

**CITY OF WASILLA
ORDINANCE SERIAL NO. 06-31**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING THE FINE SCHEDULE IN WMC 1.20.030.C TO REPEAL THE REFERENCE TO POLITICAL SIGN POSTING AND REPEALING WMC CHAPTER 8.12, POLITICAL CAMPAIGN SIGNS, IN ITS ENTIRETY.

* **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 1.20.030.C, Disposition of scheduled offenses – Fine schedule, in reference to the table entry for Political Sign Posting on Right-of-Way, is amended as follows:

Code Section	Description of Offense	Fine
[WMC 8.12.020	POLITICAL SIGN POSTING ON RIGHT-OF-WAY	\$100]

* **Section 3. Repeal of Section.** WMC Chapter 8.12, Political Campaign Signs, is repealed in its entirety as follows:

[8.12.010 DEFINITIONS.

UNLESS IT APPEARS FROM THE CONTEXT THAT A DIFFERENT MEANING IS INTENDED, THE FOLLOWING WORDS SHALL HAVE THE MEANINGS GIVEN THEM IN THIS SECTION:

“CITY” MEANS THE CITY OF WASILLA, A MUNICIPAL CORPORATION IN THE STATE OF ALASKA.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

“MAYOR” MEANS THE DULY ELECTED MAYOR OF THE CITY OF WASILLA.

“PERSON” MEANS ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, CORPORATION, COMPANY OR ORGANIZATION OF ANY KIND.

“POLITICAL CAMPAIGN SIGN” MEANS ANY SIGN URGING THE ELECTION OR DEFEAT OF ANY CANDIDATE SEEKING ANY POLITICAL OFFICE, OR URGING THE PASSAGE OR DEFEAT OF ANY BALLOT MEASURE, BUT DOES NOT MEAN OR INCLUDE ANY BILLBOARD OWNED OR MAINTAINED BY A COMMERCIAL FIRM OR ADVERTISING COMPANY.

“PUBLIC PROPERTY” MEANS ALL PUBLICLY OWNED PROPERTY, INCLUDING STREETS, RIGHTS-OF-WAY, EASEMENTS, AND EVERYTHING AFFIXED THERETO AND THEREOVER.

“SIGN” MEANS AND INCLUDES ANY BILL, POSTER, PLACARD, HANDBILL, FLYER, PAINTING, SIGN OR OTHER SIMILAR OBJECT IN ANY FORM WHATSOEVER WHICH CONTAINS PRINTED OR WRITTEN MATTER IN WORDS, SYMBOLS, OR PICTURES, OR IN ANY COMBINATION THEREOF.

8.12.020 POSTING ON PUBLIC RIGHT-OF-WAY PROHIBITED.

IT IS UNLAWFUL FOR ANY PERSON TO POST A POLITICAL CAMPAIGN SIGN ON OR OVER ANY PUBLIC PROPERTY IN THE CITY.

8.12.030 POSTING TIME LIMITS.

IT IS UNLAWFUL FOR ANY PERSON TO POST A POLITICAL CAMPAIGN SIGN MORE THAN NINETY (90) DAYS PRIOR TO THE ELECTION FOR WHICH THE SIGN IS POSTED, AND IT SHALL BE UNLAWFUL TO FAIL TO REMOVE A POLITICAL

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CAMPAIGN SIGN WITHIN TEN (10) DAYS AFTER THE ELECTION FOR WHICH THE SIGN WAS POSTED.

8.12.040 REMOVAL OF ILLEGAL SIGNS.

THE MAYOR OR HIS OR HER AUTHORIZED AGENTS ARE AUTHORIZED TO REMOVE ANY POLITICAL CAMPAIGN SIGN FOUND POSTED WITHIN THE CORPORATE LIMITS OF THE CITY WHEN SUCH SIGN IS IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER.)

8.12.050 REMOVAL OF POLITICAL SIGNS.

FOR THE PURPOSE OF REMOVING POLITICAL CAMPAIGN SIGNS, THE MAYOR OR HIS AUTHORIZED AGENTS ARE EMPOWERED TO ENTER UPON THE PROPERTY WHERE THE SIGNS ARE POSTED, AND THE MAYOR IS FURTHER AUTHORIZED TO ENLIST THE AID OR ASSISTANCE OF ANY OTHER DEPARTMENT OF THE CITY AND TO SECURE LEGAL PROCESS TO THE END THAT ALL SUCH SIGNS SHALL BE EXPEDITIOUSLY REMOVED FROM ANY PROPERTY WHERE POSTED.

8.12.060 REMOVAL PROCEDURE.

WHEN THE DIRECTOR OR HIS OR HER AGENTS FIND THAT A POLITICAL CAMPAIGN SIGN HAS BEEN POSTED IN VIOLATION OF THIS ARTICLE, HE OR SHE SHALL ATTEMPT TO CONTACT THE CANDIDATE, COMMITTEE OR PERSON RESPONSIBLE FOR THE POSTING OF SUCH SIGN. IF SUCCESSFUL, HE OR SHE SHALL GIVE TWENTY-FOUR (24) HOURS ADVANCE TELEPHONIC NOTICE OF HIS OR HER INTENTION TO REMOVE THE SIGN, INDICATE THE NATURE OF THE VIOLATION AND THE LOCATION OF THE SIGN. IF, AFTER SUCH NOTIFICATION,

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THE ILLEGAL SIGN REMAINS IN VIOLATION, THE DIRECTOR OR HIS OR HER AGENTS SHALL REMOVE THE SIGN AND STORE IT IN A SAFE LOCATION. IF, AFTER REASONABLE DILIGENCE, THE DIRECTOR IS UNABLE TO CONTACT THE CANDIDATE, COMMITTEE OR PERSON RESPONSIBLE FOR THE SIGN, HE MAY DISPENSE WITH THE NOTICE REQUIREMENT AND REMOVE THE SIGN, STORE IT IN A SAFE LOCATION FOR THIRTY (30) DAYS AFTER WHICH THE SIGN MAY BE DISCARDED.

8.12.070 PERSONS RESPONSIBLE.

IN A CAMPAIGN FOR POLITICAL OFFICE, THE CANDIDATE FOR SUCH OFFICE SHALL BE DEEMED THE PERSON RESPONSIBLE FOR THE POSTING OF POLITICAL CAMPAIGN SIGNS, UNLESS HE OR SHE FIRST NOTIFIES THE CITY CLERK. IN SUCH CASE, THE CANDIDATE SHALL PROVIDE THE NAME, ADDRESS, TELEPHONE NUMBER, AND SIGNED CONSENT OF SUCH OTHER RESPONSIBLE PERSON. IN A CAMPAIGN REGARDING A BALLOT MEASURE, THE PRESIDENT OF THE COMMITTEE SUPPORTING OR OPPOSING SUCH BALLOT MEASURE SHALL BE DEEMED RESPONSIBLE, UNLESS HE OR SHE FIRST NOTIFIES THE CITY CLERK IN THE MANNER DESCRIBED ABOVE. THE CANDIDATE, OR IN THE CASE OF A BALLOT MEASURE, THE COMMITTEE PRESIDENT, OR OTHER RESPONSIBLE PERSON IF SO DESIGNATED, SHALL BE LIABLE TO PAY ANY FEES OR COSTS FOR THE REMOVAL AND STORAGE OF ILLEGAL SIGNS, AS SET OUT HEREIN. FURTHER, SUCH CANDIDATE, COMMITTEE PRESIDENT, OR OTHER DESIGNATED PERSON, SHALL BE SUBJECT TO PROSECUTION FOR ANY VIOLATION OF THIS CHAPTER.

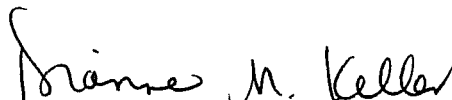
Bold and underline added. [CAPS AND BRACKETS, DELETED.]

8.12.080 REMEDIES AND PENALTIES.

REMEDIES AND PENALTIES FOR VIOLATIONS OF THIS CHAPTER ARE AS PROVIDED IN CHAPTER 1.20.]

* **Section 4. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council on August 14, 2006.



DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk

[SEAL]

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**CITY OF WASILLA
LEGISLATION STAFF REPORT**

**RE: ORDINANCE SERIAL NO. 06-31: REPEALING WMC CHAPTER 8.12,
POLITICAL CAMPAIGN SIGNS IN ITS ENTIRETY.**

Agenda of: July 10, 2006
Originator: Kristie Smithers, City Clerk

Date: June 26, 2006

Route to:	Department	Signature/Date
	Police Chief Youth Court, Dispatch, Code Compliance	
X	Finance, Risk Management & MIS Director Purchasing	
X	Deputy Administrator Planning, Economic Development, Human Resources	<i>S. Haule</i> <i>Kristie</i>
X	City Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER:

Dianne M. Keller

FISCAL IMPACT: yes\$ or no

Funds Available yes no

Account name/number:

Attachments: Ordinance Serial No. 06-31.

SUMMARY STATEMENT: After receiving inquires from a few members of the public, the Deputy Clerk requested advice from our City Attorney Tom Klinkner regarding the interpretation and validity of WMC Chapter 8.12, which prohibits the posting of a political sign more than 90 days before an election, and requires the removal of the sign within 10 days after the election.

In summary Mr. Klinkner recommends that we repeal 8.12 in its entirety due to enforceability issues. If the City desires to regulate political signs, it should do so as part of comprehensive regulation of temporary signs under WMC Chapter 16.32.

