

Introduced by: Mayor
Date: November 28, 1972
Hearing: January 2, 1973

KENAI PENINSULA BOROUGH

ORDINANCE NO. 72-27

AN ORDINANCE ENTITLED: AN ORDINANCE AMENDING THE BOROUGH CODE OF ORDINANCES, TITLE 18, CHAPTER 5 AS IT RELATES TO THE PROCEDURES, FORM, VOTING AND PUBLICATION OF ORDINANCES

BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. Title 18, Chapter 5 of the Kenai Peninsula Borough Code of Ordinances is repealed and reenacted to read:

Chapter 05. Ordinance Procedure

Sec. 18.05.05. Reference. Reference is AS 29.48.130 through AS 29.48.180 "Municipal Enactments" for applicable provisions of authority. The requirements of AS 29.48.150 and AS 29.48.160 as they now exist and as they may be amended hereafter are hereby made a part of this Chapter by reference; except however, after the initial introduction at any regular or special meeting of the assembly of any ordinance other than an emergency ordinance, at least 25 days shall be allowed to pass before the public hearing and assembly vote occurs. The preceding sentence shall not be construed to affect the minimum time required for the publication of notice of hearing on a proposed ordinance or for other notification provided by law.

Sec. 18.05.010. Form of Ordinance. Ordinances are introduced in writing in the following form:

- (a) Numbered consecutively
- (b) The title shall clearly identify the subject matter.
- (c) The enacting clause shall be: "BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:
- (d) "Section 1" Follow with word or words, identifying the subject matter of the section, section text and other sections.
- (e) Declaration of emergency describing the claimed emergency in clear and specific terms, if the ordinance is proposed for adoption under the provisions and authority of AS 29.48.160.

(f) "This ordinance shall become effective _____ days after enactment" or "This ordinance shall become effective on the day of enactment", (AS 29.48.150 b). The emergency ordinance may be adopted, amended and adopted or rejected at the meeting at which it is introduced. Emergency ordinances are effective for 60 days.

(g) "Adopted by the Assembly of the Kenai Peninsula Borough this ____ day of _____ 19____.

signed: _____
Assembly President

ATTEST:

Borough Clerk "

Sec. 18.05.015. Veto. (a) Except as provided in (b) of this section, the borough mayor may veto any ordinance, resolution, motion or other action of the assembly and may, by veto strike or reduce items in appropriation ordinances except for school budget items. He shall submit to the assembly at its next regular meeting a written statement advising of his veto and giving his reasons. The assembly may override the veto by a two-thirds vote to which the assembly is entitled on the question.

(b) The borough mayor may not veto actions of the assembly taken under AS 29.23.130 (d) relating to a borough manager plan or actions of the board of equalization or the board of adjustment.

Sec. 18.05.020. Publication. (a) Publication shall be by causing a summary of each ordinance and its amendments to be published at least once in a newspaper of general circulation within the borough together with a notice of the time and place for public hearing. The hearing shall follow newspaper publication by at least 5 days.

In addition a copy of the ordinance and notice shall be mailed to the city clerk of each first class and home rule city within the borough with a request for posting on the City Hall bulletin board for ten days immediately following receipt, and by mailing a copy of the ordinance and notice to each post office in the borough with a request for posting on the post office bulletin board for ten days immediately following receipt. Copies of the ordinance must be available to all persons present at the hearing or the ordinance must be read in full.

- (b) The borough clerk is responsible for all publication and giving of notice required by this Chapter. For each ordinance the clerk shall make a certification of the actions taken in carrying out this responsibility. The certifications shall be a permanent record and shall have attached to it all pertinent supporting data.
- (c) In addition to all other publication requirements, the borough clerk shall:
- 1) Immediately mail one copy of each ordinance introduced and set for hearing, together with the notice of hearing to the city clerk of each first class and home rule city and to each post office in the borough with a request that the notice be posted.
 - 2) Mail a copy of each adopted ordinance to the city clerk of each first class and home rule city in the borough for the city records.
 - 3) Provide to the secretary of the Borough School Board a copy of ordinances set for hearing and ordinances adopted if the subject matter affects the school district in any way.

Sec. 18.05.025. Codification. The requirements of AS 29.48.-180 relating to the codification of each ordinance after adoption shall apply to the Kenai Peninsula Borough.

Sec. 18.05.030. Severability. If any section, subsection, sentence or clause of an ordinance is declared invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

Section 2. This ordinance shall become effective on the day of enactment.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2
DAY OF January, 1973.

ATTEST:

Francis Byrner
Borough Clerk

Ed Coon
Assembly President

