



CITY & BOROUGH OF WRANGELL PUBLIC HEARING AGENDA

**Tuesday, November 10, 2015
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. 911:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF CHAPTER 15.18, GARBAGE, OF THE WRANGELL MUNICIPAL CODE, RELATING TO MAINTENANCE OF REFUSE CONTAINERS AND OUTSIDE BURNING OF CERTAIN MATERIALS, AND AMENDING THE SECTION ON PENALTY FOR VIOLATION TO REFERENCE THE MINOR OFFENSE FINE SCHEDULE IN WMC 1.20.050 (*revised – third reading*)
 - b. **PROPOSED ORDINANCE No. 912:** 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 – Postponed from the October 27, 2015 meeting (*third reading*)
4. Written Testimony
5. Oral Testimony
6. Adjournment

Agenda Item 3a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY PUBLIC HEARING AGENDA ITEM November 10, 2015

INFORMATION:

PROPOSED ORDINANCE No. 911: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF CHAPTER 15.18, GARBAGE, OF THE WRANGELL MUNICIPAL CODE, RELATING TO MAINTENANCE OF REFUSE CONTAINERS AND OUTSIDE BURNING OF CERTAIN MATERIALS, AND AMENDING THE SECTION ON PENALTY FOR VIOLATION TO REFERENCE THE MINOR OFFENSE FINE SCHEDULE IN WMC 1.20.050 (*revised – third reading*)

Background

The proposed Ordinance is being brought forward in order to address the violations in Chapter 15 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.*

Attachments:

1. **Proposed Ordinance No. 911**

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 911

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF CHAPTER 15.18, GARBAGE, OF THE WRANGELL MUNICIPAL CODE, RELATING TO MAINTENANCE OF REFUSE CONTAINERS AND OUTSIDE BURNING OF CERTAIN MATERIALS, AND AMENDING THE SECTION ON PENALTY FOR VIOLATION 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 certain sections of Chapter 15.18, Garbage, of the Wrangell Municipal Code.

SEC. 2. Amendment. The list of sections in Chapter 15.18, Garbage, of the Wrangell Municipal Code is amended to read:

Chapter 15.18
GARBAGE

Sections:

- 15.18.010 Definitions.
- 15.18.020 Refuse containers – Specifications.
- 15.18.025 Refuse containers – Borough-owned.
- 15.18.030 Refuse containers – **[Maintenance]** Required.
- 15.18.032 Refuse containers – Maintained.
- 15.18.040 Refuse containers – Location.
- 15.18.050 **[Disposal – Restricting generally]**Disposal of offensive refuse - prohibited.
- 15.18.052 Burning of certain materials prohibited.
- 15.18.060 Sanitation department.
- 15.18.061 Funds – Accounting system.
- 15.18.062 Use of moneys.
- 15.18.070 Collection or disposal fees.
- 15.18.075 Monofill disposal permit and fees.
- 15.18.080 Collection times and frequency.

- 15.18.090 Notification of collection need.
- 15.18.100 Disposal at and maintenance of municipal solid waste handling facility.
- 15.18.110 Penalty for violation.

SEC. 3. Amendment. Section 15.18.025 of the Wrangell Municipal Code is amended to read:

15.18.025 Refuse containers – Borough-owned.

A. All bulk storage containers shall be provided and owned by the borough sanitation department. An additional lease fee, as set forth in Table 15.18.070, shall be assessed in addition to collection charges on all borough-owned bulk storage containers.

B. Customer-owned bulk storage containers previously approved by the borough sanitation department shall be allowed to remain in service until the end of their usable life, at which time they will be replaced by borough-owned bulk storage containers.

C. All borough-owned bulk storage containers shall be maintained and repaired by the borough.

SEC. 4. Amendment. Section 15.18.030 of the Wrangell Municipal Code is amended to read:

15.18.030 Refuse containers – [Maintenance]Required.

A. Every person in possession, charge or control of any place where refuse is created or accumulated shall provide sufficient number of containers to accommodate all refuse accumulated between successive collections.

B. The owner of a multiple dwelling less than three units shall furnish or require his tenants to furnish proper garbage containers. Refuse containers furnished by the tenants located at multiple dwellings shall be marked so as to indicate the apartment to which they belong.

[C. Each container shall be kept closed except when it becomes necessary to deposit or to remove refuse. Each container shall be kept clean and upright so as not to create an odor nuisance or endanger public health or safety.]

[D. All borough-owned bulk storage containers shall be maintained and repaired by the borough.]

SEC. 5. New Section. Chapter 15.18 of the Wrangell Municipal Code is amended

by the addition of a new Section 15.18.032 to read:

15.18.032 Refuse containers – Maintained.

Each refuse container shall be kept closed except when it becomes necessary to deposit or to remove refuse. Containers shall not be overfilled as to allow animals or wildlife to access its contents. Each container shall be kept clean and upright so as not to create an odor nuisance or endanger public health or safety.

SEC. 6. Amendment. Section 15.18.050 of the Wrangell Municipal Code is amended to read:

15.18.050 [Disposal – Restricting generally] Disposal of offensive refuse - prohibited.

A. It is unlawful for any person to deposit refuse which may be offensive, noxious, or dangerous to the public health on any private property, public ground, alley, street, area, way, or on other public place within the borough limits where it may become dangerous or offensive to the public health.

[B. Outside burning of rubbish or other combustible materials shall be restricted to authorization or special permit of the fire chief.]

[C]B. Nothing contained in this chapter shall be construed to prevent a person from removing rubbish from his private property and transporting it to any approved disposal area; provided, that all borough regulations relating to the use of the disposal area are complied with; and provided further, that the private hauling shall not excuse said person from paying a refuse collection or disposal fee

SEC. 7. New Section. Chapter 15.18 of the Wrangell Municipal Code is amended by the addition of a new Section 15.18.052 to read:

15.18.052 [Disposal – Restricting generally]Burning of certain materials prohibited.

A. No person may cause or allow burning of materials which creates a danger to public health or safety or a public or private nuisance. No person may cause or allow the burning of rubber, plastic, tar, petroleum products, automobile parts, putrescible garbage, petroleum-treated products, oily waste, contaminated oil cleanup materials, or other materials in a way that produces black smoke or offensive smoke.

B. Except as prohibited in this section, the outside burning of paper, cardboard, wood, and yard trimming materials is allowed in a burn barrel, homemade burn box, wood stove, outdoor boiler, or open pit.

SEC. 8. Amendment. Section 15.18.110 of the Wrangell Municipal Code is amended to read:

15.18.110 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. [Any person keeping refuse in containers other than authorized by this chapter, or who keeps upon any premises in the borough refuse which is offensive, or who fails to perform any act required by this chapter, shall have committed a violation which, upon conviction, is punishable by a fine not exceeding \$150.00 per violation.] A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues after the violator has been given actual or constructive notice of violation.

SEC. 9. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 10. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 11. Effective Date. This ordinance shall be effective upon adoption.

POSTPONED IN FIRST READING: October 13, 2015.

PASSED IN SECOND READING (AMENDED): October 27, 2015

PASSED IN THIRD READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 3b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY PUBLIC HEARING AGENDA ITEM November 10, 2015

INFORMATION:

PROPOSED ORDINANCE No. 912: 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 – Postponed from the October 27th meeting (third 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. 912**

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 912

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 9.16, Littering, Chapter 11.28, Stopping, Standing, and Parking, Chapter 11.30, Parking Lot Regulations, Chapter 11.36, Miscellaneous Traffic Rules, Chapter 11.64, Sound Trucks, Chapter 11.68, Snowmobiles, Chapter 11.76, Junk Vehicles, and Chapter 15.18, Garbage.

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.
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.
<u>9.08.080</u>	<u>Accumulations of rubbish & materials prohibited</u>	<u>\$100.00 fine for each offense.</u>
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.
<u>9.16.020</u>	<u>Deposit in public places</u>	<u>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.</u>
<u>9.16.030</u>	<u>Maintaining sidewalks free of litter.</u>	<u>\$75.00 fine for each offense.</u>
<u>9.16.040</u>	<u>Deposit from vehicles prohibited</u>	<u>\$75.00 fine for each offense.</u>
<u>9.16.050</u>	<u>Operating litter-generating vehicles prohibited</u>	<u>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.</u>
<u>9.16.060</u>	<u>Deposit on private property prohibited</u>	<u>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.</u>
<u>9.16.070</u>	<u>Property owner's responsibility to maintain premises</u>	<u>\$75.00 fine for each offense.</u>
<u>9.16.080</u>	<u>Handbills – Restrictions generally</u>	<u>\$75.00 fine for each offense.</u>
<u>9.16.090</u>	<u>Handbills – Distribution on private property</u>	<u>\$75.00 fine for each offense.</u>
<u>9.16.100</u>	<u>Posting notices prohibited</u>	<u>\$50.00 fine for each offense.</u>
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.
10.46.010(A)(2)	Consume marijuana outdoors adjacent public place without consent of property owner	\$100.00 fine for each offense.
<u>11.28.020</u>	<u>Prohibited parking places</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.030</u>	<u>Red-painted curbs and signs – No parking</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.040</u>	<u>Time-limit parking</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.080</u>	<u>Blocking roadway prohibited</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.090</u>	<u>Bus stop and passenger zone – Parking prohibited</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.100</u>	<u>Loading and unloading materials</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.130</u>	<u>Method of parking – Loading permits</u>	<u>\$50.00 fine for each offense.</u>
<u>11.30.030</u>	<u>Parking in excess of posted time limit – Parking lots</u>	<u>\$50.00 fine for each offense.</u>
<u>11.30.040</u>	<u>Proper parking required – Parking lots</u>	<u>\$50.00 fine for each offense.</u>
<u>11.30.050</u>	<u>Vehicles and objects prohibited – Parking lots</u>	<u>\$75.00 fine for each offense.</u>
<u>11.36.060</u>	<u>Stop when traffic obstructed</u>	<u>\$75.00 fine for each offense.</u>
<u>11.36.070</u>	<u>Bicycle restrictions on sidewalks</u>	<u>\$50.00 fine for each offense.</u>
<u>11.36.080</u>	<u>U-turns prohibited</u>	<u>\$50.00 fine for each offense.</u>
<u>11.36.100</u>	<u>Dragging objects prohibited</u>	<u>\$50.00 fine for each offense.</u>
<u>11.36.110</u>	<u>Projecting loads on passenger vehicles</u>	<u>\$50.00 fine for each offense.</u>
<u>11.36.160</u>	<u>Use of coaster, rollerskates, skateboards, sleds and skis</u>	<u>\$50.00 fine for each offense.</u>
<u>11.36.170</u>	<u>Excessive acceleration</u>	<u>\$50.00 fine for each offense.</u>
<u>11.64.010</u>	<u>Sound trucks – permit required</u>	<u>\$100.00 fine for each offense.</u>
<u>11.68.020</u>	<u>Registration required</u>	<u>\$50.00 fine for each offense.</u>
<u>11.68.030</u>	<u>Required equipment</u>	<u>\$50.00 fine for each offense.</u>
<u>11.68.040</u>	<u>Snowmobile operation restricted</u>	<u>\$50.00 fine for each offense.</u>
<u>11.68.050</u>	<u>Designated right-of-way</u>	<u>\$50.00 fine for each offense.</u>
<u>11.76.020</u>	<u>Junk vehicles unlawful</u>	<u>\$50.00 fine for each offense. Each 10 days shall constitute a separate violation.</u>
<u>15.18.030</u>	<u>Refuse containers – Required.</u>	<u>\$150.00 fine for each offense.</u>
<u>15.18.032</u>	<u>Refuse containers – Maintained</u>	<u>\$150.00 fine for each offense.</u>
<u>15.18.050</u>	<u>Disposal of offensive refuse prohibited</u>	<u>\$150.00 fine for each offense.</u>
<u>15.18.052</u>	<u>Burning of certain materials prohibited.</u>	<u>\$150.00 fine for each offense.</u>
<u>15.18.075</u>	<u>Monofill disposal permit and</u>	<u>\$150.00 fine for each offense.</u>

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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: October 13, 2015

POSTPONED IN SECOND READING: October 27, 2015.

PASSED IN THIRD READING: _____, 2015

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk