



**CITY OF WASILLA**

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

PHONE: (907) 373-9050

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Requested by: Administration

Prepared by: Administration

Code Ordinance

ORDINANCE SERIAL NO. 94-61

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA AMENDING CHAPTER 13.04 OF THE WASILLA MUNICIPAL CODE.

SECTION I. Classification. This ordinance is of a general and permanent nature and shall become a part of the Wasilla Municipal Code.

SECTION II. Purpose. To confirm City code to AS 11.61.190 regulating concealed weapons and to clarify wording.

SECTION III. Enactment. WMC 13.04.030 Concealed Weapons is hereby repealed.

WMC 13.04.020 Discharge of Firearms Permitted is amended to clarify by adding the words "at locations" as follows:

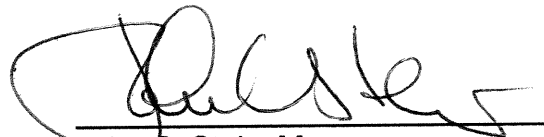
"Firearms may be discharged within the corporate limits of the City of Wasilla at locations specifically designated by the Council".

SECTION IV. Effective Date. This ordinance becomes effective upon adoption by the Wasilla City Council.

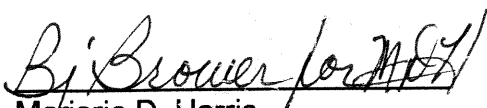
Introduction: 11/28/94

Public Hearing: 12/12/94

ADOPTED by the Council of the City of Wasilla this 12<sup>th</sup> day of December, 1994.

  
\_\_\_\_\_  
John C. Stein, Mayor

ATTEST:

  
\_\_\_\_\_  
Marjorie D. Harris  
City Clerk

OF  
RICHARD DEUSER

MAILING ADDRESS  
165 EAST PARKS HIGHWAY  
SUITE 201B  
WASILLA, ALASKA 99654

PHONE AND LOCATION:  
PHONE (907) 376-9484  
KRENIK BUILDING, PARKS HIGHWAY

MEMORANDUM

**TO:** *Members of the City Council of Wasilla*

**FROM:** *Richard Deuser*

**RE:** *Invalidity of Existing City Ordinance on Concealed Weapons;  
Invalidity of 7/25/94 Council Action to Place Proposition on  
Fall Ballot*

**DATE:** *August 2, 1994*

At the Council meeting of July 25, 1994 two matters arose concerning the legality of concealed weapons within the City limits of Wasilla.

The Council took no action on the agenda item to repeal the existing City ordinance prohibiting concealed weapons. There is a need to take action on this item so as to make existing State law consistent with the City ordinances. More particularly, the recently passed Concealed Weapons State law (A.S. 18.65.700 - 18.65.785) clearly states:

A Municipality may not restrict the carrying of a concealed hand gun by permit under A.S. 18.65.700 - 18.65.790 except as provided in 18.65.780 - 18.65.785.

In light of this State law, it would be appropriate to repeal the City ordinance. However, it also appears that the repeal action does not need to be operative until October 1, 1994, when the above-quoted section of the law becomes operative.

Second, Council took action to place a ballot proposition before the voters as to whether they approved or disapproved of the prohibition of allowing possession of hand guns by permit. Unfortunately, Council cannot unilaterally establish such a ballot proposition under the State statute. A.S. 18.65.780 - 785 establishes a procedure by which to place a ballot proposition before the voters. More particularly, no such ballot proposition is authorized unless ten percent of the registered voters who cast ballots at the last regular municipal election petitioned the local governing body to place such a proposition before the

Wasilla City Council

August 2, 1994

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voters. In general, the petition process authorized by the new State law is the same process as the initiative procedures that exist under State law - A.S. 29.26.110 - 29.26.160. Briefly, ten registered voters must submit an application for a petition. The petition is then circulated and, pursuant to the procedure specific to prohibiting concealed weapons, ten percent of the number voting at the last Municipal election must sign the Petition to place the matter on a ballot. Whether such a ballot would be at a regular election or by special election is determined by the general rules for all petitions.

CONCLUSION

I recommend that the repeal ordinance be introduced and that Council take action to direct the City Clerk not to prepare a ballot proposition inclusive of a proposition to prohibit concealed weapons.

Sincerely,



Richard Deuser

RD:jlh

**LAW OFFICE  
OF  
RICHARD DEUSER**

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**FAX TRANSMISSION COVER SHEET.**  
You Should Receive 3 Pages Including This Cover Sheet

**To : Chief Irl Stambaugh**

**Fax No : 373-9051**

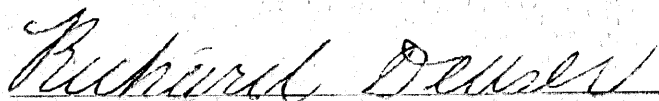
**From : Richard Deuser**

**Subject : Repeal of Existing City Ordinance on Concealed Weapons to Conform to  
State Law;**

**Date : Nov. 8, 1994**

Pursuant to our discussion of last night, I thought I would fax my August 2, 1994 memo concerning the above subject.

Call if any questions.



Richard Deuser