

Suggested Motion

I MOVE TO approve Ordinance 2015-12 on second and final reading.



City & Borough of Sitka

Municipal Clerk's Office

100 Lincoln Street, Sitka AK 99835

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Memorandum

To: Mayor and Assembly

Cc: Municipal Administrator Mark Gorman

From: Municipal Clerk Colleen Ingman

Date: March 4, 2015

Subject: **Ordinances resulting from Legal Analysis**

In September of 2014, CBS contracted with Code Publishing to complete a legal analysis of our code. Their attorney recommended items that they felt needed immediate action to bring the code into legal compliance and, where possible, has recommended amending language for this purpose.

We considered doing a single "clean-up" ordinance but quickly learned that one clean up ordinance that addressed all the recommendations would be extremely bulky and difficult to follow. It is still our intent to bring forward as few ordinances as possible, but at the same time keep the amendments concise enough that they can be easily understood. We will combine amendments whenever possible.

The attached Ordinances 2015, 11; 12 & 14 all resulted from the legal analysis and have been shared with the various departments.

It is my intent to have all clarifying ordinances passed by the final meeting in April, so a few more are forthcoming. I have placed them on the Consent Agenda for first reading as the majority will be fairly straight forward, plus we are not required to take public testimony until second reading.

Attachment: Ordinance 2015-11; 2015-12; 2015-14

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-12

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA PROPOSING TO CLARIFY THE SITKA GENERAL CODE BY AMENDING SECTION 6.04.080 BUSINESS LICENSES AND REGULATIONS, BOND

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. PURPOSE. As found in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. Sitka’s municipal clerk sought legal analysis from Code Publishing Company for a review of the Sitka General Code for state and federal constitutional issues and apparent conflicts. This clarifying change is derived from that review and further analysis.

This section requires certain bond sureties to be executed by residents of the city and borough who are also “the owners of real property therein,” perhaps incorrectly insinuating that an apartment dweller’s bond is less sure than a real property owner.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the following section of the Sitka General Code is hereby amended to read as follows:

Title 6

BUSINESS LICENSES AND REGULATIONS

6.04.080 Bond.

The application shall be accompanied by a bond in the amount of one hundred dollars for an annual license and fifty dollars for a license of less than a year. The bond may be cash; or a bond executed by the applicant and a surety company doing business in the state of Alaska and authorized to do business therein; or by the applicant and two or more qualified sureties who are residents of the city and borough and the owners of real property therein; which bond shall be conditioned that all ordinances of the city and borough have been complied with.

5. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 24th day of March, 2015.

Matthew Hunter, Deputy Mayor

ATTEST:

Colleen Ingman, MMC Municipal Clerk

Colleen Ingman

To: Jay Sweeney; Mike Middleton
Subject: Clarifying ORD
Attachments: 2015- SGC 06 Bond.docx

Hi Jay and Mike,

I may have sent this to you previously, but need to know if this ordinance still on track. Recommended change is second to last line under 6.04.080. I have lost the line numbers in my copy.

While it is clear why residents of the city should be asked, it is less clear (and risky from a due process standpoint) why those residents should own real property. In the abstract it does not seem that an apartment dweller's bond is less sure than any other bond.

Need approval to move forward.

Thanks!

*Best -
Colleen*