

Introduced by: Mayor
Date: September 3, 1974
Hearing: October 8, 1974
Action: Enacted Oct. 8, 1974
Vote: 118.5 Yes, 9 No

KENAI PENINSULA BOROUGH

ORDINANCE NO. 74-55

AN ORDINANCE TO DELETE ALL REFERENCES TO SPECIFIED SECTIONS OF ALASKA STATUTES FROM THE BOROUGH CODE OF ORDINANCES WHERE IT CAN BE DONE WITHOUT CHANGING INTENT OF PRESENT ORDINANCES AND TO CORRECT THE STATUTORY REFERENCES TO CITATIONS NOW ACCURATE WHERE SUCH CITATION IS NECESSARY TO PRESERVE THE INTENT OF THE ORDINANCES.

WHEREAS, in the past specific references to designated provisions of the Alaska Statutes have been made in the Code of Ordinances of the Kenai Peninsula Borough; and

WHEREAS, most of such citations are now inaccurate since the adoption of the New Municipal Code in 1972 which repealed old Title 29 and Title 7 of the Alaska Statutes and enacted a new Title 29 with completely different organization and numbering from the old Title 29; and

WHEREAS, deleting all reference to citations of the Alaska Statutes where they are not necessary to preserve the intent of ordinances would rectify the present situation and avoid future confusion where Alaska Statutes are changed or modified; and

WHEREAS, the Kenai Peninsula Borough now has a contract with Book Publishing Company to recodify and publish a new code of ordinances for the Kenai Peninsula Borough; and

WHEREAS, deletion of citations to the Alaska Statutes **could be** done efficiently editorally where the intent of the ordinances of the Kenai Peninsula Borough would not be changed or modified; Now Therefore,

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

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Section 1: In recodifying the ordinances of the Kenai Peninsula Borough the Book Publishing Company is hereby directed to delete any and all citations to Alaska Statutes which may be accomplished without change or modification of the intent of the ordinances concerned.

Section 2: If said codifer is in doubt in any instance as to whether the intent of an ordinance would be modified by such deletion or where preserving the intent would require a statutory reference, it will consult with the Borough Attorney and follow his advice in the matter.

Section 3: The Borough Attorney is hereby directed to consult and advise with the codifer to delete all references to Alaska Statutes where the same may be done without changing the intent of the ordinances, and where an ordinance requires a citation to the statutes to preserve its intent, to advise the codifer if the citation originally made is still accurate, or if not and if the same or a similar provision of the Alaska Statutes have been preserved but given different citations, to advise the codifer as to the new citation which should be used to preserve the intent of the ordinances, but if the Borough Attorney is of the opinion that deletion of reference cannot be made without changing the intent of an ordinance and that there is no present statute which could be referred to without changing the intent of such ordinance, then the Borough Attorney is directed to bring a proper ordinance before this assembly so that the assembly can determine a proper course of action.

Section 4: This ordinance is a special ordinance with respect to recodification of borough ordinances taking place at this time, and it is passed with knowledge that such recodification must come before this assembly for adoption before it would become effective, and therefore this ordinance shall not be codified.


Section 5: This ordinance takes effect on the day following enactment.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 8th DAY OF October, 1974.



Assembly President

ATTEST:



Borough Clerk

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