

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 00-31**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 1.20.010, ACTS REQUIRED TO BE BY ORDINANCE, WMC 1.20.025(A)(4), WMC 1.20.035, FORM OF ORDINANCE, WMC 1.20.080 CODES OF TECHNICAL REGULATIONS AND WMC 1.20.090 FORMAL ACTS BY RESOLUTION AND REPEALING 1.20.100 RESOLUTION PASSAGE PROCEDURE AND ADOPTING 1.20.110 CODIFICATION AND 1.20.120 REVISOR OF ORDINANCES.

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BE IT ENACTED:

\* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

\* **Section 2. Amendment of section.** WMC 1.20.010, Acts Required to be by Ordinance, is amended to read as follows:

(A) Those acts of the Council shall be by ordinance which:

- (1) Establish, alter or abolish any City department;
- (2) Fix the compensation of the members of the Council;
- (3) Provide for a fine or other penalty, or establish a rule or regulation for

violation of which a fine or other penalty is imposed;

(4) Levy taxes;

(5) Make appropriations, supplemental appropriations or transfer **of** appropriations;

(6) Grant, renew or extend a franchise;

(7) Regulate the rate charged for its services by any public utility;

(8) Adopt, modify or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes and the official map;

(9) Approve the transfer of a power to the [A] Borough from the City;

[(10) PURCHASE LANDS OR CONVEY OR LEASE ANY LANDS OF THE CITY, AND THE ORDINANCE SHALL SPECIFY THE TERMS OF THE PURCHASE, CONVEYANCE OR LEASE;]

(10[1]) Adopt codes of technical regulations;

(11[2]) Provide for licensing, impounding and disposition of animals;

(12[3]) Control water pollution;

(13[4]) Control air pollution;

**(14) Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.025;** and

(15) Such additional acts of the Council as provisions of law require to be by ordinance.

[(B) THIS SECTION GRANTS NO AUTHORITY OR POWER NOT OTHERWISE GRANTED BY LAW, BUT RATHER OBLIGATES THE COUNCIL TO USE ORDINANCES IN EXERCISING CERTAIN POWERS.]

\* **Section 3. Amendment of subsection.** WMC 1.20.025(4), Ordinance Enactment Procedure, is amended to read as follows:

(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.]

\* **Section 4. Amendment of section.** WMC 1.20.035, Form of Ordinance, is amended to read as follows:

(A) To be eligible for introduction, all ordinances shall be in **a form to be determined by the clerk. Each ordinance must** [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.] **The space for the serial number to be assigned,** "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, **whereas clauses may be used** 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 by [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.]

(9[12])[SIGNATURES.] An appropriate place shall be provided for the signature of the mayor.

(10[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. \_\_\_\_."] ]

(11[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 5. Amendment of section.** WMC 1.20.080, Codes of Technical Regulations, is amended to read as follows:

**1.20.080 CODES OF TECHNICAL REGULATIONS.**

**(A)** The council may adopt any standard published code of technical regulations in a single ordinance which shall be governed, except as otherwise provided in this section, by the procedure and requirements prescribed for ordinances generally. Upon introduction of the ordinance, the council [PROMPTLY] shall **make available** [CAUSE] at least five copies [TO BE MADE AVAILABLE] for public inspection for **15 calendar** [A PERIOD OF FIFTEEN] days before adoption.

**(B) As provided by WMC 1.20.025, the council shall publish notice of the hearing, setting out the purpose of the ordinance and the time and place for the hearing, and the time and place the code is available for public inspection.** [AND SHALL CAUSE TO BE PUBLISHED, BY MEANS INDICATED IN SECTION 1.20.020(C), AND TOGETHER WITH THE] NOTICE OF HEARING, A NOTICE SETTING OUT THE PURPOSE OF THE ORDINANCE AND THE TIME AND PLACE AT WHICH IT IS AVAILABLE FOR PUBLIC INSPECTION.] No other publication is necessary before adoption[, UNLESS, AFTER THE HEARING, THE ORDINANCE IS AMENDED AS TO

ITS SUBSTANCE. IF IT IS SO AMENDED, AND ALSO IN THE EVENT OF ANY LATER AMENDMENT BEFORE ADOPTION, THE AMENDED SECTIONS SHALL BE MADE AVAILABLE FOR INSPECTION AND NOTICE PUBLISHED AS EARLIER PROVIDED, AND THE ORDINANCE AS AMENDED SHALL BE SUBJECTED TO HEARING AND TO ALL OTHER PROCEDURE AS THOUGH NEWLY INTRODUCED].

(C) [NEITHER THE] The ordinance and [NOR ANY OF] its amendments need not be distributed to the public or read in full at the hearings[ THEREON. PUBLICATION AFTER ADOPTION SHALL BE BY NOTICE DECLARING SUCH ADOPTION AS PUBLISHED].

(D) The council shall provide for an adopted code of regulations to be made available to the public at no more than cost [SHALL BE SOLD TO THE PUBLIC IN SUCH FORM AND AT SUCH REASONABLE PRICE AS THE COUNCIL MAY DIRECT.]

\* **Section 5. Amendment of section.** WMC 1.20.090, Formal Acts by Resolution, is amended to read as follows:

**1.20.090 FORMAL ACTS BY RESOLUTION.**

(A) [DEFINITION.] Formal acts of the council [TO REGULATE ANY OF THE AFFAIRS OF THE CITY ARE IN SUBSTANCE AND EFFECT AN ORDINANCE. OTHER FORMAL ACTS BY THE CITY] not required by law to be enacted by ordinance and not being [AN] acts of general and permanent nature which should become a part of the code may be adopted by resolution.

(B) [FORM.] The form of resolution shall include:

(1) Heading: "City of Wasilla";

(2) The space for the Serial number to be assigned "Resolution Serial No." ;

(3) A short and concise title descriptive of its subject and purpose;

(4) Short premises or whereas clauses descriptive of the reasons for the resolution, if necessary;

(5) The resolving clause "NOW THEREFORE BE IT RESOLVED by the Wasilla City Council";

(6) Provisions for the signature after the text ADOPTED by the Wasilla City Council on (date); [ "I CERTIFY THAT A RESOLUTION IN SUBSTANTIALLY THE ABOVE FORM WAS PASSED BY A MAJORITY OF THOSE VOTING AT A DULY CALLED AND CONDUCTED MEETING OF THE GOVERNING BODY OF THE CITY OF WASILLA THIS DAY OF , 19 DESIGNATED SIGNATURE LINES FOR THE MAYOR AND CLERK.]

(7) An appropriate place shall be provided for the signature of the mayor;

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

(C) The council has the option to call for a public hearing on a particular resolution. Whether a public hearing is held or not, all persons who appear shall be given an opportunity to be heard. After the hearing the council may pass or reject the resolution with or without amendments. The first reading of a resolution shall also be final reading unless a public hearing is requested, at which time action shall

be final. [RESOLUTIONS SHOULD NORMALLY BE PRINTED ON STANDARD LETTERHEAD PAPER.]

(D) Resolutions take effect upon adoption or at a later effective date as specified in the resolution. Any resolution not signed or vetoed by the mayor within ten days of its passage by the council becomes effective upon the expiration of the ten days following its passage.

\* **Section 6. Repeal of section.** WMC 1.20.100, Resolutions Passage Procedure, is hereby repealed in its entirety:

[1.20.100 RESOLUTIONS PASSAGE PROCEDURE.

(A) INTRODUCTION. THE FINAL VERSION OF A RESOLUTION SHALL BE IN WRITING IN THE FORM REQUIRED IN 1.20.090(B) ABOVE AND THE TITLE CLAUSE OF EVERY RESOLUTION SHALL BE READ ALOUD WHETHER INTRODUCED AT THE INSTANCE OF OR PRESENTED BY THIRD PARTIES, OR ON THE MOTION AND INSTANCE OF THE COUNCIL.

(B) FINAL PASSAGE. COUNCIL HAS THE OPTION TO CALL FOR A PUBLIC HEARING ON A PARTICULAR RESOLUTION. WHETHER A PUBLIC HEARING IS HELD OR NOT, ALL PERSONS WHO APPEAR SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD. THE COUNCIL MAY PASS OR REJECT ANY RESOLUTION WITH OR WITHOUT AMENDMENTS. THE FIRST READING OF A RESOLUTION SHALL BE FINAL UNLESS A PUBLIC HEARING IS REQUESTED, AT WHICH TIME ACTION SHALL BE FINAL.

(C) EFFECTIVE DATE. A RESOLUTION SHALL BECOME EFFECTIVE UPON BEING APPROVED AND SIGNED UNLESS A LATER EFFECTIVE DATE IS



SPECIFIED. ANY RESOLUTION NOT SIGNED BY THE MAYOR WITHIN TEN DAYS OF ITS PASSAGE BY THE COUNCIL BECOMES EFFECTIVE UPON THE EXPIRATION OF THE TEN DAYS FOLLOWING ITS PASSAGE.]

**Section 7. Adoption of section.** WMC 1.20.110, Codification, is hereby adopted to read as follows:

**1.20.110 CODIFICATION.**

(A) Each ordinance shall be codified after it is adopted, by being assigned a serial number or other permanent identifying number, together with the date of adoption and the designation of the adopting authority, and entered by the clerk into an indexed system maintained to organize and record the ordinances.

(B) The clerk, with the advice and assistance of the attorney, shall revise and republish the city code at least every five years unless the code is kept current by regular supplements.

(C) The clerk, with advice and assistance of the attorney, shall cause each ordinance having the force and effect of the law to be printed as promptly as possible following its adoption. The printed ordinances shall be sold to the public at no more than cost.

**Section 8. Adoption of section.** WMC 1.20.120, Revisor of Ordinances, is hereby adopted to read as follows:

**1.20.120 REVISOR OF ORDINANCES.**

**(A) The clerk, with advice and assistance of the attorney, is the revisor of ordinances and shall revise for consolidation into the city code all ordinance of a general and permanent nature.**

**(B) The revisor shall edit and revise the ordinances for consolidation, without changing the meaning of any ordinance, in the following manner:**

**(1) Assign numbers to sections, renumber sections, parts of sections, articles, chapters and titles;**

**(2) Change the wording of section or subsection titles, or delete subsection titles, and change or provide new titles or articles, chapters and titles;**

**(3) Change capitalization for the purpose of uniformity;**

**(4) Substitute the proper designation for the terms “the preceding section,” “this act,” 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 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 ordinances;**

(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 to be followed in the code;

(10) Change all sections when possible to read the present tense, indicative mood, active voice and, if the use of personal pronouns cannot be avoided in a section, change the section to read in the third person, and singular number, or any other necessary grammatical change in the manner generally followed in the code;

(11) Delete or change sections or parts of section if a deletion or change is necessary because of other council amendments, which did not specifically amend or repeal them;

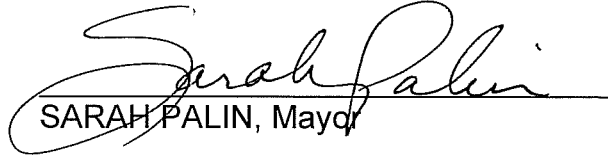
(12) Omit all temporary ordinances, all titles to ordinances, all enacting, amending and repealing clauses, all declarations of emergency, and all purpose, validity, whereas and construction clauses unless, from their nature, it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance;

(C) The revisor shall edit and revise the ordinances as they are enacted by the council, without changing the meaning of any law, so as to avoid the use of pronouns denoting masculine or feminine gender.

(D) Any changes made by the revisor of ordinances pursuant to 1.20.110(B)(11) above shall be reported to the council in an informational memorandum.

\* **Section 9. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on April 10, 2000.

  
SARAH PALIN, Mayor

ATTEST:

  
KRISTIE L. VANGORDER, CMC  
City Clerk

[SEAL]

SUBJECT: REVISION TO CODE TITLE 1.20 REGARDING ORDINANCE AND RESOLUTION FORMAT AND CODES OF TECHNICAL REGULATIONS.

REQUESTED BY: Clerk/Attorney

PREPARED BY: K. VanGorder, City Clerk

DATE: March 7, 2000

FOR AGENDA OF: March 13, 2000

**SUMMARY:**

This ordinance is being revised as part of the re-codification project, which is now in process. A detail of the changes is as follows:

Sections 2, 3, 4, 5, and 6. Clarified verbiage/grammatical changes.

Section 7. Repeals existing language, which is recodified in section 6.

Sections 8 and 9. New sections to be adopted clarifying the codification process and revisor of ordinance process.

FISCAL IMPACT:  No  Yes, amount requested: \$

Fund:

**CLERK'S RECOMMENDED ACTION:**

Administration Initial: SP

Presented with: Ord 00-31  
Date: 4/10/00 Verified by: [Signature]

Attachments: