

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 873

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 6.04 OF THE WRANGELL MUNICIPAL CODE RELATING TO ALCOHOLIC BEVERAGES TO AMEND SECTION 6.04.100 ON HOURS OF SALE

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

SEC. 1. Action. The purpose of this ordinance is to amend Chapter 6.04 of the Wrangell Municipal Code relating to alcoholic beverages to modify the sections on hours of sale; presence on licensed premises during closing hours.

SEC. 2. Amendment. Section 6.04.100 of the Wrangell Municipal Code is amended to read:

6.04.100 Hours of sale; presence on licensed premises during closing hours.

A. Hours of Sale.

1. A person **[may]** shall not sell, offer for sale, give, furnish, deliver, or consume an alcoholic beverage on premises licensed under Title 4 of the Alaska Statutes between the hours of 2:00 a.m. and 8:00 a.m. on Monday through Friday of each week.
2. A person **[may]** shall not sell, offer for sale, give, furnish, deliver, or consume an alcoholic beverage on premises licensed under Title 4 of the Alaska Statutes between the hours of 3:00 a.m. and 8:00 a.m. on Saturday and Sunday of each week.

B. Clearing the premises. Beverage dispensary establishments shall be cleared of customers and patrons no later than 30 minutes after closing time; a 15 minute period shall similarly apply to retail liquor sales establishments. No alcoholic beverages may be sold, offered for sale, given, furnished, delivered, dispensed or consumed during the respective clearing periods.

C. Presence on licensed premises during closing hours. Except for the clearing periods set forth in subsection B of this section, a [A] licensee, an agent, or

employee may not permit a person to enter or remain on the premises [and a person may not enter] of the licensed premises between the hours of 2:00 a.m. and 8:00 a.m. on Monday through Friday of each week, and between the hours of 3:00 a.m. and 8:00 a.m. on Saturday and Sunday of each week. This subsection does not apply to common carriers or to an employee of the licensee who is on the premises to prepare for the next day's business. A person may enter or remain on the premises of a bona fide restaurant or eating place licensed under Title 4 of the Alaska Statutes to consume food or nonalcoholic beverages.


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

SEC. 4. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

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

PASSED IN FIRST READING: January 14, 2014.

PASSED IN SECOND READING: January 28, 2014.

By 

David L. Jack, Mayor

ATTEST:



Kim Lane, CMC, Borough Clerk



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 874

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 2, ELECTIONS, OF THE WRANGELL MUNICIPAL CODE TO CLARIFY SECTION 2.04.050 ON WHO IS DECLARED ELECTED TO OFFICE AND SECTION 2.20.060 ON THE BALLOT FORM FOR OFFICES AND CANDIDATES

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

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

SEC. 1. Action. The purpose of this ordinance is to amend Section 2.04.050 and Section 2.20.060 of the Wrangell Municipal Code to clarify the provisions on who is declared elected to vacancies being filled at an election and the ballot form for offices and candidates.

SEC. 2. Amendment. Section 2.04.050 of the Wrangell Municipal Code is amended to read:

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 a Borough election[s] in which multiple Assembly, School Board, Port Commission, or Medical Center Board vacancies for full terms [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 full term vacancies [seats] to be filled, shall be declared elected.
- C. In a Borough election in which a vacancy or vacancies for an unexpired term(s) on the Assembly, School Board, Port Commission, or Medical Center Board is being filled, the top vote-getting candidate for each unexpired term vacancy shall be declared elected.

SEC. 3. Amendment. Section 2.20.060 of the Wrangell Municipal Code is amended to read:

2.20.060 Ballots – Listing of offices and candidates.

- A. All candidates to the same office shall be shown on one ballot. The offices to be filled shall be listed by title and length of term for the vacancy or vacancies in that office; the vacancy or vacancies shall not be listed or identified on the ballot by designated seat(s) such as “Seat A.” The title of each office to be filled shall be followed by the printed names of all candidates for that office **[and provision shall be made for write-ins equal in number to the positions to be filled]**, below which shall be blank lines equal in number to the candidates to be elected to such office.
- B. On the ballot between the title of the office and the names of the candidates shall be placed the **[instruction “Vote for One” or “Vote for Two,” as the case may be]** words “Vote for no more than _____,” with the appropriate number replacing the blank.
- C. The **[phrases “for one-year term,” “for two-year term,” and/or “for three-year term, as the case may be,]** words “Three Year Term,” or “Unexpired Term Until _____,” as applicable, with the appropriate month and year replacing the blank, shall be placed after the titles of the **[officers]** offices on the ballot as necessary to identify whether the vacancy or vacancies [on the assembly being] to be filled at [an] the election are for full or an unexpired terms.
- D. Where there is more than one candidate for an office, the names of **[such] the** candidates shall be arranged in alphabetical order.


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: February 11, 2014.

PASSED IN SECOND READING: February 25, 2014.

By 
David L. Jack, Mayor

ATTEST:


Kim Lane, CMC, Borough Clerk



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 875

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 3, ADMINISTRATION AND PERSONNEL, OF THE WRANGELL MUNICIPAL CODE BY REPEALING CHAPTER 3.50, CEMETERY ADVISORY COMMITTEE, IN ITS ENTIRETY

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

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

SEC. 1. Action. The purpose of this ordinance is to repeal Chapter 3.50, Cemetery Advisory Committee, of the Wrangell Municipal Code in its entirety.

SEC. 2. Repeal. Chapter 3.50 of the Wrangell Municipal Code is repealed in its entirety 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 assembly. A member may be removed by the mayor with the approval of the assembly for the good of the service.

2. All members of the committee shall be residents of the borough and serve without compensation.

3. The term of a member shall be for three years or until a successor is 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 12-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 assembly.

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 borough manager and borough assembly on planning and implementation of programs dealing with the use and development of the municipal cemeteries;

C. Review and make recommendations to the assembly regarding the budget of the

municipal cemeteries; and

D. Perform such other activities as the assembly may from time to time designate.]

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

SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

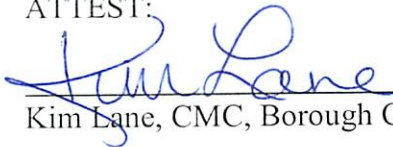
PASSED IN FIRST READING: February 25, 2014.

PASSED IN SECOND READING: March 11, 2014.



David L. Jack, Mayor

ATTEST:


Kim Lane, CMC, Borough Clerk

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 876

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 5.08.005 AND 5.08.050 OF THE WRANGELL MUNICIPAL CODE RELATING TO SALES TAX TO ESTABLISH A DEFINITION OF "SINGLE-PURCHASE SALE" AND AMEND THE EXEMPTION FOR A SINGLE-PURCHASE SALE OF GOODS OR SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE

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

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

SEC. 1. Action. The purpose of this ordinance is to amend Section 5.08.005(J) and Section 5.08.050(M) of the Sales Tax Code to establish a definition of "single-purchase sale" and to amend the exemption for a single-purchase sale of goods or services.

SEC. 2. Amendment. Section 5.08.005(J) of the Wrangell Municipal Code is amended to read:

5.08.005 Definitions.

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

...

J. "Single-purchase sale" means a sale by a single purchase or invoice, which may consist of one or more items but which are purchased at the same time and there is a single invoice representing that sale. A single-purchase sale includes a sale of items by contract, bid, quote 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 accumulated sum or aggregation for prices of separate identifiable items, separable prices, or items purchased at different times.

["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 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.]

...

SEC. 3. Amendment. Section 5.08.050(M) of the Wrangell Municipal Code is amended to read:

5.08.050 Exemptions from tax.

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

...

M. That part of a sale of goods over \$1,500 when all items in a single-purchase sale are added together, and that part of a sale of services over \$1,500 for a single job or task. Invoices for sales of services shall be computed monthly or less for tax purposes; [All sales of any single unit of which the price exceeds \$1,200, and all services, including contract prices for any single job of which the price exceeds \$1,200 shall be taxable only to the limit of \$1,200;]

...

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 on April 1, 2014.

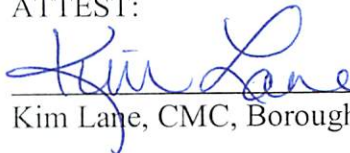
PASSED IN FIRST READING: February 25, 2014.

PASSED IN SECOND READING: March 11, 2014.



David L. Jack, Mayor

ATTEST:



Kim Lane, CMC, Borough Clerk



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 877

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 14 HARBOR AND PORT FACILITIES, CHAPTER 14.01 GENERAL PROVISIONS, SPECIFICALLY SECTION 14.01.030, CREATING SUBSECTION (JJ) ESTABLISHING A DEFINITION FOR MARINE SERVICE CENTER

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 14.01.030 entitled Definitions is hereby amended by the addition of subsection (JJ) bolded and underlined as follows:

Chapter 14.01
GENERAL PROVISIONS

14.01.030 Definitions

JJ. "Marine Service Center" means the repair services and upland storage areas owned by the City and Borough of Wrangell, including, but not limited to, a 150 ton and a 300 ton mobile boat lift, a hydraulic trailer, a wash down area, and upland storage.

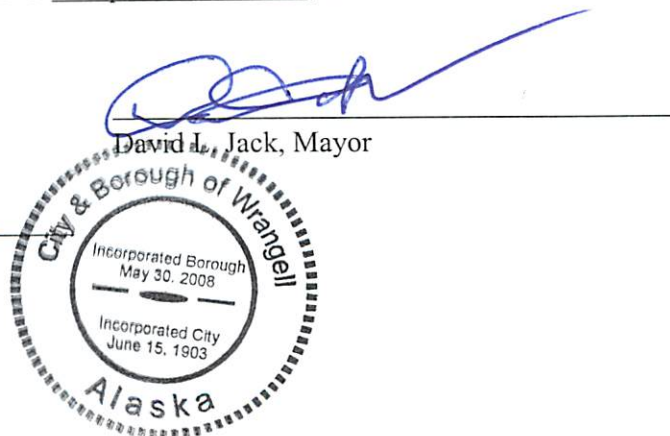
SEC. 3. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

PASSED IN FIRST READING: March 25, 2014.

PASSED IN SECOND READING: April 8, 2014.

ATTEST:

Kim Lane
Kim Lane, CMC



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 878

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 14 HARBOR AND PORT FACILITIES, CHAPTER 14.11, FEES AND PENALTIES, SPECIFICALLY SECTION 14.11.005(AA) CHANGING THE FEES FOR THE MARINE SERVICE CENTER 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 14.11.005(AA) entitled Marine Service Center Fees is hereby amended by deleting the words in brackets and adding those words that are bolded and underlined as follows:

Chapter 14.11
FEES AND PENALTIES

14.11.005(AA) Marine Service Center Fees

<u>Round trip Lift Fees</u> [travel lift (150 ton)]	
0 – 40 feet	\$11.00/foot
41 – 58 feet	\$12.00/foot
59 [feet and up] <u>-75 feet</u>	\$13.00/foot
<u>76-90 feet</u>	<u>\$15.00/foot</u>
<u>91-120 feet</u>	<u>\$17.00/foot</u>
<u>121-140 feet</u>	<u>\$19.00/foot</u>
<u>141 feet and up</u>	<u>\$21.00/foot</u>
[Hoist (minimum fee)]	
<u>Boat lift minimum 150 ton</u>	<u>\$300.00/hour</u>
<u>300 ton</u>	<u>\$500.00/hour</u>
Work area storage	\$ 0.50/sq.ft./month
Long-term storage	\$0.30/sq.ft./month
	After 12 consecutive months, rate doubles
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	<u>150 ton</u> \$75.00/15 minutes

	<u>300 ton \$125.00/15 minutes</u>
Pressure washer	\$1.00/foot
Electrical	Refer to subsection (D) of this section
Environmental fee	\$15.00 per haulout or per month
Hydraulic trailer fees	
Round trip	\$8.25 per foot
One-way	Half of round-trip
Minimum fee	\$225.00
Off-site transport fee	Round trip or one-way fee plus travel time at \$235.00 per hour with a one-hour minimum

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 10 days after the approval of final passage.

PASSED IN FIRST READING: March 25, 2014.

PASSED IN SECOND READING: April 8, 2014.



 David L. Jack, Mayor

ATTEST: 

 Kim Lane, CMC



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 879

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 14 HARBOR AND PORT FACILITIES, SPECIFICALLY CHAPTER 14.07 PORT OPERATIONS AND OTHER SERVICES CREATING SECTION 14.07.095 MARINE SERVICE CENTER ESTABLISHING AVAILABILITY AND LEASE PROVISIONS OF THE MARINE SERVICE CENTER

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 Chapter 14.07 is hereby amended by the addition of Section 14.07.095 bolded and underlined as follows:

Chapter 14.07
PORT OPERATIONS AND OTHER SERVICES

14.07.095 Marine Service Center.

A. Facility Use Agreement required. Every user of the Wrangell Marine Service Center, both private vessel owners and business vendors/contractors, using the facility to work on vessels owned by third-parties must be approved and have a written Facility Use Agreement on file with the Harbormaster.

B. Availability. Lease space is available within the Wrangell Marine Service Center at locations designated or assigned by the Harbormaster.

C. One space limit.

1. No person or business who is currently a lease holder within the Wrangell Marine Service Center may be assigned an additional lease space within the Marine Service Center.


2. A person or business who holds more than one lease at the date of enactment of this ordinance may maintain the additional lease(s).

D. Payment. Persons using the Marine Service Center shall be charged according to fee listed in WMC 14.11.005(AA).

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.

PASSED IN FIRST READING: March 25, 2014.

PASSED IN SECOND READING: April 8, 2014.



David L. Jack, Mayor

ATTEST: 

Kim Lane, CMC



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 880

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 13.12, PARKS, SPECIFICALLY SECTION 13.12.045, CREATING PARK TREES REGULATIONS.

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 13.12.045 entitled Park Trees is hereby added as follows:

Chapter 13.12
PARKS

13.12.045 Park Trees Regulations

A. Illegal Tree Cutting. No unauthorized person shall cut, top, remove or otherwise damage any tree or shrub, whether dead or alive, standing or downed, within any public park, recreation area, trail, conservation area, park reserve, or other public greenway area. Any person who violates this ordinance shall be guilty of a civil violation and shall be liable on conviction to a fine not exceeding \$300.00.

Illegal cutting on City & Borough of Wrangell public property should be reported to the Wrangell Police Department.

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 approval of final passage.

PASSED IN FIRST READING: June 10, 2014.

PASSED IN SECOND READING: June 24, 2014.

ATTEST: Kim Lane
Kim Lane, CMC, Borough Clerk

David L. Jack
David L. Jack, Mayor



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 881

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.04 OF TITLE 3 OF THE WRANGELL MUNICIPAL CODE, ADMINISTRATION AND PERSONNEL, RELATING TO THE GENERAL PROVISIONS FOR THE ASSEMBLY

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

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

SEC. 1. Action. The purpose of this ordinance is to amend Chapter 3.04 of Title 3 of the Wrangell Municipal Code, Administration and Personnel, relating to General Provisions for the Assembly.

SEC. 2. Amendment. The title and the table of sections of Chapter 3.04 of the Wrangell Municipal Code are amended to read:

Chapter 3.04
ASSEMBLY – GENERAL PROVISIONS

Sections:

- 3.04.010 Oath of office.
- 3.04.012 Qualifications.
- 3.04.020 Failure to take oath of office.
- 3.04.030 Start of term.
- 3.04.035 Absence from meetings.
- 3.04.040 Vacancies.
- 3.04.050 **[Relationship to mayor]** Mayor, vice-mayor, and chair.
- 3.04.060 Special committees.
- 3.04.070 Quorum.
- 3.04.080 Regular meetings.
- 3.04.090 Special meetings.
- 3.04.100 **[Agenda]** Reserved.
- 3.04.110 **[Meeting procedure]** Reserved.
- 3.04.112 Conflict of interest.
- 3.04.113 Prohibitions.
- 3.04.114 Nepotism.

- 3.04.120 Executive sessions.
- [3.04.130 Public participation.]**
- 3.04.130 Authority to contact borough attorney.
- 3.04.140 **[Minutes and tape recording]** Reserved.

SEC. 3. New Section. Chapter 3.04 of the Wrangell Municipal Code is amended by the addition of a new Section 3.04.035 to read:

3.04.035 Absence from meetings.

- A. If an elected or appointed assembly member is absent and not excused from more than one-half of all regular meetings of the assembly held within any period of four consecutive calendar months, the member shall cease to hold office and the assembly shall declare the office vacant.
- B. If an elected or appointed assembly member is absent from a regular meeting of the assembly on borough business, the absence shall be deemed to be excused.

SEC. 4. Amendment. Section 3.04.050 of the Wrangell Municipal Code is amended to read:

3.04.050 **[Relationship to mayor]** Mayor, vice-mayor, and chair.

- A. The mayor shall preside at all meetings of the assembly and shall certify the passage of all ordinances and resolutions passed by it. **[As an ex officio assembly member, he]** The mayor shall have all of the powers, rights, privileges, duties and responsibilities of assembly members. The mayor acts as the ceremonial head of government, executes official documents on authorization by the assembly, and is responsible for additional duties and powers prescribed by law. The mayor may vote. The mayor may not initiate motions. The mayor has no veto power.
- 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 as vice-mayor, who shall serve as such until the next such first meeting. The vice-mayor shall preside at all meetings of the assembly for which the mayor is unable to be present.
- C. If both the mayor and vice-mayor are not present, an assembly member shall be selected by those members present to preside at the meeting. When a member is acting as chair, the member retains all privileges otherwise held as a member of the assembly.

SEC. 5. Amendment. Section 3.04.060 of the Wrangell Municipal Code is amended to read:

3.04.060 Special committees.

Special committees for the purpose of considering any special matter may be appointed by the mayor with the consent of the assembly. Upon completion of the special committee's assignment, a special committee may be dissolved by majority vote of the assembly.

SEC. 6. Amendment. Section 3.04.070 of the Wrangell Municipal Code is amended to read:

3.04.070 Quorum.

At all meetings of the assembly, four members or 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. 7. Amendment. Section 3.04.090 of the Wrangell Municipal Code is amended to read:

3.04.090 Special meetings.

A. Unless otherwise designated in the notice, special meetings of the assembly shall be held at the regular meeting place of the assembly.

B. Special meetings shall be called by the borough clerk on the written request of the mayor, or of the borough manager, or of any two members of the assembly.

C. At least 48 hours of written notice shall be given designating the time and purpose of a special meeting. Each member of the assembly shall be notified of the special meeting. [A duplicate copy of such notice shall be served personally on each member of the assembly, or left at his usual place of residence or business by the borough clerk, and the assembly member shall acknowledge receipt of the notice on the original copy thereof and the original shall be returned to the clerk and made a part of the journal of a special meeting. If the assembly member cannot be served personally, a copy of the notice of special assembly meeting shall be left at his usual place of residence or business by the borough clerk or by someone designated by him, and that fact noted on the original notice to be filed for record.]

D. A copy of the notice of special meeting shall [also] be delivered at the place of business of the local newspaper published and circulated in the borough, but this requirement shall not be jurisdictional to the holding of any such

meeting.

E. Public notice of the special meeting shall be given by posting notice at [four] the following places in the borough [, **one of which shall be**]: City Hall, the borough website, and [**one of which shall be**] the post office. [**Until resolution is passed to the contrary, the other two places shall be the bulletin boards of the Wrangell Sentinel and Wrangell Lumber Company.**]

[**If practicable, notice of the special meeting shall also be given by the borough clerk, causing such notice and an abbreviated description of the subject matters to be considered thereat, on the local television mini scanner, but such additional requirement shall not be jurisdictional to the holding of a special meeting.**]

F. [**G.**] The assembly members may subsequently sign a waiver of notice of a special meeting, which [**such**] notice shall be [**attached to and**] made a part of the journal of the meeting.

G. [**H.**] No business shall be transacted at any special meeting of the assembly, except that stated in the notice of the meeting.

H. [**I.**] As with regular meetings, special assembly meetings shall be public meetings and the public shall have a reasonable opportunity to be heard.

SEC. 8. Repeal. Section 3.04.100 of the Wrangell Municipal Code is repealed; content of this section is moved to new Chapter 3.05 ASSEMBLY – RULES OF PROCEDURE; the section number is reserved:

3.04.100 [**Agenda**] Reserved.

[**An agenda is not required for special assembly 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 assembly 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 12:00 p.m. on the Thursday preceding the meeting. The assembly 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 assembly.**]

SEC. 9. Repeal. Section 3.04.110 of the Wrangell Municipal Code is repealed; content of this section is moved to new Chapter 3.05 ASSEMBLY – RULES OF PROCEDURE; the section number is reserved:

3.04.110 [**Meeting procedure**] Reserved.

[At the established hour on the day of each regular meeting the assembly members, the borough manager and such department heads as may have requested to be present shall take their regular station in the assembly chambers, and the business of the assembly shall be taken up for consideration and disposition in general accord with the agenda. The mayor may, unless opposed by a majority of the assembly, alter the sequence of matters to be considered from the agenda. With the former regard, flexibility is desired to achieve a logical sequence in the consideration of topics. Strict adherence to the formalized procedures recited in Robert's Rules of Order, Revised, Forward Copyright 1971 shall not be required; instead, the mayor shall, as presiding officer of the meeting, have the discretionary power to conduct procedural matters of the assembly as he deems prudent, balancing considerations of expediency with fairness and opportunity for complete hearing.]

SEC. 10. Amendment. Subsection 3.04.112(C)(6) is amended to read:

3.04.112 Conflict of interest.

...

C. Elected borough officials.

...

6. The mayor and assembly members may serve on boards, commissions, or on [the] boards of nonprofit organizations **[only as ex officio members if the board, commission or nonprofit organization receives funding from the borough].**

SEC. 11. New Section. Chapter 3.04 of the Wrangell Municipal Code is amended by the addition of a new Section 3.04.113 to read:

3.04.113 Prohibitions.

- A. No person may be appointed to or removed from municipal office or in any way favored or discriminated against with respect to a municipal position because of race, color, sex, creed, national origin or, unless otherwise contrary to law, because of his or her political opinions or affiliations.
- B. No state employee or school district employee may be denied the right to serve as an elected municipal official because of their employment by the state or school district; provided however, no school district employee may serve on a school district board in the school district where he or she is employed.
- C. No borough employee may hold a position on the borough assembly or as borough mayor. A borough employee may be a candidate for the borough

assembly or mayor, but if elected, must resign from borough employment before taking office.

D. For purposes of this section a school district employee is not a borough employee.

SEC. 12. Repeal and Reenactment. Section 3.04.120 is repealed and reenacted to read:

3.04.120 Executive sessions.

[The assembly may, after its agenda is otherwise completed, recess for the purpose of discussing, in a closed or executive session, any questions permitted by law (Alaska Statute Section 44.62.310, as amended) which is expressed in the motion calling for the executive session. The public may be excluded from the session, but final action shall not be taken by the assembly on any matter discussed in executive session until brought back into the regular session. In all cases, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the authorized exceptions to public agency meetings shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question.]

A. Executive sessions are authorized by AS 44.62.310(b).

B. If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed below shall be determined by a majority vote of the assembly. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations.

C. The following subjects may be considered in an executive session:

1. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

3. Matters which by law, municipal charter, or ordinance are required to be confidential;
4. Matters involving consideration of government records that by law are not subject to public disclosure.

D. No recordings shall be permitted for any executive session.

SEC. 13. Repeal. Section 3.04.130 of the Wrangell Municipal Code is repealed; content of this section is moved to new Chapter 3.05 ASSEMBLY – RULES OF PROCEDURE; section number 3.04.130 is assigned to the new section in SEC. 14 below.

[3.04.130 Public participation.

A. Any person desiring to address the assembly shall first be recognized by the presiding officer; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any qualified and interested persons shall have the right to address the assembly upon obtaining recognition by the presiding officer:

- 1. Public Hearings. Interested persons or authorized representatives may address the assembly in regard to matters then under consideration, this in particular regard to ordinances and resolutions.**
- 2. Oral Communications. Interested persons or their authorized legal representatives may address the assembly by oral communication at the appropriate time on the agenda concerning an agenda item designating such person or representative to appear and speak, or any topic under the subject matter of “citizens forum” on the agenda.**

B. Each person addressing the assembly shall give his name and address in an audible tone of voice for the record and, unless further time is granted by the presiding officer or the assembly, shall limit his address to five minutes. All remarks shall be addressed to the assembly as a body and not to any member thereof. No person other than a assembly member or mayor or the person having the floor shall be permitted to enter into any discussion without the permission of the presiding officer.

C. When any group persons wishes to address the assembly on the same subject matter, it shall be proper for the presiding officer to request that a spokesman be chosen by the group to address the assembly and, in case additional matters are to be presented at the time by any other member of the group, to limit the number of persons so addressing the assembly, so as to avoid unnecessary repetition before the assembly.

D. With respect to discussion after a motion, after a public hearing has been closed and after a motion is made by the assembly, no person shall address the assembly without first securing the permission of the presiding officer to do so.]

SEC. 14. New Section. A new Section 3.04.130 is added to the Wrangell Municipal Code to read:

3.04.130 Authority to contact borough attorney.

1. The mayor, the borough manager, and the borough clerk, are authorized to contact and make requests of the borough attorney directly. Any member of the assembly may request the manager or clerk to request clarification of WMC code section or charter section from the attorney. Assembly members shall not contact the borough attorney directly unless the assembly by a majority vote authorizes it.
2. Request for Ordinances or Legal Opinions from the Borough Attorney – Any member of the assembly may request the manager or clerk to have prepared proposed ordinances with such ordinances to be placed on the agenda of the next regular assembly meeting, provided the ordinance can be prepared, publicly noticed, and distributed to the assembly in accordance with time schedules. During an assembly meeting or work session, any two or more members of the assembly may request written legal opinions, relating to borough business, from the attorney through the manager’s or the clerk’s office. Upon receipt of an assembly-requested proposed ordinance or written legal opinion, the clerk shall distribute the ordinance or written legal opinion to all assembly members so that all members may be fully informed of the status of borough affairs.

SEC. 15. Repeal. Section 3.04.140 of the Wrangell Municipal Code is repealed and the section number is reserved; content of this section is moved to new Chapter 3.05 ASSEMBLY – RULES OF PROCEDURE.

3.04.140 **[Minutes and tape recording]** Reserved.

[A. The clerk shall take and prepare minutes of assembly meetings and proceedings which shall be subsequently approved and/or amended by the assembly. After approval, such minutes shall be placed in a chronological record, maintained by the clerk.

B. Tape recordings of all meetings and official assembly proceedings shall also be maintained. Preparation of a transcript from the taped proceedings shall not be necessary, but the tape shall be retained for a period of six and one-half years following the subject meeting or proceeding. The failure of a recording device or tape to operate properly shall not be jurisdictional to a meeting. The purpose of maintaining tapes is to supplement the minutes, in recognition of the fact that the minutes cannot be sufficiently specific to give

comprehensive detail and assembly intent. Upon request and for good cause shown, any person may request that a transcript of the relevant portions of the tape recording be prepared to supplement the formal approved minutes and become a part thereof.]

SEC. 16. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 17. 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. 18. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: June 10, 2014.

PASSED IN SECOND READING: June 24, 2014.



David L. Jack, Mayor

ATTEST:



Kim Lane, Borough Clerk



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 882

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADOPTING A NEW CHAPTER 3.05 TO TITLE 3 OF THE WRANGELL MUNICIPAL CODE, ADMINISTRATION AND PERSONNEL, RELATING TO RULES OF PROCEDURE FOR THE ASSEMBLY

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

SEC. 1. Action. The purpose of this ordinance is to adopt a new Chapter 3.05 to Title 3 of the Wrangell Municipal Code, Administration and Personnel, to establish Rules of Procedure for the Assembly.

SEC. 2. New Chapter. A new Chapter 3.05 is added to Title 3 of the Wrangell Municipal Code, Administration and Personnel, to be entitled "ASSEMBLY – RULES OF PROCEDURE" and read:

Chapter 3.05
ASSEMBLY – RULES OF PROCEDURE

Sections:

- 3.05.010 Rules of Order.
- 3.05.020 Order of business.
- 3.05.030 Assembly agenda; amendment of agenda.
- 3.05.040 Public participation.
- 3.05.050 Teleconferencing.
- 3.05.060 Motions, debate, and discussion.
- 3.05.070 Decorum in debate.
- 3.05.080 Point of order and appeal.
- 3.05.090 Suspension of the rules.
- 3.05.100 Reconsideration of motions.
- 3.05.110 Basic concepts of parliamentary procedure.
- 3.05.120 Quorum, actions, and votes.
- 3.05.130. Minutes and recordings of proceedings.

3.05.010 Rules of Order.

The most recent edition of Robert's Rules of Order Newly Revised is adopted and

made part of these Rules of Procedure and governs the conduct of meetings of the assembly except as otherwise provided by the Charter of the City and Borough of Wrangell, the Wrangell Municipal Code, these Rules of Procedure, or the Alaska Statutes.

3.05.020 Order of business.

At all regular meetings of the assembly, the order of business shall be:

- A. Call to order. The mayor shall call the meeting to order at 7:00 p.m. in the Borough Assembly Chambers.
 - 1. Pledge of Allegiance.
 - 2. Invocation.
 - 3. Ceremonial matters – community presentations, proclamations, awards, certificates of service, guest introductions.
- B. Roll call. The borough clerk shall conduct a roll call of each elected and duly qualified member of the assembly. The roll call will result in a record entry of those present or absent from the meeting. The roll call is primarily used to determine if sufficient members are present to conduct a meeting.
- C. Amendments to the agenda. The assembly may amend the agenda as provided in WMC 3.05.030(D). The manager also may request agenda changes.
- D. Conflict of interest. The purpose of this agenda item is to provide a time for any conflict of interest disclosures and determinations on such disclosures by the mayor, as may be necessary and appropriate under WMC 3.04.112.
- E. Consent agenda. Items listed on the consent agenda or marked with an asterisk (*) are considered routine and will be passed in one motion unless the item has been removed from the consent agenda by the manager, the mayor, or an assembly member.
 - 1. Approval of minutes.
 - 2. Communications.
- F. Borough manager's report.
- G. Borough clerk's file.
- H. Mayor and assembly reports and appointments. This agenda item is reserved for special reports by the mayor and assembly members. Information such as municipal league activities, reports from committee's on which members sit, and conference reports are examples of items included here.
- I. Persons to be heard. This agenda item is reserved to provide an opportunity for persons to address the assembly on non-agenda items. The rules of public

participation for “persons to be heard” are set out in WMC 3.05.040(A).

- J. Unfinished business. This agenda item includes matters transferred from the consent agenda and other items of unfinished business.
 - 1. Administrative or committee reports
 - 2. Public hearing
 - 3. Assembly action

- K. New business.
 - 1. Administrative or committee reports
 - 2. Public hearing
 - 3. Assembly action

- L. Attorney’s file.

- M. Executive session. The procedure for executive session is set out in WMC 3.04.120.

- N. Adjournment.

3.05.030 Assembly agenda; amendment of agenda.

- A. The agenda shall be prepared by the clerk subject to review and revision by the manager and the mayor. An agenda shall be prepared before every regular meeting of the assembly and the agenda shall be posted at City Hall by noon (12:00 p.m.) on the Friday preceding the meeting.

- B. Borough staff submission of items for agenda. All reports, ordinances, resolutions, contracts, and other matters proposed by borough staff to be included on the assembly agenda at a regular meeting must be submitted to the borough manager or borough clerk no later than noon (12:00 p.m.) on the Thursday preceding the next regular meeting.

- C. Requests by members of the public for placement of items on agenda.
 - 1. Persons other than borough staff or a member of the assembly requesting that an item be placed on the assembly agenda at a regular meeting are urged to meet with borough staff first, in an effort to come to a resolution on the item before the item may be placed on the agenda. If resolution cannot be reached, the person must submit a written request either:
 - a. In the form of a letter stating that this is a request for an item to be placed on the borough assembly agenda, and explaining in detail what is requested; or
 - b. By completing an “Agenda Item Request Form” provided by the borough clerk’s office.

2. Deadline for written request. A written request from a member of the public to place an item on the agenda must be received by the borough clerk no later than noon (12:00 p.m.) on the Thursday preceding the next regular meeting. Any request received after deadline will be considered for the next succeeding regular meeting agenda.
- D. An agenda is not required for special meetings of the assembly; the list of topics contained in the notice given for a special meeting shall instead suffice.
- E. Amendment of agenda. The assembly may by majority vote approve a motion to amend the agenda to add or delete items from the published agenda during the course of a meeting, subject to the limitations in this section.
1. No action item may be added to the agenda by a motion to amend the agenda. An action item is an item which:
 - a. Introduces an ordinance;
 - b. Is a resolution;
 - c. Awards a contract;
 - d. Expends non-budgeted funds;
 - e. Expends budgeted funds or authorizes expenditure of budgeted funds in excess of twenty-five thousand dollars (\$25,000); or
 - f. Is a matter which, due to its significant or complex nature, requires more extensive public notice.
 2. This amendment of agenda provision is intended to allow the addition of agenda items that are in the nature of:
 - a. Requests or directives that the manager, borough clerk, or borough attorney investigate and report on an issue, or prepare a document, report, or other item for future consideration by the assembly;
 - b. Naming mayoral appointees selected, or the low bidder for a contract, when the fact of the appointment or contract award has appeared on the published agenda, and the name(s) of the appointee(s) or recommended choice(s) have been made available at the start of the meeting;
 - c. A call for an executive session concerning an item that appears on the published agenda; or
 - d. Is for purposes of receiving information only without making a decision.

3.05.040 Public Participation.

- A. Persons to be heard. There shall be an opportunity for public participation on non-agenda items at each regular meeting of the assembly, which shall be listed on the agenda as "Persons to be heard" and conducted according to the

following rules, which shall be posted in the assembly chambers:

1. Any person desiring to address the assembly under “persons to be heard” shall first sign up on the sheet provided at the meeting and be recognized by the presiding officer prior to speaking.
 2. The speaker will precede their remarks by stating their names and, unless otherwise allowed by the mayor, their place of residence.
 3. The mayor or an assembly member may ask questions of the speaker, but shall not deliberate at that time on matters raised, or answer questions directed by the speaker to the members.
 4. Speakers shall address their remarks to the assembly as a body and not to any individual member of the assembly.
 5. The mayor may, prior to the call for persons to be heard, prescribe time limits, request designated speakers for groups, determine redundancy, and other effective meeting procedures.
- B. Public hearings. Public participation during public hearings on ordinances, resolutions, and other matters, other than appeals, will be conducted according to the following rules, which shall be posted in the assembly chambers:
1. The hearing will be conducted by the mayor as chair.
 2. The mayor will open the hearing by summarizing its purpose and reemphasizing the rules of procedure.
 3. The mayor may set a time limit for public testimony, for individual speakers, or both if it appears necessary to gain maximum participation and conserve time. The time limit may be extended by a majority vote of the assembly. The time limit shall be uniform for all speakers, provided the mayor may grant additional time to a person speaking on behalf of a group present in the chambers.
 4. The mayor may request designated speakers be chosen for groups of persons wishing to address the assembly on the same subject.
 5. Citizens will be encouraged to submit written presentations and exhibits.
 6. Members of the public will precede their remarks by stating their names and, unless otherwise allowed by the mayor, their place of residence.

7. All speakers, members of the public, and members of the assembly, must be recognized by the chair before speaking.
 8. All speakers, members of the public, and members of the assembly, will be recognized by the chair by name.
 9. The mayor will set forth the item or subject to be discussed and will rule inappropriate comments, or comments that are not germane to the subject, out of order.
 10. Members of the assembly will not direct questions to each other or to the chair during public participation except as to the conduct of the hearing.
 11. Members of the assembly may direct questions to members of the public only to obtain clarification of material presented. The questions may not be argumentative.
 12. Speakers may direct questions to the assembly or the borough administration. The questions may not be argumentative. Speakers shall address their remarks to the assembly as a body and not to any individual member of the assembly.
 13. Speakers may direct questions to the chair only as it pertains to the conduct of the hearing.
 14. The assembly and members of the public will refrain from argument and debate as between them.
 15. The manager may participate in the same manner as the members of the assembly.
 16. After public hearing has been closed and a motion made by the assembly, no person shall address the assembly without first obtaining permission from the chair.
- C. Disorderly conduct at meetings prohibited. The chair may call to order any person who is breaching the peace or being disorderly by speaking without recognition, engaging in booing or catcalls, speaking vulgarities, name calling, personal attacks, or engaging on other conduct which is determined by the chair to be disruptive of the meeting. Any person so disrupting a meeting of the assembly may be removed and barred from further attendance at the meeting unless permission to return or remain is granted by a majority vote of the assembly.

3.05.050 Teleconferencing.

- A. An assembly member who will be absent from a meeting, including public hearings and work sessions of the assembly, may participate in the meeting by telephone or other electronic means under the following circumstances:
 - 1. The meeting is held with a quorum of members physically present;
 - 2. Reasonable technical capabilities are available at the meeting location to allow the member to participate by teleconference, including being able to hear and engage in discussion, and being audible to all persons participating in the meeting;
 - 3. Prior to the meeting reasonable efforts will be made to ensure that the member participating by teleconference is provided with the meeting agenda and other pertinent documents to be discussed and acted upon; access to the agenda and documents from the borough's website will be considered sufficient access.
- B. Assembly members may not use teleconferencing as a regular form of participating in meetings of the assembly. Participation in a regular assembly meeting by teleconference will be considered an unexcused absence for purposes of WMC 3.04.035 unless the member is absent from the meeting as a result of attending to official business on behalf of the borough.
- C. All votes taken at the meeting are by roll call of the members physically present at the meeting; members participating in the meeting by teleconference may not vote.
- D. Assembly members shall provide the clerk's office with at least twenty-four (24) hours' notice of their intent to participate in a meeting by teleconference and provide sufficient contact information for purposes of setting up the teleconference.
- E. Assembly members are responsible for any telephone long distance charges incurred due to their participation in a meeting by teleconference unless they are absent from the meeting on borough business. An assembly member is not considered to be on official borough business merely by attendance at an assembly meeting by teleconference.
- F. The mayor may participate in assembly meetings as set forth in subsections (A) through (E) of this section, and may participate in debate, but may not act as presiding officer of the meeting.

3.15.060 Motions, debate, and discussion.

- A. Until a matter has been brought before the assembly in the form of a motion proposing a specific action, it cannot be debated. A motion must be made by a member of the assembly. The mayor may not make a motion of any kind.
- B. Reduce motion to writing: a motion must be reduced to writing when required by the chair or when any assembly member so demands.
- C. Request to divide the question: when a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition on its own, the parts may be separated or divided and voted on as if they were distinct questions. This is done when one or more members requests that the question be divided or split. The division of the question is arranged by unanimous consent of the assembly.
- D. The term “debate” applies to the discussion on the merits of a pending question. Every member of the assembly and the mayor has the right to speak to every debatable motion before it is finally acted upon. The manager or other staff person upon the manager’s request, the borough attorney, or the borough clerk may give information or advice pertinent to the pending question.

3.05.070 Decorum in debate.

- A. Members of the assembly may not address one another directly, but must address all remarks through the chair. As much as possible, the use of names should be avoided in debate. Before making a motion or speaking in debate, a person must address the chair and be recognized. Any member who seeks the floor while entitled to it must be recognized.
- B. In debate a person’s remarks must have bearing on whether the pending motion should be adopted and should be germane to the question before the assembly.
- C. Every person while speaking shall avoid personalities, and under no circumstances may a person attack or question the motives of another person. Every person shall refer to any other person in a respectful manner. Every person shall avoid the use of profanities at all times. The chair must act immediately and decisively to correct a member violating decorum in debate and prevent its repetition.

03.05.080 Point of order and appeal.

- A. When a member of the assembly thinks the rules of the assembly are being

violated, the person may make a “point of order” calling upon the chair for a ruling and an enforcement of the regular rules. A “point of order” takes precedence over any pending question and is in order when another member has the floor. It must be raised promptly at the time the breach occurs. It does not require a second and, unless the point is submitted to the assembly for a vote, it is not debatable.

- B. The point of order is normally ruled on by the chair. No vote is taken unless the chair is in doubt and submits the point to the assembly for a vote or unless the ruling is appealed. Any two assembly members can appeal by one member making the appeal and the other seconding it, but the appeal must be made at the time of the ruling. If any debate or business has intervened, it is too late to appeal. The question shall be: “Shall the decision of the chair be upheld?” A majority or tie vote sustains the decision of the chair on the principle that the decision stands until reversed by a majority.

3.05.090 Suspension of the rules.

The rules of order and the order of business shall be observed in all cases unless temporarily suspended for a special purpose by a two-thirds vote of the authorized membership of the assembly.

3.05.100 Reconsideration.

- A. The purpose of reconsideration of a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.
- B. The motion for reconsideration must be made by a member of the assembly who voted on the prevailing side of the motion under consideration. Any member may second it, and the motion must be seconded at the time it is made. If no other question is pending, the debate and vote on a motion to reconsider may be taken up immediately or postponed.
- C. The motion for reconsideration must be made and seconded during the meeting at which the action to be reconsidered was taken, or by written notification to the clerk within seven (7) days of the adjournment of the meeting signed by both the moving member and the member seconding the motion.
- D. A motion for reconsideration may be applied to the vote on any motion except:
 - 1. A motion which can be renewed within a reasonable time;

2. An affirmative vote whose provisions have been partly carried out;
 3. An affirmative vote in the nature of a contract when a party to the contract has been notified of the outcome;
 4. Any vote that has caused something to be done that is impossible to undo.
- E. Any member of the assembly may call up a motion for reconsideration which has been duly made and seconded at any time during the meeting at which it was made, or at the next regular meeting of the assembly; a motion to reconsider and enter on the minutes may be called up only at the next regular meeting of the assembly. A motion to reconsider may be called up during a special meeting occurring before the next regular meeting provided notice of such reconsideration is stated in the notice of the special meeting.
- F. A proper motion for reconsideration which complies with subsection (C) of this section suspends implementation and effect of the vote on the question for which reconsideration is sought until the next regular meeting adjourns or until the assembly takes action on that motion, whichever occurs first.
- G. A motion for reconsideration is debatable in all cases in which the motion proposed to be reconsidered is debatable, and when debatable, opens to debate the merits of the question whose reconsideration is proposed. It is not amendable. It requires only a majority vote.
- H. There may be only one reconsideration even though the action of the assembly after reconsideration is opposite from the action of the assembly before reconsideration. No question may be reconsidered twice.

3.05.110 Basic concepts of parliamentary procedure.

- A. The borough attorney shall act as parliamentarian when present, with the borough clerk as acting parliamentarian during the attorney's absence.
- B. Rules of parliamentary procedure are intended to expedite the transaction of business of the assembly in an orderly and fair fashion, and are deemed to be procedural only.
- C. Failure to strictly observe rules of parliamentary procedure shall not affect the jurisdiction of the assembly or invalidate any action taken at a meeting that otherwise conforms to law.
- D. Business is brought before the assembly by motion made by an assembly member. The basic procedure for a motion is:
 1. An assembly member makes a motion.

2. Another member seconds the motion.
 3. The presiding officer states the motion, thereby formally placing it before the assembly.
 4. The assembly members debate and discuss the motion. During this time the motion is considered pending and it can have secondary motions applied to it.
 5. The presiding officer puts the question to a vote. This should include restating the motion to be voted on or requesting the borough clerk to do so.
 6. The presiding officer or borough clerk makes a complete announcement of the results of the vote.
- E. Types of motions and order of precedence. The following are common motions listed in order of precedence. When a given motion on the list is immediately pending, any motion above it on the list is in order and any motion below it on the list is out of order.
1. Fix time to adjourn
 2. Adjourn
 3. Recess
 4. Raise a question of privilege
 5. Call for orders of the day
 6. Lay on the table
 7. Previous question
 8. Limit or extend debate
 9. Postpone to a certain time (or postpone definitely)
 10. Commit (or refer)
 11. Amend
 12. Postpone indefinitely
 13. Main motion

3.05.120 Quorum, actions, and votes.

- A. At all meetings of the assembly, four assembly members or three members and the mayor shall constitute a quorum for the transaction of business. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.
- B. As provided by Section 2-8 of the Charter, actions of the assembly are adopted by a majority of the membership present when the vote is taken. The term “assembly member” or “membership” includes the mayor for purposes of quorum, actions, and votes. (Charter Section 2-1)
- C. Each assembly member present shall vote on every question unless required to abstain from voting on a question by law or authorized to abstain by the assembly. If an assembly member is required or authorized to abstain from the vote on any question, the member shall not participate in the debate on the

question.

- D. The vote on all matters considered by the assembly shall be taken by "yes" or "no" votes, which shall be entered in the record, except that if the vote is unanimous it may be recorded as "unanimous."
- E. When the mayor or the chair calls for a vote by roll call, the borough clerk shall alternate the order in which the roll is called; provided that the mayor, or a member serving as chair, shall be called last.

3.05.150 Minutes and recordings of proceedings.

- A. The borough clerk shall take and prepare minutes of assembly meetings and proceedings, which shall be subsequently approved, or amended and approved, by the assembly. After approval, the minutes shall be placed in a chronological record, maintained by the borough clerk.
- B. Audio recordings of all assembly meetings and proceedings open to the public will also be maintained. The borough clerk will maintain the audio recordings for a period of ten (10) years after the meeting for which the recording is made.
- C. No recordings shall be permitted for any executive session.

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.

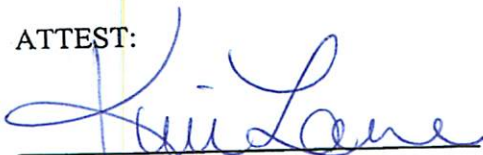
PASSED IN FIRST READING: June 10, 2014.

PASSED IN SECOND READING: June 24, 2014.



David L. Jack, Mayor

ATTEST:


Kim Lane, Borough Clerk

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 883

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 15.12.200, 15.12.210, 15.12.215, 15.12.222, AND 15.12.223, AND 15.12.240 OF CHAPTER 15.12, ELECTRICITY, OF THE WRANGELL MUNICIPAL CODE TO CHANGE THE ELECTRICAL RATES, AND ESTABLISHING AN EFFECTIVE DATE

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

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

SEC. 1. Action. The purpose of this ordinance is to amend certain sections of Chapter 15.12 of the Wrangell Municipal Code, Electricity, relating to electricity rates.

SEC. 2. Amendment. Section 15.12.200 of the Wrangell Municipal Code is amended to read:

15.12.200 Meter rates – Residential service (Schedule A).

A. Availability. Residential service under this schedule shall be limited to single phase, two or three wire 120/140 service. All installations shall be subject to the approval of the electric utility.

B. Rate.

Customer charge: \$8.00 per month

Energy charge:

0 – 300 KWH \$0.~~[126]~~ 1348 per KWH

301 – 1,200 KWH \$0.~~[102]~~ 1091 per KWH

Over 1,200 KWH \$0.~~[08]~~ 0856 per KWH

SEC. 3. Amendment. Section 15.12.210 of the Wrangell Municipal Code is amended to read:

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

A. **Classification.** Small commercial service includes lighting, cooking, appliances, and motors in professional mercantile, commercial, and other establishments not classed in Schedule A. This rate shall be for commercial users that use less than an average of 30,000 KWH per month, based upon the previous 12-month average consumption, and are served at secondary distribution voltage level.

B. **Availability.** Small commercial service under this schedule shall be limited to single phase 120/240 volts service. All installations shall be subject to the approval of the electric utility.

B. **Rate.** Schedule B.

Customer charge:	\$9.00 per month
Energy charge:	\$0.[116] <u>1241</u> per KWH

SEC. 4. Amendment. Section 15.12.215 of the Wrangell Municipal Code is amended to read:

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

A. **Classification.** Large commercial service includes lighting, cooking, appliances, and motors in professional mercantile, commercial, and other establishments not classed in Schedule A. This rate shall be for commercial users that use an average of 30,000 KWH per month, or more, based upon the previous 12-month average consumption, and are served at secondary distribution level.

B. **Availability.** Large commercial service under this schedule shall be limited to single- or three-phase 115 and/or 230 volt service. All installations shall be subject to the approval of the electric utility.

C. **Demand Charge.** The rate in this section does not include a demand charge. The borough reserves the right to adopt a demand charge after installation of KW demand meters and adoption of rates as required by law.

D. **Rate.** Schedule C.

Customer charge:	\$13.50 per month
Energy charge:	
0 – 70,000 KWH	\$0.[107] <u>1145</u> per KWH
Over 70,000 KWH	\$0.[103] <u>1102</u> per KWH

SEC. 5. Amendment. Section 15.12.222 of the Wrangell Municipal Code is amended to read:

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 borough. 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 the applicable monthly customer charge for the class of service
Energy charge:	\$0.[08] <u>0856</u> per KWH

- D. Transformers. For service under this section, the borough 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 this chapter shall apply to service under this section including, but not limited to, WMC 15.12.055, Electrical connection fees, WMC 15.12.060, concerning terms of service, WMC 15.12.190, Fuel adjustment charge, and WMC 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 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 WMC 1.20.010, as that section may be amended, revised or replaced, and each day the violation continues shall constitute a separate offense.

SEC. 6. Amendment. Section 15.12.223 of the Wrangell Municipal Code is amended to read:

15.12.223 Electrical rate incentive.

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

A. The incentive rate shall be no less than \$0.~~[07]~~0856 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 seven 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.

SEC. 7. Amendment. Section 15.12.240 of the Wrangell Municipal Code is amended to read:

15.12.240 Use of poles.

A. Power poles and service poles belonging to the electric utility or for which the electric utility has jurisdiction may not be used for any purpose other than electrical power transmission and distribution, unless per a written pole attachment agreement.

B. The annual rate for each attachment to any pole by any user, the rate to include right-of-way maintenance by the borough at the base of the pole only, shall be as follows:

1. \$~~[14.]~~ 20.00 per attachment effective [~~January 1, 2001~~] July 1, 2014.

C. All poles used in the transmission and distribution of electrical power will be approved by the electric utility and be treated with an approved preservative.

SEC. 8. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 9. 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. 10. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: June 10 _____, 2014.

PASSED IN SECOND READING: June 24 _____, 2014.



David L. Jack, Mayor

ATTEST:



Kim Lane, Borough Clerk

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 884

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 2 OF THE WRANGELL MUNICIPAL CODE, SPECIFICALLY AMENDING SECTION 2.16 CANDIDATES, 2.20 VOTING, SECTION 2.28 CANVASSING RETURNS, AND 2.36 ELECTION OFFENSES

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

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

SEC. 1. Action. The purpose of this ordinance is to amend sections in Title 2 of the Wrangell Municipal Code to remain consistent with Alaska State Statutes.

SEC. 2. Amendments. Sections of Chapter 2.16 of the Wrangell Municipal Code are amended to read:

Chapter 2.16
CANDIDATES

Sections:

- 2.16.010 Declaration of candidacy – Filing.
- 2.16.020 Declaration of candidacy – Form.
- 2.16.030 Write-in candidates and write-in votes.
- 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 borough by filing, not less than 30 days nor more than 60 days prior to the election, a sworn declaration of candidacy with the borough clerk. Any qualified person may be placed on the ballot as a candidate to fill a vacancy by filing with the borough clerk a declaration of candidacy and a petition signed by at least 10 [20] qualified voters. [Ord. 782 § 12, 2006.].

SEC 3. Amendment. Title and sections of Chapter 2.20 of the Wrangell Municipal Code are amended to read:

Chapter 2.20
VOTING

Sections:

- 2.20.010 Election officials.
- 2.20.020 Official's oath.
- 2.20.030 Chairperson [inspector].
- 2.20.040 Training sessions – Vacancies.
- 2.20.050 Ballots – Numbering and design.
- 2.20.060 Ballots – Listing of offices and candidates.
- 2.20.070 Ballots – Propositions.
- 2.20.080 Ballots – Possession, inspection and delivery.
- 2.20.090 Materials supply to precincts.
- 2.20.100 Sample ballots.
- 2.20.110 Voting booths and ballot boxes.
- 2.20.120 Polling places.
- 2.20.130 Election hours.
- 2.20.140 Keeping of original register.
- 2.20.150 Voting procedure.
- 2.20.160 Rejected ballots.
- 2.20.170 Challenging an elector.
- 2.20.010 Election officials.

The assembly shall be the judge of the election, and the borough clerk the election supervisor for the municipality. It shall be the duty of the election supervisor before the date of the election to appoint from the qualified electors of the borough three judges of election for each voting precinct, one of whom shall be designated as the chairperson [inspector], and two clerks of election. [Ord. 589 § 6, 1993; Ord. 270 § 5, 1972; prior code § 36.30.010.]

...

2.20.030 chairperson [inspector].

The chairperson [inspector] shall have authority to administer all necessary oaths and affirmations which may be required during the election. He shall also have power during the election. He shall also have power during the election to fill any vacancy which may occur among precinct election officials until their duties have been completed. [Ord. 270 § 5, 1972; prior code § 36.30.030.]

SEC 5. Amendment. Sections of Chapter 2.28 of the Wrangell Municipal Code is amended to read:

Chapter 2.28
CANVASSING RETURNS

Sections:

- 2.28.010 Counting ballots.
- 2.28.020 Tallies.
- 2.28.030 Rules for determining mark on ballots.
- 2.28.040 Delivery of ballots.
- 2.28.050 Canvass board.
- 2.28.060 Canvass of returns – Procedures generally.
- 2.28.070 Canvass of returns – Certificate of return.
- 2.28.080 Canvass of returns – Exclusion of illegal returns.
- 2.28.090 Canvass of returns – Discrepancies in returns.
- 2.28.100 Custody and destruction of ballots.
- 2.28.110 Contest of election – Grounds.
- 2.28.120 Contest of election – Notice.
- 2.28.130 Contest of election – Investigation.
- 2.28.140 Contest of election – Recounts.
- 2.28.150 Contest of election – Resolution.
- 2.28.160 Tie election.
- 2.28.170 Action by assembly on election results.
- 2.28.180 Certificate of elections.
- 2.28.010 Counting ballots.

...

2.28.040 Delivery of ballots.

When the tally of votes is completed, a certificate of returns shall be prepared and signed by the chairperson [inspector] and clerks of each election precinct. After completion of the certificate of returns the counted ballots and all rejected ballots shall be sealed into an envelope provided by the election supervisor, sealed, and delivered to the clerk, along with all challenged ballots in and emergency absentee ballots, to be retained a depository until submitted to the canvass board. [Ord. 417 § 11, 1981; Ord. 270 § 5, 1972; prior code § 36.40.040.]

2.28.050 Canvass board.

The canvass board shall consist of borough clerk who acted as election supervisor, the chairperson [inspector] from each election precinct, and three members of the assembly. The

assembly shall, prior to the date of the election, designate three assembly members to serve on the canvass board. Vacancies shall be filled by appointment of the mayor. [Ord. 417 § 12, 1981.]

SEC 6. Amendment. Sections of Chapter 2.36 of the Wrangell Municipal Code is amended to read:

Chapter 2.36
ELECTION OFFENSES

Sections:

- 2.36.010 Offenses and corrupt practices designated.
- 2.36.020 Penalty for violation.
- 2.36.030 Civil remedy.
- 2.36.010 Offenses and corrupt practices designated.

...

Q. Electioneering on election day within the polling place or within 200 [100] feet of same.

SEC. 7. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 8. 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. 9. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: August 26, 2014.

PASSED IN SECOND READING: September 9, 2014.



David L. Jack, Mayor

ATTEST:



Kim Lane, Borough Clerk



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 885

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 1.08, BOROUGH FLAG, SPECIFICALLY SECTION 1.08.010 AND 1.08.020

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

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

SEC. 1. Action. The purpose of this ordinance is to amend Chapter 1.08 of Title 1 of the Wrangell Municipal Code, Borough Flag.

SEC. 2. Amendments. Sections of Chapter 1.08 of the Wrangell Municipal Code are amended to read:

BOROUGH FLAG

Sections:

- 1.08.010 Description.
- 1.08.020 Interpretation.
- 1.08.030 Use.

1.08.010 Description.

The official flag of the borough is an emblem of four sides, and four angles of 90 degrees each. The background or field shall be white. In the center of the flag shall be a totem house in black above which are eight gold stars situated in the form of the Big Dipper. The totem house and stars shall be encircled by two circles, set apart so that a circle of equal width is formed by the field of white; the inner circle shall be blue, and the outer circle shall be red. Around the outer border of the red circle shall be the words "WRANGELL" and "GATEWAY TO THE STIKINE" in blue, Roman face lettering. To the upper left of center a gold-colored fish shall be positioned so that the head of the fish points toward the upper section of the red circle; and to the upper right of center shall be a fir tree in black. The ratio of hoist to fly (vertical to horizontal) of the flag is 3 to 5 feet. [Ord. 271 § 4, 1972; prior code § 01.30.010.]

1.08.020 Interpretation.

The red and blue circles and the white background represent the colors of the American flag. The eight golden stars represent the flag of the State of Alaska. The Shakes House represents Wrangell's native culture. The tree represents Wrangell's historical roots in the timber industry, while the salmon stands for Wrangell's modern sport and commercial fishing industries [, white, and blue represent the colors of the American flag. The eight stars of gold compliment the Alaskan flag. The shakes house stands for our native culture and is Wrangell's nationally known landmark. The salmon represents one of Wrangell's largest industries, including sport and commercial fishing. The tree represents the forest, the logging and the sawmills, industries constituting a large part of Wrangell's economy]. [Ord. 271 § 4, 1972; prior code § 01.30.015.]

SEC 3. Repeal. Section 1.08.03(U.) of the Wrangell Municipal Code is repealed:

...

U. Reserved [The flag should not be used for purposes of decoration, either over the middle of streets or as a covering for automobiles or floats in a parade or for draping speaker's platforms or stands, or for any other similar purpose of decoration.]

...

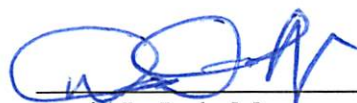
SEC. 4. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

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: August 26, 2014.

PASSED IN SECOND READING: September 9, 2014.



David L. Jack, Mayor

ATTEST:



Kim Lane, Borough Clerk



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 886

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING, AND ADDING NEW SECTIONS, TO TITLE 1 OF THE WRANGELL MUNICIPAL CODE, GENERAL PROVISIONS

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

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

SEC. 1. Action. The purpose of this ordinance is to add new sections and make other amendments to Chapter 1.20, General Penalty Title 1.

SEC. 2. Amendment. Section 1.20 of the Wrangell Municipal Code is amended to read:

**Chapter 1.20
GENERAL PENALTY**

Sections:

1.20.010 Generally.

1.20.020 Reserved. **[Attempts to commit a misdemeanor.]**

1.20.030 Aiding in an infraction **[misdemeanor]**.

1.20.040. Surcharge.

1.20.050 Minor Offense Fine Schedule.

1.20.010 Generally.

A. Unless an ordinance specifically provides otherwise, any person violating any of the provisions of this code or failing to comply with any of the mandatory requirements of this code is guilty of an infraction and shall be punished by a fine not to exceed \$500. A defendant charged with an infraction is not entitled to a jury trial or to court-appointed counsel at public expense **[Unless specifically provided to the contrary, violation of any ordinance or Charter provisions of the borough 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 \$1,000].**

B. Any person violating a provision of this code that specifically provides that a violation of the provision is a misdemeanor, is guilty of a misdemeanor and punishable by a fine not to exceed

\$1,000 or imprisonment of not more than 90 days, or both [The application of subsection (A) of this section is intended to broadly apply to violations of all regulatory provisions of this code and in the sense “regulatory offense” is to connote an offense or conduct other than one traditionally regarded as a crime. Considering the factors of lesser maximum punishment, the social and moral reproach or infamy attaching to offense, the extent to which it may be deemed antisocial behavior, and the consequences to a violator upon conviction, the penalty prescribed in subsection (A) of this section, not involving the possibility of imprisonment or incarceration upon conviction and not having the right to trial by jury, shall apply to each provision of the Wrangell Municipal Code unless expressly stated otherwise].

[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, shall, upon conviction, be punishable by a fine not exceeding \$1,000 or imprisonment not more than 90 days, or both, and are to be found in the following code provisions: WMC 2.36.010, WMC Title 10, WMC 15.08.190, and Chapter 20.92 WMC.]

[D]C. 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 \$1,000 may be imposed for each violation. Each day, or part thereof, that a violation of a borough ordinance continues shall constitute a separate violation.

1.20.020 Reserved. [Attempts to commit a misdemeanor.

Any person who attempts to commit a misdemeanor and in such attempt does any act toward the commission of such misdemeanor but fails or is prevented or intercepted in the perpetration thereof is guilty of that misdemeanor and shall be punished in the manner prescribed for the attempted misdemeanor itself.]

1.20.030 Aiding in an infraction [misdemeanor].

Every person who counsels, abets or aids another in the commission of a particular infraction [misdemeanor] as expressly prescribed by ordinance is guilty of an infraction [a misdemeanor] and is punishable in the same manner as the principal offender.

1.20.040. Surcharge. In addition to any penalty prescribed by law, a defendant convicted of violating a borough ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074.

1.20.050 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be

paid to the police department. If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska Court System's Rules of Minor Offense Procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

<u>Section</u>	<u>Offense</u>	<u>Penalty/Fine</u>
<u>7.04.010</u>	<u>Cruelty – Abandonment</u>	<u>\$200</u>
<u>7.04.020</u>	<u>Animals at large prohibited</u>	<u>First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.</u>
<u>7.08.030</u>	<u>At large – Prohibited – Nuisance declared</u>	<u>First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.</u>
<u>7.08.035</u>	<u>Objectionable animals</u>	<u>First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.</u>
<u>7.08.040</u>	<u>Restraint requirements</u>	<u>First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.</u>
<u>7.08.045 & 7.08.050</u>	<u>Off-leash areas & Off –leash area rules</u>	<u>First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.</u>
<u>7.08.115</u>	<u>Potentially dangerous and dangerous dogs: violation of restrictions, confinement requirements, and sign requirements</u>	<u>First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum \$500.00.</u>
<u>7.08.120</u>	<u>Biting dog – Confinement</u>	<u>First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a</u>

		<u>maximum fine of \$500.00.</u>
<u>7.08.140</u>	<u>Proclamation to confine all dogs during epidemic</u>	<u>First offense - \$200 Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.</u>
<u>7.08.150</u>	<u>Interference with animal enforcement agents</u>	<u>First offense - \$200 Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.</u>


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

SEC. 4. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

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

PASSED IN FIRST READING: August 26, 2014.

PASSED IN SECOND READING: September 9, 2014.



 David L. Jack, Mayor

ATTEST:



 Kim Lane, Borough Clerk



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 887(am)

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING, AND ADDING A NEW CHAPTER AND NEW SECTIONS, TO TITLE 7 OF THE WRANGELL MUNICIPAL CODE, ANIMALS

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

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

SEC. 1. Action. The purpose of this ordinance is to add a new Chapter 7.01 entitled Definitions to Title 7 of the Wrangell Municipal Code, Animals, and to add new sections and make other amendments to Chapter 7.04, General Regulations, and Chapter 7.08, Dogs/Cats of Title 7.

SEC. 2. New Chapter. Title 7 of the Wrangell Municipal Code is amended by the addition of a new Chapter 7.01 to read:

Title 7
ANIMALS

Chapters:

- 7.01 Definitions.
- 7.04 General Regulations.
- 7.08 Dogs/Cats.

Chapter 7.01
DEFINITIONS

7.01.010 **Definitions.**

In this title, unless the context requires otherwise, the following words and phrases shall have the meanings set out in this section:

A. Abandon

To leave an animal for a period in excess of 24 continuous hours without adequate provision for

its physical needs.

B. Acceptable collar

Any commercial or homemade collar or harness capable of allowing a tag and/or leash to be affixed which does not cause injury to the animal.

C. Altered animal

An animal that has been sterilized.

D. Animal

“Animal” means all nonhuman members of the kingdom Animalia.

E. Animal enforcement agent

Any peace officer, other law enforcement personnel, or an animal control officer, or other person specifically authorized by the borough manager to enforce the provisions of this title.

F. Animal exposed to rabies

An animal that has been bitten by an animal that either has rabies or has been in proximity or contact with an animal that has rabies or has been exposed to an animal that has rabies.

G. Animal shelter

Any premises designated by the manager or the manager’s designee for the purpose of impounding and caring for animals pursuant to this title.

H. At large

Any animal that is not under restraint, under voice control, or on private property with owner consent.

I. Boarding

Keeping an animal overnight in a commercial animal establishment used for such a purpose.

J. Commercial animal establishment

1. Any property wherein or whereon any person engages in the business of regularly selling, training, boarding, or breeding animals for compensation;
2. Any property used to house or board any horse, mule, donkey, or other livestock for compensation;
3. For animals other than livestock, fish or fowl, any property used to house more than 20 adult animals for commercial purposes; or

4. Any property used to house more than 10 adult fowl for commercial purposes.

5. Any person who possesses animals for personal, noncommercial purposes as defined in subsection (T) of this section would be considered to have a “hobby animal establishment” not a “commercial animal establishment.”

K. Competent voice control

When all the following are met:

- (1) The person exhibiting the voice control is present with the animal and monitors all of its activities;
- (2) The person exhibiting the voice control is capable of directing all of the animal’s movements and activities by voice commands; and
- (3) The animal under voice control follows all of the vocal commands quickly and accurately.

L. Confined

Shut within an enclosure. This includes, but is not limited to, a fenced in area of the real property of the owner, an animal shelter (i.e. pen, dog house, leash, or kennel), and any building on the owner’s property, including house or garage.

M. Dangerous dog

A dog as defined in WMC 07.08.110.

N. Dog

A member of the genus and species Canis familiaris, commonly known as a domestic dog, but does not include other members of the family Canidae such as a fox, coyote, wolf or other game species the taking of which is regulated by the state of Alaska. For the purposes of this title, “dog” includes Canid hybrids unless otherwise specified.

O. Domestic animal

Any animal kept for pleasure or for utility that has been adapted to life in association with and to the use by human beings, and shall not include animals which normally can be found in the wild.

P. Enclosure

A structure suitable to confine an animal. The structure shall be securely constructed and shall have secure sides, and shall be kept secured at all times. The design and construction shall be adequate to prevent the animal from escaping.

Q. Euthanasia

The act of inducing the humane death of an animal.

R. Facility

A building or property other than a private residence in which an animal is maintained.

S. Humane manner

Care of an animal to include, but not be limited to, adequate heat, ventilation, and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

T. Hobby animal establishment

Any property on which a person possesses, houses, or boards any horse, mule, donkey, or other livestock; or more than 20 adult animals other than livestock, fish, or fowl; or more than 10 adult fowl; when such animals are used for personal, noncommercial purposes.

U. Improperly confined

The confinement of an animal under conditions that endanger the animal's health or safety or the safety of the public.

V. Keeper

Any person, group of persons, partnership, firm, trust or corporation, owning, having an interest in, or having control, custody, or possession of any animal and includes any adult member of a family or group of persons sharing a residential unit where another member of the family or group has an interest in, or has control, custody or possession of an animal which is kept in or on the premises of the shared residential unit. "Keeper" does not include a person who voluntarily undertakes the temporary care of an animal that is otherwise abandoned or a person who voluntarily undertakes the temporary care of an animal that is at large in violation of WMC 7.08.030.

W. Leash

A chain, leash or rope, held in such manner as to maintain control and to prevent the attached animal from attacking any person, animal, or entering a designated no-pet area.

X. Neglected

An animal that has not received that degree of care that a reasonable person would give under the same circumstances. The care must include sufficient food and clean water, adequate shelter and protection from the weather, health care, and clean living conditions.

Y. Nuisance animal

Any animal which is doing any of the acts set forth in WMC 7.08.030.

Z. Objectionable animal

Any animal which is doing any of the acts set forth in WMC 7.08.035.

AA. Pet Shop

A commercial establishment that offers to sell live animals with the intent that they be kept as pets.

BB. Physical injury

Physical pain or an impairment of physical condition.

CC. Potentially dangerous dog

A dog as defined in WMC 7.08.110.

SEC. 3. Amendment. The table of sections of Chapter 7.04 of the Wrangell Municipal Code is amended to read:

**Chapter 7.04
GENERAL REGULATIONS¹**

Sections:

- 7.04.010 Cruelty – Abandonment. [– Domestic creature defined.]
- 7.04.020 Animals at large prohibited.
- 7.04.030 Entering public or private property.
- 7.04.0[3]40 Penalty for violation.

SEC. 4. Amendment. Section 7.04.010 of the Wrangell Municipal Code is amended to read:

7.04.010 Cruelty – Abandonment [– Domestic creature defined].

A. Any person who necessarily or without cause overworks, beats, abuses, starves, torments, kills or otherwise mistreats a domestic animal [creature], or causes or procures any such acts to be done, shall be deemed guilty of an [misdemeanor] infraction. [For the purposes of this section, the term “domestic creature” means any tame animal or animal kept as a pet, including, but limited to, dogs, cats, rabbits, monkeys, birds or reptiles.]

B. Any person who intentionally abandons a domestic animal[creature], whether or not it is sick, maimed, infirm, or disabled, where there is not a caretaker to assume responsibility for proper food and water and other needs, shall be deemed guilty of an [misdemeanor]infraction.

SEC. 5. Amendment. Section 7.04.020 of the Wrangell Municipal Code is amended to read:

7.04.020 Animals at large prohibited.

It is unlawful for the [owner or] keeper to permit or allow any bull, ox, cow, sheep, goat, hog, dog, or other animal or any domestic fowl to be [run] at large within the borough limits, or to be pastured or herded, or staked or tied for the purpose of grazing, in any of the streets, alleys, squares, or other grounds belonging to or under the control of the borough and within the borough limits [of the borough]; and it is unlawful for the [owner or] keeper of any of said animals, or stock of any kind or domestic fowl to tie, stake, pasture, or turn at large any of said animals upon any private property within the limits of the borough, without the consent of the owner of said property.

SEC. 6. New Section. A new Section 7.04.030 is added to Chapter 7.04 of the Wrangell Municipal Code to read:

7.04.030 Entering public or private property.

A. An animal enforcement agent may enter onto any property, public or private, at all reasonable hours in the performance of his or her duties under this title, except that he or she may not enter any private residence or house without the consent of a person authorized to give consent.

B. It shall be a condition of any designated or any permitted commercial animal establishment that an animal enforcement agent shall be allowed to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours. Where a permit for a commercial animal establishment is revoked for cause, or pending an appeal of such action, the animal enforcement agent shall have power of entry on the premises and into all areas where animals are being kept.

SEC. 7. Amendment. Section 7.04.030 of the Wrangell Municipal Code is renumbered to be 7.04.040 and amended to read:

7.04.0[3]40 Penalty for violation.

[Any person convicted of violation of any of the provisions of this chapter shall be punished in the following manner: first violation, a 15.00 fine/penalty; second violation, a \$50.00 fine/penalty; third violation, a \$100.00 fine/penalty; fourth violation, a \$125.00 fine/penalty; fifth violation, a \$150.00 fine/penalty; sixth and subsequent violations, 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] Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500 if the offense is not listed in the 1.20.050 fine schedule.

SEC. 8. Amendment. The table of sections of Chapter 7.08 Wrangell Municipal Code is amended to read:

**Chapter 7.08
DOGS/CATS**

Sections:

- 7.08.010 Licensing.
- 7.08.020 Dog vaccination required.
- 7.08.030 **[Running at] At large – Prohibited – Nuisance declared.**
- 7.08.035 Objectionable animals.
- 7.08.040 Restraint requirements.
- 7.08.045 Off-leash areas.
- 7.08.050 Off-leash area rules.
- 7.08.0[4]60 Impoundment.
- 7.08.0[5]70 Notice of impoundment.
- 7.08.0[6]80 Hearings and appeals.
- 7.08.0[7]90 Reclamation – Impoundment costs.
- 7.08.[08]100 Disposal.
- 7.08.[09]110 **[Vicious dogs – Harboring – Muzzling] Potentially dangerous and dangerous dogs – definitions.**
- 7.08.115 Classification of dogs – Notice, hearing, and appeal – Restrictions.
- 7.08.1[0]20 Biting dog – Confinement.
- 7.08.1[1]30 Biting dog – Notification of state – Observation.
- 7.08.1[2]40 Proclamation to confine all dogs during epidemic.
- 7.08.1[3]50 Interference with animal enforcement agents [officers].
- 7.08.1[4]60 Penalty for violation.
- [7.08.150 Mail-in bail.]**

SEC. 9. Amendment. Section 7.08.010 of the Wrangell Municipal Code is amended to read:

7.08.010 Licensing.

A. Every person who owns or keeps a dog within the borough shall report to the **[borough**

clerk] police department, not later than the first day of February of each year, his or her name and address, and shall give the name, breed, color, and sex of each dog owned or kept by such person and shall be required to pay to the police department clerk the fee of \$5.00 for each neutered male or spayed female dog and \$15.00 for each intact dog so owned or kept. Upon payment of the fee, the **[borough clerk] police department clerk** shall furnish a receipt thereof, and [also] a metal license tag carrying an identification number that shall be securely fastened to a collar made of leather, metal or other substantial material worn by the dog.

B. The **[borough clerk] police department** shall keep an accurate record of all licensed dogs. The **[borough clerk] police department** shall cause a notice of the necessity of paying such a license fee to be printed in a paper of general circulation within the borough one time before the tenth day of January in each year.

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

SEC. 10. Amendment. Section 7.08.020 of the Wrangell Municipal Code is amended to read:

7.08.020 Dog vaccination required.

[No license shall be granted for a] A dog older than six months [which does not] is required to have a current rabies vaccination. A violation of this section shall be fined as provided in WMC 1.20.050.

SEC. 11. Amendment. Section 7.08.030 of the Wrangell Municipal Code is amended to read:

7.08.030 [Running at] At large – Prohibited – Nuisance declared.

A. It is unlawful for any **[owner or]** keeper of a **[dog/cat] any domestic animal** to permit the **[said]** animal to be **[run]** at large on any street, sidewalk, wharf or public place or otherwise become a nuisance within the incorporated borough limits.

B. A **[dog] domestic animal** will be deemed **[to be running]** at large unless **[confined]** upon private property with consent of the owner thereof, or led or securely tied upon a leash in hands of some responsible person.

C. All domestic animals [dogs/cats running] at large within the borough limits are declared a public nuisance and are subject to immediate impoundment without prior notice.

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

SEC. 12. New Sections. Chapter 7.08 of the Wrangell Municipal Code is amended by the addition of new Sections 7.08.035, 7.08.040, 7.08.045, and 7.05.050 to read:

7.08.035 Objectionable animals.

A. The keeper of an animal shall:

1. Prevent the animal from disturbing a neighborhood or any number of persons by frequent or prolonged noise, barking, howling or other noises;
2. Prevent the animal from defecating upon, digging upon or injuring public property or a public thoroughfare or private property without the permission of the property owner;
3. Prevent the animal from snapping, running after or jumping at vehicles or persons using the public thoroughfares within the city and borough;
4. Prevent the animal from snapping at, jumping upon or otherwise menacing, injuring or frightening persons, domestic animals, or livestock; provided, that this subsection shall not apply if the person is trespassing or otherwise acting in violation of the law; and
5. Prevent the animal from snapping, harassing or otherwise disturbing or injuring any wildlife.

B. Any animal found in violation of this section may be immediately impounded by the animal enforcement agent.

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

7.08.040 Restraint requirements.

A. The keeper of any dog shall keep the dog under leash restraint at all times and shall not permit the dog to be off leash in any area except those designated as “off-leash areas.”

B. All dogs must be on leash or confined to a vessel at all times while in any Wrangell harbor, as provided in WMC 14.09.050.

C. All dogs or other domestic animals found at large may be impounded. The keeper of the dog or other domestic animal shall be responsible should the dog or other domestic animal be in violation of this section.

D. All dogs in the back of an open pickup truck must be restrained by a tie down which is sufficiently short to protect the animal from jumping out and to prevent the animal from lunging at passers-by.

E. Keepers shall clean up and remove any dogs’ feces left by their dogs or be subject to fines or prohibitions.

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

7.08.045 Off-leash areas.

A. Dogs may be off-leash outside of the city and borough’s business district, provided that the keeper is actively engaged with the dog and has competent voice control of the dog or dog is under keepers control via electronic device. In addition, the Wrangell harbors are not off-leash areas.

B. The “business district” is described as follows: Water-ward starting from the Ferry

Terminal down 2nd Street, continuing on Church Street to Case Avenue, turning right down Case Avenue, continuing left down Shakes Street to and including the Harbor parking lot and including Shakes Island; within these areas, dogs must be under leash restraint at all times.

C. Dogs must be on leash or confined to a vessel at all times while in any Wrangell harbor, as provided in WMC 14.09.050.

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

7.08.050 Off-leash area rules.

A. The following rules shall be followed by all keepers that choose to have their dogs off-leash:

1. Potentially dangerous and dangerous dogs, and biting dogs, as provided under WMC 7.08.110, 7.08.115, 7.08.120, and 7.08.130, and female dogs in heat are prohibited from being off-leash;

2. Dogs shall be leashed upon entering and leaving the fenced area that is designated for off-leash use;

3. Keepers shall keep their dogs in sight and under “competent voice control” at all times;

4. Keepers shall remain with their dogs when they are off-leash;

5. Keepers shall clean up and remove any dogs’ feces left by their dogs or be subject to fines or prohibitions;

6. Holes dug by dogs must be filled by the keeper;

7. Keepers shall be responsible for all actions of their dogs; and

8. Aggressive or unruly dogs are not allowed to be off-leash.

B. In addition to being subject to the penalties in WMC 7.08.160, any keeper of a dog who violates any rule in this section may be prohibited from using an off-leash area with the dog.

C. No dogs shall be allowed, either on-leash or off-leash, in specific areas within the city and borough’s business district if the city and borough has posted notice prohibiting dogs in those areas.

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

SEC. 13. Amendment. Section 7.08.040 of the Wrangell Municipal Code is renumbered to be 7.08.060 and amended to read:

7.08.0[4]60 Impoundment.

A. Any dog/cat found at large shall be impounded by the animal enforcement agent [chief of police or his designee or contractor].

B. The [chief of police or his designee or contractor] animal enforcement agent shall promptly prepare an impoundment report, which shall include a description of the dog/cat, the name, address and telephone number of the [owner or] keeper if known, the location where the dog/cat was found at large and impounded, and the date after which the dog/cat will be disposed of pursuant to WMC 7.08.[08]100, and the procedure (including any charges to be paid) for

reclaiming the dog/cat.

C. During the period of impoundment until reclamation or disposal, the **[chief of police or his designee or contractor] animal enforcement agent** shall keep the dog/cat in a suitable **[kennel] animal shelter** facility.

[D. No person shall willfully prevent or obstruct the impounding of any animal in violation of any of the provisions of this title by an animal enforcement agent, nor shall any person break open an animal shelter, or take or attempt to take any animal out of an animal shelter facility, or capture device without the consent of an animal enforcement agent, nor shall any person knowingly impound or attempt to impound any animal not legally subject to impoundment.]

SEC. 14. Amendment. Section 7.08.050 is renumbered to be 7.08.070 of the Wrangell Municipal Code and amended to read:

7.08.0[5]70 Notice of impoundment.

Within 24 hours after impoundment, the **[chief of police, his designee or contractor] animal enforcement agent** shall give notice of impoundment as follows:

A. In all cases, whether the **[owner] keeper** is known or not known, a copy of the impoundment report shall be posted **[in conspicuous places at the post office and City Hall, and, if possible] at the police department and** broadcasted on **the local radio station [and/or television]**.

B. If the **[legal owner] keeper of an impounded dog [the dog/cat]** is known through licensing, the **[owner] keeper** shall, in addition to the above, be given verbal notice or notice by certified mail, return receipt requested, **[to the owner or keeper of the dog]** at that person's last known address.

SEC. 15. Amendment. Section 7.08.060 of the Wrangell Municipal Code is renumbered to be 7.08.080 and amended to read:

7.08.0[6]80 Hearings and appeals.

A. The **[owner or] keeper** of an impounded dog/cat may request a hearing within **[five] ten** days of mailing, verbal notice or first publication of the notice of impoundment, whichever occurs first. If there is no request for a hearing within the time specified, the right to a hearing will be waived.

B. A hearing, if requested, shall be conducted by the borough manager or the manager's designee. The hearing shall be conducted informally.

C. At the conclusion of the hearing, the borough manager shall state the [his] decision, the reasons therefor, and indicate what evidence was relied upon.

D. If the decision sustains the impoundment, or if no hearing is requested and the right is waived, then the borough manager or his designee shall order the **[chief of police, his designee or contractor] animal enforcement agent** to proceed with disposal pursuant to WMC

7.08.[08]100.

E. If the decision overrules the impoundment, the dog/cat shall be promptly returned to its [owner or] keeper without charge, or if the dog/cat has previously been reclaimed, all charges paid shall be promptly refunded to the payer.

F. A person aggrieved by the decision of the borough manager may appeal the[his] decision to the borough assembly. All appeals to the assembly must be filed in writing with the borough clerk no later than 15 days after the date of the manager’s decision; an appeal filed later than 15 days after the date of the decision will not be considered.

G. The keeper of the impounded dog/cat shall be liable for all impound costs under WMC 7.08.090 if the decision to impound is upheld.

[G]H. No dog/cat shall be disposed of until the hearings, if any, are completed.

SEC. 16. Amendment. Section 7.08.070 of the Wrangell Municipal Code is renumbered to be 7.08.090 and amended to read:

7.08.0[7]90 Reclamation – Impoundment costs.

A. A person who presents satisfactory proof of ownership or right to possession to the [chief of police, his designee or contractor] animal enforcement agent may reclaim an impounded dog/cat any time before the dog/cat has been finally disposed of pursuant to WMC 7.08.[08]100, by payment of all costs specified in subsection (B) of this section, and payment of any current but unpaid license fee pursuant to WMC 7.08.010.

B. Impoundment costs are as follows:

- | | |
|--|-------------|
| 1. Impoundment fee | \$25.00 |
| 2. Kennel fee | \$15.00/day |
| 3. Actual cost of postage and publication of notice of impoundment | Variable |
| 4. Actual cost of any emergency veterinarian care, medication or extraordinary expense | Variable |

SEC. 17. Amendment. Section 7.08.080 is renumbered to be 7.08.100 of the Wrangell Municipal Code and amended to read:

7.08.[080]100 Disposal.

A. Title to a dog/cat impounded and not reclaimed nor subject to a hearing shall finally vest in the borough on [of] the [sixth]tenth day following verbal notice, notice by mail or first publication of the notice of impoundment pursuant to WMC 7.08.0[5]70.

B. After title in the dog/cat has vested in the borough, the dog/cat may be disposed of in any economical and efficient manner [the chief of police, his designee or contractor] that the animal enforcement agent deems appropriate, including euthanasia.

SEC. 18. Amendment. Section 7.08.090 of the Wrangell Municipal Code is renumbered to be 7.08.110 and amended to read:

[7.08.090 Vicious dogs – Harboring – Muzzling.]

[A. All persons are prohibited from knowingly keeping for themselves or for another any dog known or reported to be a vicious animal dangerous to the public safety.

B. Upon written protest, signed by two or more residents of the borough and filed with the borough assembly, the owner or keeper of any such vicious dog shall be notified and required to have posted upon the premises where such dog is owned or kept a legible painted sign bearing the words “Beware of Dog” in letters not less than three inches high and placed in a conspicuous place upon the premises where it may be plainly seen by all persons entering upon the premises. The owner or keeper of any such dog shall also be required, when said dog is permitted outside the house on a leash, to have said dog adequately muzzled, or, if not muzzled, to be kept in an enclosure so constructed that any person entering upon the premises may not be subject to attack.

C. Upon a second complaint by one or more persons being filed or reported against any owner or keeper of any such vicious dog, it shall be the duty of the chief of police, or some person appointed by him, immediately to impound such dog for such period of time as necessary to conduct an investigation. Thereupon, the chief of police or the person duly appointed by him shall immediately conduct an investigation into the character and propensities of such dog and investigate the grounds of protest and complaint filed against said animal, and thereafter shall take whatever action is justified by the situation, and may decree compliance with the conditions provided in subsection (B) of this section or have the dog destroyed or removed from the borough.]

7.08.110 Potentially dangerous and dangerous dogs – definitions.

A. Definitions. Except as provided in subsection C of this section, a “potentially dangerous dog” is any dog that:

- 1. Without provocation, chases or approaches a person in a threatening manner or in an apparent attitude of attack; or**
- 2. Has a known propensity, tendency or disposition to attack without provocation, or otherwise threaten the safety of human beings or domestic animals.**

B. Except as provided in subsection C of this section, a “dangerous dog” is any dog that:

1. Has bitten or otherwise inflicted physical injury on a human being without provocation, on public or private property;
2. Has, while off the premises of its keeper, killed a domestic animal without provocation; or
3. Has been previously classified as potentially dangerous and is found in violation of the provisions of this title.

C. Exceptions to potentially dangerous and dangerous dog.

1. No dog may be classified as potentially dangerous or dangerous if:
 - a. It was acting against a trespasser who had illegally entered premises occupied by the keeper or custodian of the dog;
 - b. The dog was being tormented, abused, assaulted or otherwise provoked;
 - c. The dog was protecting or defending a person within the immediate vicinity of the dog from an attack by a person or other animal, or if the dog was acting to defend itself from attack by another animal or person.
2. No dog may be classified potentially dangerous or dangerous if the injury or damage to an animal was sustained while the dog was working as a police dog, hunting dog, service animals, herding dog, or predator control dog on the property of or under the control of its keeper and the damage or injury was to a species or type of animal appropriate to the work of the dog.

SEC. 19. A new section 7.08.115 is added to the Wrangell Municipal Code to read:

7.08.115 Classification of dogs – Notice, hearing, and appeal – Restrictions.

A. Classification of dogs. The animal enforcement agent shall have the authority to determine, based on probable cause, that a dog is potentially dangerous or dangerous. The determination and classification of the animal shall be completed by the animal enforcement agent within 15 days of receipt by the police department of a report or complaint concerning an incident involving the dog. In making the determination, the agent will consider all of the facts and circumstances of the incident, including but not limited to the following factors:

1. The observed and reported past history and present behavior of the dog;
2. Whether the incident was accidental in nature;
3. The extent of the injury to the person or animal attacked; and
4. The keeper's history of compliance with the provisions of WMC Title 7 pertaining to the dog involved in the incident.

B. Notice; Hearing to review classification; Appeals; Restrictions pending hearing or appeal. Written notice of the animal enforcement agent's determination to classify a dog potentially dangerous or dangerous shall be served on the keeper of the dog at the keeper's last known address. The notice shall describe the dog, state the grounds for its classification, and state the restrictions and other requirements applicable to the dog by reason of its classification. The notice shall also state that if a written request for a hearing is filed with the manager within ten days after completion of service of the notice, a hearing will be conducted by the manager or the manager's designee in accordance with WMC 7.08.080 to review the classification or any related restrictions or other requirements applicable to the dog. The right to a hearing shall be deemed waived if not timely requested as set forth in this subsection. The manager's decision may be appealed to the borough assembly as provided in WMC 7.08.080. Pending any hearing or appeal on the classification of the dog, the animal enforcement agent may require that the dog be kept securely confined on the premises of the keeper or other location acceptable to the animal enforcement agent, which may include quarantine at the animal shelter at the keeper's expense.

C. On-premises confinement. While on the keeper's property, a potentially dangerous or dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children and designed to prevent the dog from escaping by climbing, burrowing, or otherwise. The potentially dangerous dog must be securely confined indoors at all times until the enclosure is available. If built for a dog, the enclosure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top. If the

enclosure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one foot. If not built for a dog, the enclosure must meet the more general specifications listed in this section, and any additional specifications as might be prescribed by the animal enforcement agent. The enclosure must also provide adequate protection from the elements and be kept in clean and sanitary condition.

D. Off-premises confinement. A potentially dangerous or dangerous dog may be off the keeper's premises only if it is humanely muzzled and restrained by a substantial leash not exceeding four feet in length. The leash and dog must be under the actual physical control of a person suitable to control the dog at all times. Such dogs shall not be leashed to inanimate objects such as trees, posts or buildings. The muzzle must be made in a manner that will not cause injury to the dog or interfere with the dog's vision or respiration, but must prevent the dog from biting any person or animal.

E. Signs. The keeper shall display signs in such form as required by the animal enforcement agent on the keeper's premises warning that there is a potentially dangerous or dangerous dog on the premises. One sign must be visible from any public right-of-way abutting the premises. A sign must also be posted on the enclosure for the dog.

F. Destruction of dangerous dogs. The animal enforcement agent may order any dog that is classified as dangerous to be humanely euthanized after being quarantined for such period as provided by law. Written notice of the animal enforcement agent's order shall be served on the keeper of the dog at the keeper's last known address. The notice shall describe the dog and state the grounds for the order. The notice shall also state that if a written request for a hearing is filed with the manager within ten days after completion of service of the notice, a hearing will be conducted by the manager or the manager's designee in accordance with WMC 7.08.080 to review the order. The right to a hearing shall be deemed waived if not timely requested as set forth in this subsection. The manager's decision may be appealed to the borough assembly as provided in WMC 7.08.080. Pending any hearing or appeal, the animal enforcement agent may require that the dog be kept securely confined on the premises of the keeper or other location acceptable to the animal enforcement agent, which may include quarantine at the animal shelter at the keeper's expense.

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

SEC. 20. Amendment. Section 7.08.100 of the Wrangell Municipal Code is renumbered to be 7.08.120 and amended to read:

7.08.1[0]20 Biting dog – Confinement.

A. Whenever any **[person owning, possessing, or harboring]** keeper of any dog within the borough limits learns that such dog has bitten any human being, such **[person]** keeper shall

immediately impound the dog in a place of confinement to be designated by the **[borough] animal enforcement agent**. The place of confinement must prevent escape and include facilities placing the dog in total isolation from any human being or other animal. A report of the actions taken shall immediately be reported to the **[borough] police department** who shall notify all responsible officials.

B. Whenever responsible officials of the borough learn that any human being has been bitten by any dog within the borough, the identity of such dog shall be ascertained and the **[person owning, possessing, or harboring it] keeper of the dog** shall immediately deliver the dog for impounding as required in subsection (A) of this section.

C. Any dog so impounded shall be kept continuously confined for a period of 14 days from the day the dog bit the human being, and the **[owner, possessor, or person harboring] keeper of the dog** shall be responsible for such charges as may be required for impounding, including but not limited to a fee for isolation of the dog, food for the dog, and special charges required for rabies prevention.

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

SEC. 21. Amendment. Section 7.08.110 of the Wrangell Municipal Code is renumbered to be 7.08.130 and amended to read:

7.08.1[1]30 Biting dog – Notification of state – Observation.

A. Upon learning that a dog has bitten a human being, the **[police] animal enforcement agent** shall immediately notify the Alaska Department of Health and Social Services and inform the state agency of the place where the dog is impounded.

B. The **[borough] animal enforcement agent** shall contract with persons knowledgeable with care and handling of well and sick dogs for inspection of the dog for the 14 days of confinement to determine whether such dog is infected with rabies. For this purpose, **[persons so designated by] the [borough] animal enforcement agent** shall have access to the premises where the dog is kept at all reasonable hours, and may take possession of the dog and confine it **[in the designated dog pound of the borough] at the animal shelter** or other **[suitable place] location acceptable to the animal enforcement agent** at the keeper's expense [of the owner].

C. The **[owner or person in possession or harboring such] keeper of the dog** under observation shall immediately notify the Alaska Department of Health and Social Services **[of the state]** of any evidence of sickness or disease in the dog during its period of confinement and shall promptly deliver its carcass to the appropriate agency in the event of the animal's death during the period.

D. During the period of confinement, the **[owner, person in possession, or person harboring such] keeper of the dog** shall be liable for all expenses of confining such dog in isolation.

SEC. 22. Amendment. Section 7.08.120 of the Wrangell Municipal Code is renumbered to be 7.08.140 and amended to read:

7.08.1[2]40 Proclamation to confine all dogs during epidemic.

Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the borough manager shall issue a proclamation ordering every **[person owning or keeping] keeper of a dog to confine [him]the dog** securely on **[his] the keeper's** premises unless **[he] the dog** is muzzled so that **[he] it** cannot bite. No person shall violate such proclamation, and any unmuzzled dog **[running]** at large during the time affixed by the proclamation shall be killed by the **[police] animal enforcement agent** without notice to the **[owner]keeper**. A violation of this section shall be fined as provided in WMC 1.20.050.

SEC. 23. Amendment. Section 7.08.130 of the Wrangell Municipal Code is renumbered to be 7.08.150 and amended to read:

7.08.1[3]50 Interference with animal enforcement agents [officers].

A. No person shall willfully prevent or obstruct the impounding of any animal in violation of any of the provisions of this title by an animal enforcement agent, nor shall any person break open an animal shelter, or take or attempt to take any animal out of an animal shelter facility, or capture device without the consent of an animal enforcement agent, nor shall any person knowingly impound or attempt to impound any animal not legally subject to impoundment.

B. It is unlawful for any unauthorized person to break open the animal shelter [pound] or to attempt to do so, or to take or let out any dog/cat therefrom, or to take or attempt to take from any animal enforcement agent [officer] any dog/cat taken up by the agent [him] in compliance with this chapter, or in any manner to interfere with or hinder such officer in the discharge of the agent's [his] duties under this chapter.

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

SEC. 24. Amendment. Section 7.08.140 of the Wrangell Municipal Code is renumbered to be 7.08.160 and amended to read:

7.08.1[4]60 Penalty for violation.

[A] Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500 if the offense is not listed in the 1.20.050 fine schedule. [Except as set forth in subsection (B) of this section, any violation of the provisions of this title shall be punishable as provided for in WMC 1.20.010.

B. A violation of WMC 7.08.010 and 7.08.030 and shall be a regulatory offense for which a fine of \$25.00 shall be imposed. 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.]

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 888

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.36 OF THE WRANGELL MUNICIPAL CODE, SCHOOL BOARD

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

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

SEC. 1. Action. The purpose of this ordinance is to make amendments to Title 3, Section 3.36 School Board, and to add a new section to Title 3, Section 3.36 School Board entitled Meetings.

SEC. 2. Amendment. Section 3.36 of the Wrangell Municipal Code is amended to read:

**Chapter 3.36
SCHOOL BOARD**

Sections:

- 3.36.010 District established.
- 3.36.020 Board functions.
- 3.36.030 Membership – Qualifications.
- 3.36.040 Vacancies.
- 3.36.050 Policy manual.
- 3.36.060 School budget
- 3.36.070 Meetings

....

3.36.040 Vacancies.

If a vacancy occurs on the School Board, **[the remaining members shall within 30 days fill the vacancy by such procedure as they shall among themselves agree.]** the vacancy shall be filled within 30 days by such procedure as established by school board policy. The person selected shall serve until the next regular election when a successor shall be elected to serve the balance of the term.

....

SEC. 3. New Chapter. Title 3 of the Wrangell Municipal Code is amended by the addition of a new Chapter 3.36.070 to read:

Section 3.36.070 – Meetings

All regular meetings of the Board shall be held on the third Monday of each month with the exception that the October meeting will be held on the first Monday following the certification of the City and Borough of Wrangell regular election if such certification has not occurred prior to the third Monday of the month. The School Board President may choose to hold the regular meeting on a day other than the third Monday of the month to accommodate the schedule of the school board members provided that there is ample advertising to the public. There will be no Regular School Board meeting in July.

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: August 26, 2014.

PASSED IN SECOND READING: September 9, 2014.



David L. Jack, Mayor

ATTEST:



Kim Lane, Borough Clerk



SEC. 25. Repeal. Section 7.08.150 of the Wrangell Municipal Code is repealed.

[7.08.150 Mail-in bail.

Commission of the offenses described in WMC 7.08.010 or 7.08.030 may be satisfied by payment of the prescribed fine without a court appearance. The person to whom such citation is issued may plead guilty to the offense by signing the appropriate blank and paying either in person or by mail the fine specified on the citation to the Wrangell police department, said payment to be made prior to the court appearance date indicated on the citation. Acceptance and payment of the prescribed fine is complete satisfaction for the offense.]


SEC. 26. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 27. 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. 28. Effective Date. This ordinance shall be effective upon adoption.

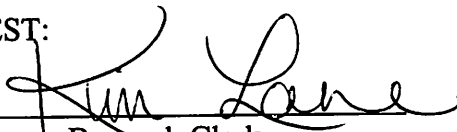
PASSED IN FIRST READING: September 23, 2014.

PASSED IN SECOND READING: October 14, 2014.

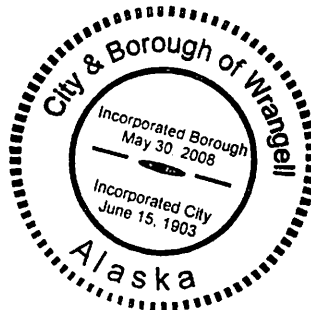


David L. Jack, Mayor

ATTEST:



Kim Lane, Borough Clerk



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 889

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

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

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

SEC. 1. Action. The purpose of this ordinance is to amend the Minor Offense Fine Schedule in Section 1.20.050 of Chapter 1.20, General Penalty, of the Wrangell Municipal Code to add two Animals Code offenses to the fine schedule.

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

1.20.050 Minor Offense Fine Schedule.

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

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

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

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: September 23, 2014.

PASSED IN SECOND READING: October 14, 2014.



David L. Jack, Mayor

ATTEST:



Kim Lane, Borough Clerk