



CITY & BOROUGH OF WRANGELL PUBLIC HEARING AGENDA

Tuesday, September 8, 2015
6:30 – 7:00 p.m.

Location: Assembly Chambers, City Hall

1. Call to Order
2. Roll Call
3. Public Hearing Items:

The Borough Assembly will hold a public hearing, on **Tuesday, September 8, 2015 at 6:30 p.m., in the Borough Assembly Chambers** on the following ordinances:

- a. **PROPOSED ORDINANCE No. 906:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 10.46(C), PROHIBITION OF CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE, AMENDING THE VIOLATION OF SUCH OFFENCE (*second reading*)
- b. **PROPOSED ORDINANCE No. 907:** 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 September 8, 2015

INFORMATION:

PROPOSED ORDINANCE NO. 906: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 10.46.010, CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE PROHIBITED, OF THE WRANGELL MUNICIPAL CODE, TO REVISE THE PENALTY PROVISION TO REFERENCE THE MINOR OFFENSE FINE SCHEDULE IN WMC 1.20.050 *(second reading)*

Background

The proposed Ordinance is being brought forward in order to move the penalty for violation from title 10 and place it 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.*

Attachments:

1. **Proposed Ordinance No. 906**

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 906

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 10.46.010, CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE PROHIBITED, OF THE WRANGELL MUNICIPAL CODE, TO REVISE THE PENALTY PROVISION TO REFERENCE THE MINOR OFFENSE FINE SCHEDULE IN WMC 1.20.050

[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 Section 10.46.010, Consumption of marijuana in a public place prohibited, of the Wrangell Municipal Code to amend the provision on penalty for violation.

SEC. 2. Amendment. Section 10.46.010 of the Wrangell Municipal Code is amended to read:

10.46.010 Consumption of marijuana in a public place prohibited.

A. It is unlawful for any person to knowingly consume marijuana when the person is:

1. On, in, or upon any public place, except as permitted by ordinance, regulation, statute or permit; or

2. Outdoors on private property adjacent to a public place, and without consent of the owner or person in control thereof.

B. For purposes of this section, the definitions of the words and phrases below shall apply:

1. “Consume” shall have the meaning, in all conjugate forms, of “consumption” set forth in AS 17.38.900.

2. “Marijuana” shall have the meaning set forth in AS 17.38.900.

3. “Public place” means a place to which the public or a substantial group of persons has access

and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, jails, and hallways, lobbies, doorways, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

C. 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**[Violation of this section is a minor offense punishable by a fine of \$100.00].**

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: August 25, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 3b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY PUBLIC HEARING AGENDA ITEM September 8, 2015

INFORMATION:

PROPOSED ORDINANCE NO. 907: 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.*

Attachments:

1. **Proposed Ordinance No. 907**

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 907

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 Section 10.46.010, Consumption of marijuana in a public place prohibited.

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

1.20.050 Minor Offense Fine Schedule.

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

Section	Offense	Penalty/Fine
7.04.010	Cruelty – Abandonment	\$200
7.04.020	Animals at large prohibited	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.010	Licensing	\$25.00 fine for each offense.
7.08.020	Dog Vaccination required	\$50.00 fine for each offense.

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

& 9.12.040	sale where prohibited; display violations	subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
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.
<u>10.46.010(A)(1)</u>	<u>Consumption of marijuana in a public place prohibited</u>	<u>\$100.00 fine for each offense.</u>
<u>10.46.010(A)(2)</u>	<u>Consume marijuana outdoors adjacent public place without consent of property owner</u>	<u>\$100.00 fine for each offense.</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 25, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk