



City & Borough of Sitka
Municipal Clerk's Office
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Memorandum

To: Mayor and Assembly
Cc: Municipal Administrator Mark Gorman
From: Municipal Clerk Colleen Ingman
Date: 11-14-14
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.

Chapter 2.48 District Civil Defense Council was repealed when the State of Alaska declared that all homeland security and civil defense functions of the state be coordinated through the Department of Military and Veteran's Affairs. All duties mentioned in this chapter are now completed by state personnel. This ordinance has been reviewed with both legal and Chief Miller.

Attachment: Ordinance 2014-35

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2014-35

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA
REPEALING SITKA GENERAL CODE CHAPTER 2.48
DISTRICT CIVIL DEFENSE COUNCIL WITHOUT REPLACEMENT

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 **PURPOSE.** Chapter 2.48 District Civil Defense Council’s authority was repealed when the State of Alaska declared that all homeland security and civil defense functions of this state be coordinated by and through the Department of Military and Veterans' Affairs. All duties mentioned in Chapter 2.48 are now conducted by state personnel.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that

A. Chapter 2.48 District Civil Defense Council in its entirety be repealed without replacement, including footnote 8.

~~Chapter 2.48~~

~~DISTRICT CIVIL DEFENSE COUNCIL~~

~~Sections:~~

~~2.48.010 Formation.~~

~~2.48.020 Civil defense organization.~~

~~2.48.030 Powers.~~

~~2.48.010 Formation.~~

~~There is created the civil defense organization as an agency of the municipality to be composed of the mayor and such other persons that may be appointed by the assembly from time to time. The assembly shall appoint a civil defense director and a staff to serve at the pleasure of the assembly. (Ord. 73-69 § 4, 1973.)~~

~~2.48.020 Civil defense organization.~~

~~All municipal officers and employees, together with those volunteer forces enrolled to aid them prior to or during a disaster, shall constitute the civil defense organization, as provided by law. (Ord. 73-69 § 5, 1973.)~~

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~~2.48.030 Powers.~~

~~The civil defense organization shall have the authority to set the hours of black-out of the municipality and to make other regulations (which shall have the force of law), as may be reasonable in light of circumstances existing at the time, to protect life and property, provided a majority of any assembly members immediately available consent. Oral consent is sufficient, but any such oral consent shall be reduced to writing within such time as is feasible. Should the civil defense director not be available, the next ranking civil defense officer shall act in his place. These are emergency powers to continue only for the duration of any emergency, as declared and terminated by order of the assembly. (Ord. 73-69 § 6, 1973.)Chapter 2.48~~

~~8— For statutory provisions regarding local civil defense organization, see AS 26.20.060 et seq.~~

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 8th day of December, 2014.

Mim McConnell, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk