

Title 1

GENERAL PROVISIONS

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Chapter 1.01**CODE ADOPTION**

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1.01.010 Adoption.

As authorized by Alaska Statutes and Wrangell Municipal Charter, there is adopted the “Wrangell Municipal Code,” as compiled, indexed, edited, printed and published. [Ord. 414 § 1, 1981.]

1.01.020 Title – Citation – Reference.

This code shall be known as the “Wrangell Municipal Code,” and it shall be sufficient to refer to said code as the “Wrangell Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Wrangell Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Wrangell Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. [Ord. 414 § 2, 1981.]

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City and Borough of Wrangell, Alaska, codified pursuant to the provisions of Alaska Statutes and Wrangell Municipal Charter. [Ord. 414 § 3, 1981.]

1.01.040 Ordinances passed prior to adoption of code.

Repealed by Ord. 833. [Ord. 414 § 4, 1981.]

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the “Wrangell Municipal Code” or to any portion thereof, or to any ordinance of the City and Borough of Wrangell, Alaska, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. [Ord. 414 § 5, 1981.]

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. [Ord. 414 § 6, 1981.]

1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. [Ord. 414 § 7, 1981.]

1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the borough shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. [Ord. 414 § 8, 1981.]

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the Wrangell Municipal Code shall become effective. [Ord. 414 § 9, 1981.]

1.01.100 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The assembly declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. [Ord. 414 § 1, 1981.]

1.01.110 Repeal.

All general ordinances of the borough not included in this code or excluded from the operation and effect of this section are repealed. [Ord. 414 § 11, 1981.]

1.01.120 Exclusions.

Every special ordinance of the borough governing the following subject matter, whether contained in whole or in part within this code, is excluded from the operation and effect of WMC 1.01.110 and is not affected by the repeal provisions hereof: Annexations; franchises; naming roads, streets and public places; acquisition or disposal of public property; vacation of streets, alleys, or public ways; acceptance of any gift, device, license or other benefit; provided, that the foregoing enumeration of exceptions or exclusions shall not be deemed to be exclusive or exhaustive, it being the intent and purpose to exclude from repeal any and all ordinances not of a general nature. [Ord. 414 § 12, 1981.]

1.01.130 Revision of code.

A. The borough clerk, with the help from the municipal attorney as may be necessary, shall revise for consolidation into the borough code all ordinances of a general and permanent nature and all ordinances of a temporary or special nature enacted by the assembly.

B. The borough clerk shall edit and revise the laws for consolidation without changing the meaning of any ordinance in the following manner:

1. Renumber sections, parts of sections, chapters, and titles as needs;
2. Change the wording of section or subsection titles, or delete subsection titles, and change or provide new titles for articles, chapters, and titles;
3. Change capitalization for the purpose of uniformity;
4. Substitute the property designation for the terms “the preceding section,” “this ordinance,” and like terms;
5. Substitute the proper calendar date for “effective date of this ordinance,” “date of passage of this ordinance,” and other phrases of similar import;
6. Strike out figures if they are merely a repetition of written words or vice versa, or substitute figures for written words or vice versa for the purpose of uniformity;
7. Correct manifest errors which are clerical, typographical, or errors in spelling, or errors by way of additions or omissions;
8. Correct manifest errors in references to laws;
9. Rearrange sections, combine sections or parts of sections with other sections or parts of sections, divide long sections into two or more sections, and rearrange the order of sections to conform to a logical arrangement of subject matter as may most generally be followed in the code;
10. Omit all temporary ordinances, all titles to acts, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity, and construction clauses unless, from their nature, it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance. [Ord. 745 § 4, 2004.]

Chapter 1.04**GENERAL CODE PROVISIONS**

Sections:

- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Acts by agents.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time.
- 1.04.080 Construction.
- 1.04.090 Repeal shall not revive any ordinances.

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the City and Borough of Wrangell, Alaska, shall be constructed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directly to the use of such words or phrases:

1. "Agent" means a person acting on behalf of another.
2. "Assembly" means the borough assembly of the City and Borough of Wrangell. "All its members" or "all assembly members" means the total number of assembly members holding office.
3. "Borough" means the City and Borough of Wrangell, Alaska, or the area within the territorial limits of the City and Borough of Wrangell, Alaska, and such territory outside of the borough over which the borough has jurisdiction or control by virtue of any constitutional or statutory provision.
4. "Code" unless otherwise specifically stated, means the Wrangell Municipal Code.
5. Employees. Whenever reference is made in this code to a borough employee by title only, this shall be construed as though followed by the words "of the City and Borough of Wrangell."
6. "Fee" means a sum of money charged by the borough for the carrying on of a business, profession or occupation.
7. "Knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.
8. "Law" denotes applicable federal law, the Constitution and statutes of the State of Alaska, the ordinances of the City and Borough of Wrangell, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
9. "License" means the permission granted for the carrying on of a business, profession or occupation.
10. "May" is permissive.
11. "Misdemeanor" means any offense deemed a violation of the provisions of this code which is a lesser offense than a felony as defined by state law.
12. "Month" means a 30-day period.
13. "Must" and "shall" are each mandatory.
14. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
15. "Occupant," applied to a building or land, includes any person who occupies the whole or any part of such building or land whether alone or with others.

16. "Offense" means any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

17. "Officers." Whenever reference is made in this code to a borough officer by title only, this shall be construed as though followed by the words "of the City and Borough of Wrangell."

18. "Operator" means the person who is in charge of any operation, business or profession.

19. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

20. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

21. "Personal property" includes money, goods, chattels, things in action and evidence of debt.

22. "Preceding" and "following" mean next before and next after, respectively.

23. "Property" includes real and personal property.

24. "Real property" includes land, tenements and hereditaments.

25. "Retailer," unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

26. "Sidewalk" means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

27. "State" means the State of Alaska.

28. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this borough which have been or may hereafter be dedicated, accepted by the borough, and open to public use, or such other public property so designated in any law of this state.

29. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

30. "Wholesaler" and "wholesale dealer," unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

31. "Wilfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

32. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

33. "Year" means a calendar year. [Ord. 232 § 5, 1969; prior code § 1.10.040.]

1.04.020 Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City and Borough of Wrangell.

1.04.030 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the City and Borough of Wrangell, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

1.04.050 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

1.04.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the City and Borough of Wrangell any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.04.070 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, a Sunday or a holiday, in which case it shall also be excluded.

1.04.080 Construction.

The provisions of the ordinances of the City and Borough of Wrangell, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

1.04.090 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.

Chapter 1.06**BOROUGH DATA**

Sections:

- 1.06.010 Name of borough.
- 1.06.020 Form of government.
- 1.06.030 Borough boundaries.
- 1.06.040 Borough service area – Legal description.

1.06.010 Name of borough.

The borough is a unified home rule municipality under the name “City and Borough of Wrangell.” Whenever it deems it in the public interest to do so, the borough may use the name “Municipality of Wrangell,” “Unified Municipality of Wrangell,” or “Wrangell Home Rule Borough,” to the extent not inconsistent with law. [Ord. 833 § 5, 2009.]

1.06.020 Form of government.

The government of the borough shall be that commonly known and designated as the assembly/manager form. [Ord. 833 § 5, 2009.]

1.06.030 Borough boundaries.

The boundaries of the borough are as follows:

The City and Borough of Wrangell boundaries are coterminous with the Wrangell Ranger District boundaries established by the United States Forest Service, as depicted in the Tongass National Forest Secondary Base Map Series on Sheet Nos. 18 (1982), 19 (1982), 21 (1980), 22 (1980), 23 (1983), 24 (1983), 26 (1980), and 27 (1980), except that:

A. The northern boundary of the City and Borough of Wrangell shall commence from a point beginning at the western boundary of the Wrangell District at a point designated as 56° 43' 17" North, 132° 34' 21" West (NAD 27), thence proceeding in a generally southeasterly direction to the westernmost point of land in Section 31, Township 59 South, Range 82 East, thence proceeding in a generally northeasterly direction along the watershed divide between LeConte Bay and the Stikine River including Wilkes Peak, to the international boundary between Canada and the United States; and further excepting that,

B. The southern boundary of the City and Borough of Wrangell shall, at a point designated as 55° 53' 46" North, 131° 57' 51" West (NAD 27), located in Section 8, Township 69 South, Range 88 East, proceed in a generally southwesterly direction along the north-south drainage boundary, coterminous with the northern boundaries of the Ketchikan Gateway Borough (as described in the “Certificate of Boundaries – Ketchikan Gateway Borough” issued by the Alaska Department of Commerce, Community, and Economic Development, on May 30, 2008) for approximately 35 miles, intersecting Clarence Strait at a point designated as 55° 38' 5" North, 132° 11' 50" West (NAD 27), located in Section 10, Township 72 South, Range 86 East;

thence proceeding in a generally northwesterly direction into and up Clarence Strait to the point of intersection with the Wrangell Ranger District boundaries, the point of beginning. All with reference to the Copper River Meridian. [Ord. 833 § 5, 2009.]

1.06.040 Borough service area – Legal description.

Certain provisions of this code, as more fully set forth in the individual chapters, are applicable only within the boundaries of a specific service area, known as the Wrangell Island Service Area, located within the borough. The legal description of the Wrangell Island Service Area is as follows:

All of the land on Wrangell Island lying northerly and westerly from the following described line:

Beginning at the southeasterly meander corner of Section 24, T63S, R84E, CRM, common to the southwest point of ATS 1592;

Thence, west along the southern boundary of Section 24, to the corner of Sections 23, 24, 25 and 26 of T63S, R84E, CRM;

Thence, south along the eastern section boundary of Sections 26 and 35 of T63S, R84E, CRM, and continuing south along the eastern section boundary of Sections 2 and 11 of T64S, R84E, CRM;

Thence, west along the southern boundary line of Sections 11, 10 and 9 of T64S, R84E, CRM to the corner of Sections 8, 9, 16 and 17 of T64S, R84E, CRM;

Thence, west along the southern boundary line of Section 8 of T64S, R84E, CRM, approximately 20 chains;

Thence, south approximately 60 chains to the southeast 1/16 corner of Section 17 of T64S, R84E, CRM;

Thence, east approximately 20 chains, to the south 1/16 corner of Sections 16 and 17 of T64S, R84E, CRM;

Thence, south along the eastern boundary line of Section 17, approximately 20 chains, to the corner of Sections 16, 17, 20 and 21 of T64S, R84E, CRM; and continuing south along the eastern boundary line of Section 20 approximately 40 chains, to the east 1/4 corner of section 20;

Thence, west approximately 75 chains to the line of mean high tide of Zimovia Strait. [Ord. 833 § 5, 2009.]

Chapter 1.08**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. [Ord. 271 § 4, 1972; prior code § 01.30.010.]

1.08.020 Interpretation.

The red, 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.]

1.08.030 Use.

The following rules and regulations shall govern the use of the borough flag:

A. When the flag is displayed out of doors, it must be either on a flagpole or staff and the staff should be at least two and one-half times as long as the flag. The flag is always attached at the spearhead end of the staff, and the heading must be made of material strong enough to protect the flag.

B. The flag should not be unfurled out of doors earlier than sunrise, and it should be taken down and furled, not later than sunset. The flag may be flown for any length of time between sunrise and sunset as may be directed by the assembly.

C. The flag should not be left unfurled in inclement weather, such as rain, sleet, snow, hail, or storm, and it should not be left outdoors at night.

D. The flag should be hoisted briskly, and furled slowly.

E. The flag should not be fastened in such a manner that it can be torn easily.

F. The flag should be on the marching left when it is carried in a procession in which the flag of the United States of America and the flag of the State of Alaska are unfurled.

G. The flag should be on the left of the flag of the United States of America and the flag of the State of Alaska, and its staff should be behind the staff of the national and state colors when the three are displayed against a wall from crossed staffs. When the flag is flown from the same halyard as the United States flag and the State of Alaska flag, it must be underneath the national and state colors.

H. When the flag is flown on a flagpole adjacent to the flagpoles on which the flags of the United States of America and the State of Alaska are flown, it must be unfurled after both of the national and state colors and it must be displayed at the left of the flags of the United States of America and the State of Alaska.

I. When the flag is displayed at the same time with the national flag and the state flag, they should be flown on separate flagpoles of equal length. Where only two staffs or flagpoles are available, the borough flag may be displayed on the pole or staff to the left of the national colors and below the state colors.

J. When the flag is flown from a windowsill, balcony or front of a building and flat against the wall, it should be on a staff.

K. When the flag is displayed on a speaker's platform at the same time as the national flag and the state flag, the borough flag should be on the left side of the speaker.

L. The flag should never be used to cover a platform or speaker's desk nor to drape over the front of a speaker's platform.

M. When the flag is displayed flat on the wall of a platform, it should be above the speaker.

N. When the flag is displayed on a motor vehicle, the staff should be fastened firmly to the front of the vehicle.

O. When the flag is displayed on a float in a parade, it should always be attached securely to a staff.

P. The flag should not be allowed to touch the ground or the floor or to trail in water.

Q. The flag should not be draped over the hood, top, sides or back of any vehicle or of a railroad train, boat or airplane.

R. The flag may be displayed or printed on clothing, athletic uniforms, bumper stickers, decals, shoulder patches, etc.; provided, however, that before any such display or printing, any person desiring to do so must first obtain a permit from the borough. The purpose of the permit is merely to assure that the persons intending to so display the flag may be fully advised of the flag emblem use and display regulations; there shall be no charge for the permit.

S. The flag should not have any printing or lettering of any kind placed upon it except as has been adopted officially.

T. No advertisements of any kind may be attached to the flag, flagpole or staff.

U. 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.

V. The flag should not be carried flat or horizontally but always aloft and free as it is carried in a parade.

W. The flag is flown at half mast by first raising it to the top of the flagpole and then slowly lowering it to a position one-fourth of the distance down the flag pole and there leaving it during the time it is to be displayed, observing the rule that it must not be raised before sunrise and must be taken down each day before sunset. In taking the flag down it should be first raised to the top of the flag pole and then slowly lowered.

X. The flag should not be displayed, used and stored in such a manner that it can be easily soiled or otherwise damaged.

Y. When the flag is in such condition of repair that it is no longer a suitable emblem for displaying, it should be totally destroyed by burning. [Ord. 274 § 5, 1972; Ord. 271 § 4, 1972; prior code § 01.30.020.]

Chapter 1.12
ORDINANCES*

Sections:

- 1.12.010 Acts which shall be by ordinance.
- 1.12.020 Introduction.
- 1.12.030 Number of readings – Passage.
- 1.12.035 Abstentions.
- 1.12.040 Publication.
- 1.12.050 Number.
- 1.12.060 Adoption by reference.
- 1.12.070 Resolutions.
- 1.12.080 Repeal of ordinances.

1.12.010 Acts which shall be by ordinance.

Formal acts of the assembly intended to regulate any of the affairs of the borough and such additional acts of the assembly as provisions of law require may be enacted by ordinance. [Ord. 355 § 5, 1976; prior code § 27.20.010.]

1.12.020 Introduction.

An ordinance meeting the requirements of this chapter may be introduced by any member or committee of the assembly, by the mayor or by the chief executive at any regular or special meeting of the assembly. Upon introduction of any ordinance, sufficient copies shall be furnished to the clerk in order for him to distribute immediately at least one copy each to the assembly members and to the mayor. At any assembly meeting at which the ordinance is considered, copies of the ordinance shall be distributed to all persons present who request them or, in the alternative, the ordinance shall be read in full. All persons interested shall have an opportunity to be heard. The assembly shall then consider the ordinance and may adopt it with or without amendment or reject it, except that no ordinance other than an emergency ordinance may be finally passed on the same day that it is introduced. [Ord. 355 § 5, 1976; prior code § 27.20.030.]

1.12.030 Number of readings – Passage.

A proposed ordinance shall be introduced in the first reading by title or in full. After introduction, an ordinance may be amended by an affirmative vote of four members of the assembly. The assembly may, by an affirmative vote of a majority of the membership present when the vote is taken, move the ordinance to the second reading. At the next regular or special meeting, after the ordinance has been read in the second reading by title or in full, an affirmative vote of a majority of the membership present when the vote is taken is required for final adoption. [Ord. 833 § 6, 2009; Ord. 355 § 5, 1976; prior code § 27.20.040.]

1.12.035 Abstentions.

A. All members of the assembly present at any regular or special meeting of the assembly shall be required to vote upon all matters, motions, resolutions and ordinances before the assembly for vote, unless he or she is required to abstain for good and special cause to include a substantial direct or indirect financial interest in the matter to be voted upon.

* For additional provisions on ordinances, see Charter § 2-9 et seq.

B. The assembly shall rule upon the validity of any claim of abstention by a vote of the members present at the time of the claim. A simple majority of those voting shall be sufficient to sustain or deny any claim of abstention. The abstaining assembly member's vote shall not be counted either for or against the matter, motion, resolution or ordinance that is before the assembly after abstention is determined as above. [Ord. 407 § 4, 1980; prior code § 27.20.047.]

1.12.040 Publication.

Within 10 days after passage, every ordinance shall be published by number and title. Ordinances which are to be submitted to the voters for enactment shall be published in full as provided by Charter Section 2-10. [Ord. 355 § 5, 1976; prior code § 27.20.055.]

1.12.050 Number.

Immediately upon passage, each ordinance shall be assigned the next consecutive number indicating the total number of ordinances passed. [Ord. 201 § 5, 1967; prior code § 27.20.060.]

1.12.060 Adoption by reference.

A. The assembly by ordinance may adopt by reference codes, ordinances, standards and regulations, and amendments thereto, relating to building, plumbing, electrical installations, milk and milk products and other matters which it has power to regulate otherwise.

B. Such code, ordinance, standards, or regulation so adopted need not be enrolled in the book of ordinances, but at least five copies of the subject reference document shall be filed in the office of the borough clerk and be kept available for public use, inspection and examination at the time the ordinance is proposed. After its adoption, the subject reference document shall be kept available for public use, inspection and examination so long as it remains in force.

C. Nothing contained in this section relieves the borough from the requirement of publishing the ordinance which adopts a code or amended code of technical regulations, nor may the borough adopt penalties by reference to a reference document other than provisions of the municipal code. [Ord. 355 § 5, 1976; prior code § 27.20.080.]

1.12.070 Resolutions.

A. Formal acts by the assembly not required by law to be enacted by ordinance, such as authorizing a municipal officer to undertake certain acts and not being acts of a general and permanent nature which should become part of the code, may be adopted by resolution bearing the following:

1. The heading "City and Borough of Wrangell";
2. Space for the serial number to be assigned, "Resolution No. _____";
3. A short and concise title descriptive of the subject and purpose;
4. Short premises or whereas clauses descriptive of the reasons for the resolution if necessary;
5. Resolving clause, "BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA"; and
6. Provision for date after the text, "Adopted (date) " and designated lines for the signatures of the mayor and clerk.

B. All resolutions adopted by the assembly, whether at the instance of and presented by third parties or on the motion of and instance of the assembly, shall conform to that set forth in subsection (A) of this section.

C. Serial numbers shall be assigned as follows: The first digit(s) shall denote the month, the second digits shall denote the year and the last digits shall be the next consecutive numbers indicating the total number of resolutions passed.

D. Formal acts by the assembly required to be enacted by resolution include establishing salaries and compensation for officers and employees; and establishing classes of positions in the borough's personnel system.

E. An affirmative vote of four members of the assembly is required for adoption of a resolution. [Ord. 355 § 5, 1976; prior code § 27.20.085.]

1.12.080 Repeal of ordinances.

Ordinances and parts of ordinances shall be specifically repealed by ordinance number or by section if only amended or partially repealed. [Ord. 355 § 5, 1976; prior code § 27.20.095.]

Chapter 1.16**PRISONERS**

Sections:

1.16.010 Working prisoners.

1.16.010 Working prisoners.

All prisoners confined in jail or other authorized prison, if their health permit, may be compelled to work, by the chief of police or his authorized representative, on the public streets, avenues, alleys, parks, or other public premises or property. It shall be the duty of the chief of police, subject to the control of the borough manager, and in cooperation with heads of departments concerned, to direct where the work shall be performed. It shall be the duty of the head of the department in charge of the streets, premises, or property on which the work is to be performed, by himself or by his authorized representative, to oversee such work. If a guard is necessary, the chief of police shall provide such guard. [Ord. 204 § 5, 1966; prior code § 30.10.030.]

Chapter 1.20**GENERAL PENALTY**

Sections:

- 1.20.010 Generally.
- 1.20.020 Attempts to commit a misdemeanor.
- 1.20.030 Aiding in a misdemeanor.

1.20.010 Generally.

A. 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. 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. 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. [Ord. 833 § 7, 2009; Ord. 290 § 5, 1973; prior code § 30.10.010.]

1.20.020 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. [Ord. 204 § 5, 1966; prior code § 30.10.015.]

1.20.030 Aiding in a misdemeanor.

Every person who counsels, abets or aids another in the commission of a particular misdemeanor as expressly prescribed by ordinance is guilty of a misdemeanor and is punishable in the same manner as the principal offender. [Ord. 204 § 5, 1966; prior code § 30.10.020.]