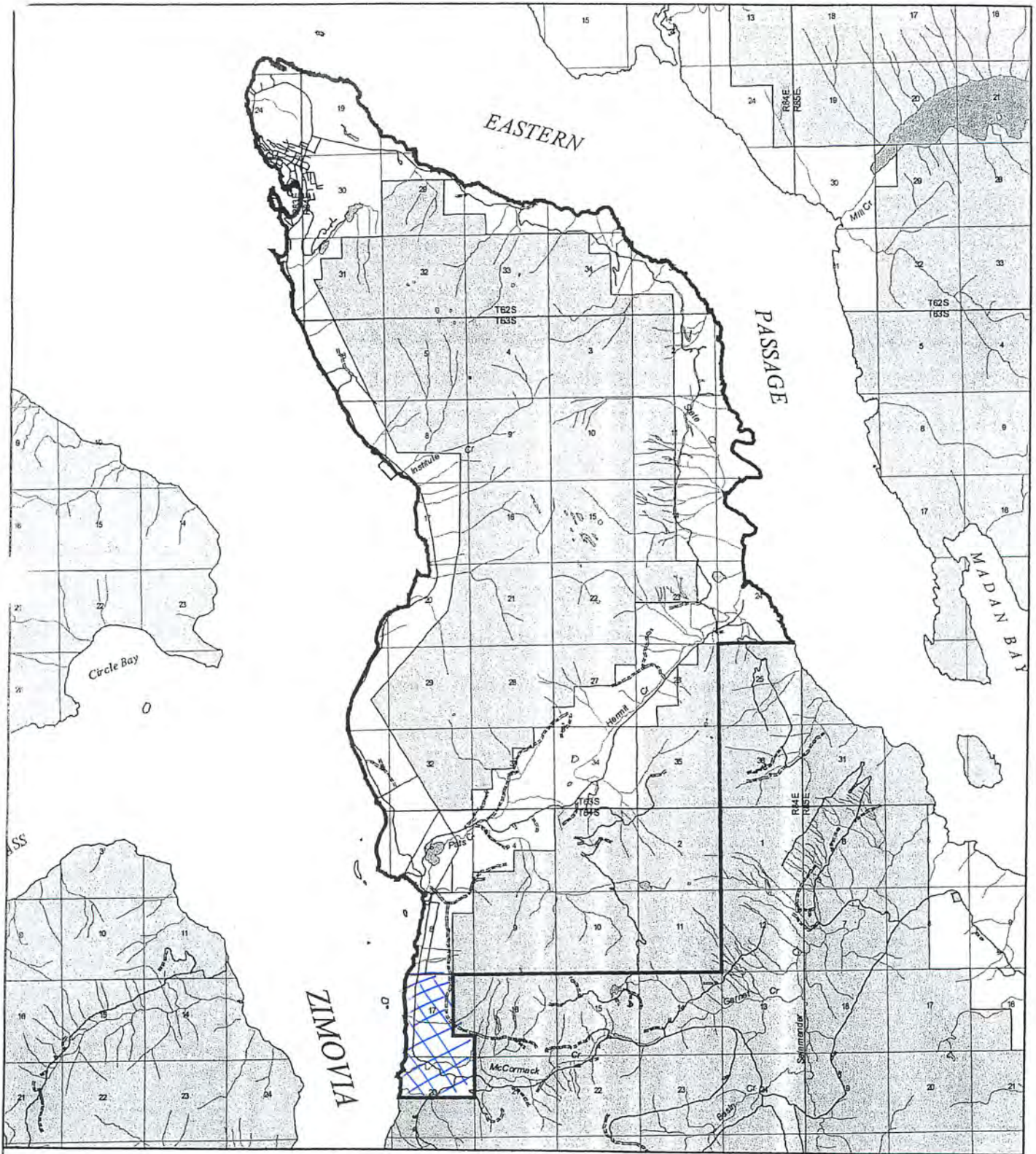
ATTEST: 
Christie L. Jamieson, Borough Clerk



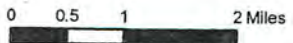
EXHIBIT B-6

MAP SHOWING THE BOUNDARIES OF EACH PROPOSED 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



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 823

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROPOSING THE ADOPTION OF A NEW BOROUGH CHARTER IN LIEU OF THE EXISTING BOROUGH CHARTER, AND REFERRING SAID PROPOSED NEW CHARTER TO THE VOTERS FOR THEIR CONSIDERATION AT THE NEXT REGULAR BOROUGH ELECTION, TO BE HELD ON OCTOBER 7, 2008

Whereas, the residents of the newly-formed City and Borough of Wrangell have expressed a strong desire that changes be made to the existing Borough Charter, so that it is similar in form and substance to the charter of the former City of Wrangell, which had been adopted by the city voters in October of 2003; and

Whereas, it is the intent of the Assembly to fulfill the wishes of the Borough residents, and have caused to be prepared a proposed new home rule charter for the Borough, a copy of which is attached hereto as Exhibit A, which closely and substantially mirrors the former city charter, and adds additional new language describing the borough, and recognizing the continued existence of former city agencies and funds; and

Whereas, it is the intent of the Assembly that this newly revised Borough Charter take effect immediately, upon voter approval.

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

SEC. 1. New Charter. Pursuant to Sections 16.01(2) and 16.03 of the Charter of the City and Borough of Wrangell, Alaska, the Borough Assembly hereby proposes that a new Home Rule Charter of the City and Borough of Wrangell, as attached hereto as Exhibit A, be adopted in lieu of the existing Home Rule Charter, and that the same be submitted to the qualified voters of the Borough for approval or rejection at the next regular borough election, to be held on October 7, 2008.

SEC. 2. New Charter Ballot Proposition. The Borough Clerk is hereby directed to submit the new charter ballot proposition to the voters at the October 7, 2008 regular borough election, to read substantially as follows:

Proposition No.

ADOPTION OF A NEW HOME RULE CHARTER

Shall a new Home Rule Charter for the City and Borough of Wrangell, Alaska, as attached hereto as Exhibit A, be adopted in lieu of the existing Home Rule Charter?

YES NO

SEC. 3. Notice. Notice shall be given by the Borough Clerk in accordance with the applicable provisions of the Borough Charter and Code, and other applicable law.

SEC. 4. Effective Date of Adoption of New Charter. The adoption of the new Home Rule Charter of the City and Borough of Wrangell shall become effective upon certification by the Borough Assembly of the election at which the proposition was approved by a majority of qualified voters voting on the question.


SEC. 5. Effective Date of Ordinance. This ordinance shall become effective immediately upon passage.

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 its application to other persons or circumstances, shall not be affected thereby.

SEC. 7. Classification. This ordinance is a special ordinance which is to be omitted from the Wrangell Municipal Code.

PASSED IN FIRST READING June 24, 2008

PASSED IN SECOND READING July 8, 2008


Don McConachie, Sr., Mayor

ATTEST:


Christie L. Jamieson, Borough Clerk



HOME RULE CHARTER OF THE CITY AND BOROUGH OF WRANGELL, ALASKA

PREAMBLE

We, the people of the City and Borough of Wrangell, exercising the powers of home rule granted to us by the constitution and laws of the State of Alaska, in order to provide for more efficient, adequate and economical government, do hereby ordain, ratify and establish this Charter of the City and Borough of Wrangell, Alaska.

ARTICLE I.

NAME, TRANSITION, BOUNDARIES, FORM OF GOVERNMENT, POWERS, AND INTERPRETATION

Section 1-1. Name.

The borough shall be a municipal corporation known as the "City and Borough of Wrangell." Whenever it deems it in the public interest to do so, the borough may use the name Wrangell Borough or Wrangell Home Rule Borough.

Section 1-2. Transition.

The City and Borough of Wrangell, Alaska shall assume, succeed to and possess all the property, rights, duties, assets, privileges, franchises, liabilities, and powers and immunities of the City of Wrangell, Alaska.

Section 1-3 Boundaries.

The boundaries of the borough as they exist at the time this charter goes into effect, shall remain the boundaries of the borough until they are changed in a manner authorized or permitted by the state constitution and/or law. At the time this charter goes into effect, the boundaries of the City and Borough of Wrangell are as follows:

The City and Borough of Wrangell boundaries are coterminous with the Wrangell Ranger District boundaries established by the United States Forest Service, as depicted in the Tongass National Forest Secondary Base Map Series on Sheet Nos. 18 (1982), 19 (1982), 21 (1980), 22 (1980), 23 (1983), 24 (1983), 26 (1980), and 27 (1980), except that

- 1) the northern boundary of the City and Borough of Wrangell shall commence from a point beginning at the western boundary of the Wrangell District at a point designated as 56° 43' 17" North, 132° 34' 21" West (NAD 27), thence proceeding in a generally southeasterly direction to the westernmost point of land in Section 31, Township 59 South, Range 82 East, thence proceeding in a generally northeasterly direction along the watershed divide between LeConte Bay and the Stikine River including

Wilkes Peak, to the international boundary between Canada and the United States; and further excepting that

2) the southern boundary of the City and Borough of Wrangell shall, at a point designated as 55° 53' 46" North, 131° 57' 51" West (NAD 27), located in Section 8, Township 69 South, Range 88 East, proceed in a generally southwesterly direction along the north-south drainage boundary, coterminous with the northern boundaries of the Ketchikan Gateway Borough (as described in the 'Certificate of Boundaries – Ketchikan Gateway Borough" issued by the Alaska Department of Commerce, Community, and Economic Development, on May 30, 2008) for approximately 35 miles, intersecting Clarence Strait at a point designated as 55° 38' 5" North, 132° 11' 50" West (NAD 27), located in Section 10, Township 72 South, Range 86 East;

thence proceeding in a generally northwesterly direction into and up Clarence Strait to the point of intersection with the Wrangell Ranger District boundaries, the point of beginning. All with reference to the Copper River Meridian.

Section 1-4. Form of Government.

- A. The borough government is a unified home rule borough established by the voters.
- B. The borough shall operate under an "assembly-manager form of government."

Section 1-5. Powers of the Borough.

The City and Borough of Wrangell, Alaska, shall have all the powers, functions, rights, privileges, franchises and immunities of every name and nature whatever, which a home-rule borough may have under the constitution and laws of the State of Alaska. The borough may exercise all powers not prohibited by law or by this charter.

The powers of the borough shall be liberally construed. The enumeration or mention of particular powers by this charter shall not be deemed to be exclusive or limiting.

Section 1-6. Interpretation -- Definitions.

- A. When used in this charter, the singular number includes the plural, and the plural the singular, and the masculine gender includes the feminine and neuter, unless the context clearly indicates otherwise.
- B. When the word "borough" is used in this charter, it shall mean the City and Borough of Wrangell, Alaska, unless the context clearly indicates another meaning.

C. When the word “person” is used in this charter, it shall mean an association, firm and corporation as well as an individual, unless the context clearly indicates otherwise.

D. When the word “publish,” “published” or “publication” is used in this charter, it shall mean publish, published or publication in a newspaper of general circulation within the borough at least one time; provided that the assembly by resolution may find and declare that the publication of any particular ordinance, notice or document in such a newspaper is very impracticable or impossible under the circumstances then existing, and provide instead that the ordinance, notice or document shall be published by posting a copy in each of at least five conspicuous public places in the borough. In all such cases of publication by posting, the borough clerk shall provide any person a copy of the ordinance, notice or document posted, on request, without charge, at any time within two months after the posting.

ARTICLE II. THE ASSEMBLY

Section 2-1. Borough Assembly -- Governing Body, Number, Qualifications.

A. The governing body of the borough shall be the assembly. Except as otherwise provided by law or this charter, the assembly shall exercise all powers of the borough and shall provide for the performance of all duties and obligations of the borough.

B. The assembly shall be composed of seven members, which shall consist of the mayor, and six other assembly members. Hereinafter, the term “assembly member” includes the mayor unless specifically noted.

C. Only qualified voters of the borough who have resided within the borough at least one year immediately preceding his or her election, are eligible to serve on the borough assembly. If any assembly member ceases to be a resident of the borough, he or she shall thereupon forfeit office.

Section 2-2. Mayor and Vice Mayor.

A. The mayor shall preside at meetings of the assembly, and shall certify the passage of all ordinances and resolutions passed by it. The mayor shall be recognized as the head of the borough government for all ceremonial purposes and by the governor for purposes of military law. The mayor shall have all powers, rights, privileges, duties and responsibilities of assembly members, including the power to vote, however the mayor may not initiate motions. The mayor shall have no regular administrative duties except signing such written obligations of the borough as the assembly may require.

B. At the first meeting following certification of the regular election, or as soon thereafter as practicable, the assembly shall elect one of its members vice mayor, who shall serve as such until the next such first meeting. The vice mayor shall act as mayor during the absence or disability of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected or appointed by the assembly and qualifies. If the office of vice mayor becomes vacant, the assembly shall elect from its members another vice mayor for completion of the unexpired term.

Section 2-3. Borough Assembly -- Compensation, Holding other office.

No assembly member may receive any compensation for serving on the assembly, but may be reimbursed for expenses incurred in the discharge of his or her official duties. Unless otherwise provided by ordinance, an assembly member may hold no other compensated borough office or employment.

Section 2-4. Terms of Assembly Members.

Except for the initial assembly elected, the term of the office of mayor shall be two years and until a successor qualifies and the term of other assembly members shall be three years and until a successor qualifies.

Section 2-5. Assembly not to Interfere in Hiring and Removals.

No assembly member may direct or request the appointment of any person to, or removal from, office or employment by the borough manager or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the borough. Except for the purpose of inquiry, the assembly, and its members shall deal with employees hired by the borough manager solely through the borough manager; and the assembly and its members may not give orders on administrative matters to those employees either publicly or privately, except as otherwise provided in this charter or by ordinance.

Section 2-6. Borough Clerk.

There shall be a borough clerk, who shall be an officer of the borough. The clerk shall be appointed by, and serve at the pleasure of, the borough assembly.

Section 2-7. Assembly -- Meetings.

A. The assembly shall hold at least one regular meeting every month at such time or times as it may prescribe by ordinance, resolution or rules of the assembly. All meetings of the assembly shall be open to the public, and the public shall have a reasonable opportunity to be heard. The journal of its proceedings shall be open to public inspection.

B. Special meetings of the assembly shall be held at the regular meeting place of the assembly, unless otherwise provided by the assembly. Special meetings shall be called by the borough clerk on the written request of the mayor, the borough manager, or of any two members of the assembly.

C. The assembly may recess for the purpose of discussing, in a closed or executive session, any question permitted by law which is expressed in the motion calling for the executive session. The public may be excluded from the session, but the final action shall not be taken by the assembly on any matter discussed until brought back into regular session.

Section 2-8. Assembly -- Quorum, Actions, Rules.

A. Four assembly members shall constitute a quorum for the transaction of business.

B. Actions of the assembly are adopted by a majority of the membership present when the vote is taken.

C. The assembly may determine its own rules.

Section 2-9. Ordinances -- Enacting Clause.

The enacting clause of all ordinances passed by the assembly shall be, "Be it ordained by the Assembly of the City and Borough of Wrangell, Alaska," and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City and Borough of Wrangell, Alaska."

Section 2-10. Ordinances -- Passages, When in Effect.

A. A proposed ordinance shall be read, and voted upon. The vote on final passage of every ordinance shall be yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten days after its passage, every ordinance shall be published in full or by number and title.

B. All ordinances shall go into effect upon adoption, unless a later time is specified.

Section 2-11. Ordinances -- Emergency.

An emergency ordinance is an ordinance which in the judgment of the assembly is necessary for the immediate preservation of the public peace, health or safety, and which may be introduced and adopted at the same meeting. Every such ordinance

shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency.

Section 2-12. Ordinances -- Adoption by Reference.

The assembly by ordinance may adopt by reference codes, ordinances, standards and regulations relating to building, plumbing, electrical installations, and other matters which it has power to regulate otherwise. Such code, ordinance, standard or regulation so adopted need not be enrolled in the book of ordinances; but a copy shall be filed and kept in the office of the borough clerk. The borough clerk shall keep copies of all such codes, ordinances, standards and regulations in force for distribution or sale at their approximate cost.

Section 2-13. Ordinances and Resolutions -- Codification.

A. The ordinances of the borough shall be codified by perpetually keeping the ordinance provisions of permanent nature updated by use of a loose-leaf system. Titles, enacting clauses and emergency sections may be omitted from the code. Temporary and special sections and parts of ordinances may be omitted from the code. Permanent general ordinances and parts of ordinances which are to be repealed from the code shall be omitted therefrom. A copy of the code shall be filed and kept in the office of the borough clerk.

B. Resolutions adopted by the assembly shall be given a permanent identifying number, and bearing a notation of the date of adoption and adopting authority, be entered by the clerk in a properly indexed book of resolutions.

Section 2-14. Ordinances -- Violation.

A. A person, partnership, corporation, or association or agent thereof who violates a provision of an ordinance shall be guilty of a misdemeanor and upon conviction, punishable as prescribed by ordinance which shall not exceed a fine of \$1000.00, imprisonment for ninety days, or both.

B. The borough may institute a civil action against any person who violates a borough ordinance. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1000.00 may be imposed for each violation. Each day, or part thereof, that a violation of a borough ordinance continues shall constitute a separate violation.

ARTICLE III.
BOROUGH MANAGER AND ADMINISTRATIVE DEPARTMENTS

Section 3-1. Borough Manager -- Appointment and Removal, Qualifications, Powers and Duties.

A. There shall be a borough manager, appointed by the assembly, who serves at the pleasure of the assembly. The assembly may suspend or remove the borough manager at any time.

B. The assembly shall choose the manager on the basis of executive and administrative qualifications. At the time of appointment, the manager need not be a resident of the borough or state, but, during his or her tenure of office, shall reside within the borough.

C. No assembly member may be appointed borough manager or acting borough manager sooner than one year after leaving office, except by a vote of three-fourths of the authorized membership of the assembly.

D. The borough manager shall be chief administrative officer and head of the administrative branch of the borough government. The manager shall have such powers and perform such duties as specified by the assembly.

Section 3-2. Acting Borough Manager.

A. If the borough manager is absent from the borough, is unable to perform his or her duties, has been suspended by the assembly, or there is a vacancy in the office of the borough manager, the assembly may appoint an acting borough manager to serve until the borough manager returns, until his or her disability or suspension ceases, or until another borough manager is appointed and qualifies, as the case may be. The assembly may suspend or remove an acting borough manager at any time.

B. If the borough manager is absent from the borough or unable to perform his or her duties, the borough manager may appoint a director of a borough department to serve as acting borough manager until the borough manager returns or his or her disability ceases. This appointment may be superceded at any time by the assembly.

Section 3-3. Administrative Departments, Offices and Agencies, Boards and Commissions.

A. There shall be such administrative departments, offices and agencies as this charter establishes and as the assembly may establish.

B. The assembly by ordinance may provide for advisory, regulatory, administrative, appellate, and quasi-judicial boards and commissions. Unless provided otherwise by ordinance or this charter, the assembly shall appoint and remove all members of borough boards and commissions.

Section 3-4. Department of Finance -- Director.

There shall be a director of finance, who shall be head of the department of finance, treasurer and an officer of the borough.

Section 3-5. Department of Finance -- Borough Tax Assessor -- Duties.

There shall be a borough assessor, who is appointed by and serves at the pleasure of the borough assembly, and under the direction of the borough manager. The borough assessor shall assess property for taxation in accordance with this charter, the ordinances of the borough, and the provisions of Alaska Statutes, Title 29, applicable to home rule municipalities.

Section 3-6. Department of Public Works -- Director.

There shall be a director of public works.

Section 3-7. Department of Electric -- Director.

There shall be a director of electric.

Section 3-8. Public Library.

The borough may have a public library or libraries. The assembly shall determine by ordinance the establishment and operation of the borough library system.

Section 3-9. Wrangell Medical Center.

The borough-operated Wrangell Medical Center shall be operated by a board established by ordinance and elected by the voters.

Section 3-10. Nolan Museum and Civic Center.

The borough-operated James and Elsie Nolan Museum and Civic Center shall be operated by a board established by ordinance and appointed by the assembly.

Section 3-11. Borough Attorney.

There shall be a borough attorney or attorneys, as needed, who shall be appointed by, and serve at the pleasure of the borough assembly.

Section 3-12. Wrangell Port Commission.

There shall be a Wrangell Port Commission, which shall be composed of five members elected at large by the voters. The Assembly shall prescribe by ordinance its authority, purpose, function, rules and procedures, and conduct of meetings.

ARTICLE IV.
OFFICERS AND EMPLOYEES

Section 4-1. Qualifications of Officers and Employees.

Officers and employees of the borough shall have the qualifications prescribed by this charter and such additional qualifications as the assembly may prescribe; but the assembly shall not prescribe additional qualifications for members of the borough assembly.

Section 4-2. Official Bonds.

The borough manager, the director of finance, and such other officers and employees as the assembly may designate, before entering upon their duties, shall be bonded, by individual and/or group bonds, for the faithful performance of their respective duties, payable to the borough, in such form and in such amounts as the assembly may prescribe, with a surety company authorized to operate within the state. The borough shall pay the premiums on such bonds.

Section 4-3. Oath of Affirmation of Office.

Every officer of the borough, before entering upon the duties of his or her office, shall take and subscribe to the oath or affirmation of office prescribed by the Alaska Constitution, Article XII, Section 5. The oath or affirmation shall be filed and kept in the borough clerk's office.

Section 4-4. Who May Administer Oaths and Affirmations.

All officers authorized by federal or state law, the mayor, the borough manager, the borough clerk, the heads of all administrative departments, and such other officers as the assembly may authorize, may administer oaths and affirmations.

Section 4-5. Public Records.

All records and accounts of every office, department or agency of the borough government shall be open to public inspection except as otherwise provided by Alaska Statutes, municipal code or other applicable law.

ARTICLE V.
BUDGET, TAXATION AND FISCAL AFFAIRS

Section 5-1. Fiscal Year.

The fiscal year of the borough government shall begin on the first day of July and shall end on the last day of June, unless otherwise provided by ordinance.

Section 5-2. Budget -- Preparation and Submission.

At least five weeks before the beginning of the fiscal year, the borough manager shall prepare and submit to the assembly a proposed budget for the next fiscal year, which shall contain detailed estimates of anticipated revenues (including surplus) and proposed expenditures for the year. The total of such proposed expenditures shall not exceed the total of such anticipated revenues. The budget shall be in such form and have such contents as the assembly may require. The budget and any budget message accompanying it, shall be a public record in the office of the borough clerk, and shall be open to public inspection. Sufficient copies of the budget and any budget message shall be made for distribution to persons on request.

Section 5-3. Budget -- Public Hearing.

The assembly shall hold a public hearing on the proposed budget; and any interested person shall have an opportunity to be heard thereat for or against the estimates or any item thereof. The assembly may continue the hearing at later meetings.

Section 5-4. Budget -- Amendment—Adoption—Appropriations.

The assembly may insert, strike out, increase or decrease items in the budget, and may otherwise amend it. The assembly not later than the third day before the beginning of the fiscal year, shall adopt the budget and make the appropriations for the next fiscal year. If the assembly fails to adopt the budget and make the appropriations on or before that day, the budget, as submitted or as amended, as the case may be, shall go into effect and be deemed to have been finally adopted by the assembly; and the proposed expenditures therein shall become the appropriations for the next fiscal year. Appropriations shall never exceed the revenues.

Section 5-5. Transfer and Reduction of Appropriation Balances.

A. Transfers. Except as the assembly by ordinance may provide otherwise, the borough manager may transfer unencumbered appropriation balances or parts thereof from any item of appropriations within a department, office or agency to any other item of appropriation, including new items, within the same department, office or agency; and the assembly, by motion, resolution or ordinance may transfer unencumbered appropriations balances or parts thereof from any item of appropriation to any other item of appropriation, including new items, whether such other item is within the same department, office or agency, or not; except that transfer of any funds from the Swimming Pool Fund to any other fund requires a vote of the people.

B. Reductions. If during the fiscal year it appears that revenues available will be insufficient to meet the amount appropriated, the assembly may reduce any appropriation. No appropriation may be reduced by more than the amount of the unencumbered balance.

Section 5-6. Supplemental and Emergency Appropriations.

Supplemental and Emergency Appropriations. The assembly may make supplemental and emergency appropriations during a fiscal year, in accordance with procedures set out in the municipal code.

Section 5-7. Taxation – Powers.

The borough shall have all powers of taxation which unified home-rule boroughs may have under the state constitution and law, except that a new sales or use tax or an increase in rate of levy of a sales tax approved by ordinance does not take effect until ratified by a majority of the voters at an election.

Section 5-8. Taxation -- Assessment, Levy and Collection of Property Taxes.

The assembly by ordinance shall provide for the annual assessment, levy and collection of taxes on property.

Section 5-9. Taxation – Assessment – Equalization.

The taxable status of property shall be determined as of the first day of January or such other date as may hereafter be prescribed by law, which is called the assessment day. The assembly shall sit as a board of equalization for the purpose of hearing an appeal from a determination of the assessor, or it may delegate this power to a board created by ordinance.

Section 5-10. Taxation-- Lien on Real Property.

The borough shall have a lien on all real property against which borough taxes are assessed, for the taxes and all collection charges, penalties and interest which may accumulate thereto; and the lien shall continue until the taxes and any such charges, penalties and interests are paid. The lien is prior and paramount to all other liens or encumbrances against the property.

Section 5-11. Disbursements – Authority – Method.

Disbursements of borough funds shall be made only in accordance with appropriations made as provided in this charter, or, in case of funds which are not formally appropriated, then by authority granted by the assembly. The assembly shall prescribe the method or methods of disbursing borough funds.

If the borough manager obtains authority through assembly approval of a budget to incur needed borough expenses, payments may be made in conformity with a requisition and purchase order system, or other administrative procedure which is approved by the assembly, without separate approval of the assembly for each transaction or item involved.

Section 5-12. Deposit and Investment of Funds.

The assembly may regulate the deposit and investment of borough funds, and determine how funds of the borough are to be invested.

Section 5-13. Purchases and Sales.

The assembly by ordinance shall provide for competitive bidding for goods and services and sales of surplus borough property, and for any exceptions thereto.

Section 5-14. Contracts and Sales.

A. The sale or lease of any borough property, real or personal, or the sale or other disposal of any interest therein, the value of which property, lease, or interest is more than \$1,000,000, shall be made only by authority of an ordinance enacted or ratified at any election by an affirmative vote of a majority of the qualified voters of the borough who vote upon the question of approval or enacting the ordinance (the ordinance being submitted to the voters by the assembly or by initiative of the voters).

B. An entire public utility and appurtenant franchises belonging to the borough may be sold or leased only by authority of an ordinance enacted or ratified at an election by an affirmative vote of a majority of the qualified voters of the borough who vote upon the question.

C. Any other provision of this charter notwithstanding, the borough may enter into an agreement for the purchase, sale or other disposal of electric power, or an agreement providing for participation by the borough in the construction, acquisition or operation of hydroelectric power facilities, upon such terms as the borough assembly may approve by resolution.

Section 5-15. Independent Annual Audit.

A. The assembly shall designate a qualified public accountant to make an annual independent audit of the accounts and financial transactions of the borough.

B. The assembly shall cause to be conducted such internal audits as it deems appropriate or as required by law.

Section 5-16. Borough Permanent Fund.

There is a Borough Permanent Fund, which was initially created in 1997 by the City of Wrangell in the amount of \$5,000,000 from Southeast Economic Timber Relief Funds. The principal of this fund will be maintained and grow through wise investment and inflation proofing. There shall be ordinances for the administration of this fund, which shall include restrictions of types of investments, expenditure of earnings, inflation formula, and all other administrative functions necessary to insure the security of this fund.

Section 5-17. Sale of Borough Held Notes.

The borough shall provide for the sale of any presently held or future borough financed notes by bid or request for proposal process upon terms approved by the assembly through public process.

ARTICLE VI.
BORROWING

Section 6-1. General-obligation Bonds, etc.

The borough shall have power to borrow money and to issue its general-obligation bonds or other such evidences of indebtedness therefor, but only when authorized by the assembly for capital improvements and ratified at an election by a majority of those qualified to vote and voting on the question. General obligation evidences of indebtedness may also be secured by revenues from a revenue-producing utility or enterprise when they are issued for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement and/or equipment of the said utility or enterprise, and/or by other designated funds or revenues specifically pledged for payment of principal and interest thereon. Capital improvements as used hereinabove may also include a part or all of the borough's share of the cost of a public improvement of which a part is to be paid by benefited property. The restrictions of this section do not apply to borrowing money to meet appropriations for a particular fiscal year, nor to indebtedness to be paid from special assessments to be made on benefited property, nor to refunding indebtedness.

Section 6-2. Borrowing to Meet Appropriations.

The borough shall have power to borrow money to meet appropriations for any fiscal year in anticipation of the collection of revenues for that year, when authorized by the assembly, and without submitting the question to the voters. All debts so contracted shall be paid before the end of the next fiscal year.

Section 6-3. Revenue Bonds, etc.

The borough shall have power to borrow money and to issue revenue bonds or other such evidences of indebtedness therefor, the principal and interest of which are payable

solely out of, and the only security of which is, the revenues of a revenue-producing utility or enterprise; but only when authorized by the assembly for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement and/or equipment of the said utility or enterprise. Two or more public works may be combined and treated as one entity for the purpose of acquisition, construction, improvement, extension, maintenance, operation and financing; and the governing body may provide for the payment of principal and interest from any additional special funds or other unpledged revenues which the borough may specifically pledge for payment including but not limited to revenue of a combined system of public works and special assessments on the benefited property. An election is not required to authorized the issuance and sale of revenue bonds, unless otherwise provided by ordinance.

Section 6-4. Assembly to Have Power to Regulate.

The assembly shall have power to regulate the indebtedness of the borough and the issuance of bonds and other evidences of indebtedness, regardless of type or purpose, including general-obligation, revenue, special-assessment, refunding and other, subject only to the limitations imposed by the state constitution and law and this charter.

ARTICLE VII.
LOCAL IMPROVEMENT DISTRICTS

Section 7-1. Assembly May Determine Necessity -- How Cost May Be Paid -- Establishment.

- A. The assembly may determine the necessity for any public improvement.
- B. The cost of a public improvement may be paid wholly by the borough, or partly by the borough and partly by benefited property, or wholly by benefited property, as the assembly may determine. Said cost or part thereof to be borne by benefited property maybe assessed by special assessment upon the benefited property.
- C. The assembly shall prescribe by ordinance procedures for the establishment and dissolution of local improvement districts.

ARTICLE VIII.
PUBLIC UTILITIES AND ENTERPRISES

Section 8-1. Borough-operated Enterprise Funds.

- A. Borough operated utilities (including water, sewer, electric, sanitation, and ports and harbors) shall be operated from an enterprise fund or funds separate from the general fund. An accounting system for each such fund shall be established within the general accounting system of the borough, and shall be so set up and maintained as to

reflect the financial condition of the enterprise or enterprises and its or their income and expense. A balance sheet and statement of income and expense (profit and loss) shall be made for each such fund annually and as often as the assembly may require.

B. None of the income, money, resources or property of the enterprise fund or funds shall be placed in the general fund or be used for the benefit of anything outside of the fund to which it belongs without due compensation or due value received in return; provided that this shall not prohibit payment into the general fund by such utilities of an amount in lieu of taxes reasonably estimated to be the amount which said utilities would pay in taxes if they were privately owned.

ARTICLE IX. ELECTIONS

Section 9-1. Administration

The assembly shall by ordinance prescribe the rules and procedures for conducting borough elections.

Section 9-2. Regular Election.

There shall be a non-partisan regular election held annually on the first Tuesday in October, or on such other date as the assembly may provide by ordinance.

Section 9-3. Special Elections.

The assembly may call special elections and submit questions to voters, as provided by ordinance or resolution.

ARTICLE X. INITIATIVE AND REFERENDUM

Section 10-1. Initiative and Referendum – Authorized -- Exceptions.

A. The qualified voters of the borough, by the initiative, may propose and enact any ordinance which the assembly has power to enact under this charter except as otherwise provided in this section. The qualified voters of the borough, by the referendum, may approve or reject any ordinance passed by the assembly except as otherwise provided in this section.

B. Ordinances dedicating revenues, ordinances making, repealing, transferring, or otherwise changing appropriations, ordinances creating courts, defining the jurisdiction of courts or prescribing their rules, and special ordinances, shall not be subject to either the initiative or the referendum. Ordinances necessary for the immediate preservation

of the public peace, health, or safety (herein called emergency ordinances), shall not be subject to the referendum.

Section 10-2. Petitions.

An initiative or referendum shall be proposed by filing an application with the borough clerk containing the ordinance to be initiated or referred.

The application shall be signed by at least ten (10) voters who sponsor the petition.

The application shall contain a copy of the ordinance initiated or sought to be referred and conform to such other requirements as may be established by ordinance.

Upon the clerk's certification that the application is in proper form and meets the requirements of this chapter and the ordinances of the borough, the borough clerk shall prepare a petition for circulation for signatures.

The petition shall then be signed by a number of qualified voters of the borough equal at least to twenty-five percent of the total votes cast at the immediately preceding regular borough election.

A petition with sufficient signatures must be filed with the borough clerk within 90 days after the petition is issued by the borough clerk. Each copy of the petition filed must bear the sponsor's sworn statement that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be.

Within 10 days after the petition is filed, the borough clerk, with such assistance from the borough attorney as the borough clerk deems necessary, shall ascertain whether the petition is legal and has sufficient signatures, and shall certify the borough clerk's finding to said petition.

If the borough clerk certifies that a petition is insufficient, a sponsor of the petition may protest that decision by filing a written protest with the borough manager within seven days of the certification.

The borough manager shall present the protest to the assembly at its next regular meeting, and the assembly shall hear and decide the protest.

Section 10-3. Ballot Title and Proposition -- Submission.

If an initiative or a referendum petition is found to be legal and to have sufficient signatures, the borough clerk, with such assistance from the borough attorney as the borough clerk deems necessary, shall prepare the ballot title and proposition for the ordinance.

The borough clerk shall place the question on the ballot for the next regular or special borough election held not less than 60 days after final determination of the legality and sufficiency of the petition.

The assembly by resolution or ordinance may call a special election for the purpose.

If, in the case of an initiative petition, the assembly enacts, prior to the election, an ordinance substantially the same as the one in the petition, or if the assembly repeals the ordinance before the referendum election, the petition is void and the matter may not be placed before the voters.

Section 10-4. Vote Required – Effect.

A. If a majority of the votes cast on the proposition favor the enactment of an initiative ordinance, it shall be enacted. If at least as many votes are cast for the approval of a referred ordinance as are cast against it, it shall be approved and go into effect; otherwise it shall be rejected.

B. If two or more initiated or referred ordinances which have conflicting provisions are enacted or approved at the same election, the one receiving the largest affirmative vote shall prevail.

C. The effect of an ordinance may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed unless the modifying or negating measure is approved by the voters. If an ordinance is repealed in a referendum election or by the assembly after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted for a period of two years unless the substantially similar legislation is approved by the voters.

D. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified. If an initiative or referendum measure is approved by the voters or the assembly adopts a substantially similar measure after an initiative petition is filed or repeals an ordinance after a referendum is filed, a new petition application which would negate the earlier measure or enact an earlier repealed measure may not be filed sooner than six months after the earlier measure has been adopted or repealed.

Section 10-5. Further Regulation by Ordinance.

The assembly by ordinance may further regulate the procedures for the initiative and referendum.

ARTICLE XI.

INTERGOVERNMENTAL RELATIONS

Section 11-1. Cooperation with Other Units of Government -- Transfer of Powers and Functions.

Agreements, including those for cooperative or joint administration of any function or power, may be made by the assembly with any other local government, with the state, or with the United States, unless otherwise provided by law or by this charter.

Such agreement for cooperative or joint administration of any function or power shall be made only by ordinance.

Procedures for making contracts prescribed in any other sections of this charter shall not apply to agreements made pursuant to this section.

Section 11-2. Thomas Bay Power Authority.

There is a Thomas Bay Power Authority, owned jointly and equally by the City and Borough of Wrangell, Alaska, and the City of Petersburg, Alaska, which exists for the purpose of constructing and operating a hydro-electric power generating utility. Said authority shall have all express, implied and incidental powers thereto, including but not limited to acquiring extra-territorial properties, and obtaining financing and the issuance of revenue bonds in its own name, and said authority may incorporate or otherwise reorganize as a separate entity, but in any event shall be managed jointly by a commission of representatives from the municipalities as they shall respectively appoint.

ARTICLE XII. AMENDMENT AND SEPARABILITY OF CHARTER

Section 12-1. Amendment of Charter – Proposal – Approval.

Proposals to amend this charter may be made in either of the following ways:

(1) The qualified voters of the borough, by initiative petition, may initiate amendments to this charter in the same manner, as nearly as may be, as they may initiate ordinances; and

(2) the assembly by resolution or ordinance may propose, and submit or provide for the submission of, charter amendments to the qualified voters of the borough.

A charter amendment initiated by petition of the qualified voters shall be submitted to the qualified voters at a regular or special election in the same manner as an initiated ordinance and subject to the same regulations, as nearly as may be.

A charter amendment proposed by the assembly may be submitted to the qualified voters of the borough at any regular or special election held not less than 60 days after passage of the said resolution or ordinance.

Any amendment thus submitted to the qualified voters shall become effective upon approval by majority of the qualified voters who vote on the question of approval.

If more than one amendment is proposed, all of them except those which are so inter-related that they should be approved or rejected together, shall be submitted in such manner that the voters may vote on them separately.

A copy or copies of every charter amendment approved by the qualified voters shall be filed as may be required by law.

A new charter may be proposed and approved in lieu of this charter in the same manner as an amendment to this charter may be proposed and approved.

It is hereby recognized that the manner of adoption, amendment and repeal of home-rule charters may be regulated by law; and any binding provision of the state constitution or law regulating such manner shall prevail over any conflicting provision of this charter or of any ordinance.

Section 12-2. Separability Clause.

If a court of competent jurisdiction should hold any section or part of this charter invalid, such holding shall not affect the remainder of this charter and the context in which such section or part so held invalid may appear, except to the extent that another part of the charter may be inseparably connected in meaning and effect with that section or part.

If a court of competent jurisdiction holds a part of this charter invalid, or if a change in the state constitution or law renders a part of this charter invalid or inapplicable, the assembly by ordinance may take such appropriate action as will enable the borough government to function properly.

ARTICLE XIII. SUCCESSION IN GOVERNMENT

Section 13-1. Charter -- When in Effect.

This charter shall be effective immediately following its approval by a majority of the qualified voters voting on the question of approval, and the government provided by it shall be deemed a continuation of the government existing previously under law.

Section 13-2. Officers and Employees to Continue.

The terms of the initial elected officials of the borough are not affected by adoption of this new borough charter. All other borough officers and employees (including members of appointed boards and commissions), at the time this charter goes into effect, shall continue in their respective offices and positions of employment until their respective terms expire or until their services are terminated in accordance with the provisions of this charter and/or municipal code .

Section 13-3. Prior Law.

All ordinances, resolutions, regulations, orders and rules of the City and Borough of Wrangell, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or amended, or until they expire by their own limitations.

Section 13-4. Pending Actions and Proceedings.

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes effect, brought by or against the municipality or any office, department, agency or officer thereof.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 823

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROPOSING THE ADOPTION OF A NEW BOROUGH CHARTER IN LIEU OF THE EXISTING BOROUGH CHARTER, AND REFERRING SAID PROPOSED NEW CHARTER TO THE VOTERS FOR THEIR CONSIDERATION AT THE NEXT REGULAR BOROUGH ELECTION, TO BE HELD ON OCTOBER 7, 2008

Whereas, the residents of the newly-formed City and Borough of Wrangell have expressed a strong desire that changes be made to the existing Borough Charter, so that it is similar in form and substance to the charter of the former City of Wrangell, which had been adopted by the city voters in October of 2003; and

Whereas, it is the intent of the Assembly to fulfill the wishes of the Borough residents, and have caused to be prepared a proposed new home rule charter for the Borough, a copy of which is attached hereto as Exhibit A, which closely and substantially mirrors the former city charter, and adds additional new language describing the borough, and recognizing the continued existence of former city agencies and funds; and

Whereas, it is the intent of the Assembly that this newly revised Borough Charter take effect immediately, upon voter approval.

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

SEC. 1. New Charter. Pursuant to Sections 16.01(2) and 16.03 of the Charter of the City and Borough of Wrangell, Alaska, the Borough Assembly hereby proposes that a new Home Rule Charter of the City and Borough of Wrangell, as attached hereto as Exhibit A, be adopted in lieu of the existing Home Rule Charter, and that the same be submitted to the qualified voters of the Borough for approval or rejection at the next regular borough election, to be held on October 7, 2008.

SEC. 2. New Charter Ballot Proposition. The Borough Clerk is hereby directed to submit the new charter ballot proposition to the voters at the October 7, 2008 regular borough election, to read substantially as follows:

Proposition No.

ADOPTION OF A NEW HOME RULE CHARTER

Shall a new Home Rule Charter for the City and Borough of Wrangell, Alaska, as attached hereto as Exhibit A, be adopted in lieu of the existing Home Rule Charter?

YES NO

SEC. 3. Notice. Notice shall be given by the Borough Clerk in accordance with the applicable provisions of the Borough Charter and Code, and other applicable law.

SEC. 4. Effective Date of Adoption of New Charter. The adoption of the new Home Rule Charter of the City and Borough of Wrangell shall become effective upon certification by the Borough Assembly of the election at which the proposition was approved by a majority of qualified voters voting on the question.


SEC. 5. Effective Date of Ordinance. This ordinance shall become effective immediately upon passage.

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 its application to other persons or circumstances, shall not be affected thereby.

SEC. 7. Classification. This ordinance is a special ordinance which is to be omitted from the Wrangell Municipal Code.

PASSED IN FIRST READING June 24, 2008

PASSED IN SECOND READING July 8, 2008


Don McConachie, Sr., Mayor

ATTEST:


Christie L. Jamieson, Borough Clerk



HOME RULE CHARTER OF THE CITY AND BOROUGH OF WRANGELL, ALASKA

PREAMBLE

We, the people of the City and Borough of Wrangell, exercising the powers of home rule granted to us by the constitution and laws of the State of Alaska, in order to provide for more efficient, adequate and economical government, do hereby ordain, ratify and establish this Charter of the City and Borough of Wrangell, Alaska.

ARTICLE I.

NAME, TRANSITION, BOUNDARIES, FORM OF GOVERNMENT, POWERS, AND INTERPRETATION

Section 1-1. Name.

The borough shall be a municipal corporation known as the "City and Borough of Wrangell." Whenever it deems it in the public interest to do so, the borough may use the name Wrangell Borough or Wrangell Home Rule Borough.

Section 1-2. Transition.

The City and Borough of Wrangell, Alaska shall assume, succeed to and possess all the property, rights, duties, assets, privileges, franchises, liabilities, and powers and immunities of the City of Wrangell, Alaska.

Section 1-3. Boundaries.

The boundaries of the borough as they exist at the time this charter goes into effect, shall remain the boundaries of the borough until they are changed in a manner authorized or permitted by the state constitution and/or law. At the time this charter goes into effect, the boundaries of the City and Borough of Wrangell are as follows:

The City and Borough of Wrangell boundaries are coterminous with the Wrangell Ranger District boundaries established by the United States Forest Service, as depicted in the Tongass National Forest Secondary Base Map Series on Sheet Nos. 18 (1982), 19 (1982), 21 (1980), 22 (1980), 23 (1983), 24 (1983), 26 (1980), and 27 (1980), except that

1) the northern boundary of the City and Borough of Wrangell shall commence from a point beginning at the western boundary of the Wrangell District at a point designated as 56° 43' 17" North, 132° 34' 21" West (NAD 27), thence proceeding in a generally southeasterly direction to the westernmost point of land in Section 31, Township 59 South, Range 82 East, thence proceeding in a generally northeasterly direction along the watershed divide between LeConte Bay and the Stikine River including

Wilkes Peak, to the international boundary between Canada and the United States; and further excepting that

2) the southern boundary of the City and Borough of Wrangell shall, at a point designated as 55° 53' 46" North, 131° 57' 51" West (NAD 27), located in Section 8, Township 69 South, Range 88 East, proceed in a generally southwesterly direction along the north-south drainage boundary, coterminous with the northern boundaries of the Ketchikan Gateway Borough (as described in the 'Certificate of Boundaries – Ketchikan Gateway Borough" issued by the Alaska Department of Commerce, Community, and Economic Development, on May 30, 2008) for approximately 35 miles, intersecting Clarence Strait at a point designated as 55° 38' 5" North, 132° 11' 50" West (NAD 27), located in Section 10, Township 72 South, Range 86 East;

thence proceeding in a generally northwesterly direction into and up Clarence Strait to the point of intersection with the Wrangell Ranger District boundaries, the point of beginning. All with reference to the Copper River Meridian.

Section 1-4. Form of Government.

- A. The borough government is a unified home rule borough established by the voters.
- B. The borough shall operate under an "assembly-manager form of government."

Section 1-5. Powers of the Borough.

The City and Borough of Wrangell, Alaska, shall have all the powers, functions, rights, privileges, franchises and immunities of every name and nature whatever, which a home-rule borough may have under the constitution and laws of the State of Alaska. The borough may exercise all powers not prohibited by law or by this charter.

The powers of the borough shall be liberally construed. The enumeration or mention of particular powers by this charter shall not be deemed to be exclusive or limiting.

Section 1-6. Interpretation -- Definitions.

- A. When used in this charter, the singular number includes the plural, and the plural the singular, and the masculine gender includes the feminine and neuter, unless the context clearly indicates otherwise.
- B. When the word "borough" is used in this charter, it shall mean the City and Borough of Wrangell, Alaska, unless the context clearly indicates another meaning.

C. When the word “person” is used in this charter, it shall mean an association, firm and corporation as well as an individual, unless the context clearly indicates otherwise.

D. When the word “publish,” “published” or “publication” is used in this charter, it shall mean publish, published or publication in a newspaper of general circulation within the borough at least one time; provided that the assembly by resolution may find and declare that the publication of any particular ordinance, notice or document in such a newspaper is very impracticable or impossible under the circumstances then existing, and provide instead that the ordinance, notice or document shall be published by posting a copy in each of at least five conspicuous public places in the borough. In all such cases of publication by posting, the borough clerk shall provide any person a copy of the ordinance, notice or document posted, on request, without charge, at any time within two months after the posting.

ARTICLE II. THE ASSEMBLY

Section 2-1. Borough Assembly -- Governing Body, Number, Qualifications.

A. The governing body of the borough shall be the assembly. Except as otherwise provided by law or this charter, the assembly shall exercise all powers of the borough and shall provide for the performance of all duties and obligations of the borough.

B. The assembly shall be composed of seven members, which shall consist of the mayor, and six other assembly members. Hereinafter, the term “assembly member” includes the mayor unless specifically noted.

C. Only qualified voters of the borough who have resided within the borough at least one year immediately preceding his or her election, are eligible to serve on the borough assembly. If any assembly member ceases to be a resident of the borough, he or she shall thereupon forfeit office.

Section 2-2. Mayor and Vice Mayor.

A. The mayor shall preside at meetings of the assembly, and shall certify the passage of all ordinances and resolutions passed by it. The mayor shall be recognized as the head of the borough government for all ceremonial purposes and by the governor for purposes of military law. The mayor shall have all powers, rights, privileges, duties and responsibilities of assembly members, including the power to vote, however the mayor may not initiate motions. The mayor shall have no regular administrative duties except signing such written obligations of the borough as the assembly may require.

B. At the first meeting following certification of the regular election, or as soon thereafter as practicable, the assembly shall elect one of its members vice mayor, who shall serve as such until the next such first meeting. The vice mayor shall act as mayor during the absence or disability of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected or appointed by the assembly and qualifies. If the office of vice mayor becomes vacant, the assembly shall elect from its members another vice mayor for completion of the unexpired term.

Section 2-3. Borough Assembly -- Compensation, Holding other office.

No assembly member may receive any compensation for serving on the assembly, but may be reimbursed for expenses incurred in the discharge of his or her official duties. Unless otherwise provided by ordinance, an assembly member may hold no other compensated borough office or employment.

Section 2-4. Terms of Assembly Members.

Except for the initial assembly elected, the term of the office of mayor shall be two years and until a successor qualifies and the term of other assembly members shall be three years and until a successor qualifies.

Section 2-5. Assembly not to Interfere in Hiring and Removals.

No assembly member may direct or request the appointment of any person to, or removal from, office or employment by the borough manager or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the borough. Except for the purpose of inquiry, the assembly, and its members shall deal with employees hired by the borough manager solely through the borough manager; and the assembly and its members may not give orders on administrative matters to those employees either publicly or privately, except as otherwise provided in this charter or by ordinance.

Section 2-6. Borough Clerk.

There shall be a borough clerk, who shall be an officer of the borough. The clerk shall be appointed by, and serve at the pleasure of, the borough assembly.

Section 2-7. Assembly -- Meetings.

A. The assembly shall hold at least one regular meeting every month at such time or times as it may prescribe by ordinance, resolution or rules of the assembly. All meetings of the assembly shall be open to the public, and the public shall have a reasonable opportunity to be heard. The journal of its proceedings shall be open to public inspection.

B. Special meetings of the assembly shall be held at the regular meeting place of the assembly, unless otherwise provided by the assembly. Special meetings shall be called by the borough clerk on the written request of the mayor, the borough manager, or of any two members of the assembly.

C. The assembly may recess for the purpose of discussing, in a closed or executive session, any question permitted by law which is expressed in the motion calling for the executive session. The public may be excluded from the session, but the final action shall not be taken by the assembly on any matter discussed until brought back into regular session.

Section 2-8. Assembly -- Quorum, Actions, Rules.

A. Four assembly members shall constitute a quorum for the transaction of business.

B. Actions of the assembly are adopted by a majority of the membership present when the vote is taken.

C. The assembly may determine its own rules.

Section 2-9. Ordinances -- Enacting Clause.

The enacting clause of all ordinances passed by the assembly shall be, "Be it ordained by the Assembly of the City and Borough of Wrangell, Alaska," and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City and Borough of Wrangell, Alaska."

Section 2-10. Ordinances -- Passages, When in Effect.

A. A proposed ordinance shall be read, and voted upon. The vote on final passage of every ordinance shall be yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten days after its passage, every ordinance shall be published in full or by number and title.

B. All ordinances shall go into effect upon adoption, unless a later time is specified.

Section 2-11. Ordinances -- Emergency.

An emergency ordinance is an ordinance which in the judgment of the assembly is necessary for the immediate preservation of the public peace, health or safety, and which may be introduced and adopted at the same meeting. Every such ordinance

shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency.

Section 2-12. Ordinances -- Adoption by Reference.

The assembly by ordinance may adopt by reference codes, ordinances, standards and regulations relating to building, plumbing, electrical installations, and other matters which it has power to regulate otherwise. Such code, ordinance, standard or regulation so adopted need not be enrolled in the book of ordinances; but a copy shall be filed and kept in the office of the borough clerk. The borough clerk shall keep copies of all such codes, ordinances, standards and regulations in force for distribution or sale at their approximate cost.

Section 2-13. Ordinances and Resolutions -- Codification.

A. The ordinances of the borough shall be codified by perpetually keeping the ordinance provisions of permanent nature updated by use of a loose-leaf system. Titles, enacting clauses and emergency sections may be omitted from the code. Temporary and special sections and parts of ordinances may be omitted from the code. Permanent general ordinances and parts of ordinances which are to be repealed from the code shall be omitted therefrom. A copy of the code shall be filed and kept in the office of the borough clerk.

B. Resolutions adopted by the assembly shall be given a permanent identifying number, and bearing a notation of the date of adoption and adopting authority, be entered by the clerk in a properly indexed book of resolutions.

Section 2-14. Ordinances -- Violation.

A. A person, partnership, corporation, or association or agent thereof who violates a provision of an ordinance shall be guilty of a misdemeanor and upon conviction, punishable as prescribed by ordinance which shall not exceed a fine of \$1000.00, imprisonment for ninety days, or both.

B. The borough may institute a civil action against any person who violates a borough ordinance. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1000.00 may be imposed for each violation. Each day, or part thereof, that a violation of a borough ordinance continues shall constitute a separate violation.

ARTICLE III.
BOROUGH MANAGER AND ADMINISTRATIVE DEPARTMENTS

Section 3-1. Borough Manager -- Appointment and Removal, Qualifications, Powers and Duties.

A. There shall be a borough manager, appointed by the assembly, who serves at the pleasure of the assembly. The assembly may suspend or remove the borough manager at any time.

B. The assembly shall choose the manager on the basis of executive and administrative qualifications. At the time of appointment, the manager need not be a resident of the borough or state, but, during his or her tenure of office, shall reside within the borough.

C. No assembly member may be appointed borough manager or acting borough manager sooner than one year after leaving office, except by a vote of three-fourths of the authorized membership of the assembly.

D. The borough manager shall be chief administrative officer and head of the administrative branch of the borough government. The manager shall have such powers and perform such duties as specified by the assembly.

Section 3-2. Acting Borough Manager.

A. If the borough manager is absent from the borough, is unable to perform his or her duties, has been suspended by the assembly, or there is a vacancy in the office of the borough manager, the assembly may appoint an acting borough manager to serve until the borough manager returns, until his or her disability or suspension ceases, or until another borough manager is appointed and qualifies, as the case may be. The assembly may suspend or remove an acting borough manager at any time.

B. If the borough manager is absent from the borough or unable to perform his or her duties, the borough manager may appoint a director of a borough department to serve as acting borough manager until the borough manager returns or his or her disability ceases. This appointment may be superceded at any time by the assembly.

Section 3-3. Administrative Departments, Offices and Agencies, Boards and Commissions.

A. There shall be such administrative departments, offices and agencies as this charter establishes and as the assembly may establish.

B. The assembly by ordinance may provide for advisory, regulatory, administrative, appellate, and quasi-judicial boards and commissions. Unless provided otherwise by ordinance or this charter, the assembly shall appoint and remove all members of borough boards and commissions.

Section 3-4. Department of Finance -- Director.

There shall be a director of finance, who shall be head of the department of finance, treasurer and an officer of the borough.

Section 3-5. Department of Finance -- Borough Tax Assessor – Duties.

There shall be a borough assessor, who is appointed by and serves at the pleasure of the borough assembly, and under the direction of the borough manager. The borough assessor shall assess property for taxation in accordance with this charter, the ordinances of the borough, and the provisions of Alaska Statutes, Title 29, applicable to home rule municipalities.

Section 3-6. Department of Public Works -- Director.

There shall be a director of public works.

Section 3-7. Department of Electric – Director.

There shall be a director of electric.

Section 3-8. Public Library.

The borough may have a public library or libraries. The assembly shall determine by ordinance the establishment and operation of the borough library system.

Section 3-9. Wrangell Medical Center.

The borough-operated Wrangell Medical Center shall be operated by a board established by ordinance and elected by the voters.

Section 3-10. Nolan Museum and Civic Center.

The borough-operated James and Elsie Nolan Museum and Civic Center shall be operated by a board established by ordinance and appointed by the assembly.

Section 3-11. Borough Attorney.

There shall be a borough attorney or attorneys, as needed, who shall be appointed by, and serve at the pleasure of the borough assembly.

Section 3-12. Wrangell Port Commission.

There shall be a Wrangell Port Commission, which shall be composed of five members elected at large by the voters. The Assembly shall prescribe by ordinance its authority, purpose, function, rules and procedures, and conduct of meetings.

ARTICLE IV.
OFFICERS AND EMPLOYEES

Section 4-1. Qualifications of Officers and Employees.

Officers and employees of the borough shall have the qualifications prescribed by this charter and such additional qualifications as the assembly may prescribe; but the assembly shall not prescribe additional qualifications for members of the borough assembly.

Section 4-2. Official Bonds.

The borough manager, the director of finance, and such other officers and employees as the assembly may designate, before entering upon their duties, shall be bonded, by individual and/or group bonds, for the faithful performance of their respective duties, payable to the borough, in such form and in such amounts as the assembly may prescribe, with a surety company authorized to operate within the state. The borough shall pay the premiums on such bonds.

Section 4-3. Oath of Affirmation of Office.

Every officer of the borough, before entering upon the duties of his or her office, shall take and subscribe to the oath or affirmation of office prescribed by the Alaska Constitution, Article XII, Section 5. The oath or affirmation shall be filed and kept in the borough clerk's office.

Section 4-4. Who May Administer Oaths and Affirmations.

All officers authorized by federal or state law, the mayor, the borough manager, the borough clerk, the heads of all administrative departments, and such other officers as the assembly may authorize, may administer oaths and affirmations.

Section 4-5. Public Records.

All records and accounts of every office, department or agency of the borough government shall be open to public inspection except as otherwise provided by Alaska Statutes, municipal code or other applicable law.

ARTICLE V.
BUDGET, TAXATION AND FISCAL AFFAIRS

Section 5-1. Fiscal Year.

The fiscal year of the borough government shall begin on the first day of July and shall end on the last day of June, unless otherwise provided by ordinance.

Section 5-2. Budget -- Preparation and Submission.

At least five weeks before the beginning of the fiscal year, the borough manager shall prepare and submit to the assembly a proposed budget for the next fiscal year, which shall contain detailed estimates of anticipated revenues (including surplus) and proposed expenditures for the year. The total of such proposed expenditures shall not exceed the total of such anticipated revenues. The budget shall be in such form and have such contents as the assembly may require. The budget and any budget message accompanying it, shall be a public record in the office of the borough clerk, and shall be open to public inspection. Sufficient copies of the budget and any budget message shall be made for distribution to persons on request.

Section 5-3. Budget -- Public Hearing.

The assembly shall hold a public hearing on the proposed budget; and any interested person shall have an opportunity to be heard thereat for or against the estimates or any item thereof. The assembly may continue the hearing at later meetings.

Section 5-4. Budget -- Amendment—Adoption—Appropriations.

The assembly may insert, strike out, increase or decrease items in the budget, and may otherwise amend it. The assembly not later than the third day before the beginning of the fiscal year, shall adopt the budget and make the appropriations for the next fiscal year. If the assembly fails to adopt the budget and make the appropriations on or before that day, the budget, as submitted or as amended, as the case may be, shall go into effect and be deemed to have been finally adopted by the assembly; and the proposed expenditures therein shall become the appropriations for the next fiscal year. Appropriations shall never exceed the revenues.

Section 5-5. Transfer and Reduction of Appropriation Balances.

A. Transfers. Except as the assembly by ordinance may provide otherwise, the borough manager may transfer unencumbered appropriation balances or parts thereof from any item of appropriations within a department, office or agency to any other item of appropriation, including new items, within the same department, office or agency; and the assembly, by motion, resolution or ordinance may transfer unencumbered appropriations balances or parts thereof from any item of appropriation to any other item of appropriation, including new items, whether such other item is within the same department, office or agency, or not; except that transfer of any funds from the Swimming Pool Fund to any other fund requires a vote of the people.

B. Reductions. If during the fiscal year it appears that revenues available will be insufficient to meet the amount appropriated, the assembly may reduce any appropriation. No appropriation may be reduced by more than the amount of the unencumbered balance.

Section 5-6. Supplemental and Emergency Appropriations.

Supplemental and Emergency Appropriations. The assembly may make supplemental and emergency appropriations during a fiscal year, in accordance with procedures set out in the municipal code.

Section 5-7. Taxation – Powers.

The borough shall have all powers of taxation which unified home-rule boroughs may have under the state constitution and law, except that a new sales or use tax or an increase in rate of levy of a sales tax approved by ordinance does not take effect until ratified by a majority of the voters at an election.

Section 5-8. Taxation -- Assessment, Levy and Collection of Property Taxes.

The assembly by ordinance shall provide for the annual assessment, levy and collection of taxes on property.

Section 5-9. Taxation – Assessment – Equalization.

The taxable status of property shall be determined as of the first day of January or such other date as may hereafter be prescribed by law, which is called the assessment day. The assembly shall sit as a board of equalization for the purpose of hearing an appeal from a determination of the assessor, or it may delegate this power to a board created by ordinance.

Section 5-10. Taxation-- Lien on Real Property.

The borough shall have a lien on all real property against which borough taxes are assessed, for the taxes and all collection charges, penalties and interest which may accumulate thereto; and the lien shall continue until the taxes and any such charges, penalties and interests are paid. The lien is prior and paramount to all other liens or encumbrances against the property.

Section 5-11. Disbursements – Authority – Method.

Disbursements of borough funds shall be made only in accordance with appropriations made as provided in this charter, or, in case of funds which are not formally appropriated, then by authority granted by the assembly. The assembly shall prescribe the method or methods of disbursing borough funds.

If the borough manager obtains authority through assembly approval of a budget to incur needed borough expenses, payments may be made in conformity with a requisition and purchase order system, or other administrative procedure which is approved by the assembly, without separate approval of the assembly for each transaction or item involved.

Section 5-12. Deposit and Investment of Funds.

The assembly may regulate the deposit and investment of borough funds, and determine how funds of the borough are to be invested.

Section 5-13. Purchases and Sales.

The assembly by ordinance shall provide for competitive bidding for goods and services and sales of surplus borough property, and for any exceptions thereto.

Section 5-14. Contracts and Sales.

A. The sale or lease of any borough property, real or personal, or the sale or other disposal of any interest therein, the value of which property, lease, or interest is more than \$1,000,000, shall be made only by authority of an ordinance enacted or ratified at any election by an affirmative vote of a majority of the qualified voters of the borough who vote upon the question of approval or enacting the ordinance (the ordinance being submitted to the voters by the assembly or by initiative of the voters).

B. An entire public utility and appurtenant franchises belonging to the borough may be sold or leased only by authority of an ordinance enacted or ratified at an election by an affirmative vote of a majority of the qualified voters of the borough who vote upon the question.

C. Any other provision of this charter notwithstanding, the borough may enter into an agreement for the purchase, sale or other disposal of electric power, or an agreement providing for participation by the borough in the construction, acquisition or operation of hydroelectric power facilities, upon such terms as the borough assembly may approve by resolution.

Section 5-15. Independent Annual Audit.

A. The assembly shall designate a qualified public accountant to make an annual independent audit of the accounts and financial transactions of the borough.

B. The assembly shall cause to be conducted such internal audits as it deems appropriate or as required by law.

Section 5-16. Borough Permanent Fund.

There is a Borough Permanent Fund, which was initially created in 1997 by the City of Wrangell in the amount of \$5,000,000 from Southeast Economic Timber Relief Funds. The principal of this fund will be maintained and grow through wise investment and inflation proofing. There shall be ordinances for the administration of this fund, which shall include restrictions of types of investments, expenditure of earnings, inflation formula, and all other administrative functions necessary to insure the security of this fund.

Section 5-17. Sale of Borough Held Notes.

The borough shall provide for the sale of any presently held or future borough financed notes by bid or request for proposal process upon terms approved by the assembly through public process.

ARTICLE VI.
BORROWING

Section 6-1. General-obligation Bonds, etc.

The borough shall have power to borrow money and to issue its general-obligation bonds or other such evidences of indebtedness therefor, but only when authorized by the assembly for capital improvements and ratified at an election by a majority of those qualified to vote and voting on the question. General obligation evidences of indebtedness may also be secured by revenues from a revenue-producing utility or enterprise when they are issued for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement and/or equipment of the said utility or enterprise, and/or by other designated funds or revenues specifically pledged for payment of principal and interest thereon. Capital improvements as used hereinabove may also include a part or all of the borough's share of the cost of a public improvement of which a part is to be paid by benefited property. The restrictions of this section do not apply to borrowing money to meet appropriations for a particular fiscal year, nor to indebtedness to be paid from special assessments to be made on benefited property, nor to refunding indebtedness.

Section 6-2. Borrowing to Meet Appropriations.

The borough shall have power to borrow money to meet appropriations for any fiscal year in anticipation of the collection of revenues for that year, when authorized by the assembly, and without submitting the question to the voters. All debts so contracted shall be paid before the end of the next fiscal year.

Section 6-3. Revenue Bonds, etc.

The borough shall have power to borrow money and to issue revenue bonds or other such evidences of indebtedness therefor, the principal and interest of which are payable

solely out of, and the only security of which is, the revenues of a revenue-producing utility or enterprise; but only when authorized by the assembly for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement and/or equipment of the said utility or enterprise. Two or more public works may be combined and treated as one entity for the purpose of acquisition, construction, improvement, extension, maintenance, operation and financing; and the governing body may provide for the payment of principal and interest from any additional special funds or other unpledged revenues which the borough may specifically pledge for payment including but not limited to revenue of a combined system of public works and special assessments on the benefited property. An election is not required to authorized the issuance and sale of revenue bonds, unless otherwise provided by ordinance.

Section 6-4. Assembly to Have Power to Regulate.

The assembly shall have power to regulate the indebtedness of the borough and the issuance of bonds and other evidences of indebtedness, regardless of type or purpose, including general-obligation, revenue, special-assessment, refunding and other, subject only to the limitations imposed by the state constitution and law and this charter.

ARTICLE VII.
LOCAL IMPROVEMENT DISTRICTS

Section 7-1. Assembly May Determine Necessity -- How Cost May Be Paid -- Establishment.

- A. The assembly may determine the necessity for any public improvement.
- B. The cost of a public improvement may be paid wholly by the borough, or partly by the borough and partly by benefited property, or wholly by benefited property, as the assembly may determine. Said cost or part thereof to be borne by benefited property maybe assessed by special assessment upon the benefited property.
- C. The assembly shall prescribe by ordinance procedures for the establishment and dissolution of local improvement districts.

ARTICLE VIII.
PUBLIC UTILITIES AND ENTERPRISES

Section 8-1. Borough-operated Enterprise Funds.

- A. Borough operated utilities (including water, sewer, electric, sanitation, and ports and harbors) shall be operated from an enterprise fund or funds separate from the general fund. An accounting system for each such fund shall be established within the general accounting system of the borough, and shall be so set up and maintained as to

reflect the financial condition of the enterprise or enterprises and its or their income and expense. A balance sheet and statement of income and expense (profit and loss) shall be made for each such fund annually and as often as the assembly may require.

B. None of the income, money, resources or property of the enterprise fund or funds shall be placed in the general fund or be used for the benefit of anything outside of the fund to which it belongs without due compensation or due value received in return; provided that this shall not prohibit payment into the general fund by such utilities of an amount in lieu of taxes reasonably estimated to be the amount which said utilities would pay in taxes if they were privately owned.

ARTICLE IX. ELECTIONS

Section 9-1. Administration

The assembly shall by ordinance prescribe the rules and procedures for conducting borough elections.

Section 9-2. Regular Election.

There shall be a non-partisan regular election held annually on the first Tuesday in October, or on such other date as the assembly may provide by ordinance.

Section 9-3. Special Elections.

The assembly may call special elections and submit questions to voters, as provided by ordinance or resolution.

ARTICLE X. INITIATIVE AND REFERENDUM

Section 10-1. Initiative and Referendum – Authorized -- Exceptions.

A. The qualified voters of the borough, by the initiative, may propose and enact any ordinance which the assembly has power to enact under this charter except as otherwise provided in this section. The qualified voters of the borough, by the referendum, may approve or reject any ordinance passed by the assembly except as otherwise provided in this section.

B. Ordinances dedicating revenues, ordinances making, repealing, transferring, or otherwise changing appropriations, ordinances creating courts, defining the jurisdiction of courts or prescribing their rules, and special ordinances, shall not be subject to either the initiative or the referendum. Ordinances necessary for the immediate preservation

of the public peace, health, or safety (herein called emergency ordinances), shall not be subject to the referendum.

Section 10-2. Petitions.

An initiative or referendum shall be proposed by filing an application with the borough clerk containing the ordinance to be initiated or referred.

The application shall be signed by at least ten (10) voters who sponsor the petition.

The application shall contain a copy of the ordinance initiated or sought to be referred and conform to such other requirements as may be established by ordinance.

Upon the clerk's certification that the application is in proper form and meets the requirements of this chapter and the ordinances of the borough, the borough clerk shall prepare a petition for circulation for signatures.

The petition shall then be signed by a number of qualified voters of the borough equal at least to twenty-five percent of the total votes cast at the immediately preceding regular borough election.

A petition with sufficient signatures must be filed with the borough clerk within 90 days after the petition is issued by the borough clerk. Each copy of the petition filed must bear the sponsor's sworn statement that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be.

Within 10 days after the petition is filed, the borough clerk, with such assistance from the borough attorney as the borough clerk deems necessary, shall ascertain whether the petition is legal and has sufficient signatures, and shall certify the borough clerk's finding to said petition.

If the borough clerk certifies that a petition is insufficient, a sponsor of the petition may protest that decision by filing a written protest with the borough manager within seven days of the certification.

The borough manager shall present the protest to the assembly at its next regular meeting, and the assembly shall hear and decide the protest.

Section 10-3. Ballot Title and Proposition -- Submission.

If an initiative or a referendum petition is found to be legal and to have sufficient signatures, the borough clerk, with such assistance from the borough attorney as the borough clerk deems necessary, shall prepare the ballot title and proposition for the ordinance.

The borough clerk shall place the question on the ballot for the next regular or special borough election held not less than 60 days after final determination of the legality and sufficiency of the petition.

The assembly by resolution or ordinance may call a special election for the purpose.

If, in the case of an initiative petition, the assembly enacts, prior to the election, an ordinance substantially the same as the one in the petition, or if the assembly repeals the ordinance before the referendum election, the petition is void and the matter may not be placed before the voters.

Section 10-4. Vote Required – Effect.

A. If a majority of the votes cast on the proposition favor the enactment of an initiative ordinance, it shall be enacted. If at least as many votes are cast for the approval of a referred ordinance as are cast against it, it shall be approved and go into effect; otherwise it shall be rejected.

B. If two or more initiated or referred ordinances which have conflicting provisions are enacted or approved at the same election, the one receiving the largest affirmative vote shall prevail.

C. The effect of an ordinance may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed unless the modifying or negating measure is approved by the voters. If an ordinance is repealed in a referendum election or by the assembly after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted for a period of two years unless the substantially similar legislation is approved by the voters.

D. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified. If an initiative or referendum measure is approved by the voters or the assembly adopts a substantially similar measure after an initiative petition is filed or repeals an ordinance after a referendum is filed, a new petition application which would negate the earlier measure or enact an earlier repealed measure may not be filed sooner than six months after the earlier measure has been adopted or repealed.

Section 10-5. Further Regulation by Ordinance.

The assembly by ordinance may further regulate the procedures for the initiative and referendum.

ARTICLE XI.

INTERGOVERNMENTAL RELATIONS

Section 11-1. Cooperation with Other Units of Government -- Transfer of Powers and Functions.

Agreements, including those for cooperative or joint administration of any function or power, may be made by the assembly with any other local government, with the state, or with the United States, unless otherwise provided by law or by this charter.

Such agreement for cooperative or joint administration of any function or power shall be made only by ordinance.

Procedures for making contracts prescribed in any other sections of this charter shall not apply to agreements made pursuant to this section.

Section 11-2. Thomas Bay Power Authority.

There is a Thomas Bay Power Authority, owned jointly and equally by the City and Borough of Wrangell, Alaska, and the City of Petersburg, Alaska, which exists for the purpose of constructing and operating a hydro-electric power generating utility. Said authority shall have all express, implied and incidental powers thereto, including but not limited to acquiring extra-territorial properties, and obtaining financing and the issuance of revenue bonds in its own name, and said authority may incorporate or otherwise reorganize as a separate entity, but in any event shall be managed jointly by a commission of representatives from the municipalities as they shall respectively appoint.

ARTICLE XII. AMENDMENT AND SEPARABILITY OF CHARTER

Section 12-1. Amendment of Charter – Proposal – Approval.

Proposals to amend this charter may be made in either of the following ways:

(1) The qualified voters of the borough, by initiative petition, may initiate amendments to this charter in the same manner, as nearly as may be, as they may initiate ordinances; and

(2) the assembly by resolution or ordinance may propose, and submit or provide for the submission of, charter amendments to the qualified voters of the borough.

A charter amendment initiated by petition of the qualified voters shall be submitted to the qualified voters at a regular or special election in the same manner as an initiated ordinance and subject to the same regulations, as nearly as may be.

A charter amendment proposed by the assembly may be submitted to the qualified voters of the borough at any regular or special election held not less than 60 days after passage of the said resolution or ordinance.

Any amendment thus submitted to the qualified voters shall become effective upon approval by majority of the qualified voters who vote on the question of approval.

If more than one amendment is proposed, all of them except those which are so inter-related that they should be approved or rejected together, shall be submitted in such manner that the voters may vote on them separately.

A copy or copies of every charter amendment approved by the qualified voters shall be filed as may be required by law.

A new charter may be proposed and approved in lieu of this charter in the same manner as an amendment to this charter may be proposed and approved.

It is hereby recognized that the manner of adoption, amendment and repeal of home-rule charters may be regulated by law; and any binding provision of the state constitution or law regulating such manner shall prevail over any conflicting provision of this charter or of any ordinance.

Section 12-2. Separability Clause.

If a court of competent jurisdiction should hold any section or part of this charter invalid, such holding shall not affect the remainder of this charter and the context in which such section or part so held invalid may appear, except to the extent that another part of the charter may be inseparably connected in meaning and effect with that section or part.

If a court of competent jurisdiction holds a part of this charter invalid, or if a change in the state constitution or law renders a part of this charter invalid or inapplicable, the assembly by ordinance may take such appropriate action as will enable the borough government to function properly.

ARTICLE XIII. SUCCESSION IN GOVERNMENT

Section 13-1. Charter -- When in Effect.

This charter shall be effective immediately following its approval by a majority of the qualified voters voting on the question of approval, and the government provided by it shall be deemed a continuation of the government existing previously under law.

Section 13-2. Officers and Employees to Continue.

The terms of the initial elected officials of the borough are not affected by adoption of this new borough charter. All other borough officers and employees (including members of appointed boards and commissions), at the time this charter goes into effect, shall continue in their respective offices and positions of employment until their respective terms expire or until their services are terminated in accordance with the provisions of this charter and/or municipal code .

Section 13-3. Prior Law.

All ordinances, resolutions, regulations, orders and rules of the City and Borough of Wrangell, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or amended, or until they expire by their own limitations.

Section 13-4. Pending Actions and Proceedings.

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes effect, brought by or against the municipality or any office, department, agency or officer thereof.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 824

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA AMENDING THE OFFICIAL ZONING MAP OF THE CITY AND BOROUGH OF WRANGELL, ALASKA BY REZONING ALL PROPERTY LOCATED OUTSIDE OF THE PRIOR CITY LIMITS AND WITHIN BOROUGH SERVICE AREA 1, FROM SINGLE-FAMILY RESIDENTIAL TO RURAL RESIDENTIAL - 1.

SEC. 1. Classification. This ordinance is not of a permanent and general nature and shall not be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon adoption.

SEC. 4. Compliance with Procedures and Notices. The procedures and notices having been followed and complied with as required and set out in Chapter 20.76 of Title 20 of the Wrangell Municipal Code, the Assembly hereby finds that it is in the public's best interest that the following described property be rezoned from Single-Family Residential to Rural Residential - 1.

SEC. 5. Property Rezoned as follows: All property located outside of the prior City limits and within Borough Service Area 1, and as more specifically described on attached Exhibit '1', is hereby rezoned from Single-Family Residential (SF) (Ch. 20.16 WMC) to Rural Residential -- 1 (RR-1) (Ch. 20.28 WMC). The official zoning map of the City and Borough of Wrangell is hereby amended to reflect the above rezone.

PASSED IN FIRST READING June 10, 2008

PASSED IN SECOND READING July 22, 2008

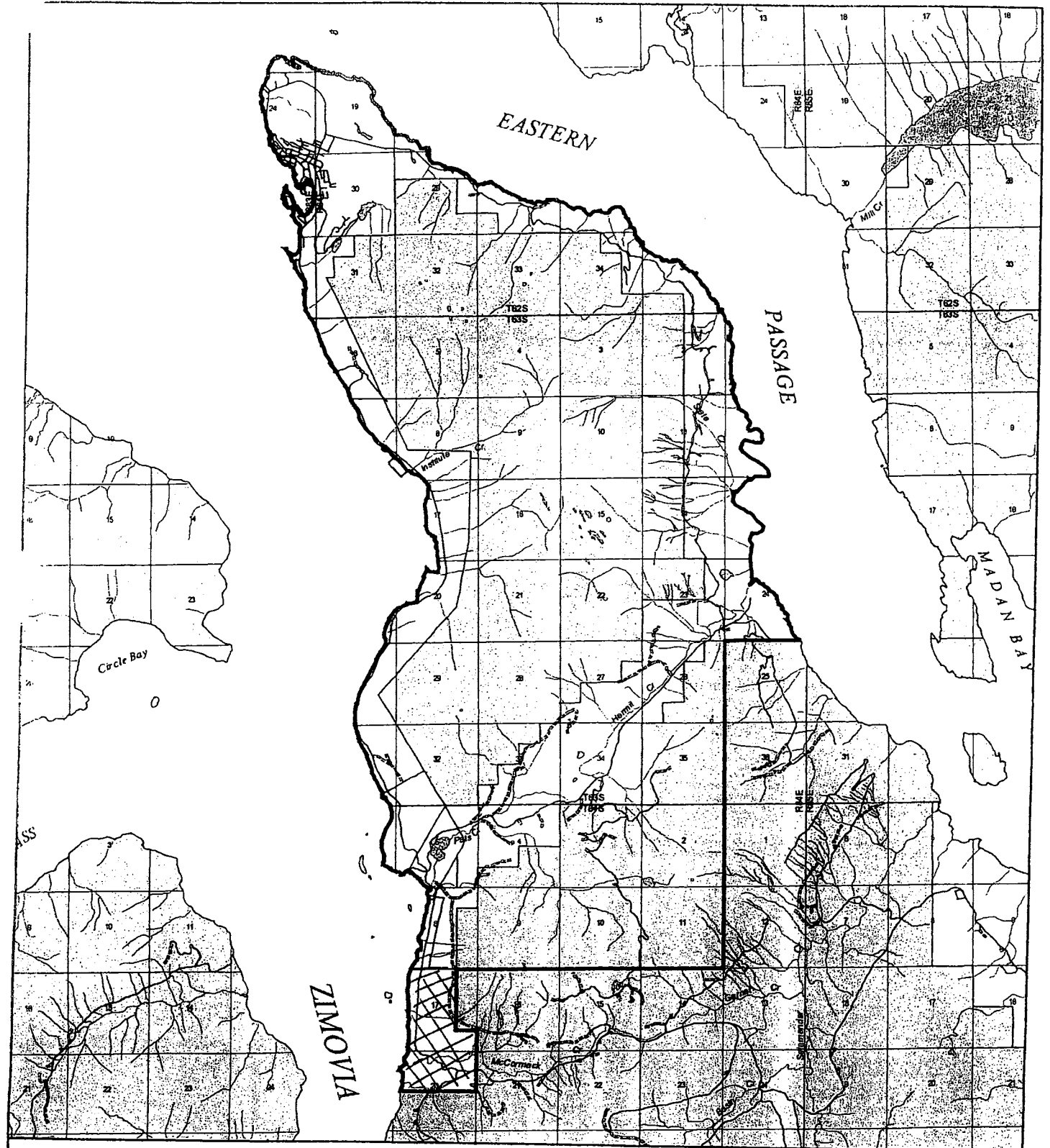

Donald J. McConachie, Sr., Mayor

ATTEST: 
Christie L. Jamieson, Borough Clerk








(Exhibit 1)

EXHIBIT B-6

MAP SHOWING THE BOUNDARIES OF EACH PROPOSED 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

0 0.5 1 2 Miles



CITY AND BOROUGH OF WRANGELL, ALASKA

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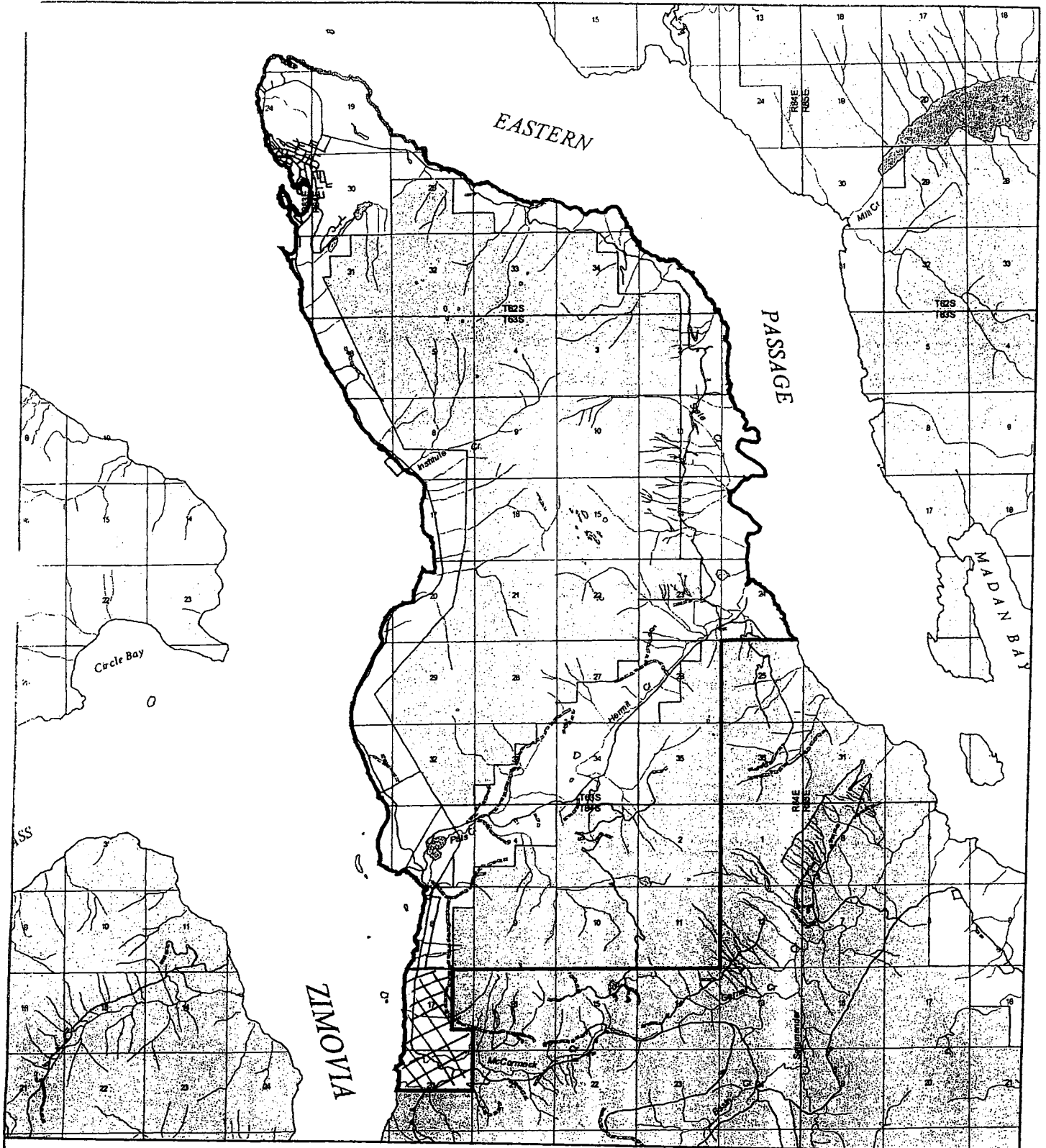

Donald J. McConachie, Sr., Mayor

ATTEST: 
Christie L. Jamieson, Borough Clerk








(Exhibit 1)

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-  Decommissioned or Unmaintained Roads
-  Planned Roads
-  Service Area 1

0 0.5 1 2 Miles



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 825

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, FOR AMENDING THE APPLICABLE FEE STRUCTURE OF CERTAIN FACILITIES AND PROGRAMS OFFERED BY WRANGELL PARKS & RECREATION

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

SEC. 1. Action. The effect of this ordinance is to amend the fee structure currently in place for certain facility-use and programs offered by Wrangell Parks & Recreation, by amending the fees currently in place and adopting a new fee schedule as seen in red on the attached Exhibit A.

SEC. 2. Classification. This is a non-code ordinance.


SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: July 8, 2008.

PASSED IN SECOND READING: July 22, 2008.

Attest:


Christie L. Jamieson
Borough Clerk


Donald J. McConachie, Sr.
Mayor

'Exhibit A'



WRANGELL PARKS & REC FEES & RENTAL RATES



GENERAL FEES

4 & Under	\$ 1.00	1.25
5 - 17	\$ 1.50	1.75
18 & Older	\$ 2.25	2.50
Families	\$ 5.00	7.00
Seniors (65 & Over)	\$ 1.00	1.25
Disabled:	Free	Free

RACQUETBALL

Per person / per hour	\$3.00	3.50
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WALLYBALL

Youth	\$ 1.50	1.75
Adult	\$ 2.25	2.50

(Per person / per hour)

TOT SWIM

4 & Under	\$1.00	1.25
5-17	\$1.50	1.75
18 & Over	\$2.25	2.50

Each child under the age of 7 must be accompanied and supervised by someone 13 years or older.

BASKETBALL OPEN GYM

High School Youth	\$ 1.50	1.75
Adult	\$ 2.25	2.50

KITCHEN

Per 4 hours	\$ 27.00	35.00
Per Day	\$ 43.00	55.00
Cleaning Deposit	\$ 50.00	50.00

FACILITY PASSES

YOUTH & SENIOR

1 Month	\$ 22.00	25.00
3 Month	\$ 48.00	60.00
1 Year	\$ 90.00	100.00

ADULT

1 Month	32.00	40.00
3 Month	72.00	90.00
1 Year	170.00	200.00

FAMILY

1 Month	70.00	90.00
3 Month	125.00	150.00
1 Year	265.00	300.00

RENTALS

(Refundable cleaning deposit not included.)

LOCKER

1 Month	\$ 5.00	10.00
1 Year	\$ 50.00	100.00

POOL (per hour)

	w/out flipper	w/ flipper
0 - 15 \$	\$ 50.00	\$ 75.00
16 - 30	\$ 75.00	\$112.50
31 - 45	\$100.00	\$150.00
46 - 60	\$125.00	\$187.50

COMMUNITY CENTER

GYM

Per Hour	\$ 37.50	40.00
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MULTI-PURPOSE ROOM

Per Hour	\$16.75	20.00
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CITY AND BOROUGH OF WRANGELL, ALASKA

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SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: July 8, 2008.

PASSED IN SECOND READING: July 22, 2008.

Attest:


Christie L. Jamieson
Borough Clerk



Donald J. McConachie, Sr.
Mayor

Exhibit A



WRANGELL PARKS & REC FEES & RENTAL RATES



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COMMUNITY CENTER

GYM

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MULTI-PURPOSE ROOM

Per Hour	\$16.75	20.00
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CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 826

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, TO AMEND TITLE 3 SECTION 32 OF THE WRANGELL MUNICIPAL CODE TO CHANGE THE REQUIRED NUMBER OF BOARD MEMBERS ON THE WRANGELL MEDICAL CENTER AND LONG-TERM CARE FACILITY BOARD FROM SEVEN TO NINE

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

SEC. 1. Action. This ordinance amends title 3.32 of the Wrangell Municipal Code by deleting those words that are capitalized and in brackets and by adding those words that are underlined:

3.32.005 Established – Composition. There is established a board to be known as the “Wrangell Medical Center and Long-Term Care Facility Board,” designated in this chapter as “board” or “hospital board,” presently composed of [FIVE MEMBERS.THE BOARD SHALL BE EXPANDED TO SEVEN MEMBERS BY THE ELECTION OF TWO ADDITIONAL MEMBERS AT THE OCTOBER 2007 REGULAR ELECTION.] nine. Board members shall be qualified electors of the city and borough.

3.32.007 Membership – Appointment – Terms. The Wrangell Medical Center and Long-Term Care Facility board shall consist of [SEVEN] nine members. No member of the board shall be an employee of the Wrangell Medical Center and Long-Term Care Facility, a tenant of that facility, a contractor that provides medical or health care services to that facility, or an employee of any such tenant or contractor. Members shall be elected by the voters to serve four year terms. [THE FIVE MEMBERS SERVING AT THE TIME THE ORDINANCE CODIFIED IN THIS CHAPTER BECOMES EFFECTIVE SHALL CONTINUE TO SERVE THEIR RESPECTIVE TERMS. TWO ADDITIONAL MEMBERS SHALL BE ELECTED AT THE OCTOBER 2007 REGULAR ELECTION. NOTWITHSTANDING THE FOREGOING PROVISIONS, T] The term of each board member shall continue until his or her successor is elected and has qualified by taking the oath of office.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: July 8, 2008.

PASSED IN SECOND READING: July 22, 2008.

ATTEST: 
Christie L. Jamieson, Borough Clerk


Donald J. McConachie, Mayor

CITY AND BOROUGH OF WRANGELL, ALASKA

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SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: July 8, 2008.

PASSED IN SECOND READING: July 22, 2008.

ATTEST: 
Christie L. Jamieson, Borough Clerk


Donald J. McConachie, Mayor

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 827

AN ORDINANCE AMENDING THE CODE OF THE CITY AND BOROUGH OF WRANGELL, ALASKA BY AMENDING VARIOUS PROVISIONS OF TITLE 2, ELECTIONS.

SEC. 1. Classification. This ordinance is of a permanent nature and sections 4, 5, 6, 7 and 8 shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon adoption.

SEC. 4. New Section. A new section 2.04.050 entitled “Who is Declared Elected” is hereby added to Wrangell Municipal Code Chapter 2.04 entitled “General Provisions” to provide as follows:

2.04.050 Who is Declared Elected.

A. In a Borough election, the top vote-getting candidate for the office of Mayor, or for the unexpired term of a specific Assembly, School Board, Port Commission or Medical Center Board vacancy, shall be declared elected.

B. In Borough elections in which multiple Assembly, School Board, Port Commission or Medical Center Board seats are being filled, the candidate(s) receiving the greatest number of votes, and whose standing in the vote count is at least equal to the number of seats to be filled, shall be declared elected.

SEC. 5. Amendment. Section 2.16.020, Declaration of Candidacy – Form, of the Wrangell Municipal Code is hereby amended to read as follows (the deleted language is struck through, and the new language is in bold):

2.16.020 Declaration of candidacy – Form.

The declaration of candidacy for an elected office of the ~~city~~ **borough** shall be in substantially the following form as provided by the ~~city~~ **borough** clerk’s office:

DECLARATION OF CANDIDACY

I, (name), declare that I reside at (**current physical and mailing addresses**), in the City **and Borough** of Wrangell, Alaska, and that I ~~am shall be~~ qualified to hold the office I seek, **as provided by law at the time of taking office.**

I declare myself a candidate for the office of _____ for a term of _____ years commencing _____ and ending _____ and request that my name be printed on the official ballot for the **city borough** election to be held in the City **and Borough** of Wrangell, Alaska, on the _____ day of _____ in the year _____.

Certification

I, the undersigned candidate, certify that I am a qualified voter of the **Borough**, and will have been a resident of the area within the **City and Borough of Wrangell** for a continuous period of _____ years _____ months immediately preceding election day. I will serve if elected.

(Signature of Candidate)

Date: _____

ADL# or Voter # or DOB: _____

Subscribed and sworn to before me this _____ day of _____, in the year _____.

(Notary Public or ~~City~~ **Borough** Clerk)

SEC. 6. Amendment. Chapter 2.24, Absentee Voting, of the Wrangell Municipal Code is hereby amended to read as follows (the deleted language is struck through, and the new language is in bold):

Chapter 2.24

ABSENTEE VOTING

Sections:

- 2.24.010 Absentee voting permitted.
- 2.24.020 Application for absentee ballot.
- 2.24.030 Absentee voting in person.
- 2.24.040 Absentee voting by mail.
- 2.24.050 Absentee ballots – Replacements.
- 2.24.060 Absentee ballots – Emergency application.
- ~~2.24.070 Absentee ballots – Completion and return by voters.~~

2.24.0780 Absentee ballots – Forwarding to canvass board —~~Time limits.~~

2.24.010 Absentee voting permitted.

Any qualified elector of the **city borough** ~~who is absent or expects to be absent from the city on the date of holding any municipal election~~ may vote by absentee ballot.

2.24.020 Application for absentee ballot.

A person who seeks to vote by absentee ballot ~~Any such absent elector~~ may make application to the **city borough** clerk on a blank form to be furnished by the **city borough** clerk for an official ballot, which application shall be made **either in person or by mail, not more than 20 days nor later than 5:00 p.m. of the day preceding such election.** Such form shall also include the oath and affidavit of the absentee voter.

2.24.030 Absentee voting in person.

No more than 20 days preceding the election, **and on any day prior to the day of the election,** a qualified voter may vote an absentee ballot in the office of the **city borough** clerk. The **city borough** clerk shall provide the voter with an application for an absentee ballot which shall also serve as the oath and affidavit of the absentee voter, an official ballot, written instructions how to vote by absentee ballot, a secrecy sleeve in which the voted ballot is to be placed and an envelope in **which** the voted ballot and affidavit are to be sealed. When the voter has completed voting their ballot and secured the voted ballot as instructed, the voted ballot is returned to the **city borough** clerk for safekeeping.

2.24.040 Absentee voting by mail.

A. A request to receive a ballot by mail must be received by the **city borough** clerk not less than ~~five~~ **ten** days before the election for which the absentee ballot is sought. The **city borough** clerk shall mail to the qualified voter an official ballot, an application for an absentee ballot which shall also serve as the oath and affidavit, instructions how to vote by absentee ballot, a secrecy sleeve in which the voted ballot is to be placed and an envelope in which the voter may return their voted ballot and completed affidavit.

B. The return envelope containing the voted ballot and completed application shall be postmarked ~~no later than the preceding~~ **on or before the day** of the election.

C. To be counted, an absentee ballot must be received by the borough clerk prior to the time the ballots are canvassed by the canvass board.

[There are no changes to sections 2.24.050 (Absentee ballots – Replacements) and 2.24.060 (Absentee ballots – Emergency application)]

~~2.24.070 Absentee ballots – Completion and return by voters.~~

~~The qualified voter shall deliver the absentee ballot to the city clerk who issued same at least by 5:00 p.m. of the day preceding the date of subject election. The ballot shall be marked, folded and sealed by the voter in private and secretly.~~

2.24.0780 Absentee ballots – Forwarding to canvass board – ~~Time limits.~~

~~A. On receipt of such absent voter's ballot the city clerk shall forthwith enclose the same unopened, together with the application upon which such ballot was issued, in a plain envelope, endorsed with his name and his official title, and the words "Absent voter's ballots to be delivered unopened to the Canvass Board."~~

~~B. The city borough clerk shall hold absentee ballots received the same until the canvass board convenes, at which time the clerk shall deliver same to the canvass board.~~

SEC. 7. Amendment. Section 2.28.010, Counting ballots, of the Wrangell Municipal Code is hereby amended to read as follows (the deleted language is struck through):

2.28.010 Counting ballots.

A. *[No change to paragraph A]*

~~B. The candidate for mayor receiving the greatest number of votes shall be elected. The two candidates for councilman receiving the greatest number of votes shall be elected. In case of a tie, the election shall be determined by lot from among the candidates tying.~~

SEC. 8. Amendment. Section 2.28.060, Canvass of returns – Procedures generally, of the Wrangell Municipal Code is hereby amended to read as follows (the deleted language is struck through, and the new language is in bold):

2.28.060 Canvass of returns – Procedures generally.

Within ~~three~~ **six** days after each election the canvass board shall meet in public session and shall canvass the election returns. The canvass may be continued from day to day, but must be completed no less than ~~five~~ **ten** days after the election. The canvass board may accept the certificate of returns submitted by the precinct election judges, examine election officials, and may hear informal protests, complaints or objections from individuals. The canvass board may, in lieu of the foregoing procedure, canvass the returns de novo by following the procedures specified in WMC 2.28.020. In full view of those present the canvass board shall judge separately the validity of all challenged and absentee ballots, and shall open and tally those accepted and shall compile the total votes cast in the election. Absentee voters may be challenged as though they were present.

PASSED IN FIRST READING _____ July 22 _____, 2008

PASSED IN SECOND READING _____ August 12 _____, 2008


Donald J. McConachie, Sr., Mayor

ATTEST: 
Christie L. Jamieson, Borough Clerk

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 827

AN ORDINANCE AMENDING THE CODE OF THE CITY AND BOROUGH OF WRANGELL, ALASKA BY AMENDING VARIOUS PROVISIONS OF TITLE 2, ELECTIONS.

SEC. 1. Classification. This ordinance is of a permanent nature and sections 4, 5, 6, 7 and 8 shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon adoption.

SEC. 4. New Section. A new section 2.04.050 entitled “Who is Declared Elected” is hereby added to Wrangell Municipal Code Chapter 2.04 entitled “General Provisions” to provide as follows:

2.04.050 Who is Declared Elected.

A. In a Borough election, the top vote-getting candidate for the office of Mayor, or for the unexpired term of a specific Assembly, School Board, Port Commission or Medical Center Board vacancy, shall be declared elected.

B. In Borough elections in which multiple Assembly, School Board, Port Commission or Medical Center Board seats are being filled, the candidate(s) receiving the greatest number of votes, and whose standing in the vote count is at least equal to the number of seats to be filled, shall be declared elected.

SEC. 5. Amendment. Section 2.16.020, Declaration of Candidacy – Form, of the Wrangell Municipal Code is hereby amended to read as follows (the deleted language is struck through, and the new language is in bold):

2.16.020 Declaration of candidacy – Form.

The declaration of candidacy for an elected office of the ~~city~~ **borough** shall be in substantially the following form as provided by the ~~city~~ **borough** clerk’s office:

DECLARATION OF CANDIDACY

I, (name), declare that I reside at (**current physical and mailing addresses**), in the City **and Borough** of Wrangell, Alaska, and that I ~~am shall be~~ qualified to hold the office I seek, **as provided by law at the time of taking office.**

I declare myself a candidate for the office of _____ for a term of _____ years commencing _____ and ending _____ and request that my name be printed on the official ballot for the **city borough** election to be held in the City **and Borough** of Wrangell, Alaska, on the _____ day of _____ in the year _____.

Certification

I, the undersigned candidate, certify that I am a qualified voter of the **Borough**, and will have been a resident of the area within the **City and Borough of Wrangell** for a continuous period of _____ years _____ months immediately preceding election day. I will serve if elected.

(Signature of Candidate)

Date: _____

ADL# or Voter # or DOB: _____

Subscribed and sworn to before me this _____ day of _____, in the year _____.

(Notary Public or **City Borough** Clerk)

SEC. 6. Amendment. Chapter 2.24, Absentee Voting, of the Wrangell Municipal Code is hereby amended to read as follows (the deleted language is struck through, and the new language is in bold):

Chapter 2.24

ABSENTEE VOTING

Sections:

- 2.24.010 Absentee voting permitted.
- 2.24.020 Application for absentee ballot.
- 2.24.030 Absentee voting in person.
- 2.24.040 Absentee voting by mail.
- 2.24.050 Absentee ballots – Replacements.
- 2.24.060 Absentee ballots – Emergency application.
- ~~2.24.070 Absentee ballots – Completion and return by voters.~~

2.24.0780 Absentee ballots – Forwarding to canvass board —~~Time limits.~~

2.24.010 Absentee voting permitted.

Any qualified elector of the **city borough** ~~who is absent or expects to be absent from the city on the date of holding any municipal election~~ may vote by absentee ballot.

2.24.020 Application for absentee ballot.

A person who seeks to vote by absentee ballot ~~Any such absent elector~~ may make application to the **city borough** clerk on a blank form to be furnished by the **city borough** clerk for an official ballot, which application shall be made **either in person or by mail, not more than 20 days nor later than 5:00 p.m. of the day preceding such election.** Such form shall also include the oath and affidavit of the absentee voter.

2.24.030 Absentee voting in person.

No more than 20 days preceding the election, **and on any day prior to the day of the election**, a qualified voter may vote an absentee ballot in the office of the **city borough** clerk. The **city borough** clerk shall provide the voter with an application for an absentee ballot which shall also serve as the oath and affidavit of the absentee voter, an official ballot, written instructions how to vote by absentee ballot, a secrecy sleeve in which the voted ballot is to be placed and an envelope in **which** the voted ballot and affidavit are to be sealed. When the voter has completed voting their ballot and secured the voted ballot as instructed, the voted ballot is returned to the **city borough** clerk for safekeeping.

2.24.040 Absentee voting by mail.

A. A request to receive a ballot by mail must be received by the **city borough** clerk not less than ~~five~~ **ten** days before the election for which the absentee ballot is sought. The **city borough** clerk shall mail to the qualified voter an official ballot, an application for an absentee ballot which shall also serve as the oath and affidavit, instructions how to vote by absentee ballot, a secrecy sleeve in which the voted ballot is to be placed and an envelope in which the voter may return their voted ballot and completed affidavit.

B. The return envelope containing the voted ballot and completed application shall be postmarked ~~no later than the preceding~~ **on or before the day** of the election.

C. To be counted, an absentee ballot must be received by the borough clerk prior to the time the ballots are canvassed by the canvass board.

[There are no changes to sections 2.24.050 (Absentee ballots – Replacements) and 2.24.060 (Absentee ballots – Emergency application)]

~~2.24.070 Absentee ballots – Completion and return by voters.~~

~~The qualified voter shall deliver the absentee ballot to the city clerk who issued same at least by 5:00 p.m. of the day preceding the date of subject election. The ballot shall be marked, folded and sealed by the voter in private and secretly.~~

2.24.0780 Absentee ballots – Forwarding to canvass board – Time limits.

~~A. On receipt of such absent voter's ballot the city clerk shall forthwith enclose the same unopened, together with the application upon which such ballot was issued, in a plain envelope, endorsed with his name and his official title, and the words "Absent voter's ballots to be delivered unopened to the Canvass Board."~~

~~B. The city borough clerk shall hold absentee ballots received the same until the canvass board convenes, at which time the clerk shall deliver same to the canvass board.~~

SEC. 7. Amendment. Section 2.28.010, Counting ballots, of the Wrangell Municipal Code is hereby amended to read as follows (the deleted language is struck through):

2.28.010 Counting ballots.

A. *[No change to paragraph A]*

~~B. The candidate for mayor receiving the greatest number of votes shall be elected. The two candidates for councilman receiving the greatest number of votes shall be elected. In case of a tie, the election shall be determined by lot from among the candidates tying.~~

SEC. 8. Amendment. Section 2.28.060, Canvass of returns – Procedures generally, of the Wrangell Municipal Code is hereby amended to read as follows (the deleted language is struck through, and the new language is in bold):

2.28.060 Canvass of returns – Procedures generally.

Within ~~three~~ **six** days after each election the canvass board shall meet in public session and shall canvass the election returns. The canvass may be continued from day to day, but must be completed no less than ~~five~~ **ten** days after the election. The canvass board may accept the certificate of returns submitted by the precinct election judges, examine election officials, and may hear informal protests, complaints or objections from individuals. The canvass board may, in lieu of the foregoing procedure, canvass the returns de novo by following the procedures specified in WMC 2.28.020. In full view of those present the canvass board shall judge separately the validity of all challenged and absentee ballots, and shall open and tally those accepted and shall compile the total votes cast in the election. Absentee voters may be challenged as though they were present.

PASSED IN FIRST READING _____ July 22 _____, 2008

PASSED IN SECOND READING _____ August 12 _____, 2008


Donald J. McConachie, Sr., Mayor

ATTEST: 
Christie L. Jamieson, Borough Clerk

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 828

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH APPROVING A ZONE CHANGE OF PARCEL 6, USS 3753

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

SEC. 1. Action. The effect of this ordinance is to finalize a zone change of Parcel 6, USS 3753, owned by the City and Borough of Wrangell, from its current zone designation of Timber Harvest District to the new designation of Open Space Public.

SEC. 2. Classification. This is a non-code ordinance.

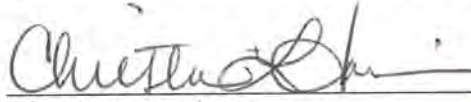
SEC. 3. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: August 12, 2008

PASSED IN SECOND READING: September 9, 2008

Attest:


Christie L. Jamieson
Borough Clerk


Hon. Donald McConachie
Mayor

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 828

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND
BOROUGH APPROVING A ZONE CHANGE OF PARCEL 6,
USS 3753

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

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SEC. 2. Classification. This is a non-code ordinance.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: August 12, 2008

PASSED IN SECOND READING: September 9, 2008

Attest:


Christie L. Jamieson
Borough Clerk


Hon. Donald McConachie
Mayor

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 829

AN ORDINANCE OF THE ASSEMBLY OF THE CITY
AND BOROUGH OF WRANGELL, ALASKA,
AMENDING TITLE 15.04 OF THE WRANGELL
MUNICIPAL CODE RELATING TO WATER METERS

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

SEC. 1. Action. This ordinance amends title 15.04 of the Wrangell
Municipal Code by deleting those words that are capitalized and in brackets and by adding
those words that are underlined:

15.04.205 Meters — Where Required. Water meters shall be required for
all services except:

A. Residential service to two or fewer units used solely for residential
purposes, or any number of mobile homes; and

B. Fire protection service lines not used in any manner for unmetered
domestic supply; and

C. Commercial/Industrial properties where water is only used for
restrooms, breakrooms, closed heating systems, and routine janitorial
uses; and

D. Where the property was connected to Municipal water prior to
(date of ordinance passage), the property will continue to be billed at date
of ordinance passage), the property will continue to be billed at unmetered
rates until such time as the Municipality chooses to install a meter.

15.04.245 Meters – Submeters. The utility shall install one meter for
multiple occupancy buildings owned by a single entity or individual. If
the owner desires individual meters for each unit, the owners shall install
meters at the owner's expense, and read and bill the tenants at the owner's
cost. The utility shall have no interest or responsibility for the
maintenance, upkeep, or reading of any submeters or any other facility on
the customer line except as provided herein.

14.04.260 Meters – Location. The property owner shall provide a place for installation of the meter that is acceptable to the water utility. [METERS SHALL NORMALLY BE PLACED AT THE CURB OR PROPERTY LINES; T]The meter will be installed wherever the applicant desires within reason, but the location must be approved by the city. The meter will not be located in driveways or other locations where drainage to the meter or its related parts may occur. The meter must be located in an area that is heated, dry, and accessible for repair and replacement of the meter, as determined by the water utility. A shut-off valve shall be installed by the property owner ahead of the meter yoke. The water utility may install a remote readout; a suitable place for the remote unit shall be provided by the owner and shall be satisfactory to the water utility.

15.04.450 Meter accuracy — Testing upon customer request. A customer may, giving not less than seven days' notice, request the city to test the meter serving his premises. The city will require the customer to deposit the testing fee. This fee shall be [\$4.00] \$25.00 for meters one inch and smaller and for meters larger than one inch shall be an estimate of the cost of testing the meter as determined by the superintendent. The deposit will be returned to the customer if the test reveals the meter to overregister more than five percent under conditions of normal operation. If the meter is operating satisfactorily or if the meter underregisters more than five percent under the standard test conditions, the deposit shall be forfeited to the city. Customers may, at their option, witness any meter tests which they request.

15.04.470 Meter Accuracy — Bill Adjustment for Inaccuracies. C. Non-registering Meters. The City will bill for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the comparison with the customer's prior use during the same season of the previous year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions, or both.

[15.04.495 TEMPORARY DISCONTINUANCE OF SERVICE — UPON CUSTOMER REQUEST. WHEN A CUSTOMER REQUESTS A TEMPORARY DISCONTINUANCE OF WATER SERVICE FOR ANY REASON, ALL COSTS SHALL BE PAID BY THE CUSTOMER. THE CHARGES SHALL BE COMPUTED AT ACTUAL COSTS TO THE CITY FOR LABOR, MATERIALS AND EQUIPMENT, PLUS 15 PERCENT OVERHEAD, WITH A MINIMUM CHARGE OF \$25.00.]

15.04.545 Turn-on and turn-off fee. Except for the initial turn-on that occurs when a property is connected to the municipal water system for the first time, each customer or applicant for service shall pay all costs for turning on or turning off the water service to the property, whether the turn-on or turn-off is due to the customer or applicant's request, nonpayment, interruption due to unsafe facilities, water waste, fraud, abuse, or non-compliance with any of the provisions of this chapter. The fee shall be computed at actual costs to the city for labor, materials, and equipment, plus 15 percent overhead, with a minimum charge of \$25.00.

15.04.550 Unauthorized turning on or off of service. A. If water service is turned-on or turned-off at the curb-stop by any person not specifically authorized to do so by the water utility, a fee of \$100.00 shall be paid by the property owner.

B. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main [OR], the meter removed, or other preventative measures put into place. The charges for [SHUTTING OFF THE WATER AT THE MAIN OR REMOVING THE METER] instituting these measures shall be computed at actual cost to the city plus 15 percent overhead, but not less than [\$5.00] \$25.00. These charges shall be billed to the offending customer and water shall not be furnished to the premises until such charges are paid and the city has reasonable assurances that the violation will not reoccur, at which time the offending customer will be billed any costs associated with reestablishing service plus 15 percent overhead, but not less than \$25.00.

[15.04.560 RESTORATION OF SERVICE. A. RESTORATION OF SERVICE AFTER DISCONTINUANCE FOR NONPAYMENT OF BILLS SHALL BE MADE AFTER PAYMENT OF CURRENT AND PAST-DUE CHARGES PLUS \$2.00 FOR RESTORATION CHARGE AND POSTING A DEPOSIT AS PROVIDED IN WMC 15.04.080.

B. RESTORATION OF SERVICE AFTER DISCONTINUANCE OF SERVICE FOR UNSAFE FACILITIES, WATER WASTE, FRAUD, ABUSE, OR FOR NONCOMPLIANCE WITH ANY OF THE PROVISIONS OF THIS CHAPTER WILL ONLY BE MADE AFTER THE IRREGULARITY HAS BEEN CORRECTED AND THE CITY HAS BEEN ASSURED THAT THE IRREGULARITY WILL NOT REOCCUR. THE RESTORATION CHARGE SHALL BE \$2.00 PLUS ANY OTHER CHARGES DUE OR PAST DUE THAT THE CITY MAY HAVE INCURRED TO CORRECT THE IRREGULARITY.]

15.04.640. Monthly Water Rates. A. The following monthly rates shall apply to all metered properties:

Monthly Metered Water Rates			
	<u>Monthly Allowance</u>	<u>Base (per month)</u>	<u>Volume Charge (per 1000 Gallons)</u>
<u>Metered Residential</u>	<u>4,000 gallons</u>	<u>\$20.00</u>	<u>\$1.50</u>
<u>Metered Commercial</u>	<u>4,000 gallons</u>	<u>\$20.00</u>	<u>\$1.50</u>
<u>Large Commercial</u>	<u>500,000 gallons</u>	<u>\$300.00</u>	<u>\$0.30 Effective Jan 1, 2009:</u> <u>\$0.50</u>
<u>Bulk Water</u>	<u>0 gallons</u>	<u>\$50.00 (per sale)</u>	<u>\$10.00</u>

B. The following monthly water rates shall apply [UNDER THIS CHAPTER] to all non-metered properties:

Table 15.04.640A – Monthly Water Rates- Non-Metered Properties			
Class A – Residential			
Designation	Effective Dates		
	7/1/04	7/1/05	7/1/06
Inside city limits, per family unit	\$22.10	\$23.20	\$24.36

Note A: The residential schedule is restricted to service used exclusively for general domestic purposes.

Note B: Where central laundry facilities are furnished for the exclusive use of tenants in apartment buildings or trailer courts, no charge in addition to above will be made.

Table 15.04.640B - Monthly Water Rates –Non-Metered			
Class B - Commercial and Industrial - Flat Rates			
Designation	Effective Dates		
	7/1/04	7/1/05	7/1/06
Bakeries	\$83.64	\$87.83	\$92.22
Bars	\$83.64	\$87.83	\$92.22

Barbershops:			
One chair	\$20.90	\$21.95	\$23.04
Per each additional chair	\$16.73	\$17.57	\$18.45
Beauty shops:			
One basin	\$20.90	\$21.95	\$23.04
Per each additional basin	\$16.73	\$17.57	\$18.45
Canneries:			
Shellfish canneries	\$418.14	\$439.05	\$461.00
Fish processing	\$445.98	\$468.28	\$491.70
Rinsing and packaging only	\$83.64	\$87.83	\$92.22
Saltwater process only	\$83.64	\$87.83	\$92.22
Churches	\$20.90	\$21.95	\$23.04
Cleaners and cleaning plants	\$41.73	\$43.82	\$46.01
Clubs, lodges - Without bar or restaurant facilities	\$20.90	\$21.95	\$23.04
Cold storage plants	\$445.98	\$468.28	\$491.70
Convenience store	\$12.08	\$12.68	\$13.32
Docks	\$104.46	\$109.68	\$115.16
Docks or marinas for small boats, including oil docks	\$69.72	\$73.20	\$76.86
Garages, service stations, car lots:			
Without washrack	\$41.73	\$43.82	\$46.01
With washrack	\$62.72	\$65.85	\$69.15
Grocery stores:			
Without meat market	\$31.26	\$32.83	\$34.47
With meat market	\$64.74	\$67.97	\$71.37
Hospitals	\$166.22	\$174.53	\$183.26
Hydrants. fire, each	\$13.26	\$13.92	\$14.61
Hotels and motels:			
10 rooms or less	\$62.72	\$65.86	\$69.15
Over 10 rooms, per room	\$4.87	\$5.12	\$5.37
Laundromats, self-service:			
Under 30-pound capacity, per	\$25.52	\$26.80	\$28.14
30 pounds or over capacity, per	\$44.54	\$46.77	\$49.10

Table 15.04.640B - Monthly Water Rates (Continued)			
Class B - Commercial and Industrial - Flat Rates			
Designation	Effective Dates		
	7/1/04	7/1/05	7/1/06
Meat markets	\$33.43	\$35.10	\$36.86
Multifamily (per unit)	\$16.93	\$17.78	\$18.66
Oceangoing freight and passenger vessels taking water:			
0 - 3,600 gallons	\$42.89	\$45.03	\$47.29
Each additional gallon	\$0.01	\$0.02	\$0.02
Office building:			
Per employee	\$1.36	\$1.43	\$1.50
Each additional plumbed office	\$20.90	\$21.95	\$23.04
Each additional unplumbed office	\$4.87	\$5.12	\$5.37
Offices, medical	\$71.08	\$74.64	\$78.37
Offices, dental	\$71.08	\$74.64	\$78.37
Without laboratory and/or x-ray	\$20.90	\$21.95	\$23.04
Plane floats	\$41.73	\$43.82	\$46.01
Public showers:			
First two stalls	\$22.33	\$23.45	\$24.62
Per each additional stall	\$5.45	\$5.72	\$6.00
Ranger district (Forest Service)	\$214.27	\$224.98	\$236.23
Restaurants, lunch counters, etc.:			
Up to and including 30 seats	\$62.72	\$65.86	\$69.15
Over 30 seats	\$83.64	\$87.83	\$92.22
Fountain only	\$20.90	\$21.95	\$23.04
Sawmills	\$1,393.73	\$1,463.42	\$1,536.59
Schools, per classroom	\$13.81	\$14.50	\$15.22
Shops and stores	\$20.90	\$21.95	\$23.04
Stores - Dry goods, gifts, etc.	\$22.33	\$23.45	\$24.62
Swimming pool, public	\$283.15	\$297.31	\$312.17
Theaters, seating 500 people or less	\$41.73	\$43.82	\$46.01

Rates herein apply to the average monthly usage. No adjustments will be made for seasonal work.

Note 1: All commercial enterprises consisting of more than one facility shall be charged the sum of the applicable rates for each facility.

Note 2: The monthly rate for any establishment not herein designated shall be determined by the city council. Until such rate may be established, the rate deemed most applicable shall apply, subject to adjustment.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: August 12, 2008.

PASSED IN SECOND READING: September 9, 2008.

Attest: Christie L. Jamieson
Christie L. Jamieson
City Clerk

Hon. Donald McConachie
Hon. Donald McConachie
Mayor

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 830

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 5.04 OF THE WRANGELL MUNICIPAL CODE TO PROVIDE FOR THE ADOPTION OF DIFFERENTIAL TAX ZONES, DEFINING SUCH ZONES, AND AUTHORIZING THE LEVY OF PROPERTY TAXES AT A DIFFERENT RATE IN THE DIFFERENTIAL TAX ZONE IN RECOGNITION OF THE DIFFERENT LEVELS OF SERVICE PROVIDED

WHEREAS, the City and Borough of Wrangell, Alaska is authorized by Alaska Statute 29.35.470(b) to establish differential tax zones within a service area to provide and levy property taxes for a different level of services than that provided generally in the service area; and

WHEREAS the Borough Assembly hereby finds that it is reasonable and appropriate to levy taxes at different rates to recognize the difference in the level of certain services currently provided to some areas of the Borough and/or with the objective of approximating the relationship between cost incurred and level of service which currently can be or is provided;

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

SEC. 1. Action. This ordinance amends section 5.04 of the City and Borough of Wrangell Municipal Code by deleting those words that are capitalized and in brackets and by adding those words that are underlined:

5.04.300 Differential Tax Zones Established. A differential tax zone is hereby established for the purpose of levying property taxes at a different rate in the area or areas defined in 5.04.310 of this chapter. The applicable tax zone shall be designated on each taxpayer's assessment notice.

5.04.310 Differential Tax Zone Defined. The differential tax zone established by W.M.C. 5.04.300 shall include the following areas: A. Sections 29, 28, 27, 34 and 35 of T 62 S, R 84 E; and Sections 1, 2, 11, 12, 13, 14, 24 of T 63 S, R 84 E

5.04.320 Differential taxation zones – Adoption – Classes – Review. A. On or before March 20th of each year, the assembly shall review and enact, if necessary, an ordinance establishing differential taxation zones for that tax year in addition to those or amending those currently defined in WMC 5.040.310. The

establishment of additional differential taxation zones may be accomplished by adopting a map or plat by reference with appropriate designations in lieu of descriptions. The applicable taxation zones shall be designated on each taxpayer's assessment notice.

B. At the time of annual review and adoption, if necessary, of additional differential tax zones as provided in subsection (A) of this section, the assembly shall also review the percentage of mill rate applicable to existing differential tax zone or zones and adopt any modification by ordinance defining such tax zone or zones or the applicable differential rate.

5.04.330 [COUNCIL] Assembly authority to fix tax rate. A. The [COUNCIL] assembly shall fix a rate of tax levy and designate the number of mills upon each dollar of value assessed taxable real property that shall be levied in accordance with the provisions of WMC 5.04.010.

B. In setting the tax rate for the differential tax zone or zones defined by 5.01.310, the Assembly may take into account the different levels of services provided to the tax zone or zones defined by 5.01.310 and set a different rate of levy for that zone by providing for a percentage of mill rate applicable to each existing differential tax zone.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: December 9, 2008.

PASSED IN SECOND READING: December 22, 2008.

Attest: Carol Bean
Carol Bean
Deputy Borough Clerk

Donald McConachie, Sr., Mayor
Donald McConachie, Sr., Mayor

THE CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE 831

AN ORDINANCE AUTHORIZING AND APPROVING AN ASSET TRANSFER AGREEMENT, A LONG TERM POWER SALES AGREEMENT, THE WITHDRAWAL OF TWO MEMBERS OF THE FOUR DAM POOL POWER AGENCY, THE AMENDMENT OF CERTAIN AGREEMENTS AND THE EXECUTION OF OTHER AGREEMENTS NEEDED FOR THE ISSUANCE AND SALE OF BONDS BY THE SOUTHEAST ALASKA POWER AGENCY FORMERLY KNOWN AS THE FOUR DAM POOL POWER AGENCY; AUTHORIZING AND DIRECTING CERTAIN OFFICIALS OF THE CITY AND BOROUGH TO TAKE SUCH ACTION AND EXECUTE SUCH OTHER AGREEMENTS AND DOCUMENTS NECESSARY OR APPROPRIATE TO COMPLETE THE REFINANCING OF THE AGENCY'S SERIES 2004 BONDS; RATIFYING CERTAIN ACTIONS OF OFFICIALS OF THE CITY AND BOROUGH; PROVIDING FOR THE FILING OF REFERENDUM PETITIONS; AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Copper Valley Electric Association, Inc. ("CVEA"), the City of Ketchikan *d/b/a* Ketchikan Public Utilities ("KPU"), Kodiak Electric Association ("KEA"), the City of Petersburg *d/b/a* Petersburg Municipal Power and Light ("Petersburg") and the City and Borough of Wrangell *d/b/a* City and Borough of Wrangell Light Department ("Wrangell") (collectively, the "Purchasing Utilities") formed a joint action agency pursuant to AS 42.45.300 to 42.45.320 (the "JAA") to purchase four hydroelectric projects (the "Project") from the State of Alaska; and

WHEREAS, to form the JAA, the Purchasing Utilities entered into a Joint Action Agency Agreement dated as of December 1, 2000, a First Amended and Restated JAA Agreement dated as of December 1, 2001 and a Second Amended and Restated Agreement dated as of October 1, 2004 (together, the "JAA Agreement"); and

WHEREAS, AS 42.45.310(c) provides that a JAA "is a body corporate and politic and an instrumentality of the public utilities that form the agency, but has a separate and independent legal existence from the public utilities", and as such a debt, obligation, or liability of the JAA does not constitute a debt, obligation, or liability of a public utility or the state; and

WHEREAS, the JAA issued its Electric Revenue Refunding Bonds, Series 2004 A (Tax-Exempt) and its Electric Revenue Refunding Bonds, Series 2004 B (Taxable) (collectively, the "Series 2004 Bonds") pursuant to an Indenture of Trust, dated as of October 1, 2004, between the JAA and Wells Fargo Bank, National Association, as trustee; and

WHEREAS, the JAA is authorized by the Act to issue, sell and secure the payment of revenue bonds in accordance with the provisions contained in the Act; and the JAA determines that it is in its best interest to issue and sell its Electric Revenue Refunding Bonds, Series 2009 (the "2009 Bonds") in an amount sufficient, together with other moneys available therefore, to defease the Series 2004 Bonds, fund a debt service reserve, if necessary, and to pay costs of bond issuance; and

WHEREAS, the JAA intends to issue the 2009 Bonds pursuant to an Indenture of Trust (the “2009 Indenture”) between the JAA and Wells Fargo Bank, National Association, as Trustee (“2009 Trustee”); and

WHEREAS, CVEA and KEA (the “Withdrawing Member Utilities”) each desires to withdraw as a member of the JAA and simultaneously acquire the individual JAA hydroelectric projects currently serving their utilities, the Solomon Gulch Hydroelectric Project and the Terror Lake Hydroelectric Project, pursuant to the terms of an asset transfer agreement (the “ATA”); and

WHEREAS, pursuant to Section 16 of the JAA Agreement, the Withdrawing Member Utilities will provide written notice of their intent to withdraw from the JAA Agreement and the 1985 Long Term Power Sales Agreement upon the defeasance of the Series 2004 Bonds and the Board of Directors of the JAA must provide unanimous written consent to such withdrawal; and

WHEREAS, pursuant to Section 17 of the JAA Agreement, the Board of Directors of the JAA must provide unanimous written consent to the transfer of ownership of the Solomon Gulch Hydroelectric Project to CVEA and the Terror Lake Hydroelectric Project to KEA; and

WHEREAS, KPU, Petersburg and Wrangell (the “Remaining Member Utilities”) intend to execute an amended and restated JAA Agreement (the “Third Amended and Restated JAA Agreement”) and related bylaws to be effective upon the defeasance of the Series 2004 Bonds and withdrawal of the Withdrawing Member Utilities to reflect these changes; and

WHEREAS, to clarify that the 2009 Bonds will, after withdrawal of the Withdrawing Member Utilities, be the obligations of the JAA and that the JAA members will consist entirely of the Remaining Member Utilities, the JAA desires to amend its name to the Southeast Alaska Power Agency to reflect this change; and

WHEREAS, power will be sold by the JAA to the Remaining Member Utilities pursuant to a Long-Term Power Sales Agreement between the Remaining Member Utilities and the JAA (the “PSA”) to be effective upon the defeasance of the 2004 Bonds; and

WHEREAS, the PSA provides that the payment obligations of the purchasing utilities under the PSA are obligations payable solely out of the revenues of the purchasing utilities' systems and are not general obligations of such purchasing utilities; and

WHEREAS, in order to secure the performance of its obligations under the 2009 Indenture and the 2009 Bonds, the JAA has agreed to grant to a mortgage trustee for the benefit of the 2009 Trustee, as trustee for the bondholders, a first lien security interest in the JAA's right title and interest in, to and under the facilities and other property associated with the Swan Lake Hydroelectric Project, the Lake Tyee Hydroelectric Project and the Swan-Tyee Intertie (collectively, the “Project”), pursuant to the 2009 Indenture and a Deed of Trust Assignment of Rents and Leases, Security Agreement and Fixture Filing, in favor of the 2009 Trustee, as trustee under the 2009 Indenture (the “2009 Deed of Trust”); and

WHEREAS, to perfect the security interests of the 2009 Trustee and a mortgage trustee (the “Secured Parties”) in personal property of the JAA associated with the Project, the Project operators must agree that each operator holds personal property of the JAA for the benefit of the Secured Parties, pursuant to a Bailee Control Agreement and Acknowledgement (the “Bailee Agreement”); and

WHEREAS, the Remaining Member Utilities will enter into a Tax and General Certificate (the “Tax and General Certificate”) in which the Remaining Member Utilities make certain representations

regarding the 2009 Bonds and certain covenants regarding actions required under the Internal Revenue Code of 1986, as amended, so that interest on the 2009 Bonds will be excluded from gross income for federal income tax purposes; and

WHEREAS, SEC Rule 15c2-12 requires that each of the Remaining Member Utilities enter into a written undertaking to provide ongoing disclosure information as set forth in a Continuing Disclosure Agreement relating to the 2009 Bonds (the “Continuing Disclosure Agreement”); and

WHEREAS, the 2009 Indenture requires each of the Remaining Member Utilities to subordinate their respective rights and interest in the PSA to the lien on the Project granted in favor of the 2009 Trustee by the JAA to secure the 2009 Bonds (the “Subordination Agreement”) (the Third Amended and Restated JAA Agreement and related bylaws, the Bailee Agreement, the Tax and General Certificate, the Subordination Agreement, and the Continuing Disclosure Agreement, collectively, the “Remaining Member Utility Documents”); and

WHEREAS, the Borough Assembly of the City and Borough of Wrangell has been provided certain summary materials concerning the defeasance of the Series 2004 Bonds, along with the substantially final forms of the 2009 Indenture and the 2009 Deed of Trust, and the Remaining Member Utility Documents (collectively, the “Principal Bond Documents”); and

WHEREAS, the Borough Assembly of the City and Borough of Wrangell has determined that it is in the best interest of the City and Borough of Wrangell for the JAA to defease the Series 2004 Bonds through the issuance and sale of the 2009 Bonds and desires to approve, authorize, take or direct to be taken those actions that are necessary, appropriate or useful to issue and sell the 2009 Bonds and complete the various transactions, transfers, arrangements and other matters set forth in or contemplated by the Principal Bond Documents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, as follows:

1. Review of Principal Bond Documents. The Principal Bond Documents are each hereby approved in the form provided to the Borough Assembly of the City and Borough of Wrangell in connection with the adoption of this ordinance, with such changes thereto that any of the Authorized Officers (as defined below) shall approve, with such approval to be conclusively evidenced by the execution and delivery of such documents by an Authorized Officer.

2. Approval of Asset Transfer Agreement. The ATA and all of its terms and conditions are hereby approved in substantially the form provided in connection with the adoption of this ordinance.

3. Approval of the PSA. The PSA is hereby approved in substantially the form provided in connection with the adoption of this ordinance and shall become effective upon its execution by the Authorized Officer (as defined below) and by each of the authorized representatives of the other Remaining Member Utilities and the JAA and the defeasance of the Series 2004 Bonds.

4. Approval of Disclosure Document. Each Authorized Officer (as defined below) is hereby authorized and directed to assist in completing the sections of the preliminary official statement relating to the City and Borough of Wrangell and to provide a certificate to the underwriter for the 2009 Bonds stating that the relevant sections of the final official statement do not contain any untrue statement of a material fact or omit to state a material fact, that there is no material litigation which should have been disclosed and related representations. Each Authorized Officer

(as defined below) is also specifically authorized and directed to determine the annual disclosure obligations of the City and Borough of Wrangell with respect to the 2009 Bonds and to take any actions necessary to fulfill such obligations.

5. Execution and Delivery of Remaining Member Utility Documents. Each Authorized Officer (as defined below) is hereby authorized and directed to execute and deliver the Remaining Member Utility Documents and the PSA, each in substantially the form provided to the Borough Assembly of the City and Borough of Wrangell in connection with the adoption of this ordinance, with such changes thereto that any of the Authorized Officers shall approve, with such approval to be conclusively evidenced by the execution and delivery of such documents.

6. Designation of Authorized Officers. The _____ and _____ (each an "Authorized Officer" and together, the "Authorized Officers") are each hereby authorized and directed for and on behalf of the City and Borough of Wrangell to take or direct to be taken all action to negotiate, execute, deliver and perform all documents, agreements or instruments to which City and Borough of Wrangell is a party and as may be necessary, desirable, appropriate or expedient and in the best interest of City and Borough of Wrangell of to issue and sell the 2009 Bonds, defease the Series 2004 Bonds and complete the various transactions, transfers, arrangements and other matters set forth in or contemplated by the Principal Bond Documents, the ATA and the PSA.

7. Approval of Withdrawal of Withdrawing Member Utilities. The City and Borough of Wrangell hereby consent to the withdrawal of the Withdrawing Member Utilities from the JAA Agreement and the 1985 Long Term Power Sales Agreement and to the release of the Withdrawing Member Utilities from all obligations and rights pursuant to those agreements, consistent with the terms and conditions of the ATA. This withdrawal and release shall become effective upon the defeasance of the Series 2004 Bonds.

8. Approval of Amendment to JAA Name Change and Additional Actions. Each Authorized Officer is hereby authorized and directed to negotiate, execute and deliver an amendment to the JAA Agreement to reflect a name change from The Four Dam Pool Power Agency to the Southeast Alaska Power Agency and such additional documents and take or direct to be taken take such further actions, as such Authorized Officer, in his or her reasonable discretion, may deem to be necessary or appropriate to complete the transactions and arrangements contemplated by the Principal Bond Documents and to carry out the purposes, terms and intentions of this ordinance.

9. Ratification of Actions. All acts and deeds done by any of the Authorized Officers or any of the officers, agents or employees of City and Borough of Wrangell for and on behalf of City and Borough of Wrangell in carrying out the purposes, terms and intentions of this ordinance related to the issuance and sale of the 2009 Bonds prior to the effective date of this ordinance are hereby ratified and approved.

PASSED IN FIRST READING: _____ December 3, 2008.
PASSED IN SECOND READING: _____ December 22, 2008.

Attest: Carol Bean
Carol Bean
Deputy Borough Clerk

Donald McConachie, Sr.
Donald McConachie, Sr., Mayor

**Memorandum of Understanding
Regarding the Future Individual Sale of
The Southeast Alaska Power Agency Hydroelectric Projects**

This Memorandum of Understanding ("MOU") is entered into this ___th day of December, 2008, among the City of Ketchikan, the City and Borough of Wrangell, and the City of Petersburg ("Member Utilities") all who are currently Member Utilities of the Four Dam Pool.

Recitals

- A. The Four Dam Pool Power Authority ("FDPPA" or "Agency") is currently the owner of the Swan Lake Hydroelectric Project, the Lake Tyee Hydroelectric Project, the Solomon Gulch Hydroelectric Project and the Terror Lake Hydroelectric Project collectively referred to as the Four Dam Pool Projects.
- B. The FDPPA, Kodiak Electric Association ("KEA"), and Copper Valley Electric Association ("CVEA") have entered into an Asset Transfer Agreement ("ATA"). The ATA provides for the terms and conditions to restructure the FDPPA. It provides for a transfer of the Terror Lake Hydroelectric Project to KEA upon payment of \$38,400,000, and transfer to CVEA of the Solomon Gulch Hydroelectric Project with a payment of \$15,400,000. After such transfer of the respective projects, exchange of payments and fulfillment of all conditions of the ATA, including, but not limited to, defeasing debt and financing, the remaining Members Utilities of the FDPPA will be the City of Ketchikan, the City and Borough of Wrangell, and the City of Petersburg, who have agreed to rename the FDPPA the Southeast Alaska Power Agency ("SEAPA"). The remaining projects owned by SEAPA are the Swan Lake Hydroelectric Project, the Lake Tyee Hydroelectric Project, and the Swan-Tyee Intertie, upon completion (the "Projects").
- C. Upon restructuring of the Agency pursuant to the ATA, and renaming it SEAPA, the power from the Projects will continue to be sold by SEAPA to the Member Utilities pursuant to a Long-Term Power Sales Agreement (the "PSA") between the Member Utilities and SEAPA to be effective upon Closing of the ATA and fulfillment of all of its terms and conditions.
- D. The City of Ketchikan, the City and Borough of Wrangell, and the City of Petersburg recognize the desire of one or more of the Member Utilities to take individual ownership of the Projects and reiterate each of their commitment to consider arrangements that would permit such ownership at such time as an ownership change could be accomplished in the interest of all Member Utilities.

NOW, THEREFORE, in exchange for the mutual promises contained herein and for other consideration the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

No later than December 31, 2014, they will jointly commission an independent analysis of the economics of the sale of individual projects and the break-up of the restructured Agency into the SEAPA. The analysis will consider the history of payments by each utility, the effects of the pooling arrangement, the impacts of any loss of such pooling, including rates charged the Member Utilities, any remaining debt owed on the Agency's purchase of the combined projects, the current value of the project proposed to be purchased, and such other factors as may be appropriate at the time of the analysis. The Member Utilities agree to discuss in good faith the project sale or break-up based on such analysis. The parties understand that this MOU does not require any break-up or sale of projects, as any such break-up or sale of the Projects requires an amendment of the PSA, as well as approval by the governing bodies of each of the Member Utilities.

WHEREFORE, the parties have executed this Agreement as of the date first written above.

The City of Petersburg,
dba Petersburg Municipal Power and Light

by:

The City of Wrangell,
dba Wrangell Municipal Light and Power

by:

12/22/08
attest: Carol Bean - Deputy Borough Clerk

The City of Ketchikan,
dba Ketchikan Public Utilities

by:

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 832

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING 14.05.045 OF THE CITY OF WRANGELL MUNICIPAL CODE RELATING TO ELECTRIC SERVICE TO VESSELS

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

SEC. 1. Action. This ordinance amends section 14.05.045 of the City and Borough of Wrangell Municipal Code by deleting those words that are capitalized and in brackets and by adding those words that are underlined:

14.05.045 [A. CORDS WITH CURRENT CARRYING CAPACITY OF LESS THAN 15 AMPS SHALL NOT BE USED.]

[B] A. Flexible cords shall be used only in continuous lengths without splices or taps.

[C] B. Cords, attachment plugs and connector bodies shall not be smaller than required for the rated current of the attached cord or connected equipment. Maximum allowable current-carrying capacity of flexible cords is as follows:

<u>AWG</u>	<u>AMP</u>
14	15
12	20
10	25
8	35
6	45
4	60]

Size (AWG)	Thermoplastic Types TPT, TST	Thermo Types C, E, EO, PD, S, SJ, SJO, SJOW, SJOO, SJOOW, SO, SOW, SOO, SOOW, SP-1, SP-2 SP-3, SRD, SV, SVO, SVOO Thermoplastic Types ET, ETLB, ETP, ETT, SE, SEW, SEO, SEOW, SEOOW, SJE, SJEW, SJEQ, SJEOW, SJEQOW, SJT, SJTW, SJTO, SJTOW, SJTOO, SJTOOW, SPE-1, SPE-2, SPE-3, SPT-1, SPT-1W, SPT-2, SPT-2W, SPT-3, ST, SRDE, SRDT, STO, STOW, STOO, STQOW, SVE, SVEO, SVT, SVTO, SVTOO		Types HPD, HPN, HSJ, HSJO, HSJOO
		Column A	Column B	
27*	0.5	5**	***	-
20	—	7	10	—
18	—	9	12	10
17	—	10	13	13
16	—	12	16	15
15	—	15	18	17
14	—	20	25	20
12	—	25	30	30
10	—	35	40	35
8	—	45	55	—
6	—	60	70	—
4	—	80	95	—
2	—			—

The allowable currents under column A apply to 3 phase power and the allowable currents under column B apply to single phase power.

[D. ATTACHMENT PLUGS SHALL BE OF THE WEATHERPROOF TYPE.]

C. Cords shall be of the type designed for “hard usage and wet locations.” Cords with the “W” suffix are suitable for use in wet locations.

[E]. D. Infrared heating lamps may only be used with porcelain-type sockets.

[F] E. Any heater capable of causing a fire if overturned must be equipped with a safety switch that will disconnect electric current to the heater if overturned.

F. Adaptors which meet code are acceptable.

[G. THE FOLLOWING POWER CORD TYPES ARE APPROVED FOR USE: SO, ST, STO, POW, K, S. H. THE FOLLOWING POWER CORD TYPES ARE NOT APPROVED FOR USE: SP3, SPT3, TP, TPT, TS, TST, AFC, AFPO, AFPD, CFC, CFPO, CFPD, PO1, PO2, PO, SPT1, SPT2, SP1, C, PD, P1, P2, P, PW1, PW2, SV, SVT, SJ, SJO, SJT, SJTO.]

[I. ANY CORD NOT LISTED MUST BE INSPECTED AND APPROVED BY THE HARBORMASTER PRIOR TO ITS USE.]

[J]. G. Violation of any of the provisions of this section is punishable up to the maximum fine of \$500.00.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

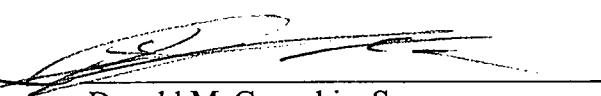
PASSED IN FIRST READING: December 9, 2008.

PASSED IN SECOND READING: January 13, 2009.

Attest:



Christie L. Jamieson
Borough Clerk



Donald McConachie, Sr.
Mayor

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 833

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, TO AMEND VARIOUS PROVISIONS OF THE CODE OF THE CITY AND BOROUGH OF WRANGELL, ALASKA AS NECESSITATED BY BOROUGH FORMATION.

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

SEC. 1. Classification. This ordinance is of a permanent nature and sections 4 through 62 shall be codified in the Wrangell Municipal Code.

SEC. 2. 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. 3. Effective Date. This ordinance shall be published as provided by law and shall be effective upon adoption.

SEC. 4. Repeal. The Wrangell Municipal Code is hereby amended by repeal of Section 1.01.040, Ordinances passed prior to adoption of code.

SEC. 5. New Chapter. A new chapter 1.06, entitled "Borough Data" is hereby added to the Wrangell Municipal Code, to read as follows:

Chapter 1.06

Borough Data

Sections:

- 1.06.010 Name of Borough.
- 1.06.020 Form of Government.
- 1.06.030 Borough Boundaries.
- 1.06.040 Borough Service Area – Legal Description.

- 1.06.010 Name of Borough.

The borough is a unified home rule municipality under the name "City and Borough of Wrangell." Whenever it deems it in the public interest to do so, the borough may use the name "Municipality of Wrangell", "Unified Municipality of Wrangell", or "Wrangell Home Rule Borough", to the extent not inconsistent with law.

1.06.020 Form of Government.

The government of the borough shall be that commonly known and designated as the assembly/manager form.

1.06.030 Borough Boundaries.

The boundaries of the borough are as follows:

The City and Borough of Wrangell boundaries are coterminous with the Wrangell Ranger District boundaries established by the United States Forest Service, as depicted in the Tongass National Forest Secondary Base Map Series on Sheet Nos. 18 (1982), 19 (1982), 21 (1980), 22 (1980), 23 (1983), 24 (1983), 26 (1980), and 27 (1980), except that

1) the northern boundary of the City and Borough of Wrangell shall commence from a point beginning at the western boundary of the Wrangell District at a point designated as 56° 43' 17" North, 132° 34' 21" West (NAD 27), thence proceeding in a generally southeasterly direction to the westernmost point of land in Section 31, Township 59 South, Range 82 East, thence proceeding in a generally northeasterly direction along the watershed divide between LeConte Bay and the Stikine River including Wilkes Peak, to the international boundary between Canada and the United States; and further excepting that,

2) the southern boundary of the City and Borough of Wrangell shall, at a point designated as 55° 53' 46" North, 131° 57' 51" West (NAD 27), located in Section 8, Township 69 South, Range 88 East, proceed in a generally southwesterly direction along the north-south drainage boundary, coterminous with the northern boundaries of the Ketchikan Gateway Borough (as described in the "Certificate of Boundaries - Ketchikan Gateway Borough" issued by the Alaska Department of Commerce, Community, and Economic Development, on May 30, 2008) for approximately 35 miles, intersecting Clarence Strait at a point designated as 55° 38' 5" North, 132° 11' 50" West (NAD 27), located in Section 10, Township 72 South, Range 86 East;

thence proceeding in a generally northwesterly direction into and up Clarence Strait to the point of intersection with the Wrangell Ranger District boundaries, the point of beginning. All with reference to the Copper River Meridian.

1.06.040 Borough Service Area – Legal Description.

Certain provisions of this code, as more fully set forth in the individual chapters, are applicable only within the boundaries of a specific service area, known as the Wrangell Island Service Area, located within the borough. The legal description of the Wrangell Island Service Area is as follows:

All of the land on Wrangell Island lying northerly and westerly from the following described line:

Beginning at the southeasterly meander corner of Section 24, T63S, R84E, CRM, common to the southwest point of ATS 1592;

Thence, west along the southern boundary of Section 24, to the corner of Sections 23, 24, 25 and 26 of T63S, R84E, CRM;

Thence, south along the eastern section boundary of Sections 26 and 35 of T63S, R84E, CRM, and continuing south along the eastern section boundary of Sections 2 and 11 of T64S, R84E, CRM;

Thence, west along the southern boundary line of Sections 11, 10 and 9 of T64S, R84E, CRM to the corner of Sections 8, 9, 16 and 17 of T64S, R84E, CRM;

Thence, west along the southern boundary line of Section 8 of T64S, R84E, CRM, approximately 20 chains;

Thence, south approximately 60 chains to the southeast 1/16 corner of Section 17 of T64S, R84E, CRM;

Thence, east approximately 20 chains, to the south 1/16 corner of Sections 16 and 17 of T64S, R84E, CRM;

Thence, south along the eastern boundary line of Section 17, approximately 20 chains, to the corner of Sections 16, 17, 20 and 21 of T64S, R84E, CRM; and continuing south along the eastern boundary line of Section 20 approximately 40 chains, to the east 1/4 corner of section 20;

Thence, west approximately 75 chains to the line of mean high tide of Zimovia Strait.

SEC. 6. Amendment. Section 1.12.030, Number of readings, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

1.12.030 Number of readings - Passage.

A proposed ordinance shall be introduced in the first reading by title or in full. After introduction, an ordinance may be amended by an affirmative vote of four members of the assembly [COUNCIL]. The assembly [COUNCIL] may, by an affirmative vote of **a majority of the membership present when the vote is taken** [FOUR MEMBERS OF THE COUNCIL], move the ordinance to the second reading. At the next regular or special meeting, after the ordinance has

been read in the second reading by title or in full, an affirmative vote of **a majority of the membership present when the vote is taken** [FOUR COUNCIL MEMBERS] is required for final adoption.

SEC. 7. Amendment. Section 1.20.010, Generally (General Penalty), of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

1.20.010 Generally.

A. Unless specifically provided to the contrary, violation of any ordinance or Charter provisions of the **borough** [CITY] by doing any act prohibited or declared to be unlawful thereby or declared to be an offense or a misdemeanor thereby and any person who fails to do any act required by any such provision shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding **\$1000.00** [\$300.00.]

There is no change to paragraph B

C. Serious misdemeanors traditionally regarded as criminal in nature or inherently involving a high degree of moral or social opprobrium, or which are to a large degree regarded as antisocial behavior [WHICH] shall, upon conviction, be punishable by a fine not exceeding **\$1000.00** [\$300.00] or imprisonment not more than **90** [30] days, or both, **and** are to be found in the following code provisions: [WMC 6.04.060], **WMC 2.36.010**, WMC Title 10, **WMC 15.08.190**, and Chapter 20.92 WMC.

[D. NO FORFEITURE OR REVOCATION OF A LICENSE, PERMIT OR PROPERTY OR IMPLEMENTS OF LIVELIHOOD SHALL BE IMPOSED FOR ANY CODE VIOLATIONS.]

D. The borough may institute a civil action against any person who violates a borough ordinance. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1000.00 may be imposed for each violation. Each day, or part thereof, that a violation of a borough ordinance continues shall constitute a separate violation.

SEC. 8. Amendment. Subsection 2.32.080A, Initiative election, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

2.32.080 Initiative election.

A. Unless substantially the same measure is adopted by the **assembly** [COUNCIL], when a petition seeks an initiative vote the clerk shall submit the

matter to the voters at the next regular or special election scheduled to occur no sooner than 60 days after certification of the petition. **The assembly may call** [IF NO REGULAR OR SPECIAL ELECTION IS SCHEDULED TO OCCUR WITHIN 90 DAYS AFTER THE CERTIFICATION OF THE PETITION,] a special election [SHALL BE CALLED BY THE COUNCIL,] in its discretion[,] for such purpose, but no such special election shall be held sooner than 60 days after certification of the petition.

SEC. 9. Amendment. Subsection 2.32.090A, Referendum election, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

2.32.090 Referendum election.

A. Unless the ordinance or resolution is repealed by the **assembly** [COUNCIL], when a petition seeks a referendum vote the clerk shall submit the matter to the voters at the next **regular or special** election occurring no sooner than 60 days after certification of the petition. [IF NO ELECTION OCCURS WITHIN 90 DAYS OF CERTIFICATION OF A PETITION, THE] **The assembly** [COUNCIL] **may** [SHALL] hold a special election **for the purpose, at its discretion**, [WITHIN 90 DAYS,] but not sooner than 60 days after certification.

SEC. 10. Amendment. Subsection 2.40.050B, Signature requirements, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

2.40.050 Signature requirements.

* * *

B. The clerk shall determine the number of signatures required on a petition and inform **the contact person in writing** [EACH SPONSOR]. If a petition seeks to recall an official who represents the municipality at large, the petition shall be signed by a number of voters equal to 25 percent of the number of votes cast for that office at the last regular election held before the date **written notice is given to the contact person that the petition is available**. [THE PETITION WAS ISSUED.] If a petition seeks to recall an official who represents a district, the petition shall be signed by a number of the voters residing in the district equal to 25 percent of the number of votes cast in the district for that office at the last regular election held before the date **the written notice is given to the contact person that the petition is available**. [THE PETITION WAS ISSUED.]

SEC. 11. Amendment. Section 3.04.012, Qualifications, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

3.04.012 Qualifications.

All members of the assembly [COUNCIL], including the mayor, shall **be qualified voters of the borough who** have resided within the borough [CITY] at least one year immediately preceding his or her election. [THIS QUALIFICATION IS IN ADDITION TO THE QUALIFICATIONS OF COUNCIL MEMBERS SET FORTH IN SECTION 2-1 OF THE WRANGELL CHARTER.]

SEC. 12. Amendment. Section 3.24.030, Duties of department, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

3.24.030 Duties of department.

A. Fire Fighting Duties. It shall be the duty of the fire department to extinguish fires; to rescue persons endangered by fire; to resuscitate and to administer first aid to persons injured in or about burning structures or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in theaters, stores, and other public buildings. [IT SHALL NOT BE THE DUTY OF THE] **The** fire department **shall not be required** to respond to fires outside the [CITY] limits **of the borough/state-maintained roaded system on Wrangell Island**, unless contractually obligated to do so.

B. Search and Rescue Duties. It shall be the duty of the fire department to carry out all search and rescue operations, under the supervision of the fire chief or his designee. For the purposes of search and rescue operations, the fire department **may, in its discretion**, [SHALL] respond to situations arising both within and without the [CITY] **borough** limits.

SEC. 13. Repeal. The Wrangell Municipal Code is hereby amended by repeal of Section 3.32.080, Liaison with council.

SEC. 14. Amendment. Subsection 4.10.005A, Economic development authorized – Scope of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

4.10.005 Economic development authorized – Scope.

A. [PURSUANT TO ALASKA STATUTE 29.35.260(A), THE] **The** City of Wrangell hereby exercises the power to provide for economic development [ON A CITY-WIDE BASIS] as herein provided.

SEC. 15. Amendment. Section 5.04.230, Higher appeals, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

5.04.230 Higher appeals.

Any person feeling aggrieved by any order of the board shall have the right to appeal on a de novo basis to the **superior court** [DISTRICT COURT]; provided, however, that the administrative remedy in this chapter has been exhausted.

SEC. 16. Repeal. The Wrangell Municipal Code is hereby amended by repeal of Sections 5.04.380, Enforcement of delinquent personal property taxes, 5.04.390, Distrain and sale of personal property, 5.04.400, Warrant of distraint, 5.04.410 Notice of sale at public auction, 5.04.420, Sale of seized property, 5.04.430, Return on sale, 5.04440, Proceeds of sale.

SEC. 17. Repeal. The Wrangell Municipal Code is hereby amended by repeal of Section 5.12.020, Applicability of state law.

SEC. 18. Amendment. Section 5.12.210, Invalid or insufficient assessments - Reassessment, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

5.12.210 Invalid or insufficient assessments – Reassessment.

If any special assessment fails to be valid in whole or in part, or if for any cause, mistake or inadvertence the amount assessed is not sufficient to pay the cost of a public improvement or the part thereof to be assessed against benefited property, then the **assembly** [COUNCIL] is authorized to cause such assessment to be reassessed [PURSUANT TO AS 29.63.070, OR AS MAY BE PROVIDED BY LAW].

SEC. 19. Amendment. Section 5.16.160, Reassessments, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

5.16.160 Reassessments.

Whenever an assessment authorized as provided in this chapter is set aside, annulled or declared void, or its enforcement refused by a court of competent jurisdiction, whether directly or by virtue of a decision of such court, the **assembly** [COUNCIL] may by ordinance or resolution make a new assessment or reassessment upon the lots, tracts or parcels of land benefited by the improvement for which such assessment was levied, in the manner provided by [AS 29.63.010 THROUGH 29.63.085 AND ALONG WITH SUCH MODIFICATIONS OF SAID PROVISIONS APPLICABLE TO THE CITY AS THE COUNCIL HAS PROVIDED IN THIS CHAPTER OR MAY LATER PROVIDE BY] ordinance [UNDER ITS HOME-RULE POWERS].

SEC. 20. Amendment. Subsection 5.22.010A, Definitions, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined

5.22.010 Definitions.

The following definitions shall apply to this chapter:

A. "Enhanced 911 service area" means [ALL] the area [OF THE] **accessible from the borough/state-maintained roaded system on Wrangell Island** [CITY].

SEC. 21. New section. A new section 6.08.100, entitled Service area only, is hereby added to chapter 6.08, Peddlers and Itinerant Merchants, of the Wrangell Municipal Code to read as follows:

6.08.100 Service area only.

The provisions of this chapter are applicable only in the service area defined in section 1.06.040 of this code.

SEC. 22. New section. A new section 6.10.040, entitled Service area only, is hereby added to chapter 6.10, Street and Sidewalk Vending, of the Wrangell Municipal Code to read as follows:

6.10.040 Service area only.

The provisions of this chapter are applicable only in the service area defined in section 1.06.040 of this code.

SEC. 23. New section. A new section 6.12.090, entitled Service area only, is hereby added to chapter 6.12, Youth Dances, of the Wrangell Municipal Code to read as follows:

6.12.090 Service area only.

The provisions of this chapter are applicable only in the service area defined in section 1.06.040 of this code.

SEC. 24. Amendment. Section 9.12.040, Fireworks displays – Permission of fire chief required, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

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

The **borough** chief of police **and fire chief** [OF THE CITY] **are** [IS] granted **the joint** authority to **permit** [GRANT PERMISSION TO] any person to give a fireworks display for any special occasion or reason within [THAT PORTION

OF] the corporate limits of the **borough** [CITY], but no such demonstration or display shall be **conducted** [GIVEN] without first securing permission **in writing** from the chief of police **and the fire chief** [OF THE CITY] and establishing to **the** [HIS] 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. 25. Repeal. The Wrangell Municipal Code is hereby amended by repeal of Chapter 10.12, Escape.

SEC. 26. Amendment. Subsection 10.16.010. Public trespassing, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

10.16.010 Public trespassing.

It is unlawful for any person except those classified as prescribed in WMC 10.16.020 to be upon any of the [PUBLIC] **borough-maintained** harbors, floats, **piers and docks** between the hours of 9:00 p.m. and the following 8:00 a.m. A violation shall constitute a criminal trespass against the public, **and shall constitute a violation of this code, punishable as provided for in WMC 1.20.010.** [THIS RESTRICTION SHALL NOT APPLY TO THE PUBLIC WHARF, DOCK AND WAREHOUSE COMMONLY KNOWN AS WRANGELL WHARF.]

SEC. 27. New Subparagraph. A new subparagraph A5 is hereby added to subsection 10.16.020A, entitled Persons exempt, of the Wrangell Municipal Code to read as follows:

5. Any person who has received the permission of the Borough Harbormaster.

SEC. 28. Repeal. The Wrangell Municipal Code is hereby amended by repeal of Chapter 10.20, Assault and Battery.

SEC. 29. Repeal. The Wrangell Municipal Code is hereby amended by repeal of Chapter 10.24, Disorderly Conduct.

SEC. 30. New section. A new section 10.32.040, entitled State law, is hereby added to chapter 10.32, Carrying Weapons, of the Wrangell Municipal Code to read as follows:

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. 31. Amendment. Section 10.36.010. Prohibited within certain areas, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

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 section 1.06.040** within one-half mile of any public street, road or highway [WITHIN THE CITY WHICH IS MAINTAINED FOR PUBLIC USE]; **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.**

SEC. 32. Amendment. Section 11.36.010, State provisions adopted by reference, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

11.36.010 State provisions adopted by reference.

<u>Open Container</u>	<u>AK:AS 28.35.029</u>
Driving While Under the Influence of Intoxicating Liquor or Drugs	AK:AS 28.35.030
Implied Consent	AK:AS 28.35.031
Refusal to Submit to Chemical Test	AK:AS 28.35.032
Chemical Analysis of Blood	AK:AS 28.35.033
Period of Revocation	AK:AS 28.35.034
Reckless Driving	AK:AS 28.35.[040] <u>400</u>
Negligent Driving	AK:AS 28.35.[045] <u>410</u>
[DRIVING A VEHICLE WITHOUT OWNER'S CONSENT	AK:AS 28.35.010]
<u>Vehicle Theft</u>	<u>AK:AS 11.46.360-.365</u>
[CONVICTION IN LARCENY PROSECUTION	AK:AS 28.35.020]
[OBTAINING RENTAL VEHICLE WITH INTENT TO DEFRAUD	AK:AS 28.35.025]
Failure to Return Rental Vehicle	AK:AS 28.35.[026] <u>320</u>
Action of Operator Immediately After Accident	AK:AS 28.35.050
Duty of Operator to Give Information and Render Assistance	AK:AS 28.35.060,
	excepting subsection (c)
Examination or Impounding Before Repair	AK:AS 28.35.070
Immediate Notice of Accident	AK:AS 28.35.080
Rendering of Report by Others	AK:AS 28.35.090
Form of Reports	AK:AS 28.35.100
Penalty for False Information; Failure to Report	AK:AS 28.35.110
Use of Accident Reports in Evidence	AK:AS 28.35.120
False Report or Destruction of Evidence	AK:AS 28.35.130

Unlawful Obstruction or Blocking of Traffic	AK:AS 28.35.140
<u>Overtaking and passing school bus</u>	<u>AK:AS 28.35.145</u>
[UNLAWFUL INJURY TO OR DESTRUCTION OF ROAD, BRIDGE OR FERRY	AK:AS 28.35.150]
[UNLAWFUL INJURY TO OR DESTRUCTION OF TRAFFIC REGULATIONS OR GUIDANCE DEVICE	AK:AS 28.35.160]
[OPERATION WITH MORE THAN THREE PERSONS IN DRIVER'S SEAT	AK:AS 28.35.170]
Disobedience to Signals of Officer Regulating Traffic Unlawful	AK:AS 28.35.180
<u>Failure to stop at direction of peace officer</u>	<u>AK:AS 28.35.182</u>
<u>Overtaking and passing certain stationary vehicles</u>	<u>AK:AS 28.35.185</u>
[SEIZURE OF UNSAFE OR DEFECTIVELY EQUIPPED VEHICLES	AK:AS 28.35.210]
[CANES FOR BLIND ONLY	AK:AS 28.25.010]
[APPROACHING BLIND PERSON AT INTERSECTION	AK:AS 28.25.020]
[PRESERVATION OF BLIND PERSON'S RIGHTS	AK:AS 28.25.030]
<u>Disregard of a highway obstruction</u>	<u>AK:AS 11.46.460</u>
[LITTERING AND DEPOSITING MATERIAL ON HIGHWAY	AK:AS 11.20.590]
<u>Obstruction of highways</u>	<u>AK:AS 11.61.150</u>

SEC. 33. Amendment. Section 13.04.060, Complaints of violations, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

13.04.060 Complaints of violations.

Complaints for the violation of any provisions of this chapter may be made [BY ANY PROPERTY OWNER OR RESIDENT OF THIS CITY EITHER DIRECTLY TO THE JUDGE OR] **to** any police officer of the **borough** [CITY].

SEC. 34. Amendment. Section 13.04.070, Notification to abate – Removal by city, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

13.04.070 Notification to abate – Removal by city.

[IT SHALL BE THE DUTY OF THE JUDGE OR A] **The** police officer **shall** [TO] notify the property owner or tenant holding or occupying such property, giving them a reasonable time in which to remove such accumulation of snow, obstructions or other refuse and, upon their failing to comply with such notice within the time specified therein, it shall be lawful for the **borough** [CITY] to cause such snow, obstructions or refuse to be removed, and the costs for such removal of snow, obstructions or refuse shall be a direct lien against the property of such person.

SEC. 35. Amendment. Section 13.08.010, Numbering required - Specification, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

13.08.010 Numbering required – Specifications.

Every house, dwelling, structure, and commercial premises constituting the primary structure or building on each lot in the **Wrangell Island Service Area** [CITY] shall be numbered. ... *remainder of this section is unchanged.*

SEC. 36. New subsection. A new subsection II is hereby added to section 14.01.030, Definitions, of the Wrangell Municipal Code, to read as follows:

II. “Harbor”, “Port”, or “Port facilities” includes the floats, piers, docks, gridirons, wharfs, ramps, stalls, and uplands of facilities operated by the borough.

SEC. 37. Amendment. Subsection 15.04.630B, Service connection charges, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

15.04.630 Service connection charges.

[B. ALL SERVICE CONNECTIONS TO CUSTOMERS OUTSIDE CITY LIMITS SHALL BE 100 PERCENT HIGHER THAN THE DESIGNATED SERVICE CONNECTION CHARGE WITHIN CITY LIMITS.]

B [C]. Any additional charges including service connection charges for services larger than those stated will be based on the actual cost of materials and installation plus 15 percent.

SEC. 38. Amendment. Subsection 15.04.640B, Monthly water rates, Tables 15.04.640A and 15.04.640B, of the Wrangell Municipal Code is hereby amended as follows:

Table 15.04.640A is deleted and replaced with the following:

Table 15.04.640A – Monthly Water Rates- <u>Non-Metered Properties</u>	
Class A – Residential	
Designation	Rate (eff. 7/1/06)
Inside service area, per family unit	\$24.36

Note A: The residential schedule is restricted to service used exclusively for general domestic purposes.

Note B: Where central laundry facilities are furnished for the exclusive use of tenants in apartment buildings or trailer courts, no charge in addition to above will be made.

Table 15.04.640B is deleted and replaced with the following:

Table 15.04.640B - Monthly Water Rates –Non-Metered	
Class B - Commercial and Industrial - Flat Rates	
Designation	Rate (eff. 7/1/06)
Bakeries	\$92.22
Bars	\$92.22
Barbershops:	
One chair	\$23.04
Per each additional chair	\$18.45
Beauty shops:	
One basin	\$23.04
Per each additional basin	\$18.45
Canneries:	
Shellfish canneries	\$461.00
Fish processing	\$491.70
Rinsing and packaging only	\$92.22
Saltwater process only	\$92.22
Churches	\$23.04
Cleaners and cleaning plants	\$46.01
Clubs, lodges - Without bar or restaurant facilities	\$23.04
Cold storage plants	\$491.70
Convenience store	\$13.32
Docks	\$115.16
Docks or marinas for small boats, including oil docks	\$76.86
Garages, service stations, car lots:	
Without washrack	\$46.01
With washrack	\$69.15
Grocery stores:	
Without meat market	\$34.47
With meat market	\$71.37
Hospitals	\$183.26
Hydrants. fire, each	\$14.61
Hotels and motels:	
10 rooms or less	\$69.15
Over 10 rooms, per room	\$5.37
Laundromats, self-service:	
Under 30-pound capacity, per	\$28.14
30 pounds or over capacity, per	\$49.10

Without laboratory and/or x-ray	\$23.04
Plane floats	\$46.01
Public showers:	
First two stalls	\$24.62
Per each additional stall	\$6.00
Ranger district (Forest Service)	\$236.23
Restaurants, lunch counters, etc.:	
Up to and including 30 seats	\$69.15
Over 30 seats	\$92.22
Fountain only	\$23.04
Sawmills	\$1,536.59
Schools, per classroom	\$15.22
Shops and stores	\$23.04
Stores - Dry goods, gifts, etc.	\$24.62
Swimming pool, public	\$312.17
Theaters, seating 500 people or less	\$46.01

Rates herein apply to the average monthly usage. No adjustments will be made for seasonal work.

Note 1: All commercial enterprises consisting of more than one facility shall be charged the sum of the applicable rates for each facility.

Note 2: The monthly rate for any establishment not herein designated shall be determined by the city council. Until such rate may be established, the rate deemed most applicable shall apply, subject to adjustment.

SEC. 39. Repeal. The Wrangell Municipal Code is hereby amended by repeal of Section 15.12.250, Service rates outside city limits.

SEC. 40. Amendment. Subsection 15.18.070A, Collection or disposal fees, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

15.18.070 Collection or disposal fees.

A. Every owner, occupant, liveaboard, tenant or lessee within the [CITY'S] **borough's garbage collection** service area shall receive refuse pickup service and shall pay such fees as are set forth in this section unless waiver of service is authorized by the **borough** [CITY] manager or his authorized agent, after special investigation of conditions upon which the waiver is requested.

SEC. 41. Amendment. Section 16.04.010, Acceptance of state conveyance, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

16.04.010 Acceptance of state conveyance.

The conveyance by the state to the then-city of Wrangell, dated March 20, 1963, of tidelands and submerged lands lying seaward of the then-city limit was [IS] previously approved and accepted. The provisions of this chapter apply to these conveyed tidelands and submerged lands.

SEC. 42. Amendment. Subsection 16.12.030A, Sale of tidelands, of the Wrangell Municipal Code is hereby amended by adding those words that are bolded and underlined:

16.12.030 Sale of tidelands.

A. The policy of outright disposal by sale of tide and submerged lands is not favored; the orderly development of the city with due consideration toward ocean resource harvesting, municipal revenue and public recreation would indicate a strong preference toward tidelands leasing. However, when it is in the public interest, the council may, by resolution, authorize the sale of tracts of tide and submerged lands in the manner provided for the sale of other real property owned by the city. Tidelands, which may be sold pursuant to this section, as that term is used herein, refers only to those tide and submerged lands conveyed by the State of Alaska to the then-City of Wrangell pursuant to AS 38.05.820.

SEC. 43. Amendment. Section 18.12.040, Permits and fees, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

18.12.040 Permits and fees.

Permits and fees shall be required as provided and determined under section 15.12.035. [CHAPTER 3 OF THE UNIFORM BUILDING CODE, 1979 EDITION.]

SEC. 44. Amendment. Section 18.16.010, Adoption, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

18.16.010 Adoption.

The bound volumes containing the code known as the Uniform Fire Code, 1997 Edition, of the International Conference of Building Officials, including Appendices I-A, II-B, II-F, II-G, III-A, III-B, III-C, V-A and Division VI Appendices, together with the local amendments as set forth herein [IN CHAPTER 15.28], shall constitute the laws of the city relating to conditions hazardous to life and property from fire or explosion.

SEC. 45. Amendment. Section 18.24.025, Appeals, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets:

18.24.025 Appeals.

[A.] Whenever the building official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the building official to the city manager within 30 days from the date of the decision.

[B. THE APPEAL WILL FOLLOW THE PROCEDURES SET OUT IN SECTION 15.56.501 ET SEQ.]

SEC. 46. Amendment. Section 19.40.010, Generally, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

19.40.010 Generally.

A. In the case of a lot of record on January 23, 1973, which does not conform to the zoning regulations of the **borough** [CITY], and which adjoins along a side lot line property held in the same ownership, no such lot shall be conveyed to another owner nor shall a building permit be issued for a structure on such a lot except in conformity with this chapter. **This subsection applies to those lots which are located within the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation.**

B. In the case of a lot of record on May 30, 2008, which does not conform to the zoning regulations of the borough, and which adjoins along a side lot line property held in the same ownership, no such lot shall be conveyed to another owner nor shall a building permit be issued for a structure on such a lot except in conformity with this chapter. This subsection applies to those lots located outside the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation.

SEC. 47. Amendment. Section 19.44.010, Compliance required for building permit, of the Wrangell Municipal Code is hereby amended adding those words that are bolded and underlined:

19.44.010 Compliance required for building permit.

A. No building permit shall be issued for a new building on a lot which did not exist as a described and recorded parcel prior to January 23, 1973, or was not created by recorded subdivision pursuant to state statute, or by a recorded plat pursuant to provisions of this title. **This subsection applies to those lots which are located within the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation.**

B. No building permit shall be issued for a new building on a lot which did not exist as a described and recorded parcel prior to May 30, 2008, or was

not created by recorded subdivision pursuant to state statute, or by a recorded plat pursuant to provisions of this title. This subsection applies to those lots located outside the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation.

SEC. 48. Repeal. The Wrangell Municipal Code is hereby amended by repeal of Section 20.04.020, Statutory authority.

SEC. 49. Amendment. Section 20.64.020, Intent, of the Wrangell Municipal Code is hereby amended by adding those words that are bolded and underlined:

20.64.020 Intent.

There is no change to paragraphs A and B

C. With regard to the land and territory annexed by the **former city of Wrangell** on March 7, 1975, and within the zones established by the official zoning map, comprehensively amended to include the above referenced territory incorporated within the city's municipal boundaries pursuant to annexation, previously unzoned structures and uses have historically existed to date which fail to conform to the official zoning map as adopted herein.

There is no change to paragraph D

E. In recognition of the fact that upon borough formation on May 30, 2008, a large area of land was placed within a local governmental unit for the first time, which, upon zoning, may result in long-established uses and structures becoming nonconforming, the intent of this title is to allow continuance of these uses under grandfather rights and to permit some of the nonconforming uses and structures to continue if there has been substantial investment and improvements to the land constructed for a specific business venture. These previously existing uses, as identified by permit, shall be allowed to continue until removed, and such uses may be maintained or replaced to their original value if destroyed, but shall not be enlarged upon, expanded nor extended, nor used as the grounds or predicate for adding other structures or uses prohibited elsewhere in the same zone.

SEC. 50. New section. A new section 20.64.085, entitled Construction in area of borough located outside former city limits, is hereby added to chapter 20.64, Nonconforming Uses, of the Wrangell Municipal Code to read as follows:

20.64.085 Construction in area of borough located outside former city limits.

This section applies to land and structures located outside the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation on May 30, 2008.

To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of a building or land which is nonconforming in the subject district when the structure or land use legally existed in the district prior to May 30, 2008; and it shall be permitted to continue as a nonconforming use if meeting the further specifications described below:

A. There must have been a substantial financial investment defined as a commitment or expenditure for building materials before May 30, 2008. "Construction" as defined in this section means materials in permanent position and fastened in a permanent manner with a permanent foundation.

B. There must have been substantial construction in existence before or diligent progress toward construction completion immediately following May 30, 2008. "Construction" as defined in this section means materials in permanent position and fastened in a permanent manner with a permanent foundation.

SEC. 51. Amendment. Section 20.64.120, Permits for nonconforming uses in annexed district, of the Wrangell Municipal Code is hereby amended by adding those words that are bolded and underlined:

20.64.120 Permits for nonconforming uses in annexed district.

The continuation of nonconforming uses of land or structures, stated differently as the conferring of grandfather rights thereto in districts subject to zoning classification following annexation to the **former** city of **Wrangell** on March 7, 1975, shall be allowed only by securing appropriate permits which will be granted by the planning and zoning commission. Applications for nonconforming use permits (or grandfather rights permits) as to structures and/or land must be filed with zoning administrator at City Hall on or before February 15, 1977, and no applications will be accepted thereafter.

SEC. 52. New section. A new section 20.64.125, entitled Permits for nonconforming uses in area of borough located outside former city limits, is hereby added to chapter 20.64, Nonconforming Uses, of the Wrangell Municipal Code to read as follows:

20.64.125 Permits for nonconforming uses in area of borough located outside former city limits.

This section applies to land and structures located outside the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation on May 30, 2008.

The continuation of nonconforming uses of land or structures, stated differently as the conferring of grandfather rights thereto in districts subject to zoning classification following borough formation on May 30, 2008, shall be allowed only by securing appropriate permits which will be granted by the planning and zoning commission. Applications for nonconforming use permits (or grandfather

rights permits) as to structures and/or land must be filed with the zoning administrator at City Hall within six months of classification of the land into a zoning district other than the “T” transition district (section 20.12.060).

SEC. 53. Amendment. Subsection 20.68.035(B), After-the-fact applications, of the Wrangell Municipal Code is hereby amended by adding those words that are bolded and underlined:

20.68.035 Fees – After-the-fact applications.

B. After-the-fact conditional use permit applications must be accompanied by a \$150.00 application fee unless:

1. The applicant did not own the property prior to
 - (a) November 1, 2006, in the case of a lot located within the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation, or
 - (b) May 30, 2008, in the case of a lot located outside the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation;
2. The violation existed prior to the applicant owning the property;
3. The violation was not disclosed to the applicant at the time the applicant acquired ownership; and
4. An application is submitted within 60 days of the applicant receiving notice or otherwise becoming aware of the violation.

SEC. 54. Amendment. Subsection 20.72.020(B), Application, of the Wrangell Municipal Code is hereby amended by adding those words that are bolded and underlined:

20.72.020 Application.

B. The application shall include the following:

1. A description by lot and block of the property involved;
2. The signature of the owner of the property concerned;
3. Site plans showing the location of all existing and proposed buildings or alterations, elevations of such buildings or alterations, and such other data as may be required;
4. A fee of \$50.00 unless a higher after-the-fact application fee is required;
5. The fee for after-the-fact variance applications is \$150.00 unless:
 - a. The applicant did not own the property prior to
 - (i) November 1, 2006 in the case of a lot located within the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation, or
 - (ii) May 30, 2008, in the case of a lot located outside the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation;
 - b. The violation existed prior to the applicant owning the property;

c. The violation was not disclosed to the applicant at the time the applicant acquired ownership; and

d. An application is submitted within 60 days of the applicant receiving notice or otherwise becoming aware of the violation.

SEC. 55. Amendment. Section 20.84.010, Generally, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

20.84.010 Generally.

No permit for the erection, alteration, moving or repair of any building or other structure shall be issued until [AN APPLICATION HAS BEEN MADE FOR A CERTIFICATE OF ZONING COMPLIANCE, AND THE CERTIFICATE HAS BEEN ISSUED BY] the zoning administrator **has certified in writing that the proposed construction is** in conformity with the provisions of this title.

SEC. 56. Repeal. The Wrangell Municipal Code is hereby amended by repeal of Section 20.84.020, Recordkeeping.

SEC. 57. Amendment. Section 20.84.030, Noncompliance deemed violation, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

20.84.030 Noncompliance deemed violation.

Failure to obtain **certification from the zoning administrator as required under section 20.84.010 above** [A CERTIFICATE OF ZONING COMPLIANCE] shall be a violation of this title and shall be punishable under Chapter 20.92 WMC.

SEC. 58. Amendment. Section 20.84.040, Application, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

20.84.040 Application.

All **requests under 20.84.010** [APPLICATIONS FOR CERTIFICATES OF ZONING COMPLIANCE] shall be accomplished by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the zoning administrator, including existing or proposed buildings or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing

on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this title.

SEC. 59. Amendment. Section 20.84.050, Decision, of the Wrangell Municipal Code is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined:

20.84.050 Decision.

The zoning administrator shall render his decision within 30 days of the filing of the **request for certification**, [APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE. H] however, this time limit may be extended by common consent and agreement signed by both the applicant and the zoning administrator.

SEC. 60. Repeal. The Wrangell Municipal Code is hereby amended by repeal of Section 20.84.060, Filing and return of plans.

SEC. 61. Amendments. The following sections and subsections of the Wrangell Municipal Code are amended by deleting those words that are capitalized and in brackets and by adding those words that are bolded and underlined, in order to provide for reference back to the penalty provisions of 1.20.010 of the Wrangell Municipal Code.

2.36.020 Penalty for violation.

A. Violation of any provision of WMC 2.36.010 shall be **punishable as provided for in WMC 1.20.010**. [A MISDEMEANOR AND PUNISHABLE BY A FINE OF NOT MORE THAN \$300.00 OR BY IMPRISONMENT FOR NOT MORE THAN 30 DAYS OR BOTH. A PERSON CHARGED WITH A VIOLATION OF ANY PROVISION OF WMC 2.36.010 SHALL, UPON DEMAND, HAVE A RIGHT TO A TRIAL BY A JURY OF SIX PERSONS.]

B. Any person elected to any city office who is convicted of a corrupt practice or election offense as provided in this chapter shall be punished, in addition to any other punishment, by being deprived of the office or position and the vacancy shall be filled as any other vacancy.

3.04.112 Conflict of interest.

H. Judicial Penalties. [ANY PERSON FOUND BY A COURT TO BE GUILTY OF KNOWINGLY VIOLATING] **Knowing violations of** any of the provisions of this chapter or [OF] **the** furnishing **of** false, misleading or incomplete information to the board with the intent to mislead, **shall be punishable as provided for in WMC 1.20.010**. [UPON CONVICTION THEREOF, SHALL

BE PUNISHED BY A FINE OF NOT MORE THAN \$300.00 FOR ANY ONE OFFENSE.]

3.16.090 Penalty for violations.

Any person who resists or attempts to resist the entrance of the health officer into any boat, vessel, building, room, lot or other place in this **borough** [CITY] or waterfront adjacent thereto while in the performance of his duty, or any person who neglects to comply with the lawful orders of the health officer, or resists such health officer in the discharge of his duty, or who violates any of the provisions of this chapter shall be punishable as provided for in WMC 1.20.010. [GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF BEFORE THE JUDGE OF THE CITY, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN \$50.00 NOR MORE THAN \$200.00, IN THE DISCRETION OF THE COURT.]

6.04.130 Penalty for violation.

Violation of all sections of this chapter shall **be punishable as provided for** [CONSTITUTE A MISDEMEANOR PUNISHABLE AS GENERALLY PROVIDED] in [CHAPTER] **WMC 1.20.010** [WMC].

7.04.030 Penalty for violation.

Any person convicted of violation of any of the provisions of this chapter shall be punished [BY A COURT IMPOSED FINE] in the following manner: first **violation** [CONVICTION], a \$15.00 fine/**penalty**; second **violation** [CONVICTION], a \$50.00 fine/**penalty**; third **violation** [CONVICTION], a \$100.00 fine/**penalty**; fourth **violation** [CONVICTION], a \$125.00 fine/**penalty**; fifth **violation** [CONVICTION], a \$150.00 fine/**penalty**; sixth and subsequent **violations** [CONVICTIONS], a \$200.00 fine/**penalty**. The execution of **any** sentence **imposed hereunder** may not be suspended nor may imposition of sentence be suspended, except upon the condition that the defendant pay the minimum fine as provided in this section nor may the punishment provided for in this section be reduced.

7.08.140 Penalty for violation.

A. Except as set forth in subsection (B) of this section, any **violation** [PERSON CONVICTED OF VIOLATING ANY] of the provisions of this title shall be [PUNISHED] **punishable as provided for in WMC 1.20.010**. [BY A FINE NOT TO EXCEED \$300.00.]

B. A violation of WMC 7.08.010 and 7.08.030 shall be a regulatory offense for which a maximum fine of \$25.00 shall be imposed. [UPON CONVICTION.] The execution of any sentence **imposed hereunder** may not be suspended nor may imposition of sentence be suspended, except under the condition that the defendant pay the fine as provided in this section, nor may the punishment provided in this section be reduced.

9.08.120 Penalty for violation.

In addition to the remedies provided by this chapter against any such building or other structure, any person, firm, association or corporation who willfully violates any provision of this chapter, or who willfully fails or refuses to comply with final order, determination, decision or judgment of the board of adjustment made in accordance with the provisions of this chapter, or any final intermediate order made in accordance with the provisions of this chapter by the city manager, fire chief, chief of police, building inspector, or health officer, or other authorized officer or employee of the city shall be **punishable as provided for in WMC 1.20.010**. [GUILTY OF A VIOLATION AND, UPON CONVICTION, BE SUBJECT TO A FINE NOT EXCEEDING \$300.00.]

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 within the corporate limits of the **borough** [CITY], 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**. [ANY PERSON CONVICTED UNDER THIS CHAPTER IS GUILTY OF A VIOLATION. UPON CONVICTION, THE COURT SHALL IMPOSE A FINE OF NOT MORE THAN \$300.00 FOR EACH OFFENSE.]

10.44.010 Possession, control or consumption of alcoholic beverages by persons under 21 years of age.

A. It shall be unlawful for any person under the age of 21 to possess, consume or be in control of any alcoholic beverages within the City of Wrangell, except those furnished to persons under AS 04.16.051(b).

B. **Violation of this section is punishable as provided for in WMC 1.20.010**. [A PERSON CONVICTED UNDER THIS SECTION IS GUILTY OF A VIOLATION. UPON CONVICTION, THE COURT SHALL IMPOSE A FINE OF NOT LESS THAN \$100.00 NOR MORE THAN \$300.00 FOR EACH OFFENSE.]

10.48.010 Possession of tobacco by a minor.

A. It shall be unlawful for any person under 19 years of age to purchase, possess or use any cigarette, pipe, cigar or other tobacco product on public property or in any public place within the corporate limits of the city.

B. Possession of tobacco by a minor is a violation of this section and **is punishable as provided for in WMC 1.20.010.** [UPON CONVICTION IS PUNISHABLE BY A FINE UP TO \$300.00 FOR EACH OFFENSE.]

11.04.030 Violation – Penalty.

Penalties for violation of any provisions of this chapter shall be by a fine/**penalty** of not more than \$300.00. The imposition of demerit points, revocation or suspension of licenses or restrictions thereof, as may be imposed by the state pursuant to its rules, regulations and statutes, are independent of any penalty under this chapter.

13.04.080 Penalty for violations.

Any person having the care and control, either as owner or occupant, who fails to comply with such notice within the time specified therein or refuses to pay for the removal of such snow, obstructions or other refuse [SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND ANY PERSON CONVICTED THEREOF] shall, for the first **violation** [OFFENSE], be fined/**penalized** in an amount not more than \$20.00; the second **violation** [OFFENSE], not more than \$30.00; the third **violation** [OFFENSE], not more than \$40.00; for each succeeding **violation** [OFFENSE] not more than \$50.00.

15.08.190 Protection from damage – Penalty for violation.

It is unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewer works, and any such person shall be **punishable as provided for in WMC 1.20.010.** [SUBJECT TO IMMEDIATE ARREST AND, UPON CONVICTION, SHALL BE PUNISHABLE BY FINE NOT EXCEEDING \$300.00 OR IMPRISONMENT NOT IN EXCESS OF 30 DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT, IN THE DISCRETION OF THE COURT.]

15.12.222 Rate for separately metered heat and hot water.

There are no changes to paragraph A through G

H. Penalties. Any violation of this section is punishable as provided for in WMC 1.20.010[(A)], as that section may be amended, revised or replaced, and each day the violation continues shall constitute a separate offense.

18.12.060 Penalty for violations.

Any person, firm, **partnership**, copartnership, **limited liability company** or corporation violating any of the provisions of this chapter shall be **punishable as provided for in WMC 1.20.010**. [GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE FINED NOT MORE THAN \$300.00.]

19.44.020 Penalty for violation – Actions in violation deemed void.

A. The owner or agent of the owner of land located within a subdivision who transfers, sells, or agrees or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved, and recorded in compliance with this title is **in violation of this Title and such violation is punishable as provided for in WMC 1.20.010**. [GUILTY OF A MISDEMEANOR, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$300.00 FOR EACH SUCH VIOLATION.

B. IN DEFAULT OF PAYMENT OF SUCH FINES AND PENALTIES THOSE CONVICTED SHALL BE IMPRISONED UNTIL PAYMENT THEREOF, BUT NOT EXCEEDING 30 DAYS.]

B. [C.] The city may enjoin a transfer by appropriate legal action.

C. [D.] The transfer, sale, assignment, or other conveyance of land located within a subdivision before a plat of the subdivision has been prepared, approved, and recorded in compliance with the provisions of this chapter is void.

20.92.040 Penalties for violations.

For any and every violation of the provisions of this title, the owner, agent, or contractor of a building or premises where such violation has been committed or exists, or any other person who maintains any building or premises in which any violation exists, shall be **punishable as provided for in WMC 1.20.010**. [GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE FINED NOT MORE THAN \$100.00 OR IMPRISONED IN THE CITY JAIL NOT TO EXCEED 30 DAYS, OR BOTH SUCH FINE AND

IMPRISONMENT.] Each and every day that such violation continues shall be deemed a separate and distinct violation.

SEC. 62. Editor's notes/Miscellaneous.

A. To the extent that provisions of the Borough Code either contain or omit language which was included or omitted in accordance with instructions from the former city attorney, those editorial amendments to the code provisions are hereby formally adopted by the Assembly. These include the provisions discussed in Editor's notes found at pages 1-6, 1-14, 1-15, 2-4, 3-4, 3-18(** only), 3-29(second note only), 3-30, 3-33(** only), 3-36, 3-37, 6-4(both * and **), 6-5, 6-1, 7-7, 10-4(** only), 10-9, 10-11(** only), 11-19, 13-3, 15-43, 18-1, 20-19, 20-34, and 20-86 of the Borough Code. These Editor's notes shall hereafter be deleted from the Code.

B. The Editor's notes found on the following pages shall be deleted from the Borough Code: Pages 1-16, 2-9, 2-24; 3-16, 3-17, 3-29(* only), 3-33(* only), 7-4, 9-13, 10-3, 10-4(* only), 10-5, 10-7, 10-8, 10-12(** only), 13-4, 16-3, 18-8, and 20-1(* only).

C. The following Editor's notes shall be amended by deleting those words that are capitalized and in brackets and by adding those words that are underlined.

1. Page 3-21: For statutory provisions on **the regulation of hospitals and nursing facilities**, see AS 18.20.**075-.130 and 18.20.300-.390**; for **the** Charter provisions on the **Wrangell Medical Center and Long-Term Care Facility** [CITY HOSPITAL], see Charter §3-9.

2. Page 3-24: For statutory provisions on schools in **boroughs** [HOME-RULE CITIES OUTSIDE BOROUGH], see AS 29.**35.160** [43.030,] **and** 14.14.060, [and 14.14.065]; for provisions on school districts and boards, see AS 14.12.010-**100** [et seq].

3. Page 6-3: For statutory provisions on alcoholic beverages, see AS Title 4; for provisions on municipal regulation of alcoholic beverages, see AS 04.**21.010** [15.070].

4. Page 7-3: For statutory provisions on cruelty to animals, see AS 11.**61.140** [40.490 et seq].

5. Page 10-11(*): For statutory provisions on [CARRYING CONCEALED WEAPONS] **misconduct involving weapons**, see AS 11.**61.190-.220** [55.010].

6. Page 10-12(*): For statutory provisions on [DISCHARGING FIREARMS WITHIN A CITY] **misconduct involving weapons**, see AS 11.**61.190-.220** [55.050].

7. Page 15-1: [FOR STATUTORY PROVISIONS ON MUNICIPAL UTILITIES, SEE AS 29.48.040; FOR] **For** Charter provisions on **municipal-operated public utilities** [THE SAME], see Charter §8-1.

8. Page 15-3: For statutory provisions requiring state approval of plans for water supply systems, see AS [47] 46.03.720(b); for provisions on certification of water supply operators, see AS 46.30.010 et seq.

9. Page 15-46: For statutory provisions on garbage and solid waste services, see AS 29.35.050 [48.033].

10. Page 19-1: For statutory provisions on subdivisions and dedications, see AS 40.15[; FOR PROVISIONS ON CITY SUBDIVISION REGULATION, SEE AS 29.43.040 AND 29.33.150 ET SEQ].

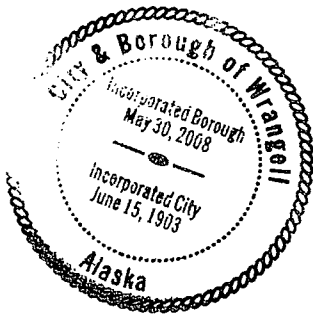
D. The borough clerk is hereby directed to ensure that a listing of temporary and special zoning ordinances, previously or hereafter enacted by the Assembly, is set out in Section 20.12.050 of the borough code.

PASSED IN FIRST READING: February 24, 2009.

PASSED IN SECOND READING: March 24, 2009.

Attest: Christie L. Jamieson
Christie L. Jamieson, MMC
Borough Clerk

Donald J. McConachie, Sr.
Donald J. McConachie, Sr.
Mayor



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 834

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 15 OF THE WRANGELL MUNICIPAL CODE RELATING TO UTILITY RATES

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

SEC. 1. Amendment. W.M.C. 15.12.200, Meter Rates – Residential service (Schedule A), subsection (B) is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are in bold and underlined:

B.	Rate	
	Customer charge	\$8.00 per month
	Energy charge	
	0 – 300 KWH	[\$0.114] <u>\$0.126</u> per KWH
	301 – 1200 KWH	[\$0.092] <u>\$0.102</u> per KWH
	Over 1200 KWH	\$0.08 per KWH

SEC 2. Amendment. W.M.C. 15.12.210, Meter Rates – Small commercial service (Schedule B), subsection (C) is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are in bold and underlined:

C.	Rate. Schedule B [RETRO SEPTEMBER 1, 2002]	
	Customer charge	\$9.00 [/] <u>per</u> month
	<u>Energy charge</u>	<u>\$0.116 per KWH</u>

SEC 3. Amendment. W.M.C. 15.12.215, Meter Rates – Large commercial service (Schedule C), subsection (D) is hereby amended by deleting those words that are capitalized and in brackets and by adding those words that are in bold and underlined:

D.	Rate. Schedule B [RETRO SEPTEMBER 1, 2002]	
	Customer charge	\$13.50 [/] <u>per</u> month
	<u>Energy charge</u>	
	<u>0 – 70,000 KWH</u>	<u>\$0.107 per KWH</u>
	<u>Over 70,000 KWH</u>	<u>\$0.103 per KWH</u>

SEC 4. Amendment. W.M.C. 15.04.640, Monthly water rates, is hereby amended by adding those words that are in bold and underlined:

A. The following monthly rates shall apply to all metered properties:

Monthly Metered Water Rates

	Monthly Allowance	Base (Per Month)	Volume Charge (Per 1,000 Gallons)
Metered Residential	4,000 gallons	\$20.00	\$1.50 <u>Effective July 1, 2009</u> <u>\$1.88</u>
Metered Commercial	4,000 gallons	\$20.00	\$1.50 <u>Effective July 1, 2009</u> <u>\$1.88</u>
Large Commercial	500,000 gallons	\$300.00	\$0.30 Effective Jan 1, 2009: \$0.50 <u>Effective July 1, 2009</u> <u>\$0.63</u>
Bulk Water	0 gallons	\$50.00 (per sale)	\$10.00 <u>Effective July 1, 2009</u> <u>\$12.50</u>

B. The following monthly water rates shall apply to all nonmetered properties:

Table 15.04.640A – Monthly Water Rates – Nonmetered Properties

Class A - Residential	
Designation	Rate [(EFF. 7/1/06)]
Inside service area, per family unit	\$24.36 <u>Effective July 1, 2009</u> <u>\$30.45</u>

Note A: The residential schedule is restricted to service used exclusively for general domestic purposes.

Note B: Where central laundry facilities are furnished for the exclusive use of tenants in apartment buildings or trailer courts, no charge in addition to above will be made.

Table 15.04.640B - Monthly Water Rates –Non-Metered				
Class B - Commercial and Industrial - Flat Rates				
Designation	Effective Dates			
	7/1/04	7/1/05	7/1/06	<u>7/1/09</u>
Bakeries	\$83.64	\$87.83	\$92.22	<u>\$115.28</u>
Bars	\$83.64	\$87.83	\$92.22	<u>\$115.28</u>
Barbershops:				
One chair	\$20.90	\$21.95	\$23.04	<u>\$28.80</u>
Per each additional chair	\$16.73	\$17.57	\$18.45	<u>\$23.06</u>
Beauty shops:				
One basin	\$20.90	\$21.95	\$23.04	<u>\$28.80</u>
Per each additional basin	\$16.73	\$17.57	\$18.45	<u>\$23.06</u>
Canneries:				
Shellfish canneries	\$418.14	\$439.05	\$461.00	<u>\$576.25</u>
Fish processing	\$445.98	\$468.28	\$491.70	<u>\$614.63</u>
Rinsing and packaging only	\$83.64	\$87.83	\$92.22	<u>\$115.28</u>
Saltwater process only	\$83.64	\$87.83	\$92.22	<u>\$115.28</u>
Churches	\$20.90	\$21.95	\$23.04	<u>\$28.80</u>
Cleaners and cleaning plants	\$41.73	\$43.82	\$46.01	<u>\$57.51</u>
Clubs, lodges – Without bar or restaurant facilities	\$20.90	\$21.95	\$23.04	<u>\$28.80</u>
Cold storage plants	\$445.98	\$468.28	\$491.70	<u>\$614.63</u>
Convenience store	\$12.08	\$12.68	\$13.32	<u>\$16.65</u>
Docks	\$104.46	\$109.68	\$115.16	<u>\$143.95</u>
Docks or marinas for small boats, including oil docks	\$69.72	\$73.20	\$76.86	<u>\$96.08</u>
Garages, service stations, car lots:				
Without washrack	\$41.73	\$43.82	\$46.01	<u>\$57.51</u>
With washrack	\$62.72	\$65.85	\$69.15	<u>\$86.44</u>
Grocery stores:				
Without meat market	\$31.26	\$32.83	\$34.47	<u>\$43.09</u>
With meat market	\$64.74	\$67.97	\$71.37	<u>\$89.21</u>
Hospitals	\$166.22	\$174.53	\$183.26	<u>\$229.08</u>
Hydrants. Fire, each	\$13.26	\$13.92	\$14.61	<u>\$18.26</u>
Hotels and motels:				
10 rooms or less	\$62.72	\$65.86	\$69.15	<u>\$86.44</u>
Over 10 rooms, per room	\$4.87	\$5.12	\$5.37	<u>\$6.71</u>
Laundromats, self-service:				
Under 30-pound capacity, per	\$25.52	\$26.80	\$28.14	<u>\$35.18</u>
30 pounds or over capacity, per	\$44.54	\$46.77	\$49.10	<u>\$61.38</u>

Table 15.04.640B – Monthly Water Rates (Continued)				
Class B – Commercial and Industrial – Flat Rates				
Designation	Effective Dates			
	7/1/04	7/1/05	7/1/06	
Meat markets	\$33.43	\$35.10	\$36.86	<u>\$46.08</u>
Multifamily (per unit)	\$16.93	\$17.78	\$18.66	<u>\$23.33</u>
Oceangoing freight and passenger vessels taking water:				
0 – 3,600 gallons	\$42.89	\$45.03	\$47.29	<u>\$59.11</u>
Each additional gallon	\$0.01	\$0.02	\$0.02	<u>\$0.03</u>
Office building:				
Per employee	\$1.36	\$1.43	\$1.50	<u>\$1.88</u>
Each additional plumbed office	\$20.90	\$21.95	\$23.04	<u>\$28.80</u>
Each additional unplumbed office	\$4.87	\$5.12	\$5.37	<u>\$6.71</u>
Offices, medical	\$71.08	\$74.64	\$78.37	<u>\$97.96</u>
Offices, dental	\$71.08	\$74.64	\$78.37	<u>\$97.96</u>
Without laboratory and/or x-ray	\$20.90	\$21.95	\$23.04	<u>\$28.80</u>
Plane floats	\$41.73	\$43.82	\$46.01	<u>\$57.51</u>
Public showers:				
First two stalls	\$22.33	\$23.45	\$24.62	<u>\$30.78</u>
Per each additional stall	\$5.45	\$5.72	\$6.00	<u>\$7.50</u>
Ranger district (Forest Service)	\$214.27	\$224.98	\$236.23	<u>\$295.29</u>
Restaurants, lunch counters, etc.:				
Up to and including 30 seats	\$62.72	\$65.86	\$69.15	<u>\$86.44</u>
Over 30 seats	\$83.64	\$87.83	\$92.22	<u>\$115.28</u>
Fountain only	\$20.90	\$21.95	\$23.04	<u>\$28.80</u>
Sawmills	\$1,393.73	\$1,463.42	\$1,536.59	<u>\$1920.74</u>
Schools, per classroom	\$13.81	\$14.50	\$15.22	<u>\$19.03</u>
Shops and stores	\$20.90	\$21.95	\$23.04	<u>\$28.80</u>
Stores - Dry goods, gifts, etc.	\$22.33	\$23.45	\$24.62	<u>\$30.78</u>
Swimming pool, public	\$283.15	\$297.31	\$312.17	<u>\$390.21</u>
Theaters, seating 500 people or less	\$41.73	\$43.82	\$46.01	<u>\$57.51</u>

Rates herein apply to the average monthly usage. No adjustments will be made for seasonal work.

Note 1: All commercial enterprises consisting of more than one facility shall be charged the sum of the applicable rates for each facility.

Note 2: The monthly rate for any establishment not herein designated shall be determined by the city council. Until such rate may be established, the rate deemed most applicable

shall apply, subject to adjustment

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. 6. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: June 9, 2009.

PASSED IN SECOND READING: June 23, 2009.

Attest: Christie L. Jamieson
Christie L. Jamieson
Borough Clerk

Donald J. McConachie, Sr.
Donald J. McConachie, Sr.
Mayor



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 835

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, TO AMEND 3.54.010 OF THE WRANGELL MUNICIPAL CODE TO CHANGE THE REQUIRED NUMBER OF BOARD MEMBERS ON THE JAMES AND ELSIE NOLAN MUSEUM AND CIVIC CENTER BOARD FROM ELEVEN TO SEVEN

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

SEC. 1. Action. This ordinance amends 3.54.010, Established – Membership – Organization, of the Wrangell Municipal Code by deleting those words that are capitalized and in brackets and by adding those words that are underlined:

3.54.010 A. There shall be a James and Elsie Nolan Museum and Civic Center board which shall consist of [11] 7 members, qualified and selected as set forth below:

1. The present membership of the board is hereby confirmed. To the extent feasible, future boards shall consist of [TWO] one at-large member[S] and [A] six representatives, each of whom must be recommended by [EACH] at least one of the following organizations:

- a. [CITY COUNCIL] Borough Assembly;
- b. School board;
- c. Chamber of commerce;
- d. Forest service;
- e. Friends of Museum;
- f. Alaska Native Brotherhood;
- g. Alaska Native Sisterhood;
- h. Wrangell Cooperative Association;
- i. Convention and visitor bureau.

Organizational representatives shall be [SELECTED] recommended by [THEIR RESPECTIVE] the organizations named above, with the final board members chosen and approved by the [COUNCIL] Assembly, at its discretion. Applications for at-large positions shall be submitted to the [CITY] borough clerk and the at-large member[S] approved by the [COUNCIL] Assembly. To the extent feasible, at least one board member should have financial and budgetary experience and at least one board member should have building maintenance and construction experience.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be

codified in the Wrangell Municipal Code.

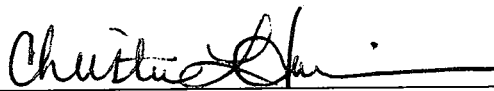
SEC. 3. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

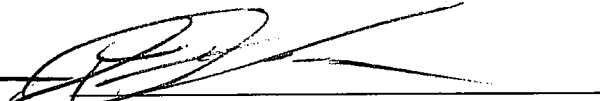
SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: June 9, 2009.

PASSED IN SECOND READING: June 23, 2009.

Attest:


Christie L. Jamieson
Borough Clerk


Donald J. McConachie, Sr.
Mayor



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 836

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING 14.11.005

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

SEC. 1. Action. This ordinance amends section 14.11.005 subsection (b) by delaying the effective dates for increasing the reserved moorage rate by one year by deleting those words that are capitalized and in brackets and by adding those words that are in bold and underlined:

14.11.005 Fee Schedule.

Use	Fee
B. Reserved Moorage – WMC 14.05.015.	
Wait list deposit	\$50.00 each
Annual	
[EFFECTIVE 07-01-07	\$15.00/FOOT]
Effective 07-01-08	\$18.00/foot
Effective [07-01-09] <u>07-01-10</u>	\$21.00/foot
Effective [07-01-10] <u>07-01-11</u>	\$24.00/foot

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.


SEC. 3. 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.

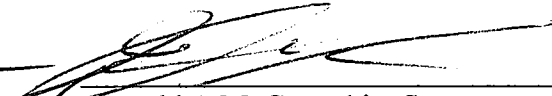
SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

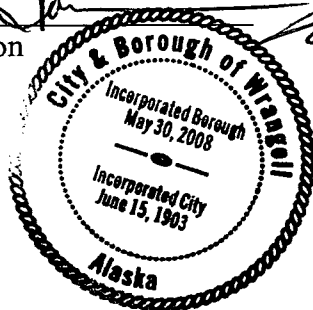
PASSED IN FIRST READING: June 9, 2009.

PASSED IN SECOND READING: June 23, 2009.

Attest:


Christie L. Jamieson
Borough Clerk


Donald J. McConachie, Sr.
Mayor



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 837

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 5.04 OF THE WRANGELL MUNICIPAL CODE RELATING TO PROPERTY TAX

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

SEC. 1. New section. Title 5.04 of the City and Borough of Wrangell Municipal Code is hereby amended by adding a new section as follows:

5.04.095 Reevaluation. There shall be a systematic reevaluation of all taxable real property undertaken by the assessor on a rotating basis at intervals not to exceed every three years.

SEC. 2 Amendment. W.M.C. 5.04.030, Exemptions, is hereby amended by adding a new subsection (D), as follows:

5.04.030 Exemptions. The following are exempted from the levy imposed under this chapter.

D. Any interest, other than record ownership, in real property of an individual residing in the property if the property has been developed, improved, or acquired with federal funds for low-income housing and is owned or managed as low-income housing by the Alaska Housing Finance Corporation under AS 18.55.100 - 18.55.960 or by a regional housing authority formed under AS 18.55.996. However, this exemption does not prohibit the Alaska Housing Finance Corporation from making payments to the City and Borough of Wrangell for improvements, services, and facilities furnished by Wrangell for the benefit of a housing project, and this subsection does not prohibit the City and Borough of Wrangell from receiving those payments or any payments in lieu of taxes authorized under federal law.

SEC. 3. Repeal. The Wrangell Municipal Code Title 5.04 is hereby amended by repealing sections 5.04.035 Repair and rehabilitation exemption qualification and 5.04.036 Exemption – Timber processing in their entirety.

SEC. 4. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 5. 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. 6. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: June 9, 2009.

PASSED IN SECOND READING: June 23, 2009.

Attest: Christie L. Jamieson
Christie L. Jamieson
Borough Clerk

Donald J. McConachie, Sr.
Donald J. McConachie, Sr.,
Mayor



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 838

A NON-CODE ORDINANCE OF THE ASSEMBLY OF THE
CITY AND BOROUGH OF WRANGELL DECLARING
FORECLOSED UPON PROPERTY NOT NECESSARY FOR A
PUBLIC PURPOSE

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

SEC. 1. Action. The purpose of this ordinance is to comply with Alaska Statute 29.45.460 regarding the disposition and sale of foreclosed property and to declare those parcels foreclosed upon pursuant to case number 1WR-05-42 CI not needed for a public purpose and therefore subject to sale.

The Assembly of the City and Borough of Wrangell hereby declares that there exists no public need for the following described properties and that accordingly, the properties listed below shall be sold as provided for by A.S. 29.45.460:

1. Lot 4 R.A.L. Subdivision in 2004
Name of the last record owner:
Kay S. Larson and Screeners Company, Inc.
Address or general description of the property:
600 Etolin Street – Parcel Number 02-032-750
2. Lot 6 USS 2921 in 2004
Name of the last record owner:
Jeffrey Barton Bush (now deceased)
Address or general description of the property:
7 mile Zimovia Highway – Parcel Number 03-011-260
3. Lot 6 Block 2 City Subdivision in 2004
Name of the last record owner:
Jacqueline DeMontigny & Robert K. Johnson
Address or general description of the property:
606 Council Drive – Parcel Number 02-032-584
4. Lot 2 R.A.L. Subdivision in 2004:
Name of the last record owner:
Screeners Company, Inc.
Address or general description of the property:
731 Hemlock Street – Parcel Number 02-039-753

SEC. 2. Classification. This is a non-code ordinance.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: June 23, 2009

PASSED IN SECOND READING: July 28, 2009

Attest: Christie L. Jamieson
Christie L. Jamieson
Borough Clerk

Donald J. McConachie, Sr.
Donald J. McConachie, Sr.
Mayor



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 839

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$340,000 TO PAY FOR A PORTION OF THE COST OF PLAYGROUND UPGRADES AT EVERGREEN ELEMENTARY SCHOOL; AUTHORIZING SUBMISSION TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE REGULAR ELECTION TO BE HELD ON OCTOBER 6, 2009, OF A PROPOSITION APPROVING THIS ORDINANCE AND RATIFYING THE AUTHORIZATION OF THE BONDS; APPROPRIATING FUNDS FOR THE PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE

A. The Borough Assembly of the City and Borough of Wrangell (the "Borough") has determined that it is in the best interests of the Borough and its residents to upgrade playground facilities at Evergreen Elementary School (as further described herein, the "Project").

B. The Project is estimated to cost \$1,100,997. The Borough will receive \$770,698 in grant funds from the State of Alaska, Department of Education and Early Development ("DEED") to pay a portion of the cost of the Project on the condition that the Borough provide the balance of \$330,299 in Project costs.

B. The Assembly wishes to authorize the issuance of not to exceed \$340,000 principal amount of general obligation bonds (the "Bonds") to pay the Borough's share of the Project costs and costs of issuing the Bonds.

C. The constitution and laws of the State of Alaska require the bond authorization to be submitted to the qualified voters of the Borough for their ratification or rejection, and the Assembly wishes to submit this question to the Borough's voters at the October 6, 2009 election.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF CITY AND BOROUGH OF WRANGELL as follows:

Section 1. Classification. This ordinance is not of a permanent and general nature and will not be codified.

Section 2. Findings; Capital Improvements. It is hereby found and declared that the public welfare and benefit require that the Borough acquire, construct and equip upgrades to the playground facilities at Evergreen Elementary School, including but not limited to removing and repairing or replacing playground equipment, fencing and surfacing in the play area and constructing a covered play area (the "Project"). The cost of all necessary design, architectural,

engineering, legal, and other consulting services, inspection and testing, administrative and relocation expenses, on- and off-site utilities, purchases of furnishings and equipment, and other costs incurred in connection with the Project shall be deemed a part of the cost of the Project. The Borough shall determine the specifications for the Project.

The Borough will determine the application of available funds to accomplish as nearly as may be the entire Project. If proceeds of the Bonds, plus other funds of the Borough legally available for such purpose, are insufficient to accomplish all of the improvements comprising the Project, the Borough will use the available funds, including Bond proceeds, to pay the cost of those improvements that the Assembly deems most necessary and in the best interest of the Borough, subject to approval by DEED.

If the Assembly determines that it has become impractical to accomplish all or a portion of the Project because of changed conditions, incompatible development or costs substantially in excess of those estimated, the Borough will not be required to undertake the Project or such portion of the Project and may apply the Bond proceeds or any portion thereof to other portions of the Project or to the payment of principal of or interest on the Bonds, subject to approval by DEED.

If proceeds of the Bonds remain unexpended and unencumbered for costs of the Project, those remaining Bond proceeds may be used to pay debt service on the Bonds.

Section 3. Authorization of Bonds. To provide all or a portion of the funds necessary to pay or reimburse costs of the Project and costs of issuance of the Bonds, the Borough will issue and sell its general obligation bonds in the aggregate principal amount of not to exceed \$340,000 (the "Bonds"). The Bonds will be issued in an amount not exceeding the amount approved by the voters of the Borough and not exceeding the amount permitted by the constitution and laws of the State of Alaska. The balance, if any, of the cost of the Project will be paid out of any other legally available funds, including the DEED grant. The Bond proceeds may only be used for capital purposes.

The Bonds will be general obligations of the Borough, and the full faith, credit and resources of the Borough will be pledged to the payment of principal of and interest on the Bonds. Unless paid from other sources (including sales and use taxes), both principal of and interest on the Bonds will be payable out of annual tax levies to be made upon all taxable property within the Borough without limitation as to rate or amount and in excess of any constitutional or statutory tax limitation.

The Bonds will be issued and sold in such amounts and at such time or times as the Assembly finds necessary and advisable and as permitted by law. The Bonds may be issued in one or more series and mature in such amounts and at such times within a maximum term of 30 years from the date of issuance of the Bonds, all as authorized by the Assembly and as provided by law. The date, form, interest rates, terms, redemption provisions, maturities, covenants and manner of sale of the Bonds shall be as hereafter provided by ordinance or resolution of the Assembly. After voter approval of the Bond proposition and in anticipation of

the issuance of the Bonds, the Borough may issue short-term obligations as authorized by the laws of the State of Alaska.

Section 4. Bond Election. The proposition to approve this ordinance and approve issuing the Bonds to pay costs of the Project will be submitted to the qualified voters of the Borough for their ratification or rejection at the regular election to be held in the Borough on October 6, 2009. The bond proposition will be in substantially the following form:

CITY AND BOROUGH OF WRANGELL

PROPOSITION 1

\$340,000 GENERAL OBLIGATION BONDS
EVERGREEN ELEMENTARY SCHOOL PLAYGROUND UPGRADES

Shall City and Borough of Wrangell incur debt and issue general obligation bonds in the principal amount of not to exceed \$340,000, maturing within a maximum of 30 years, to finance the acquisition, construction and equipping of upgrades to playground facilities at Evergreen Elementary School, and shall Ordinance No. 839 of the Borough authorizing the issuance of the bonds for this capital project be approved?

BONDS Yes

BONDS No

* * * * *

Section 5. Appropriation and Reimbursement. If the issuance of the Bonds is ratified at the election authorized by this ordinance, the Borough anticipates that prior to the issuance of the Bonds it may be necessary or desirable to pay certain costs of the Project. Therefore, the Assembly hereby appropriates from the Borough's general fund so much of the total authorization as may be necessary to carry out the provisions of this ordinance, including paying costs of the Project and costs of issuance of the Bonds. The amounts expended under the appropriation made in this section will be reimbursed to the general fund from the proceeds of sale of the Bonds or short-term obligations authorized by this ordinance. The Assembly hereby declares that this section constitutes a declaration of the Borough's intent to reimburse such fund from proceeds of tax-exempt bonds within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended.

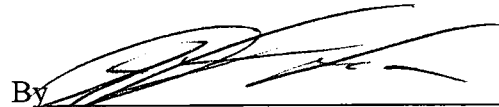
Section 6. Notice. The Borough Clerk will provide for notice, publication and posting of this ordinance and the ballot proposition authorized by this ordinance in accordance with the provisions of the Borough Code of Ordinances and state law.

Section 7. Severability. If any one or more of the provisions of this ordinance is for any reason held to be invalid, such invalidity shall not affect or invalidate any other provision of this ordinance or the Bonds, but this ordinance and the Bonds shall be construed and enforced as if such invalid provision had not been contained herein; provided, however, that any provision that is for any reason held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.


Section 8. Effective Date. This ordinance will become effective from and after the date of its passage, as provided in Section 5.41.020(c) of the Borough Code of Ordinances. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified.

PASSED this 28th day of July, 2009.

CITY AND BOROUGH OF WRANGELL

By 
Donald J. McConachie, Sr., Mayor

ATTEST:


Christie L. Jamieson, MMC,
Borough Clerk



CLERK'S CERTIFICATE

I, the undersigned, Borough Clerk of the City and Borough of Wrangell, Alaska (the "Borough"), and keeper of the records of the Borough Assembly (the "Assembly"), DO HEREBY CERTIFY:

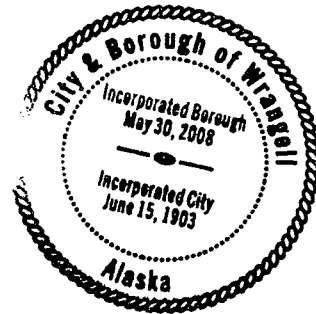
1. That the attached Ordinance (the "Ordinance") is a true and correct copy of Ordinance No. 839 of the Borough, as finally passed at a meeting of the Assembly held on July 28, 2009, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the adoption of the Ordinance; that all other requirements and proceedings incident to the proper adoption of the Ordinance have been fully fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this July 29, 2009.



Christie L. Jamieson, MMC, Borough Clerk
City and Borough of Wrangell, Alaska



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 840

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, TO AMEND 3.54.010 OF THE WRANGELL MUNICIPAL CODE TO CHANGE THE REQUIRED NUMBER OF BOARD MEMBERS ON THE JAMES AND ELSIE NOLAN MUSEUM AND CIVIC CENTER BOARD FROM ELEVEN TO SEVEN.

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

SEC. 1. Action. This ordinance amends 3.54.010, Established – Membership – Organization, of the Wrangell Municipal Code by deleting subsection A of 3.54.010 in its entirety and replacing it with the following:

3.54.010 A. There shall be a James and Elsie Nolan Museum and Civic Center board which shall consist of seven members appointed by the mayor with the approval of the Assembly for overlapping three-year terms. All members of the board shall be residents of the city and borough. The members shall be appointed as set forth below.

1. The present membership of the board is hereby confirmed. The terms of the members shall begin on October 1st, with three members to be appointed in the first year, and two members in each of two successive years and in like manner thereafter. A member may be removed by the mayor with approval of the Assembly for the good of the service. Vacancies shall be filled for the unexpired terms. Members shall serve without compensation.

SEC 2. Subsection D of 3.54.010 is amended by deleting those words capitalized and in brackets and adding those words in bold and underlined:

D. [SIX] **Four** members of the board shall constitute a quorum for the transaction of business. Actions of the board are taken by the vote of a majority of the members duly present at a meeting of the board duly held at which a quorum is present. The board shall keep minutes of its proceedings and records of its official actions.

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: July 28, 2009.

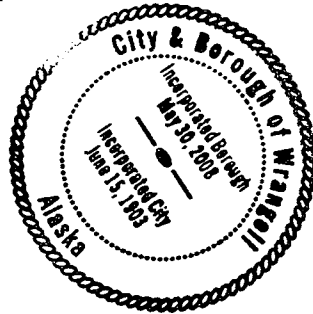
PASSED IN SECOND READING: August 25, 2009.

Attest: Christie L. Jamieson

Christie L. Jamieson
Borough Clerk

Donald J. McConachie, Sr.

Donald J. McConachie, Sr.
Mayor



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 841

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, TO AMEND THE WRANGELL MUNICIPAL CODE BY ADDING A NEW CHAPTER RELATED TO AERIAL ENCROACHMENTS IN A PORTION OF THE BOROUGH RIGHT OF WAY AND AMENDING 20.52.210 RELATING TO SIGNS

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

SEC. 1. Action. This ordinance amends the Wrangell Municipal Code by adding a new Chapter, Chapter 13.05 as follows:

Chapter 13.05

AERIAL ENCROACHMENTS IN THE BOROUGH RIGHT OF WAY

13.05.010 Permitted encroachments.

A. It shall be unlawful for any person, other than an officer or employee of the City and Borough of Wrangell in the course of his or her employment, to make, cause or permit any construction in, on, under or within a borough right-of-way except as provided for in this chapter.

B. Aerial encroachments that are not for the purpose of advertising may be permitted only in that portion of the borough right of way located on Front Street, specifically, at its origination where it intersects with Stikine Avenue and Federal Way and extending through the downtown commercial district ending at the intersection of Case Avenue and Shakes Street, upon approval by the City and Borough Planning Commission. Except as provided for in subsection 13.05.040, persons who currently own, maintain, or wish to modify, alter, or change, an existing aerial encroachment located in the borough right of way described above, and persons desiring to construct, place, or erect an aerial encroachment in the borough right of way, shall apply for an encroachment permit on a form designated by the commission and, except as provided for in section 13.05.040, pay an application fee of \$50 to the City and Borough of Wrangell.

C. The commission may provide for any such terms and conditions as the commission deems appropriate prior to approving an encroachment permit. In determining to issue or deny a permit, the commission may consider, at a minimum the following:

1. The collateral impact of the requested encroachment upon other

individuals, the city and borough maintenance efforts, and public safety;

2. The overall beneficial or negative impacts on the use of the right of way by individuals or the public-at-large;

3. The need for the land for public construction projects in the foreseeable future;

4. Whether the encroachment can be considered an advertisement, which is specifically not permissible in the right of way;

5. The commission may require the applicant to obtain reviews and/or approvals of construction designs or materials from other state or local government agencies.

13.05.020 Revocation of permit or relocation, removal, change or modification of encroachment.

A. Except as provided for below, the commission may revoke or require the change, modification, relocation or removal of an aerial encroachment previously permitted, after notice issued to the permittee at least 45 days, unless a shorter period of is agreed to herein by the Permittee or as provided for below, before the date of revocation or removal, relocation, or modification is required if it is determined that the permit was issued in error, that the encroachment is having unanticipated adverse effects upon traffic, that the holder has not complied with any applicable term of the permit or this chapter set or required by the commission, or if the area in question is needed for, or if the encroachment conflicts with, a proposed public use of the right of way.

B. The commission may revoke a permit effective immediately should it be determined that doing so is necessary as a matter of imminent public safety.

C. Notice shall be served by certified mail, return receipt requested, addressed to the owner or agent of the owner at the owner's last known address, or by hand-delivery to the owner or agent of the owner. If the owner is not known or the notice is returned because of inability to make delivery thereof, notice of the intended removal shall be published once in a newspaper of general circulation in the city and borough. The issuance of a permit under this subsection does not entitle the permittee to a payment of just compensation or relocation benefits under A.S. 34.60. If the owner does not change, relocate, modify or remove an encroachment within the time set by the commission, the encroachment shall be considered an unauthorized encroachment and subject to the provisions of section 13.05.030.

13.050.030 Unauthorized encroachments.

Unauthorized encroachments shall be subject to immediate removal by the owner upon being given notice explaining the violation and allowing twenty days to remove the encroachment. Notice shall be served by certified mail, return receipt requested, addressed to the owner or agent of the owner at the owner's last known address, or by hand-delivery to the owner or agent of the owner. If the owner is not known or the notice is returned because of inability to make delivery thereof, notice of the intended removal shall be published once in a newspaper of general circulation in the city and borough. If the owner does not remove the

encroachment after being given proper notice, the City and Borough shall remove the same, and the person encroaching shall reimburse the City and Borough for all costs incurred. Failure of the City and Borough to act to cause the removal of an unauthorized encroachment shall create no rights in the owner.

13.05.040 Pre-existing aerial encroachments.

Persons in possession of or who own or maintain aerial encroachments erected and existing on or before July 1, 2009 may be granted a permit allowing such encroachment to remain upon the submittal of an Encroachment Permit Application. Grandfathered applications may be approved directly by the zoning administrator. The \$50 application fee shall be waived with respect to all applications submitted under this subsection.

13.05.050 Indemnification.

The Permittee agrees to indemnify, defend and hold harmless the City and Borough and its officers, employees, and contractors, from any and all claims to persons or property resulting from injury, loss, or damage resulting from the Permittee's use of the permitted area.

13.05.060 Appeals.

Appeals of the denial of a permit authorized by this section shall be governed by the process laid out in W.M.C. 20.80.010.

13.05.070 Definitions

The following definitions apply to this subsection:

1. "commission," shall mean the Planning and Zoning Commission;
2. "encroachment" or "encroachments" as used in this subsection shall refer to aerial encroachments only, such as canopies, awnings, and overhangs in the Borough right of way.

SEC. 2. Amendment. This ordinance amends 20.52.210(H) of the Wrangell Municipal Code by deleting those words that are capitalized and in brackets and by adding those words that are in bold and underlined:

20.52.210. Signs. H. **In addition to the requirements of Title 13.05 of this Code, the** [THE] following regulations shall apply to signs in commercial and industrial districts:

1. Signs shall be located flat against a building or a marquee.
2. One ground, pole, or projecting sign is permitted, per property, not to exceed 50 square feet in area; provided, that signs projecting beyond the lot line may be no closer than six inches from the curblin and must be at least eight feet above the finished sidewalk grade.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be

codified in the Wrangell Municipal Code.

SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: July 28, 2009.

PASSED IN SECOND READING: August 25, 2009.

Attest: Christie L. Jamieson
Christie L. Jamieson
Borough Clerk

Donald J. McConachie, Sr.
Donald J. McConachie, Sr.
Mayor



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 842

AN ORDINANCE OF THE CITY AND BOROUGH OF WRANGELL, ALASKA AUTHORIZING THE CREATION OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY UNDER AS 29.35.800 – 29.35.925, WHICH AUTHORITY SHALL BE KNOWN AS THE SOUTHEAST ALASKA SOLID WASTE AUTHORITY, AND WHICH SHALL HAVE THE PURPOSE, POWERS, AND OTHER ATTRIBUTES AS SET FORTH IN THIS ORDINANCE; CALLING A REFERENDUM ON THE PROPOSITION OF CREATING THE AUTHORITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the development of environmentally sound and cost-effective management of solid waste, including storage, collection, transportation, separation, processing, recycling, and disposal to protect the public health, safety, and welfare, to strive to improve the environment of the region, to recover resources and energy as practical, and to reduce pollution is vital to the present and future economic well-being of the residents of City and Borough of Wrangell; and

WHEREAS, a regional solid waste management authority represents an effort at an efficient and effective means to develop and provide such solid waste management facilities and services, thereby facilitating local and regional health, safety, and economic growth and development; and

WHEREAS, the Regional Solid Waste Management Authority Act (AS 29.35.800 – 29.35.925) more specifically allows one or more municipalities to establish a regional solid waste management authority with express powers, including the power to issue revenue bonds and to acquire, construct, and operate solid waste-related facilities and services; and

WHEREAS, in furtherance of that purpose, the City and Borough of Wrangell desires to establish a regional solid waste management authority to be known as the “Southeast Alaska Solid Waste Authority.”

NOW, THEREFORE, BE IT ORDAINED BY THE CITY AND BOROUGH OF WRANGELL, ALASKA, AS FOLLOWS:

Section 1. Creation: (a) The Borough Assembly of the City and Borough of Wrangell, Alaska hereby authorizes the creation of a regional solid waste management authority pursuant to the Regional Solid Waste Management Authority Act (AS 29.35.800 – 29.35.925), which authority shall be known as the Southeast Alaska Solid Waste Authority (“Authority”). The Authority shall be a public corporation of the City and Borough of Wrangell, Alaska and any Other Participating Municipalities, if any, identified in this ordinance.

(b) The City and Borough of Wrangell intends, subject to voter approval of this ordinance to create the Authority irrespective of whether one or more Other Participating Municipalities identified in Section 2(b) below join the Authority.

Section 2. Participating Municipalities. (a) The City and Borough of Wrangell, Alaska shall be known as “Participating Municipality.”

(b) Subject to the approval of substantially similar ordinances as provided in AS 29.35.805, one or more municipalities located within the boundaries of the Authority may join with the City and Borough of Wrangell as “Other Participating Municipalities” authorizing and creating the Authority.

(c) The City and Borough of Wrangell and any of the Other Participating Municipalities shall be known individually as a “Participating Municipality” and shall be known collectively as the “Participating Municipalities.”

Section 3. Purpose: (a) The Authority is authorized and created to provide environmentally sound and cost-effective management of solid waste, including storage, collection, transportation, separation, processing, recycling and disposal to protect the public health, safety, and welfare, to strive to

improve the environment within its boundaries, to recover resources and energy as practical, and to reduce pollution.

Section 4. Boundaries: The boundaries of the Authority shall include all the land, the tidelands and the submerged lands in the territory bounded on the north by the northern boundary of the City and Borough of Yakutat as such is described in the Certificate of Boundaries, which the State of Alaska issued on April 2, 1997, and which may be amended from time to time, which, if amended, shall be incorporated by the Authority without further action by the Participating Municipalities, on the east by the International Boundary of the United States and Canada, on the south by the International Boundary of the United States and Canada, and on the west by the United States territorial limits. With respect to the boundaries of the Authority that extend into Dixon Entrance or the Gulf of Alaska, notwithstanding the foregoing description, the jurisdictional limits of the Authority extend only to the limits of the State of Alaska's jurisdiction under AS 44.03.0 10.

Section 5. Powers: (a) The Authority may

- (1) sue and be sued;
- (2) have a seal and alter it;
- (3) acquire an interest in a project as necessary or appropriate to provide financing for the project, whether by purchase, gift, or lease;
- (4) lease to others a project acquired by the Authority on the terms and conditions the authority may consider advisable, including, without limitation, provisions for purchase or renewal;
- (5) sell, by installment sale or otherwise, exchange, donate, convey, or encumber in any manner by mortgage or by creation of another security interest, real or personal property owned by it or in which it has an interest, including a project, when, in the judgment of the Authority, the action is in furtherance of the Authority's purposes;

(6) accept gifts, grants, or loans, under the terms and conditions imposed under the gift, grant, or loan, and enter into contracts, conveyances, or other transactions with a federal agency or an agency or instrumentality of the state, a municipality, a federally-recognized tribe, a Section 8(a) minority business, a non-profit 501(c)(3) foundation, a private organization, or another person;

(7) deposit or invest its funds, subject to agreements with bondholders;

(8) purchase or insure loans to finance the costs of projects;

(9) provide physical security as to any project of the Authority within the boundaries of the Authority;

(10) enter into loan agreements for one or more projects on the terms and conditions the Authority considers advisable;

(11) acquire, manage, and operate projects the Authority considers necessary or appropriate to serve the Authority's purposes;

(12) assist private lenders to make loans to finance the costs of projects through loan commitments, short-term financing, or otherwise;

(13) charge fees or other forms of remuneration for the use or possession of projects under the agreements described in this subsection; other agreements relating to the projects, covenants, or representations made in bond documents relating to the projects; or regulations of the Authority relating to the projects;

(14) regulate land use within the area of any project of the Authority in a manner not prohibited by the planning and zoning ordinances of any participating municipalities of the Authority;

(15) defend and indemnify a current or former member of the Board, employee, or agent of the authority against all costs, expenses, judgments, and liabilities, including attorney fees, incurred by or imposed on that person in connection with a civil or criminal action in which the

person is involved because of the person's affiliation with the Authority if the person acted in good faith on behalf of the Authority and within the scope of the person's official duties and powers;

(16) purchase insurance to protect and hold harmless its employees, agents, and board members from an action, claim, or proceeding arising out of the performance of, purported performance of, or failure to perform in good faith, duties for the Authority or arising out of employment with the Authority and to hold them harmless from expenses connected with the defense, settlement, or monetary judgments from that action, claim, or proceeding; the purchase of insurance is subject to the discretion of the board; insurance purchased under this paragraph is not compensation to the insured person; and

(17) protect its assets, services, and employees by purchasing insurance or providing for certain self-insurance retentions.

(b) The Authority shall maintain casualty, property, business interruption, marine, boiler and machinery, pollution liability, and other insurance in amounts reasonably calculated to cover potential claims against the Authority or a municipality for bodily injury, death or disability, and property damage that arise from or are related to Authority operations and activities.

Section 6. Limitations: The Authority is not limited except as expressly set forth herein or in statute.

Section 7. Debt: Subject to the provisions of AS 29.35.825 – 29.35.850, as amended, the Authority may borrow money and may issue bonds on which the principal and interest are payable

(a) exclusively from the income and receipts of, or other money derived from, the project financed with the proceeds of the bonds

(b) exclusively from the income and receipts of, or other money derived from, designated projects or other sources, whether they are financed, insured, or guaranteed in whole or in part with the proceeds of the bonds; or

(c) from its income and receipts or a designated part or parts of them.

Section 8. Administration: (a) The Authority shall be governed by a Board of Directors (“Board”), which shall exercise the powers of the Authority.

(b) The Board shall hire a chief executive officer of the Authority who shall be an at-will employee and serve at the pleasure of the Board.

Section 9. Board of Directors: (a) Number and apportionment. The Board shall be comprised of members designated as Participating Municipality Directors and At-Large Directors whose number and apportionment shall be as follows:

(1) In the event that the Authority is comprised of a single Participating Municipality, the Board shall be comprised of three Directors as follows: one Participating Municipality Director who shall be appointed to represent the appointing Participating Municipality, and two At-large Directors.

(2) In the event that the Authority is comprised of two Participating Municipalities, the Board shall be comprised of three Directors as follows: two Participating Municipality Directors with each Participating Municipality Director appointed to represent the appointing Participating Municipality, and one At-large Director.

(3) In the event that the Authority is comprised of three or more Participating Municipalities, the Board shall be comprised entirely of Participating Municipality Directors whose total number shall equal the number of the Authority’s Participating Municipalities, with each Participating Municipality Director appointed to represent the appointing Participating Municipality.

(b) Qualifications.

(1) Participating Municipality Directors shall be a resident of and shall meet the minimum qualifications for election to the governing body of the Participating Municipality they are appointed to represent.

(2) At-large Directors may reside in any community within the boundaries of the Authority and shall meet the minimum qualifications for election to the governing body of the community within which they reside.

(c) Appointment; Filling Vacancies.

(1) Participating Municipality Directors. To first appoint Participating Municipality Directors to the Board upon creation of the Authority or upon receipt of Board notification of its determination and declaration of vacancy, the governing body of the Participating Municipality shall, not later than sixty calendar days following the date of the notice of vacancy appoint Participating Municipality Directors of the Authority by an affirmative vote of its members at a regular or special meeting.

(2) At-large Directors. To first appoint At-large Directors, if any, to the Board upon creation of the Authority or upon receipt of Board notification of its determination and declaration of an At-large Director vacancy, the governing bodies of the Participating Municipalities shall appoint individuals to fill At-large Director vacancies as provided in this section.

(a) In the event that the Authority is comprised of a single Participating Municipality, the governing body of the Participating Municipality shall, not later than sixty calendar days following the date of the notice of vacancy, appoint At-large Directors by an affirmative vote of its members at a regular or special meeting.

(b) In the event that the Authority is comprised of two Participating Municipalities, each Participating Municipality shall nominate at least one qualified individual to fill the At-large Director position. The Board shall appoint the At-large Director from nominations submitted by the Participating Municipalities. In the event that the Board cannot reach a decision with regard to the appointment of an At-large Director, the Board shall select the individual for appointment to the At-large Director position by coin toss.

(d) Terms.

(1) Participating Municipality Directors shall serve three-year terms; provided, however, that Participating Municipality Directors first appointed after the creation of the Authority shall be randomly assigned to one of three groups, each group to be as nearly equal in number as possible. The Directors assigned to one such group shall serve one-year terms; the Directors assigned to the second such group shall serve two-year terms; and the Directors assigned to the third such group shall serve three-year terms.

(2) At-large Directors shall serve three-year terms; provided, however, that In the event that the Authority is comprised of a single Participating Municipality, one At-large Director shall be randomly designated as the At-large Director to serve a full Director term or until the second Participating Municipality, if any, appoints its Participating Municipality Director, and the other At-large Director shall be randomly designated to serve a full Director term or until the third Participating Municipality, if any, appoints its Participating Municipality Director; and provided further that In the event that the Authority is comprised of two Participating Municipalities, the At-large Director shall serve a full Director term or until the third Participating Municipality, if any, appoints its Participating Municipality Director.

(e) Each Director shall hold office for the term of appointment and until a successor has been qualified and appointed.

(f) If otherwise qualified, a Director is eligible to be appointed to the Board for more than one term.

(g) Determination and Declaration of Vacancy. The Board shall declare a Director position vacant when the Director in question

(1) Fails to qualify or take office within thirty days after appointment;

(2) Is physically absent from the Participating Municipality for one hundred eighty consecutive days unless excused by the Board of Directors;

(3) Resigns and the resignation is accepted

(4) Is physically or mentally unable to perform the duties of office as determined by two-thirds vote of the Board of Directors;

(5) Is convicted of a felony or of an offense involving a violation of the oath of office;

(6) No longer physically resides in the Participating Municipality; or

(7) Misses three consecutive regular meetings and is not excused.

(h) Notice of Vacancy. Upon determination that a Board position is vacant, the Board shall promptly furnish written notice of its determination and declaration of vacancy in the Board to the governing body of the Participating Municipality in the event of a Participating Municipality Director vacancy, or to the governing bodies of all Participating Municipalities in the event of an At-large Director vacancy.

Section 10. Bylaws and Regulations: (a) The Board shall adopt bylaws to carry out the purposes and functions of the Authority as soon after the establishment of the Authority as possible and may, from time to time, amend those bylaws. The bylaws may contain any provision not in conflict with Alaska statutes for the management of the business of the Authority and for the conduct of the affairs of the Authority, including the

(1) time, place, and manner of calling, conducting, and giving notice of meetings of the board and committees of the Board, if any;

(2) compensation of the Board of Directors, if any;

(3) allowance for per diem and for travel and other necessary and reasonable expenses incurred by Directors in the conduct of the business of the Authority, if any;

- (4) appointment and authority of committees of the Board, if any;
- (5) appointment, duties, compensation, and tenure of officers, directors, chief executive officer, and other employees, if any;
- (6) procedures for adopting regulations;
- (7) procedures for adopting bylaws;
- (8) procedures for making annual reports and financial statements; and
- (9) other matters for the conduct of business by the Board.

(b) The Board shall adopt regulations to carry out the purposes of the Authority and to facilitate the day-to-day administration, operation and other functions of the Authority. The Board may amend those regulations from time to time.

Section 11. Meetings: (a) Quorum. A majority of the total membership of the Board constitutes a quorum. A Director disqualified by law from voting on a question may be considered present for purposes of constituting a quorum. In the absence of a quorum any Director may recess or adjourn the meeting to a later date.

(b) Actions. Actions of the Board are adopted by a majority of the total membership of the Board. Each Director shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each member on each ordinance, resolution, or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it may be recorded "unanimous".

(c) Journal. The Board shall maintain at its main office or any other office as designated by the Board a journal of its official proceedings. The journal shall be a public record.

Section 12. Subject to Public Records and Open Meetings Laws: The Authority is subject to AS 40.25.110 – 40.25.220 and to AS 44.62.310 and 44.62.312, as amended.

Section 13. Development Plan: (a) The Authority shall prepare, and shall maintain and keep current by amendment from time to time as necessary or appropriate, an Authority Project Development Plan ("Development Plan").

(b) The Development Plan shall contain, for each proposed project,

(1) a general project description which shall identify the need for the project, identify development phases, if any, describe any existing improvements in the project area to be affected by the project, describe real and personal property, including municipal real and personal property, proposed to be conveyed or leased to or from the Authority, discuss environmental issues associated with the project, list permits likely to be required to proceed with the project, and provide any other information necessary to adequately describe the project's purpose and scope;

(2) a development schedule including phases, if any;

(3) the estimated development cost, including the estimated development cost of project phases, if any;

(4) the estimated cost of operation;

(5) the proposed method of financing the improvements;

(6) identification of anticipated revenues from use fees, leases or other contractual arrangements with respect to each project; and

(7) any other information which the Board deems necessary to adequately describe the intent, purpose, schedule, and cost.

(c) The Authority shall submit the Development Plan and any subsequent amendments to that Development Plan to the governing bodies of the Participating Municipalities for review and for approval by resolution. Before the Authority may consider its Development Plan approved for purposes of this section, all Participating Municipalities must have first approved the

Development Plan, including any amendments to that Development Plan, by resolution.

(d) The Authority shall not undertake any project unless the Board formally determines by resolution that the proposed project is consistent with the approved Development Plan, including any amendments to that Development Plan.

Section 14. Annual Report: Within ninety days following the end of the fiscal year of the Authority, the Board shall distribute to the governing body of each Participating Municipality a report describing the operations and financial condition of the Authority during the preceding fiscal year. The financial report must itemize the cost of providing each category of service offered by the Authority and the income generated by each category. The financial report may include suggestions for legislation relating to the structure, powers, or duties of the Authority or operation of facilities of the Authority.

Section 15. Audits: (a) The Board shall have the financial records of the Authority audited at least once annually by an independent certified public accountant.

(b) To make the audits the Board shall designate a public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the Authority. The Board may retain a public accountant who also serves as an accountant or auditor for any Participating Municipality upon a vote of two-thirds of the Board.

(c) Copies of the annual and any additional audits shall be available to the public upon request.

(d) The Authority shall make all of its financial records available to auditors appointed by the Participating Municipality for examination.

Section 16. Fidelity Bond: The Authority shall obtain a fidelity bond in an amount determined by the Board for Board members and each executive

officer responsible for accounts and finances of the Authority. A fidelity bond must be in effect during the entire tenure in office of the bonded person.

Section 17. Taxation: (a) Because the Authority, exercising the powers granted by this enabling ordinance under AS 29.35.800 – 29.35.925 as amended, is in all respects for the benefit of the people of the Participating Municipality and the people of the state in general, for their well-being and prosperity, and for the improvement of their social and economic condition, the real and personal property of the Authority and its assets, income, and receipts are exempt from all taxes and special assessments of the state, or a political subdivision of the state, including but not limited to the Participating Municipality.

(b) Bonds issued by the authority under AS 29.35.825 are issued for an essential public and governmental purpose; therefore, the bonds, the interest and income from them, and all fees, charges, funds, revenue, income, and other money pledged or available to pay or secure the payment of the bonds or interest on them are exempt from taxation except for inheritance, transfer, and estate taxes.

(c) Notwithstanding the provisions of (a) of this Section, the Authority may in its sole discretion enter into agreements under which the Authority shall agree to pay to the Participating Municipality payments in lieu of taxes and special assessments on real and personal property of the Authority within the taxing jurisdiction of that municipality.

(d) Nothing in this Section creates a tax exemption with respect to the interests of a business enterprise or other person, other than the Authority, in property, assets, income, or receipts of that business enterprise or other person, whether or not financed under the provisions of AS 29.35.800 – 29.35.925 as amended.

Section 18. Withdrawal: (a) If the Participating Municipality is participating with one or more other municipalities, it may withdraw from participation without dissolving the Authority by repealing the enabling ordinance adopted under AS 29.35.805 (a)(2) or (b); provided that

(1) The Participating Municipality intending to withdraw from the Authority shall first provide not less than sixty calendar days written notice to all Participating Municipalities of its intent to introduce in first reading an ordinance repealing the enabling ordinance adopted under AS 29.35.805 (a)(2) or (b); and provided further that

(2) The ordinance repealing the enabling ordinance adopted under AS 29.35.805 (a)(2) or (b) shall be approved by an affirmative vote of at least two-thirds of the members of the governing body of the withdrawing Participating Municipality, and be approved by a majority of the qualified voters of that Participating Municipality voting on the question of withdrawing from the Authority.

(b) The Participating Municipality's contributions to the Authority, if any, shall remain the property of the Authority, and the Participating Municipality remains liable for obligations under any agreement with the Authority or other participating Municipalities, if any, unless the agreement is changed by the contractual parties.

Section 19. Dissolution: (a) The Participating Municipality or the last remaining Participating Municipality in the event the Authority had once included two or more Participating Municipalities may dissolve the Authority. Dissolution of the Authority requires an affirmative vote of at least two-thirds of the members of the governing body of the single or last remaining Participating Municipality on a dissolution ordinance and approval of that dissolution ordinance by a majority of the qualified voters of that Participating Municipality; provided, however, that

(1) all holders of any revenue bonds issued by the Authority and then outstanding are fully repaid including interest, or payment has been fully provided for; and

(2) all creditors of the Authority, including but not limited to lenders and trade creditors are fully paid including interest, if any, or other provision has been made for that payment; and

(3) all other obligations, agreements and commitments of the Authority, including but not limited to agreements with customers of the Authority, have been satisfied, or other provisions have been made for that satisfaction.

(b) The dissolution ordinance shall include, but is not limited to,

(1) schedules and procedures for terminating the Authority's functions and services;

(2) schedules and procedures for disposing of all the Authority's assets, including distributing those assets of the Authority which must be re-conveyed in accordance with the provisions of AS 29.35.810(b) as amended to the Participating Municipality; and

(3) schedules and procedures for satisfying all other obligations, agreements and commitments of the Authority as set forth in (a) of this Section; and

(4) provisions for those other matters deemed necessary and prudent by the Board for the proper dissolution of the Authority.

Section 20. Further Acts: The Borough Manager or the Borough Manager's designee is authorized to execute those documents and take those actions necessary to establish the Authority as set out in this ordinance, and to otherwise enter into agreements with the Authority and others within the scope and the purpose of the Authority.

Section 21. Referendum and Effective Date: This ordinance shall not go into effect until and unless the creation of the Authority is first approved by a majority of the qualified voters voting on the question at a City and Borough of Wrangell election to be held on October 6, 2009. The ballot proposition shall be substantially in the following form:

PROPOSITION NO. 2

CREATION OF THE SOUTHEAST ALASKA SOLID WASTE AUTHORITY

“Shall the City and Borough of Wrangell, in accordance with the Regional Solid Waste Management Authority Act (AS 29.35.800 – 29.35.925), create a regional solid waste management authority to be known as the Southeast Alaska Solid Waste Authority having the purposes, powers, and other attributes as set forth in Ordinance No. 842 of the City and Borough of Wrangell?”

Yes-----

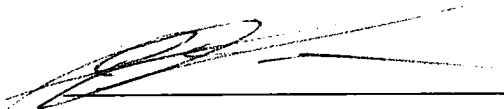
No -----

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the City and Borough of Wrangell, Alaska this 25th day of August, 2009.

ATTEST:



Christie L. Jamieson, MMC, Borough Clerk



Donald J. McConachie, Sr., Mayor

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 843

AN ORDINANCE OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, REPEALING ORDINANCE NO. 684 AND VOIDING THE BOND AUTHORIZATION PROVIDED BY THAT ORDINANCE AND APPROVED BY THE CITY'S VOTERS IN 2000

WHEREAS, Ordinance No. 684, passed by the City Council of the City of Wrangell, Alaska (the "City") on May 23, 2000, authorized the issuance of general obligation bonds in the principal amount of \$4,500,000 (the "Bonds") to pay costs of improvements to Heritage Harbor, subject to the approval of the City's voters at an election called for August 15, 2000; and

WHEREAS, at the bond election, the City's voters approved the Heritage Harbor improvements and the issuance of the Bonds to pay for those improvements; and

WHEREAS, the City and Borough of Wrangell, Alaska (the "City and Borough"), was established in 2008 and succeeds to all rights and obligations of the City, including the authorized but unissued Bonds; and

WHEREAS, other funding sources, including grants, have been sufficient to pay the costs of the voter-approved improvements to Heritage Harbor, so the Assembly now wishes to repeal Ordinance No. 684 and void the authorization of the Bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL as follows:

Section 1. Classification. This ordinance is not of a permanent and general nature and will not be codified.

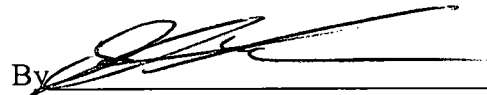
Section 2. Repealing Ordinance No. 684. Ordinance No. 684 is hereby repealed and the bond authorization provided by that ordinance, which was approved by the City's voters at an election held in the City on August 15, 2000, is voided.

Section 3. Effective Date. This ordinance will become effective from and after the date of its passage, as provided in Section 5.41.020(c) of the Borough Code of Ordinances. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified.


FIRST READING: August 25, 2009.

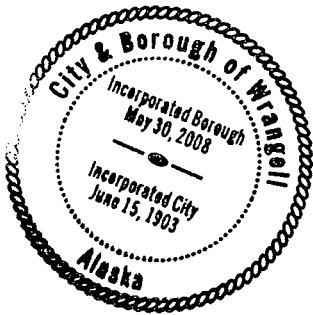
PUBLIC HEARING AND FINAL PASSAGE: September 8, 2009.

CITY AND BOROUGH OF WRANGELL

By 
Donald J. McConachie, Sr., Mayor

ATTEST:


Christie L. Jamieson, Borough Clerk



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 844

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, TO AMEND CHAPTER 13.05 TO PROVIDE FOR THE PERMITTING OF REMOVABLE, NON-PERMANENT ENCROACHMENTS IN THE BOROUGH RIGHT-OF-WAY

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

SEC. 1. Action. This ordinance amends the Wrangell Municipal Code by deleting those words that are capitalized and in brackets and by adding those words that are underlined and in bold:

Chapter 13.05

[AERIAL] ENCROACHMENTS IN THE BOROUGH RIGHT OF WAY

13.05.010 Permitted encroachments.

B. **Removable, non-permanent encroachments attached to permanent structures, and aerial** [AERIAL] encroachments that are not for the purpose of advertising, may be permitted only in that portion of the borough right of way located on Front Street, specifically, at its origination where it intersects with Stikine Avenue and Federal Way and extending through the downtown commercial district ending at the intersection of Case Avenue and Shakes Street, upon approval by the City and Borough Planning Commission. Except as provided for in subsection 13.05.040, persons who currently own, maintain, or wish to modify, alter, or change, an existing [AERIAL] encroachment located in the borough right of way described above, and persons desiring to construct, place, or erect an [AERIAL] encroachment in the borough right of way, shall apply for an encroachment permit on a form designated by the commission and, except as provided for in section 13.05.040, pay an application fee of \$50 to the City and Borough of Wrangell.

13.05.020 Revocation of permit or relocation, removal, change or modification of encroachment.

A. Except as provided for below, the commission may revoke or require the change, modification, relocation or removal of an [AERIAL] encroachment previously permitted, after notice issued to the permittee at least 45 days, unless a shorter period of is agreed to herein by the Permittee or as provided for below, before the date of revocation or removal, relocation, or modification is required if it is determined that the permit was issued in error, that the encroachment is

having unanticipated adverse effects upon traffic, that the holder has not complied with any applicable term of the permit or this chapter set or required by the commission, or if the area in question is needed for, or if the encroachment conflicts with, a proposed public use of the right of way.

13.05.040 Pre-existing [AERIAL] encroachments.

Persons in possession of or who own or maintain [AERIAL] encroachments **allowable under this chapter**, erected and existing on or before January 1, 2009 may be granted a permit allowing such encroachment to remain upon the submittal of an Encroachment Permit Application. Grandfathered applications may be approved directly by the zoning administrator. The \$50 application fee shall be waived with respect to all applications submitted under this subsection.

13.05.070 Definitions

The following definitions apply to this subsection:

2. "encroachment" or "encroachments" as used in this subsection shall refer to aerial encroachments [ONLY], such as canopies, awnings, and overhangs, **and removable, non-permanent encroachments attached to permanent structures, such as stairs and porches**, in the Borough right of way.

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.


SEC. 3. 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. 4. Effective Date. This ordinance shall be effective upon adoption.

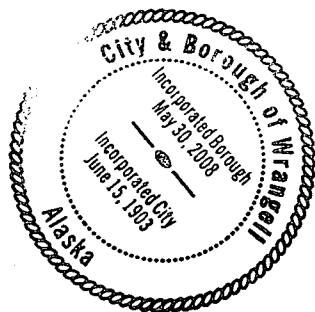
PASSED IN FIRST READING: _____ March 23 _____, 2010.

PASSED IN SECOND READING: _____ April 13 _____, 2010.

Attest:


Christie L. Jamieson
Borough Clerk


Donald J. McConachie
Mayor



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 845

A NON-CODE ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADOPTING THE CITY AND BOROUGH OF WRANGELL COMPREHENSIVE PLAN DATED MAY 2010

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

SEC. 1. Action. The City and Borough of Wrangell Comprehensive Plan will provide policy guidance for Borough land use, zoning, platting and other applicable regulations.

The Assembly of the City and Borough of Wrangell hereby declares that the following Comprehensive Plan dated May 2010 is hereby approved in its final passage with modifications as specified on the errata sheet, dated June 22, 2010, as outlined in Exhibit "A", as attached:

- a. The City and Borough of Wrangell was incorporated on May 30, 2008
- b. The City and Borough of Wrangell is required to provide a Comprehensive Plan to guide the development of the community for the next 10-20 years
- c. The City and Borough of Wrangell wishes to promote land use, economic development, transportation, housing, recreation, public services and facilities, public works and utilities that are in the best interest of the Borough
- d. The City and Borough of Wrangell desired to establish goals, actions and future growth maps to serve as a guide for future growth throughout the Borough
- e. The City and Borough of Wrangell followed an extensive public process to prepare this Comprehensive Plan, which included:
 - Eleven work session in 2009 open to the public and noticed as such;
 - Regular email notification of project meetings and agendas to over 100 residents requesting regular updates;
 - Posting of meeting packets on www.wrangell.com;
 - Two town meetings at the Nolan Center, in April and October, 2009;
 - A random, statistically valid Community Opinion Survey of 234 households during May 2009;
 - A field survey to document current land uses;

- Recommendations at community or individual household meetings on Farm Island, Wrangell Island East, Thoms Place, Olive Cove, Meyers Chuck (Union Bay residents attended Meyers Chuck);
- Recommendations received from mailing of a newsletter and questionnaire to all known remote property owners pertaining to draft comprehensive chapter and proposed zoning codes;
- Recommendations from a Planning and Zoning Commission Work Session on the May Draft Comprehensive Plan on May 13, 2010;
- A public hearing and recommendations before the Planning and Zoning Commission on May 26, 2010 and the Borough Assembly on June 22, 2010.

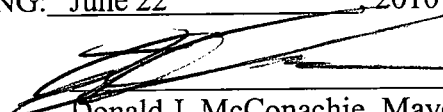
SEC. 2. Classification. This is a non-code ordinance.

SEC. 3. 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. 4. Effective Date. This ordinance shall become effective upon final approval by the City and Borough of Wrangell Assembly.

PASSED IN FIRST READING: June 8, 2010

PASSED IN SECOND READING: June 22, 2010


Donald J. McConachie, Mayor

ATTEST: 
Christie L. Jamieson, Borough Clerk



In DRAFT

<u>Page #</u>	<u>Para #</u>	<u>Line in Paragraph</u>	<u>Change</u>
i	credits		change to read "Assistant Borough Clerk", change Public Works Superintendant to Director, add former before Museum Director
ii	credits	7,12	change Dick to Richard Buhler and eliminate second listing; change K to C for Cathy Kaer; add Gayle Gross
v			change all X.X to X-X
3	1	"	add "May" and Resolution no. "2010-05-26" and hearing date and Ord. # for Assembly
3	list	5th bullet	correct spelling to "statistically"
5	2	4	change "built" to "surrounding"
<p>Add new Policy 3 and 4: Policy 3. Encourage, enhance and support social, physical, and cultural environments that sustain healthy lifestyles.</p> <p>Policy 4. Continue to recognize the value of a quality education and students' healthy life.</p> <p>Action: Support and encourage the school district's efforts to provide environments that promote and protect children's health, well being, and ability to learn by supporting healthy eating and physical activity.</p>			
7			change Policy 3 to Policy 5, and three to five; ALL SUBSEQUENT POLICY NUMBERS WILL NEED TO BE CHANGED
7	Policy 3	bullet 6	add an "s" to Sustain
9	1	2	add comma after acquiring
9	2	last sentence	change "form a..." to "form of..."
9	Llist		adding/deleting not area wide on certain items
10	1	2	delete "the" before Port Commission
19	2	8	Capitaliz T in Trident
20	1	1	Add s to United States
21	3	1, 5-7	add "," after "In Wrangell,"; change sentence to "In the near-term, the current trading partners and goods consumed by Wrangell should remain largely unchanged." Delete last sentence.
25	3	7-Jan	delete "a" in "creating a year round....."
28	2	3-Jan	should read "...will be in a busy..."
28	2	3-Jan	add a "," after terminal
33	2	13-Jan	change sentence to read " The structure was originally built in the 1950's as Harbor Seafoods. The City of Wrangell purchased the facility from Wrangell Fisheries in 1999 after a public vote, as part of bankruptcy proceedings."
33	2	last sentence	change to read "Trident's lease of the publicly-owned belt freezer and cold storage facilities require that....."

ERRATA WORKSHEET
as of June 22, 2010

In DRAFT

<u>Page #</u>	<u>Para #</u>	<u>Line in Paragraph</u>	<u>Change</u>
34	5	3-Jan	change sentence to read "...and residents can positively influence or benefit ..."
36	1	last sentence	last word of para change from year to "day".
36	2	8	change sentence to read "the portion of the river in the United States"
36	3	3	change "provides" to "contributes to the"
42	2	1	change in to is
42	3	2,3	should be "traveling" ; should read " ...the number of yachters and other visitors....."
45	1	7	change to read ".. Benefit economically from jobs and income as a result of construction...."
46	Table	10	Petersburg Facility is not Blind Slough, but Crystal Lake
51	5		add paragraph: Schaft Creek is owned by Copper Fox Metals Inc and is located in the Mess Creek Valley of British Columbia, 80 km south of Telegraph Creek and 76 km west of Highway 37. The project formally entered the Canadian environmental assessment process in 2006. The copper-gold-molybdenum-silver mine is estimated to have a 20-31 year life span producing 65,000 tonnes of ore per day. The mine would be largely supported out of Canada, but some economic benefits could flow to Wrangell.
52	2	8	should read "now has the necessary planning easement for" should read "... stable environment in Wrangell to better utilize the 6-Mile mill. However, in early 2010 disassembly of this facility began. "
57	1		delete "however"
58	2	2	
59	4		Change paragraph to read: AICS and the Wrangell Medical Center depend on each other and are working on site plans for a shared medical campus. An alternate vision involved a separate hospital/assisted living/long term care facility with AICS clinics and facilities remaining scattered through town in renovated buildings. Regardless of the approach, it is important that Wrangell's health and social services be coordinated and sustainable.
59	5	2	delete "that"
69		caption	change "Heritage" to "the Downtown"
69	2	3	delete "places"
71	3	4	add "in" before 2008
74	2	1	change to "Larger cruise ships, such as the Panamax ships, reach 960 feet long and carry"
74	2	4	should read "ships stopped weekly..."

ERRATA WORKSHEET
as of June 22, 2010

In DRAFT

<u>Page #</u>	<u>Para #</u>	<u>Line in Paragraph</u>	<u>Change</u>
74	2	last	change to read "Most cruise ships stopping in Wrangell tie up to the outside face of the City Dock. A few of the smaller ships could tie to the Summer Floats on the inside face of City Dock. "
74	3	last	change "mostly" to "including"
77	5	8	change "..the access road is on State..." to "the access road is Forest Service Road 6250 in a permanent easement across State..."
76	3	1	change "City Harbor" to "Etolin Harbor"
76	3	2	delete "an Alaska", insert "the"; change "City" to "Downtown"
76	5	last	should read "100 amp 3-phase power." ; Delete last sentence
77	2	2	change "Inner" to "Downtown"
77	5	2	should read "quality moorage available.."
79	4	6	should be "...access to four recreation sites..."
106	Table		Spelling should be "LeConte"
129	2	4,5	should read "...scenic qualities that are important to maintain may be those that are visible ..."
138	6	3,4	should read "...scenic qualities that are important to maintain may be those that are visible ..."
155	3	3	change five to eight
155	4	3	change 7,200 to 12, 470
155	5	6	delete both, should read " sells power to Petersburg, Ketchikan and Wrangell"
170	1	7	should read "elementary and middle school...."
174 (p.175)	Table	4	tennis court
174	Table	5	delete "an unused baseball field" and insert "the community gardent"
174	Table	10	tennis court; change last sentence to read "An archery range wood course is available across from Shoemaker Bay parking lot."
175	table 1	1	change "All" to "Most"

ERRATA WORKSHEET
as of June 22, 2010

In DRAFT

<u>Page #</u>	<u>Para #</u>	<u>Line in Paragraph</u>	<u>Change</u>
175	2	last	Should read "Table 9-2 lists current year round and seasonal recreation programs."
176	3	2	change two to three
181	1	3	capitalize Island
181	1	5	correct spelling to "owned"
182	3	1	should be Wrangell Planning and Zoning Commission
184	caption		Photo is a Sergief Island Homestead; photo needs replacing with a Wrangell East photo
183-184	last/first		change paragraph to read: Wrangell East is accessed by boat. There is no public dock; at least one resident parks their vehicle on a privately owned property near the end of the Borough owned section of Spur Road in Block 1 of the Wrangell East Subdivision. Other landowners indicated they have used the same property to launch boats to access their lots. Several of the lots in Block 1 of Wrangell East can be accessed via an unmaintained portion of the Spur Road. Other lots in this area have the potential to connect to this access road. The state periodically maintains Spur Road (renamed Ishiyama Drive), only to the gravel extension. Approximately the first mile of the extension is Borough-owned then State owned to access timber harvest areas. The extension is not maintained in the winter by either the Borough or state.
184	2	3-Feb	change to read: Spur Road extension to create a loop. This connection could provide future benefits to the Borough to.....
184	4		should be Central Southern Southeast Area Plan
186	1		change paragraph to read: Some Wrangell residents and a few landowners in Wrangell East expressed interest in the road extending to reach all lots in Wrangell East. This road could connect Pats Road and the Spur Road, forming a loop that would open additional areas for development. This road extension may come with an obligation for year round maintenance, which could be expensive for the Borough.
186	2		change paragraph to read: There are currently no commercial or tourism ventures in Wrangell East. The current five year round residents would prefer to see it remain this way, although one year round resident and other area landowners indicated they might be open to potential developments, especially projects that would generate jobs in the area.
186	3		Replace sentences to read: The Spur Road extension is located uphill from the Wrangell East private properties. Owners of developed properties and residents have indicated that people shooting above and near to homes has been a problem and on-going concern.

ERRATA WORKSHEET
as of June 22, 2010

In DRAFT

<u>Page #</u>	<u>Para #</u>	<u>Line in Paragraph</u>	<u>Change</u>
186	4		change paragraph to read: All lots are now zoned Timber Management, which allows residential uses only for cabins as a conditional use. Zoning should be updated.
186	5	1	delete "Several"
186	5	2	correct spelling to "cited"
186	5	5	delet "residents" add "landowners"
186	6		Change paragraph to read: Residents have no consistent way of communicating in case of an emergency. Providing a full time resident with a radio to contact 911 dispatch would help minimize this problem. Residents and landowners were mixed in their desire to see power and the road extended to the Wrangell East properties.
187	last		should read "...scenic qualities that are important to maintain may be those that are visible ..."
195	last		should read "...scenic qualities that are important to maintain may be those that are visible ..."
202	last		should read "...scenic qualities that are important to maintain may be those that are visible ..."
204	4	3	change term "residents" to "landowners"
204	4	5	should read "...desired by most of the community."
207		Figure 10-7	Unit # needs to be added to each Block area; Lot 5 Unit 2 is owned by MHLT; Lots 2 and 7 Unit 3 are owned by MHLT
208	6-Apr		change term "residents" to "landowners"
209	1	1	Change sentence to read: "Zoning in the two salt chucks in the subdivision (known locally as Whiskey Cove or Jenkins Cove) may need to be....."
209	2-4, goal 2		change term "residents" to "landowners"
210	2	3	should read "...scenic qualities that are important to maintain may be those that are visible ..."
213	1	2	delete entire sentence pertaining to aquatic farms
213	1	2	delete "also"
213	6	#1	still determining if whole tract of land is private or part State.
215	last	3	should read "...scenic qualities that are important to maintain may be those that are visible ..."
223	3	3	should read "...scenic qualities that are important to maintain may be those that are visible ..."
269		Abbrev	Add in HWC - Healthy Wrangell Coalition

ERRATA WORKSHEET
as of June 22, 2010

In DRAFT

<u>Page #</u>	<u>Para #</u>	<u>Line in Paragraph</u>	<u>Change</u>
			Add new Policy 3 and 4: Policy 3. Encourage, enhance and support social, physical, and cultural environments that sustain healthy lifestyles.
			Policy 4. Continue to recognize the value of a quality education and students' healthy life. Action: Support and encourage the school district's efforts to provide environments that promote and protect children's health, well being, and ability to learn by supporting healthy eating and physical activity.
270		QOL	
270			change Policy 3 to Policy 5, and three to five; ALL SUBSEQUENT POLICY NUMBERS WILL NEED TO BE CHANGED
275	Policy 17		Add W to CVB to 1st Action item; WCVB to 4th action item (THIS WILL NEED TO BE CHANGED IN THE APPROPRIATE CHAPTER AS WELL)
278	Policy 26		correct spelling to Ishiyama change 4th action item to read "...facilities (sidewalks, bike lanes and separated paths, accessible lifts and access) in conjunction with road or facility improvements." (THIS WILL NEED TO BE CHANGED IN THE
278	Policy 26		APPROPRIATE CHAPTER AS WELL)
289	Policy 58		add "healthier lifestyle"; and under action item, add HWC. (THIS WILL NEED TO BE CHANGED IN THE APPROPRIATE CHAPTER AS WELL)

OTHER FORMATTING OR MAP RELATED CHANGES

- 1 page numbering needs to be consistent and on the outside of each page
List of Figures shows Figure X.X, while on each figure, it is labeled Figure X-X. The dashes are preferred as they eliminate confusion with Section numbers. All references within document need to
- 2 be checked and corrected.
- 3 Figure 10-9 Union Bay... state land behind parcels is private...
- 4 Throughout the document, need consistency with US, U.S. or United States
In each chapter where the policies and Action items are listed, the listings of these need to have consistent formatting. Parenthesis or not after the Policy; colon or not after action item. The
- 5 underlining stop or continue
- 6 All policy numbers will change throughout the document due to the policies added in QOL

OPEN HOUSE and PUBLIC HEARING:

- 1 Consider commercial expansion along Zimovia Highway
- 2 Identify Multi-family expansion areas. Growth maps currently only identify "residential".

concern about industrial designation on Back Channel by Pats Creek Road; perhaps add strip of
- 3 commercial along Bennet Street toward airport where Industrial is designated for growth

consideration of adding a fourth Goal in Thoms Place: Consider location for community dock facility
- 4 or community upland needs in any future land developments planned by the borough.

ORDINANCE NO. 846

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL authorizing the issuance of general obligation bonds in an amount not to exceed \$225,000 to pay for a portion of the cost of playground upgrades at Evergreen Elementary School; authorizing submission to the qualified voters of the Borough at the regular election to be held on October 5, 2010, of a proposition approving this ordinance and ratifying the authorization of the bonds; appropriating funds for the project; and providing for an effective date.

A. The Borough Assembly of the City and Borough of Wrangell (the "Borough") has determined that it is in the best interests of the Borough and its residents to upgrade playground facilities at Evergreen Elementary School (as further described herein, the "Project").

B. The Project is estimated to cost \$1,100,997. The Borough will receive \$880,798 in grant funds from the State of Alaska, Department of Education and Early Development ("DEED") to pay a portion of the cost of the Project on the condition that the Borough provide the balance of \$220,199 in Project costs.

B. The Assembly wishes to authorize the issuance of not to exceed \$225,000 principal amount of general obligation bonds (the "Bonds") to pay the Borough's share of the Project costs and costs of issuing the Bonds.

C. The constitution and laws of the State of Alaska require the bond authorization to be submitted to the qualified voters of the Borough for their ratification or rejection, and the Assembly wishes to submit this question to the Borough's voters at the October 5, 2010 election.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF CITY AND BOROUGH OF WRANGELL, ALASKA as follows:

Section 1. Classification. This ordinance is not of a permanent and general nature and will not be codified.

Section 2. Findings; Capital Improvements. It is hereby found and declared that the public welfare and benefit require that the Borough acquire, construct and equip upgrades to the playground facilities at Evergreen Elementary School, including but not limited to removing and repairing or replacing playground equipment, fencing and surfacing in the play area and constructing a covered play area (the "Project"). The cost of all necessary design, architectural, engineering, legal, and other consulting services, inspection and testing, administrative and relocation expenses, on- and off-site utilities, purchases of furnishings and equipment, and other

costs incurred in connection with the Project shall be deemed a part of the cost of the Project. The Borough shall determine the specifications for the Project.

The Borough will determine the application of available funds to accomplish as nearly as may be the entire Project. If proceeds of the Bonds, plus other funds of the Borough legally available for such purpose, are insufficient to accomplish all of the improvements comprising the Project, the Borough will use the available funds, including Bond proceeds, to pay the cost of those improvements that the Assembly deems most necessary and in the best interest of the Borough, subject to approval by DEED.

If the Assembly determines that it has become impractical to accomplish all or a portion of the Project because of changed conditions, incompatible development or costs substantially in excess of those estimated, the Borough will not be required to undertake the Project or such portion of the Project and may apply the Bond proceeds or any portion thereof to other portions of the Project or to the payment of principal of or interest on the Bonds, subject to approval by DEED.

If proceeds of the Bonds remain unexpended and unencumbered for costs of the Project, those remaining Bond proceeds may be used to pay debt service on the Bonds.

Section 3. Authorization of Bonds. To provide all or a portion of the funds necessary to pay or reimburse costs of the Project and costs of issuance of the Bonds, the Borough will issue and sell its general obligation bonds in the aggregate principal amount of not to exceed \$225,000 (the "Bonds"). The Bonds will be issued in an amount not exceeding the amount approved by the voters of the Borough and not exceeding the amount permitted by the constitution and laws of the State of Alaska. The balance, if any, of the cost of the Project will be paid out of any other legally available funds, including the DEED grant. The Bond proceeds may only be used for capital purposes.

The Bonds will be general obligations of the Borough, and the full faith, credit and resources of the Borough will be pledged to the payment of principal of and interest on the Bonds. Unless paid from other sources (including sales and use taxes), both principal of and interest on the Bonds will be payable out of annual tax levies to be made upon all taxable property within the Borough without limitation as to rate or amount and in excess of any constitutional or statutory tax limitation.

The Bonds will be issued and sold in such amounts and at such time or times as the Assembly finds necessary and advisable and as permitted by law. The Bonds may be issued in one or more series and mature in such amounts and at such times within a maximum term of 15 years from the date of issuance of the Bonds, all as authorized by the Assembly and as provided by law. The date, form, interest rates, terms, redemption provisions, maturities, covenants and manner of sale of the Bonds shall be as hereafter provided by ordinance or resolution of the Assembly. After voter approval of the Bond proposition and in anticipation of the issuance of the Bonds, the Borough may issue short-term obligations as authorized by the laws of the State of Alaska.

Section 4. Bond Election. The proposition to approve this ordinance and approve issuing the Bonds to pay costs of the Project will be submitted to the qualified voters of the Borough for their ratification or rejection at the regular election to be held in the Borough on October 5, 2010. The bond proposition will be in substantially the following form:

CITY AND BOROUGH OF WRANGELL

PROPOSITION 1

\$225,000 GENERAL OBLIGATION BONDS
EVERGREEN ELEMENTARY SCHOOL PLAYGROUND UPGRADES

Shall City and Borough of Wrangell incur debt and issue general obligation bonds in the principal amount of not to exceed \$225,000, maturing within a maximum of 15 years, to finance the acquisition, construction and equipping of upgrades to playground facilities at Evergreen Elementary School, and shall Ordinance No. 846 of the Borough authorizing the issuance of the bonds for this capital project be approved?

BONDS Yes

BONDS No

* * * * *

Section 5. Appropriation and Reimbursement. If the issuance of the Bonds is ratified at the election authorized by this ordinance, the Borough anticipates that prior to the issuance of the Bonds it may be necessary or desirable to pay certain costs of the Project. Therefore, the Assembly hereby appropriates from the Borough's general fund so much of the total authorization as may be necessary to carry out the provisions of this ordinance, including paying costs of the Project and costs of issuance of the Bonds. The amounts expended under the appropriation made in this section will be reimbursed to the general fund from the proceeds of sale of the Bonds or short-term obligations authorized by this ordinance. The Assembly hereby declares that this section constitutes a declaration of the Borough's intent to reimburse such fund from proceeds of tax-exempt bonds within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended.

Section 6. Notice. The Borough Clerk will provide for notice, publication and posting of this ordinance and the ballot proposition authorized by this ordinance in accordance with the provisions of the Borough Code of Ordinances and state law.

Section 7. Severability. If any one or more of the provisions of this ordinance is for any reason held to be invalid, such invalidity shall not affect or invalidate any other provision of

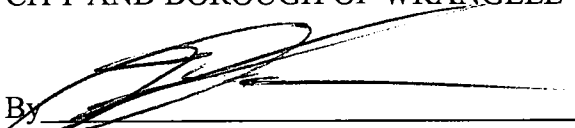
this ordinance or the Bonds, but this ordinance and the Bonds shall be construed and enforced as if such invalid provision had not been contained herein; provided, however, that any provision that is for any reason held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 8. Effective Date. This ordinance will become effective from and after the date of its passage, as provided in Section 2-10.B. of the Home Rule Charter of the City and Borough of Wrangell, Alaska. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified.


FIRST READING: June 8, 2010.

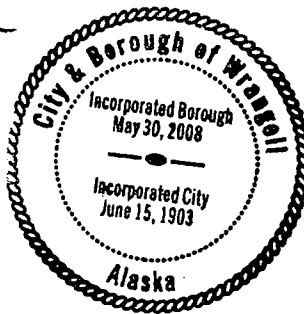
PUBLIC HEARING AND FINAL PASSAGE: June 22, 2010.

CITY AND BOROUGH OF WRANGELL

By 
Donald J. McConachie, Sr., Mayor

ATTEST:


Christie L. Jamieson, Borough Clerk



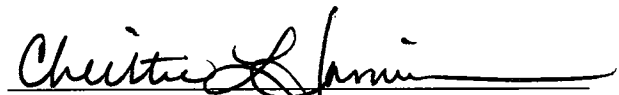
CLERK'S CERTIFICATE

I, the undersigned, Borough Clerk of the City and Borough of Wrangell, Alaska (the "Borough"), and keeper of the records of the Borough Assembly (the "Assembly"), DO HEREBY CERTIFY:

1. That the attached Ordinance (the "Ordinance") is a true and correct copy of Ordinance No. 846 of the Borough, as finally passed at a meeting of the Assembly held on June 22, 2010, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the adoption of the Ordinance; that all other requirements and proceedings incident to the proper adoption of the Ordinance have been fully fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd of June, 2010.


Borough Clerk
City and Borough of Wrangell, Alaska



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 847

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 14, SECTION 14.05.015, LIVE ABOARD VESSEL REQUIREMENTS, AND ESTABLISHING AN EFFECTIVE DATE

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

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. Amendment. WMC Section 14.05.015 (M) entitled "Live Aboard Vessel Requirements" is hereby amended as follows:

14.05.015 Reserved moorage.

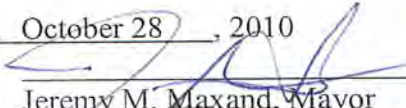
M. Live Aboard Vessel Requirements. All live aboard vessels are required to have either a Type 1, 2, [OR] 3 **or other approved non-discharge** sewer system. Portable toilet systems **with a built-in tank** are considered a Type 3 system. Vessels with Type 3 systems will be required to utilize the harbor department's pump out system to ensure sewage is properly disposed of. Vessels that have either Types 1 or 2 [SYSTEM] will be required to obtain any necessary permits. Live aboard vessels owners currently **living** in Wrangell harbors that do not currently have an **approved system** [TYPE 1, 2 OR 3] will be given 90 days **following written notification** to comply with this regulation. Failure to comply with this regulation will result in the loss of right to utilize their vessel as a live aboard.

SEC. 3. 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. 4. Effective Date. This ordinance shall become effective on October 29, 2010.

PASSED IN FIRST READING: October 12, 2010

PASSED IN SECOND READING: October 28, 2010


Jeremy M. Maxand, Mayor

ATTEST: 
Christie L. Jamieson, Borough Clerk



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 848

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 14, SECTION 14.05.015 (L), LIVE ABOARD VESSEL LIMIT, AND SECTION 14.01.030 (M) (3) AND (DD) DEFINITIONS AND ESTABLISHING AN EFFECTIVE DATE

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

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. Amendments. WMC Section 14.05.015 (L) entitled “Live Aboard Vessel Limit” is hereby amended as follows:

14.05.015 Reserved moorage.

L. Live Aboard Vessel Limit. Liveaboards will constitute no more than five percent of total stalls. The float assignments are as follows:

Shoemaker Bay	5
Heritage	[5] <u>6</u>
Fish and Game	4
Reliance	3
Standard Oil	1
Inner Harbor	[0] <u>2</u>

WMC Section 14.01.030 (M) (3) entitled “Nuisances” is hereby amended as follows:

M. “Nuisance” when applied to a vessel, means a vessel that is derelict, unfit or unseaworthy, is not kept and regularly pumped free of excess water inside its hull, is submerged, creates a fire, health, pollution, safety or navigation hazard, or, in the opinion of the harbormaster, constitutes a fire, health, pollution, safety, or navigation hazard. A vessel shall be presumed to constitute a nuisance if:

[3. THE VESSEL DOES NOT CLEAR THE HARBOR AT LEAST THREE TIMES PER YEARS; OR]

WMC Section 14.01.030 (DD) entitled “Live aboard” is hereby amended as follows:

DD. “Live aboard” means any vessel utilizing the harbor as a primary residence. Any vessel thus used must still comply with all vessel requirements of the

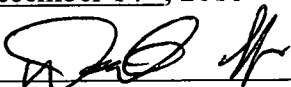
harbor system [WHICH INCLUDE BEING POWERED BY AN ENGINE OF SUFFICIENT SIZE TO PROPEL THE VESSEL AT A SPEED ALLOWING NORMAL STEERAGE AND TO MANEUVER OUT OF AND INTO THE HARBOR].

SEC. 3. 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. 4. Effective Date. This ordinance shall become effective on December 15, 2010.

PASSED IN FIRST READING: November 9, 2010

PASSED IN SECOND READING: December 14, 2010



David Jack, Vice-Mayor

ATTEST: 

Christie L. Jamieson, Borough Clerk

