

Introduced by: Dimmick  
Date: November 20, 1979  
Hearing: December 18, 1979  
Action: Enacted as Amended  
Vote: 71.5 "Yes", 47 "No",  
9 "Abstaining"

KENAI PENINSULA BOROUGH

ORDINANCE 79-71

PROVIDING FOR THE REGULATION OF LEGAL ADVERTISING

WHEREAS, State Statutes require that certain legal notices be published at a specific time or in a specific manner; and

WHEREAS such published notices may be the only source of such information available to citizens residing both inside and out of the Kenai Peninsula Borough; and

WHEREAS the cost of such advertising is a significant item in the borough budget; and

WHEREAS, the Assembly finds that the Second Class mailing regulations of the U. S. Postal Service impose accounting requirements and circulation verification and frequency of publication requirements upon newspapers holding these permits; and the Assembly further finds that these postal regulations effectuate the objectives and intent of the Assembly by providing an audit trail and an effective means of assuring timely publication of legal notices,

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Borough Code of ordinances is amended by adding a new section, to be numbered 5.08.060, which shall read:

5.08.060 Legal Advertising

A. All legal notices and other advertising published on behalf of the Kenai Peninsula Borough must be ordered by purchase order duly authorized, in accordance with the Borough purchasing procedures.

B. Every legal notice or other advertisement pertaining only to the central peninsula area will be placed in a weekly or daily newspaper of general circulation located in that area and holding a U. S. Postal Service Permit for Second Class mailing. Legal advertising that pertains only to the Homer area will be published in each newspaper located in Homer and holding a U. S. Postal Service Permit for Second Class mailing; and legal advertisements pertaining to the Seward area will be published in each newspaper located in Seward and holding a U. S. Postal Service Permit for Second Class mailing.

C. Legal advertising of Borough-wide significance will be published only in newspapers which hold a U. S. Postal Service Permit for Second Class mailing or whose application for a Second Class permit has been accepted by the U. S. Postal Service and is under consideration for a period not to exceed 120 days.

D. Other advertising published outside the Borough will be published in the appropriate newspapers as determined by the Mayor.

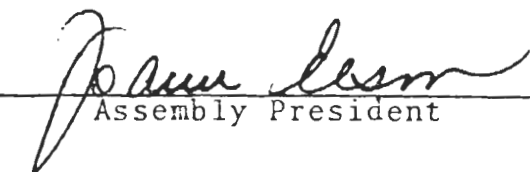
E. Failure of a published legal advertisement to conform to a purchase order as to required dates or sequence of publication or content will void the purchase order. In the event that the borough incurs additional costs due to a non-conformity, the publisher (or newspaper) responsible for that advertising will be held liable for those costs.

F. Type size for all legal advertisements will be 8 point. For non-legal advertising, size of ad and type will be specified by the Mayor.

Section 2. This ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
THIS 18th DAY OF December, 1979.

ATTEST:

  
\_\_\_\_\_  
Assembly President

  
\_\_\_\_\_  
Borough Clerk