

CODE ORDINANCE

Requested by: D. Carney
Prepared by: Clerk
Introduction: March 9, 1998
Public Hearing: March 23, 1998
Amended and Adopted: April 13, 1998

CITY OF WASILLA
ORDINANCE SERIAL NO. 98-13(AM)

AN ORDINANCE OF THE CITY OF WASILLA ALASKA ADOPTING WMC 1.20.025, ORDINANCE ENACTMENT PROCEDURE, ADOPTING WMC 1.20.035, ORDINANCE, FORM AND CONTENT, AMENDING WMC 1.20.040, NON-CODE ORDINANCES, AND WMC 1.20.050, EMERGENCY ORDINANCES, REPEALING WMC 1.20.020, 1.20.030, 1.20.060 AND 1.20.070 RELATING TO ORDINANCE REQUIREMENTS.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become apart of the Wasilla Municipal code.

Section 2. Adoption of section. WMC 1.20.025, Ordinance enactment procedure, is hereby adopted to read as follows:

1.20.025 Ordinance Enactment Procedure.

(A) The following procedure shall govern the enactment of all ordinances, except emergency ordinances:

(1) Introduction. An ordinance may be introduced by the mayor or a member or committee of the council, at any regular or special meeting. An ordinance shall be set for public hearing by the affirmative vote of a majority of the council.

(2) Publication. The ordinance shall be published by title, with a brief summary and with a notice setting out the date, time, and location of the public hearing on the ordinance. Copies of the ordinance shall be made available to the public at the meeting and at the office of the clerk.

(3) Hearing. The public hearing shall follow the publication by at least five calendar days. All interested persons present shall have an opportunity to be heard. The hearing shall be only for the purpose of receiving testimony and comments concerning the ordinance. The public hearing may be held separately or in connection with a regular or special meeting and may be adjourned as necessary.

(4) Adoption. After the public hearing, the council shall consider the ordinance. By an affirmative vote of a majority of the council, the ordinance may be adopted with or without amendments; provided, any amendments do not change the general scope and original intent of the ordinance, or they may reject the ordinance. The correction of typographical or clerical errors may be corrected by the clerk and shall not constitute an amendment within the meaning of this section.

(5) Effective date. Ordinances shall take effect upon adoption or at a later date specified in the ordinance.

Section 3. Adoption of section. WMC 1.20.035, Form of Ordinance, is hereby adopted to read as follows:

1.20.035 Form of Ordinance.

(A) To be eligible for introduction, all ordinances shall be in the following form, contain the following elements, and conform to the following requirements:

(1) Header. A header shall be used on the first page. The header shall include the type of ordinance, "code ordinance" or "non-code ordinance," all legislative history and who is introducing the ordinance.

(2) Heading. "City of Wasilla."

(3) Number Provision. "Ordinance Serial No."

(4) Title. A descriptive title broad enough to cover all of the provisions included in the ordinance, including references to penalties if imposed by ordinance;

(5) Whereas Clauses. As may be necessary to describe the reason for the ordinance.

(6) Contents. Section one of the ordinance shall classify the contents of the ordinance as between those of general and permanent nature, intended to be listed as a part of the city code of ordinances, and contents of a less permanent nature not intended for filing as part of the code. If of a permanent nature, the ordinance shall state: "This ordinance is of a general and permanent nature and shall become a part of the Wasilla Municipal Code."

(7) Code ordinances. Where the ordinance is classified as of a permanent nature intended for code filing, subsequent sections shall be numbered consecutively and contain all formal clauses, such as, savings and severability clauses, penalty clauses, except where penalties are less than the maximum provided for first class cities, and in which case such penalties are to become a part of the code, effective date, and repealer sections.

(8) Effective date clause. The last numbered section of an ordinance shall contain the language as follows: "Effective date. Ordinance Serial No. – shall take effect upon adoption of the Wasilla City Council."

(9) Paper. All ordinances shall be submitted on clean white "8½ x 11" paper.

(10) Margins. Left and right margins one inch;

(11) Type of Printing. All ordinances shall be submitted in approved typestyle, printed in black ink, and on one side only, suitable for photocopying or other means of duplication and for permanent filing as required by law and ordinance.

(12) Signatures. An appropriate place shall be provided for the signature of the mayor.

(13) Signature and seal of the clerk. Appropriate places shall be provided for "attest" and "seal" by the clerk.

(14) Footer. A footer shall be used to indicate the page number and the ordinance serial number, "Page – of – " and "Ordinance Serial No. ____."

(15) Amendment format. Amendments to an existing ordinance or code provision shall be shown by underlining in bold material which is added, and by bracketing and capitalizing material which is to be deleted.

Section 4. Amendment of Section. WMC 1.20.040, Non-Code Ordinances, is hereby amended to read as follows:

1.20.040 Non-Code Ordinances.

(A)[.] Ordinances of less than general and permanent nature, and not intended to become a part of the code, shall conform to the requirements of Section 1.20.~~035~~[030](A) **excluding provisions of code ordinances** [THROUGH E AND J THROUGH L].

(B)[.] Section ~~one~~[1] of the ordinance shall classify the contents as non-code. Subsequent sections shall contain the appropriate text.

Section 5. Amendment of section. WMC 1.20.050, Emergency Ordinances, is hereby amended to read as follows:

1.20.050 Emergency Ordinances.

(A)[.] To meet a public emergency the ~~c~~[C]ouncil may adopt **emergency** ordinances **that become effective upon the same date as introduction** [ON ADOPTION]. Every emergency ordinance must contain a finding by the ~~c~~[C]ouncil that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. [THE COUNCIL MUST PRINT AND MAKE AVAILABLE] ~~C~~[c]opies of adopted emergency ordinances **must be available to the public at the meeting or the office of the clerk.**

(B)[.] An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its services.

(C)[.] Emergency ordinances are effective for **a period** of 60 days.

Section 6. Repeal of sections. WMC 1.20.020, Ordinance Procedure; WMC 1.20.030, Ordinance Form and Content; WMC 1.20.060, Signature; and WMC 1.20.070, Ordinance Confined to Single Subject, are hereby repealed in their entirety:

1.20.020 ORDINANCE PROCEDURE.

A. EACH PROPOSED ORDINANCE SHALL BE INTRODUCED IN WRITTEN FORM.

B. AN ORDINANCE MAY BE INTRODUCED BY A MEMBER OR COMMITTEE OF THE COUNCIL OR BY THE MUNICIPAL EXECUTIVE OR CHIEF ADMINISTRATOR. AN ORDINANCE SHALL BE SET FOR HEARING BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTES AUTHORIZED ON THE QUESTION.

C. A SUMMARY OF THE ORDINANCE AND ITS AMENDMENTS SHALL BE PUBLISHED TOGETHER WITH A NOTICE OF TIME AND PLACE FOR PUBLIC HEARING. THE HEARING FOLLOWS PUBLICATION BY AT LEAST FIVE DAYS. COPIES OF THE ORDINANCE MUST BE AVAILABLE TO ALL PERSONS PRESENT OR THE ORDINANCE MUST BE READ IN FULL.

D. THE COUNCIL SHALL HEAR ALL INTERESTED PERSONS WISHING TO BE HEARD. AFTER THE HEARING, THE COUNCIL SHALL CONSIDER THE PROPOSED ORDINANCE AND MAY ADOPT IT WITH OR WITHOUT AMENDMENT. THE COUNCIL SHALL PRINT AND MAKE AVAILABLE COPIES OF ADOPTED ORDINANCES.

E. ORDINANCES TAKE EFFECT UPON ADOPTION OR AT A LATER DATE SPECIFIED IN THE ORDINANCE.

1.20.030 ORDINANCE FORM AND CONTENT. ALL ORDINANCES, EXCEPT EMERGENCY ORDINANCES, TO BE ELIGIBLE FOR

INTRODUCTION, SHALL BE IN THE FOLLOWING FORM AND CONTAIN, AND CONFORM TO, THE FOLLOWING REQUIREMENTS:

A. HEADING: "CITY OF WASILLA ORDINANCE";

B. NUMBER PROVISION: "SERIAL NO. ___";

C. TITLE: A DESCRIPTIVE TITLE, INCLUDING REFERENCE TO PENALTIES IF IMPOSED BY ORDINANCE;

D. ENACTING CLAUSE: "BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA:";

E. SECTION I OF THE ORDINANCE SHALL CLASSIFY THE CONTENTS OF THE ORDINANCE AS BETWEEN THOSE OF GENERAL AND PERMANENT NATURE, INTENDED TO BE LISTED AS A PART OF THE CITY CODE OF ORDINANCES, AND CONTENTS OF A LESS PERMANENT NATURE NOT INTENDED FOR FILING AS PART OF THE CODE (SUCH AS, FOR EXAMPLE ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY, SALARY ORDINANCES, AND BOND ORDINANCES). IF OF A PERMANENT NATURE: "THIS ORDINANCE IS OF A GENERAL AND PERMANENT NATURE AND SHALL BECOME A PART OF THE CITY CODE".

F. CODE ORDINANCES: WHERE THE ORDINANCE IS CLASSIFIED AS OF A PERMANENT NATURE INTENDED FOR CODE FILING, SUBSEQUENT SECTIONS SHALL BE NUMBERED CONSECUTIVELY AND CONTAIN ALL FORMAL CLAUSES SUCH AS, FOR EXAMPLE, SAVINGS AND SEVERABILITY CLAUSES, PENALTY CLAUSES, EXCEPT WHERE PENALTIES ARE LESS THAN THE MAXIMUM PROVIDED FOR FIRST CLASS CITIES AND IN WHICH CASE SUCH PENALTIES ARE TO BECOME A PART OF THE CODE, EFFECTIVE DATE, AND REPEALER SECTIONS;

G. THE NEXT TO THE LAST NUMBERED SECTION OF THE CODE ORDINANCE SHALL CONTAIN APPROPRIATE LANGUAGE, SUBSTANTIALLY AS FOLLOWS, AS THE SITUATION REQUIRES: "THE FOLLOWING SECTIONS NUMBERED THROUGH BOTH INCLUSIVE,

ARE HEREBY ENACTED AS PART OF THIS ORDINANCE AND TITLE OF THE CODE OF ORDINANCES OF THE CITY OF WASILLA".

H. PAGE HEADINGS: ALL PAGES INTENDED FOR CODE FILING SHALL BEAR THE HEADING IN THE CENTER OF THE PAGE AT THE TOP "CITY CODE" AND AT TOP LEFT THE SEVEN DIGITS DESIGNATING THE TITLE, CHAPTER AND SECTION CONTAINING THE TEXT ON THE TOP LINE OF THE PAGE, AND AT THE TOP RIGHT THE SEVEN DIGITS DESIGNATING THE TITLE, CHAPTER AND SECTION CONTAINING THE TEXT APPEARING ON THE LAST LINE OF THE PAGE;

I. PAPER: ALL ORDINANCES SHALL BE SUBMITTED ON CLEAR WHITE PAPER, SIZE EIGHT AND ONE-HALF INCHES BY ELEVEN INCHES;

J. MARGINS: LEFT MARGIN ONE AND ONE-HALF INCHES; RIGHT MARGIN ONE INCH;

K. TYPE OF PRINTING: ALL ORDINANCES SHALL BE SUBMITTED TYPED IN BLACK INK, OR PRINTED, ON ONE SIDE ONLY, IN A MANNER AND FORM SUITABLE FOR PHOTOCOPY OR OTHER MEANS OF DUPLICATION AND FOR PERMANENT FILING AS REQUIRED BY LAW AND ORDINANCE;


L. APPROPRIATE PLACES SHALL BE PROVIDED FOR THE SIGNATURES OF THE MAYOR AND CLERK.

1.20.060 SIGNATURE. ALL ORDINANCES ENACTED BY THE CITY OF WASILLA SHALL BE SIGNED BY THE MAYOR AND ATTESTED BY THE CITY CLERK.

1.20.070 ORDINANCES CONFINED TO SINGLE SUBJECT. EACH ORDINANCE MUST PERTAIN TO ONE SUBJECT ONLY AND HAVE A TITLE BROAD ENOUGH TO COVER ALL OF ITS PROVISIONS.]

Section 7. Effective date. Ordinance Serial No. 98-13 shall take effect upon adoption.

ADOPTED by the Wasilla City Council this 13th day of April, 1998.


SARAH PALIN, Mayor

ATTEST:


KRISTIE L. VANGORDER, CMC/AE
City Clerk

(Seal)