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CHAPTER 27. MUNICIPAL ENACTMENTS.

1
2 Sec. 29.27.010. ACTS REQUIRED TO BE BY ORDINANCES. (a) In addition
3 to other actions which this title requires to be by ordinance, the ~~assembly~~
4 ~~council~~ ^{governing body.} of a municipality shall use ordinances to

5 (1) establish, alter or abolish municipal departments;

6 **** (2) Repeal.

7 (3) provide for a fine or other penalty, or establish rules
8 or regulations for violation of which a fine or other penalty is imposed;

9 (4) provide for the levying of taxes;

10 **** (5) make appropriations except supplemental appropriations or
11 transfer of appropriations;

12 (6) grant, renew, or extend a franchise;

13 **** (7) Repeal.

14 **** (8) adopt, modify or repeal the comprehensive plan, land use
15 ~~regulations and~~ ^{regulations,} subdivision ~~ordinances,~~ building and housing codes, and the
16 official map;

17 (9) approve the transfer of a power to a borough from a city;

18 (10) designate the borough seat;

19 (11) provide for the retention or sale of tax-foreclosed
20 property.

21 ^{Repeal} (12) exempt contractors from compliance with general require-
22 ments relating to payment and performance bonds in the construction or
23 repair of municipal public works projects within the limitations set out in
24 AS 36.25.025.

25 (b) This section grants no authority but requires the ~~assembly~~ ^{governing}
26 ~~council~~ ^{body} to use ordinances in exercising certain of its powers.

27 Sec. 29.27.020. FORM OF ORDINANCES. Repeal.

28 ****Sec. 29.27.030. ORDINANCE PROCEDURE. (a) Ordinances are introduced
29 in writing in the form required by the assembly or council.

1 (b) The following procedure governs the enactment of all ordinances
 2 except emergency ordinances. An ordinance may be introduced by a member or
 3 committee of the ~~assembly or council~~ *governing body* or by the municipal executive or chief
 4 administrator. An ordinance shall be set for hearing by the affirmative
 5 vote of a majority of the votes authorized on the question. A summary of
 6 the ordinance [and its amendments] is published together with a notice of time
 7 and place for public hearing. The hearing follows publication by at least
 8 five days. Copies of the ordinance must be available to all persons present
 9 or the ordinance must be read in full. The ~~assembly or council~~ *governing body* shall hear
 10 all interested persons wishing to be heard. After the hearing, the ~~assembly~~
 11 *governing body* ~~or council~~ shall consider the ordinance and may adopt it with or without
 12 amendment. The ~~assembly or council~~ *governing body* shall print and make available copies of
 13 adopted ordinances.

14 (c) Ordinances take effect upon adoption or at a later date
 15 specified in the ordinance.

16 Sec. 29.27.040. EMERGENCY ORDINANCES. (a) To meet a public emergency
 17 the ~~assembly or council~~ *governing body* may adopt ordinances effective on adoption. Every
 18 emergency ordinance must contain a finding by the ~~assembly or council~~ *governing body* that
 19 an emergency exists and a statement of the facts upon which the finding is
 20 based. The ordinance may be adopted amended and adopted, or rejected at
 21 the meeting at which it is introduced. The affirmative vote of all members
 22 present, or the affirmative vote of three-fourths of the total membership,
 23 whichever is less, is required for adoption. The ~~assembly~~ *governing body* must print and
 24 make available copies of adopted emergency ordinances.

25 (b) An emergency ordinance may not be used to levy taxes, to
 26 grant, renew or extend a franchise, or to regulate the rate charged by a
 27 public utility for its services.

28 (c) Emergency ordinances are effective for 60 days.
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1 ****Sec. 29.27.050. CODES OF REGULATION. The ~~assembly or council~~ ^{governing body} may in a
 2 single ordinance adopt or amend by reference provisions of a standard published
 3 code of regulations. The regular ordinance procedure applies except that
 4 neither the ordinance nor its amendments need be distributed to the public
 5 or read in full at the hearings. For a period of 15 days before adoption at
 6 least five copies of the code must be made available for public inspection
 7 at a time and place set out in the hearing notice. Only the adopting ordinance
 8 need be printed after adoption. The ~~assembly or council~~ ^{governing body} shall provide for
 9 the adopted code to be ~~sold or made available at no charge to the public~~
 10 ^{made avail to the public at no more than cost.}
 11 Sec. 29.27.060. CODIFICATION. (a) Each ordinance after adoption
 12 shall be codified.

13 **** (b) Within three years after incorporation of the municipality,
 14 the municipal clerk or ^{his} designee shall have prepared a general codification
 15 of all municipal ordinances of general applicability having the force and
 16 effect of law. The municipal code shall be revised and printed at least
 17 every five years, unless the code is kept current by regular supplements.

18 (c) In (a) of this section, "codified" means

19 (1) the ordinance has been given a serial number or other
 20 permanent identifying number and, bearing a notation of the date of adoption
 21 and the designation of the adopting authority, it has been entered by the
 22 municipal clerk in a properly indexed book maintained for the purposes of
 23 organizing and recording the ordinances; or

24 (2) the ordinance is a provision which establishes a rule of
 25 conduct or behavior and which is included, or to be included, in a code of
 26 ordinances or other complete system of law enacted and kept current at
 27 reasonable intervals.

28 (d) This section applies to general law and home rule municipalities.

29 Sec. 29.27.070. RESOLUTIONS. The assembly or council shall provide
 for the maintenance of a permanent file of resolutions that have been adopted.

1 ****Sec. 29.27.080. PENALTIES. (a) For the violation of an ordinance,
 2 the ~~assembly or council~~ ^{governing body} may prescribe ~~punishment~~ ^{penalties} not to exceed ~~the penalty~~ ^{those}
 3 imposed for a class B misdemeanor. ~~By ordinance~~ ^{and may require} mandatory, nonsuspendable
 4 imprisonment not to exceed five days, ~~may be imposed for violation of an~~
 5 ~~ordinance.~~

6 (b) The municipality or an aggrieved person may institute a civil
 7 action against a person who violates an ordinance. In addition to injunctive
 8 and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed
 9 for each violation. An action to enjoin a violation may be brought notwith-
 10 standing the availability of any other remedy. Upon application for injunctive
 11 relief and a finding of a violation or a threatened violation, the injunction
 12 shall be granted ^{by the superior court.} Every day upon which a violation of an ordinance continues
 13 shall constitute a separate violation.

14 (c) The ~~punishment~~ ^{penalties} authorized under this section may be
 15 imposed only if copies of the ordinance are made available for distribution
 16 to the public at cost [^] ~~or at no charge.~~

17 ^{no more than}

1 (b) The following procedure governs the enactment of all ordinances
2 except emergency ordinances. An ordinance may be introduced by a member or
3 committee of the assembly or council or by the municipal executive or chief
4 administrator. An ordinance shall be set for hearing by the affirmative
5 vote of a majority of the votes authorized on the question. A summary of
6 the ordinance and its amendments is published together with a notice of time
7 and place for public hearing. The hearing follows publication by at least
8 five days. Copies of the ordinance must be available to all persons present
9 or the ordinance must be read in full. The assembly or council shall hear
10 all interested persons wishing to be heard. After the hearing, the assembly
11 or council shall consider the ordinance and may adopt it with or without
12 amendment. The assembly or council shall print and make available copies of
13 adopted ordinances.

14 (c) Ordinances take effect upon adoption or at a later date
15 specified in the ordinance.

16 Sec. 29.27.040. EMERGENCY ORDINANCES. (a) To meet a public emergency
17 the assembly or council may adopt ordinances effective on adoption. Every
18 emergency ordinance must contain a finding by the assembly or council that
19 an emergency exists and a statement of the facts upon which the finding is
20 based. The ordinance may be adopted, amended and adopted, or rejected at
21 the meeting at which it is introduced. The affirmative vote of all members
22 present, or the affirmative vote of three-fourths of the total membership,
23 whichever is less, is required for adoption. The assembly must print and
24 make available copies of adopted emergency ordinances.

25 (b) An emergency ordinance may not be used to levy taxes, to
26 grant, renew or extend a franchise, or to regulate the rate charged by a
27 public utility for its services.

28 (c) Emergency ordinances are effective for 60 days.
29

1 ****Sec. 29.27.050. CODES OF REGULATION. The assembly or council may in a
2 single ordinance adopt or amend by reference provisions of a standard published
3 code of regulations. The regular ordinance procedure applies except that
4 neither the ordinance nor its amendments need be distributed to the public
5 or read in full at the hearings. For a period of 15 days before adoption at
6 least five copies of the code must be made available for public inspection
7 at a time and place set out in the hearing notice. Only the adopting ordinance
8 need be printed after adoption. The assembly or council shall provide for
9 the adopted code to be sold or available at no charge to the public.

10 Sec. 29.27.060. CODIFICATION. (a) Each ordinance after adoption
11 shall be codified.

12 **** (b) Within three years after incorporation of the municipality,
13 the municipal clerk or designee shall have prepared a general codification
14 of all municipal ordinances of general applicability having the force and
15 effect of law. The municipal code shall be revised and printed at least
16 every five years, unless the code is kept current by regular supplements.

17 (c) In (a) of this section, "codified" means

18 (1) the ordinance has been given a serial number or other
19 permanent identifying number and, bearing a notation of the date of adoption
20 and the designation of the adopting authority, it has been entered by the
21 municipal clerk in a properly indexed book maintained for the purposes of
22 organizing and recording the ordinances; or

23 (2) the ordinance is a provision which establishes a rule of
24 conduct or behavior and which is included, or to be included, in a code of
25 ordinances or other complete system of law enacted and kept current at
26 reasonable intervals.

27 (d) This section applies to general law and home rule municipalities.

28 Sec. 29.27.070. RESOLUTIONS. The assembly or council shall provide
29 for the maintenance of a permanent file of resolutions that have been adopted.

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1 ****Sec. 29.27.080. PENALTIES. (a) For the violation of an ordinance,
 2 the assembly or council may prescribe punishment not to exceed the penalty
 3 imposed for a class B misdemeanor. By ordinance mandatory nonsuspendable
 4 imprisonment not to exceed five days may be imposed for violation of an
 5 ordinance.

6 (b) The municipality or an aggrieved person may institute a civil
 7 action against a person who violates an ordinance. In addition to injunctive
 8 and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed
 9 for each violation. An action to enjoin a violation may be brought notwith-
 10 standing the availability of any other remedy upon application for injunctive
 11 relief and a finding of a violation or a threatened violation, the injunction
 12 shall be granted. *Every day upon which a violation of an ordinance*
 13 *continues shall constitute a separate violation*
 14 (c) The punishment authorized under this section may be
 15 imposed only if copies of the ordinance are made available for distribution
 16 to the public at cost, or at no charge.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.27.080. PENALTIES. (a) For the violation of an ordinance, the assembly or council may prescribe punishment not to exceed ~~a fine of \$1,000 or imprisonment for 90 days, or both.~~ *class E misdemeanor*
By ordinance mandatory nonsuspendable imprisonment not to exceed five days may be imposed for violation of an ordinance. ~~However,~~
The punishment authorized under this section may be imposed only if copies of the ordinance are made available for distribution to the public at cost. *it is the responsibility of the municipality*

(b) The municipality or an aggrieved person may institute a civil action against a person who violates an ordinance. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. Every day upon which a violation of an ordinance continues shall constitute a separate violation.

injunctive relief
(c) *injunctive relief* ~~is~~ *the* ~~the~~ *the*

EXPLANATION: In (a) the fine and the term of imprisonment have been increased to match the penalty imposed under the criminal code for a class B misdemeanor. (d) and (c) have been added to provide municipalities with additional remedies for the violation of ordinances, matching recommended remedies for enforcement of land use regulations. *(b) has*

the proposed this and

CHAPTER 27. MUNICIPAL ENACTMENTS

(CHAPTER 48, Article 3. MUNICIPAL ENACTMENTS)

Sec. 29.27.010. (Sec. 29.48.130.) ACTS REQUIRED TO BE BY ORDINANCES.

(a) In addition to other actions which this title requires to be by ordinance, the assembly or council of a municipality shall use ordinances to

(1) establish, alter or abolish municipal departments;

(2) fix the compensation of members of the assembly or council; *make provision or delete*

(3) provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;

(4) provide for the levying of taxes;

(5) make appropriations ^{of} ~~and~~ ^{except} supplemental appropriations or transfer appropriations;

(6) grant, renew, or extend a franchise;

~~delete~~ regulate the rate charged by a public utility;

(8) adopt, modify or repeal the comprehensive plan, ^{and use} zoning and ~~regulations~~ subdivision ordinances, building and housing codes, and the official map;

(9) approve the transfer of a power to a borough from a city;

(10) designate the borough seat;

(11) provide for the retention or sale of tax-foreclosed property.

(12) 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.

(b) This section grants no authority but requires the assembly or council to use ordinances in exercising certain of its powers.

Sec. 29.27.020. (Sec. 29.48.140.) FORM OF ORDINANCES. Ordinances are introduced in writing in the form required by the assembly or council.

Combine 020

Sec. 29.27.030. (Sec. 29.48.150.) ORDINANCE PROCEDURE. (A) The


1 following procedure governs the enactment of all ordinances except emergency
 2 ordinances. An ordinance may be introduced by a member or committee of the
 3 assembly or council or by the municipal executive or chief administrator. An
 4 ordinance shall be set for hearing by the affirmative vote of a majority of
 5 the votes authorized on the question. A summary of the ordinance and its
 6 amendments is published together with a notice of time and place for public
 7 hearing. The hearing follows publication by at least five days. Copies of
 8 the ordinance must be available to all persons present or the ordinance must
 9 be read in full. The assembly or council shall hear all interested persons
 10 wishing to be heard. After the hearing, the assembly or council shall
 11 consider the ordinance and may adopt it with or without amendment. The
 12 assembly or council shall print and make available copies of adopted
 13 ordinances.

(V) Ordinances take effect upon adoption or at a later date specified in the ordinance.

17 Sec. 29.27.040. (Sec. 29.48.160.) EMERGENCY ORDINANCES. (a) To meet a
 18 public emergency the assembly or council may adopt ordinances effective on
 19 adoption. Every emergency ordinance must contain a finding by the assembly
 20 or council that an emergency exists and a statement of the facts upon which
 21 the finding is based. The ordinance may be adopted, amended and adopted, or
 22 rejected at the meeting at which it is introduced. The affirmative vote of
 23 all members present, or the affirmative vote of three-fourths of the total
 24 membership, whichever is less, is required for adoption. The assembly must
 25 print and make available copies of adopted emergency ordinances.

26 ~~These "Emergency"~~ (b) An emergency ordinance may not be used to levy taxes, to
 27 grant, renew or extend a franchise, or to regulate the rate charged by a
 28 public utility for its services.

(c) Emergency ordinances are effective for 60 days.

1 Sec. 29.27.050. (Sec. 29.48.170.) CODES OF REGULATION. The assembly
2 or council may in a single ordinance adopt or amend by reference provisions
3 of a standard published code of regulations. The regular ordinance procedure
4 applies except that neither the ordinance nor its amendments need be
5 distributed to the public or read in full at the hearings. For a period of
6 15 days before adoption at least five copies of the code must be made
7 available for public inspection at a time and place set out in the hearing
8 notice. Only the adopting ordinance need be printed after adoption. The
9 assembly or council shall provide for the adopted code to be sold to the
10 public; *or at no charge*  *from*
11 *subordinate*
no charge

12 Sec. 29.27.060. (Sec. 29.48.180.) CODIFICATION. (a) Each ordinance
13 after adoption shall be codified.

14 (b) Within three years after incorporation of the municipality, the
15 municipal ~~executive~~ *clerk or designee*, ~~with the advice and assistance of a legal advisor~~, shall
16 have prepared a general codification of all municipal ordinances of general
17 applicability having the force and effect of law. The municipal code shall
18 be revised and printed at least every five years, unless the code is kept
19 current by regular supplements.

20 (c) In (a) of this section, "codified" means

21 (1) the ordinance has been given a serial number or other
22 permanent identifying number and, bearing a notation of the date of adoption
23 and the designation of the adopting authority, it has been entered by the
24 municipal clerk in a properly indexed book maintained for the purposes of
25 organizing and recording the ordinances; or

26 (2) the ordinance is a provision which establishes a rule of
27 conduct or behavior and which is included, or to be included, in a code of
28 ordinances or other complete system of law enacted and kept current at
29 reasonable intervals.

(d) This section applies to general law and home rule municipalities.

Sec. 29.27.070. (Sec. 29.48.185.) RESOLUTIONS. The assembly or council shall provide for the maintenance of a permanent file of resolutions that have been adopted.

Sec. 29.27.080. (Sec. 29.48.200.) PENALTIES. For the violation of an ordinance, the assembly or council may prescribe punishment not to exceed a fine of \$500 or imprisonment for 30 days, or both. However, the punishment authorized under this section may be imposed only if copies of the ordinance are made available for distribution to the public at cost.

- lcl ord could not suspend
(supreme court)
KODIAK CASE

\$500 fine
each day violation
indiv. violation
see zoning

Mun prod mand. ord
5 DAY 5K Jail term