



CITY & BOROUGH OF WRANGELL PUBLIC HEARING AGENDA

Tuesday, January 12, 2016
6:30 – 7:00 p.m.

Location: Assembly Chambers, City Hall

1. Call to Order
2. Roll Call
3. Public Hearing Items:
 - a. **PROPOSED ORDINANCE No. 913:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 14.09, PROHIBITED PRACTICES, AND CHAPTER 14.11, FEES AND PENALTIES, OF TITLE 14, HARBOR AND PORT FACILITIES, OF THE WRANGELL MUNICIPAL CODE, TO ADD A NEW SECTION 14.09.120 ON PENALTY FOR VIOLATION AND REFERENCE THE FINE SCHEDULE IN WMC 1.20.050, AND REPEAL SECTION 14.11.015 ON PENALTIES (*second reading*)
 - b. **PROPOSED ORDINANCE No. 914:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE (*second reading*)
4. Written Testimony
5. Oral Testimony
6. Adjournment

Agenda Item 3a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY PUBLIC HEARING AGENDA ITEM January 12, 2016

INFORMATION:

PROPOSED ORDINANCE No. 913: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 14.09, PROHIBITED PRACTICES, AND CHAPTER 14.11, FEES AND PENALTIES, OF TITLE 14, HARBOR AND PORT FACILITIES, OF THE WRANGELL MUNICIPAL CODE, TO ADD A NEW SECTION 14.09.120 ON PENALTY FOR VIOLATION AND REFERENCE THE FINE SCHEDULE IN WMC 1.20.050, AND REPEAL SECTION 14.11.015 ON PENALTIES *(second reading)*

Background

The proposed Ordinance is being brought forward in order to address the violations in Chapter 14 by placing them in the minor offence fine schedule in title 1. This is a requirement of the State of Alaska's Court System. Essentially, if we do not list the fines and/or penalties in the fine schedule in Title 1, the violation is a mandatory court appearance.

Having the fines and/or penalties listed out in Title 1 will help law enforcement and the residents of Wrangell to be clear on what the penalty/fee is for each violation.

*Also as stated above, this is a **requirement** of the State of Alaska's Court System.*

This Ordinance was presented and passed by the Port Commission with some minor changes on October 1, 2015.

Attachments:

1. Proposed Ordinance No. 913

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 913

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 14.09, PROHIBITED PRACTICES, AND CHAPTER 14.11, FEES AND PENALTIES, OF TITLE 14, HARBOR AND PORT FACILITIES, OF THE WRANGELL MUNICIPAL CODE, TO ADD A NEW SECTION 14.09.120 ON PENALTY FOR VIOLATION AND REFERENCE THE FINE SCHEDULE IN WMC 1.20.050, AND REPEAL SECTION 14.11.015 ON PENALTIES

[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 Title 14, Harbor and Port Facilities, of the Wrangell Municipal Code, specifically Chapter 14.09, Prohibited Practices, to add a new Section 14.09.120 on Penalty for Violation, and Chapter 14.11, Fees and Penalties, to repeal Section 14.11.015, Penalties.

SEC. 2. Amendment. The list of sections in Chapter 14.09, Prohibited Practices, of the Wrangell Municipal Code is amended to read:

Chapter 14.09
PROHIBITED PRACTICES

Sections:

- 14.09.005 Speeding.
- 14.09.010 Operating under the influence.
- 14.09.015 Hazard to navigation.
- 14.09.020 Failure to register.
- 14.09.025 Improper mooring.
- 14.09.030 Inadequate equipment.
- 14.09.035 Improper use of facilities.
- 14.09.040 Improper waste disposal.
- 14.09.045 Improper petroleum product disposal.
- 14.09.050 Improper care and control of animals.
- 14.09.055 Water sports.
- 14.09.060 Negligent operation.
- 14.09.065 Improper use of seaplane float.
- 14.09.070 Improper use of a loading zone.

- 14.09.075 Improper use of fire equipment.
- 14.09.080 Improper use of utilities.
- 14.09.085 Tampering and defacing signs.
- 14.09.090 Nuisance.
- 14.09.095 Failure to comply with rules, regulations or procedures.
- 14.09.100 Obstruct or impede use of any launch ramp.
- 14.09.105 Tampering with impounded vessels.
- 14.09.110 Idle vessel removal.
- 14.09.120 Penalty for violation.

SEC. 3. New Section. Chapter 14.09 of the Wrangell Municipal Code is amended by the addition of a new Section 14.09.120 to read:

14.09.120 Penalty for violation.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 4. Amendment. The list of sections in Chapter 14.11, Fees and Penalties, of the Wrangell Municipal Code is amended to read:

Chapter 14.11
FEES [AND PENALTIES]

Sections:

- 14.11.005 Fee schedule.
- 14.11.010 Fee collection and lien.
- 14.11.015 **[Penalties] Repealed.**
- 14.11.020 Public hearing.

SEC. 5. Repeal. Section 14.11.015 of the Wrangell Municipal Code is repealed in its entirety.

14.11.015 [Penalties] Repealed.

[A. Nonmandatory Appearance Fine Schedule. The following penalties shall be imposed for the violation indicated:]

| [Section | Violation | Fine |
|-------------------------|---|------------------|
| <u>14.09.015</u> | Hazard to navigation | \$100.00 |
| <u>14.09.020</u> | Failure to register | \$25.00 |
| <u>14.09.025</u> | Improper mooring | \$25.00 |
| <u>14.09.030</u> | Inadequate equipment | \$50.00 |
| <u>14.09.035</u> | Improper use of facilities | \$50.00 |
| <u>14.09.040</u> | Improper waste disposal | \$50.00 |
| <u>14.09.045</u> | Improper petroleum product disposal | \$100.00 |
| <u>14.09.050</u> | Improper care and control of animals | \$25.00 |
| <u>14.09.055</u> | Water sports | \$25.00 |
| <u>14.09.065</u> | Improper use of seaplane float | \$50.00 |
| <u>14.09.070</u> | Improper use of a loading zone per hour | \$2.00 |
| <u>14.09.075</u> | Improper use of fire equipment | \$100.00 |
| <u>14.09.080</u> | Improper use of utilities | \$50.00 |
| <u>14.09.085</u> | Tampering and defacing signs | \$25.00 |
| <u>14.09.090</u> | Nuisance | \$100.00 |
| <u>14.09.100</u> | Obstruct or impede use of any boat launch ramp | \$50.00 |
| <u>14.09.105</u> | Tampering with impounded vessels | \$100.00] |

[B. Mandatory Appearance Fine Schedule. The following penalties shall be determined by the court pursuant to this schedule:]

| | | |
|-------------------------|---|----------------------------|
| <u>14.09.005</u> | Speeding | Up to \$300.00 |
| <u>14.09.010</u> | Operating under the influence | Up to \$500.00 |
| <u>14.09.060</u> | Negligent operation | Up to \$300.00 |
| <u>14.09.095</u> | Failure to comply with rules, regulations and procedures | Up to \$300.00] |

[C. Citation. A person committing a violation of this title shall be issued a citation, unless otherwise required by law or the immediate circumstances. A copy of the form of citation is found at the end of this chapter as Appendix “A.”]

[D. Mail-In Fine Procedure. If the violation for which the citation is issued is one which does not require a mandatory appearance, the person to whom it is issued may plead no contest or guilty to the offense without a court appearance by signing the appropriate blank on the citation and paying the specified fine in person or by mail within five days of the date of citation, to the borough accounting clerk, at Wrangell City Hall, 205 Brueger Street, Post Office Box 531, Wrangell, Alaska 99929. Acceptance of payment of the prescribed fine is complete satisfaction for the violation, and the offender shall be given a receipt which so states, if requested.]

[E. Promise to Appear. The citation form shall contain a place for the accused to sign acknowledging receipt of the citation and promising to appear in court at a time specified on the citation. If the accused person refuses to accept the citation or refuses to sign acknowledgement of receipt and promise to appear, the peace officer shall proceed in the manner provided by law for violations. If the accused accepts the notice but fails to pay the fine or appear in court as required, the citation shall be considered a summons for the charge of the violation and the accused shall be proceeded against in a manner prescribed by law.]

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

SEC. 7. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

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

PASSED IN FIRST READING: December 17, 2015.

PASSED IN SECOND READING: _____, 2016.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 3b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY PUBLIC HEARING AGENDA ITEM January 12, 2016

INFORMATION:

PROPOSED ORDINANCE No. 914: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE *(second reading)*

Background

The proposed Ordinance is being brought forward in order to add the prior ordinance fines/penalties to the fine schedule in Title 1. This is a requirement of the State of Alaska's Court System. Essentially, if we do not list the fines and/or penalties in the fine schedule in Title 1, the violation is a mandatory court appearance.

Having the fines and/or penalties listed out in Title 1 will help law enforcement and the residents of Wrangell to be clear on what the penalty/fee is for each violation.

*Also as stated above, this is a **requirement** of the State of Alaska's Court System.*

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Attachments:

1. Proposed Ordinance No. 914

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 914

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

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

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

SEC. 1. Action. The purpose of this ordinance is to amend the Minor Offense Fine Schedule in Section 1.20.050 of Chapter 1.20, General Penalty, of the Wrangell Municipal Code to add to the fine schedule offenses relating to Chapter 14.09, Prohibited Practices, of Title 14, Harbor and Port Facilities.

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.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

| Section | Offense | Penalty/Fine |
|---------|---------|--------------|
|---------|---------|--------------|

| | | |
|---------------------|--|---|
| 7.04.010 | Cruelty – Abandonment | \$200 |
| 7.04.020 | Animals at large prohibited | First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00. |
| 7.08.010 | Licensing | \$25.00 fine for each offense. |
| 7.08.020 | Dog Vaccination required | \$50.00 fine for each offense. |
| 7.08.030 | At large – Prohibited – Nuisance declared | First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00. |
| 7.08.035 | Objectionable animals | First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00. |
| 7.08.040 | Restraint requirements | First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00. |
| 7.08.045 & 7.08.050 | Off-leash areas & Off –leash area rules | First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00. |
| 7.08.115 | Potentially dangerous and dangerous dogs: violation of restrictions, confinement requirements, and sign requirements | First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00. |
| 7.08.120 | Biting dog – Confinement | First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00. |
| 7.08.140 | Proclamation to confine all dogs during epidemic | First offense - \$200 Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00. |

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| 7.08.150 | Interference with animal enforcement agents | First offense - \$200 Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00. |
| 9.08.080 | Accumulations of rubbish & materials prohibited | \$100.00 fine for each offense. |
| 9.12.020, 9.12.030, & 9.12.040 | Fireworks where prohibited; sale where prohibited; display violations | First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00. |
| 9.16.020 | Deposit in public places | 0-1 pound = \$50.00 fine, 1-5 pounds = \$150.00 fine, 6-10 pounds = \$250.00, 11-15 pounds = \$350.00 fine, 15 + pounds = \$500.00 fine. |
| 9.16.030 | Maintaining sidewalks free of litter. | \$75.00 fine for each offense. |
| 9.16.040 | Deposit from vehicles prohibited | \$75.00 fine for each offense. |
| 9.16.050 | Operating litter-generating vehicles prohibited | 0-1 pound = \$50.00 fine, 1-5 pounds = \$150.00 fine, 6-10 pounds = \$250.00, 11-15 pounds = \$350.00 fine, 15 + pounds = \$500.00 fine. |
| 9.16.060 | Deposit on private property prohibited | 0-1 pound = \$50.00 fine, 1-5 pounds = \$150.00 fine, 6-10 pounds = \$250.00, 11-15 pounds = \$350.00 fine, 15 + pounds = \$500.00 fine. |
| 9.16.070 | Property owner's responsibility to maintain premises | \$75.00 fine for each offense. |
| 9.16.080 | Handbills – Restrictions generally | \$75.00 fine for each offense. |
| 9.16.090 | Handbills – Distribution on private property | \$75.00 fine for each offense. |
| 9.16.100 | Posting notices prohibited | \$50.00 fine for each offense. |
| 10.18.010 | Abuse of 911 system | 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. |
| 10.36.010 | Discharge of firearms and other weapons prohibited within certain areas | 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. |
| 10.46.010(A)(1) | Consumption of marijuana in a public place prohibited | \$100.00 fine for each offense. |

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| 10.46.010(A)(2) | Consume marijuana outdoors adjacent public place without consent of property owner | \$100.00 fine for each offense. |
| 11.28.020 | Prohibited parking places | \$50.00 fine for each offense. |
| 11.28.030 | Red-painted curbs and signs – No parking | \$50.00 fine for each offense. |
| 11.28.040 | Time-limit parking | \$50.00 fine for each offense. |
| 11.28.080 | Blocking roadway prohibited | \$50.00 fine for each offense. |
| 11.28.090 | Bus stop and passenger zone – Parking prohibited | \$50.00 fine for each offense. |
| 11.28.100 | Loading and unloading materials | \$50.00 fine for each offense. |
| 11.28.130 | Method of parking – Loading permits | \$50.00 fine for each offense. |
| 11.30.030 | Parking in excess of posted time limit – Parking lots | \$50.00 fine for each offense. |
| 11.30.040 | Proper parking required – Parking lots | \$50.00 fine for each offense. |
| 11.30.050 | Vehicles and objects prohibited – Parking lots | \$75.00 fine for each offense. |
| 11.36.060 | Stop when traffic obstructed | \$75.00 fine for each offense. |
| 11.36.070 | Bicycle restrictions on sidewalks | \$50.00 fine for each offense. |
| 11.36.080 | U-turns prohibited | \$50.00 fine for each offense. |
| 11.36.100 | Dragging objects prohibited | \$50.00 fine for each offense. |
| 11.36.110 | Projecting loads on passenger vehicles | \$50.00 fine for each offense. |
| 11.36.160 | Use of coaster, rollerskates, skateboards, sleds and skis | \$50.00 fine for each offense. |
| 11.36.170 | Excessive acceleration | \$50.00 fine for each offense. |
| 11.64.010 | Sound trucks – permit required | \$100.00 fine for each offense. |
| 11.68.020 | Registration required | \$50.00 fine for each offense. |
| 11.68.030 | Required equipment | \$50.00 fine for each offense. |
| 11.68.040 | Snowmobile operation restricted | \$50.00 fine for each offense. |
| 11.68.050 | Designated right-of-way | \$50.00 fine for each offense. |
| 11.76.020 | Junk vehicles unlawful | \$50.00 fine for each offense. Each 10 days shall constitute a separate violation. |
| <u>14.09.005</u> | <u>Speeding</u> | <u>\$150.00 fine for each offense.</u> |
| <u>14.09.015</u> | <u>Hazard to navigation</u> | <u>\$100.00 fine for each offense.</u> |
| <u>14.09.020</u> | <u>Failure to register</u> | <u>\$25.00 fine for each offense.</u> |
| <u>14.09.025</u> | <u>Improper mooring</u> | <u>\$25.00 fine for each offense.</u> |
| <u>14.09.030</u> | <u>Inadequate equipment</u> | <u>\$50.00 fine for each offense.</u> |
| <u>14.09.035</u> | <u>Improper use of facilities</u> | <u>\$50.00 fine for each offense.</u> |
| <u>14.09.040</u> | <u>Improper waste disposal</u> | <u>\$50.00 fine for each offense.</u> |
| <u>14.09.045</u> | <u>Improper petroleum product disposal</u> | <u>\$100.00 fine for each offense.</u> |
| <u>14.09.050</u> | <u>Improper care and control of</u> | <u>\$25.00 fine for each offense.</u> |

| | | |
|------------------|---|--|
| | <u>animals</u> | |
| <u>14.09.055</u> | <u>Water sports</u> | <u>\$25.00 fine for each offense.</u> |
| <u>14.09.065</u> | <u>Improper use of seaplane float</u> | <u>\$50.00 fine for each offense.</u> |
| <u>14.09.070</u> | <u>Improper use of a loading zone</u> | <u>\$25.00 fine for each offense.</u> |
| <u>14.09.075</u> | <u>Improper use of fire equipment</u> | <u>\$100.00 fine for each offense.</u> |
| <u>14.09.080</u> | <u>Improper use of utilities</u> | <u>\$50.00 fine for each offense.</u> |
| <u>14.09.085</u> | <u>Tampering and defacing signs</u> | <u>\$25.00 fine for each offense.</u> |
| <u>14.09.090</u> | <u>Nuisance</u> | <u>\$100.00 fine for each offense.</u> |
| <u>14.09.095</u> | <u>Failure to comply with rules, regulations or procedures.</u> | <u>\$100.00 fine for each offense.</u> |
| <u>14.09.100</u> | <u>Obstruct or impede use of any launch ramp</u> | <u>\$50.00 fine for each offense.</u> |
| 15.18.030 | Refuse containers – Required | \$150.00 fine for each offense. |
| 15.18.032 | Refuse containers – Maintained | \$150.00 fine for each offense. |
| 15.18.050 | Disposal of offensive refuse prohibited | \$150.00 fine for each offense. |
| 15.18.052 | Burning of certain materials prohibited | \$150.00 fine for each offense. |
| 15.18.075 | Monofill disposal permit and fees | \$150.00 fine for each offense. |

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 SECOND READING: December 17, 2015

PASSED IN SECOND READING: _____, 2016.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk