

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-04

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 1.12 OF THE DILLINGHAM MUNICIPAL CODE BY ADOPTION OF A NEW SECTION 1.12.030 LIMITING THE APPLICABILITY OF CERTAIN PORTIONS OF THE DILLINGHAM MUNICIPAL CODE IN AREAS ANNEXED TO EXISTING CITY BOUNDARIES

WHEREAS, the City of Dillingham filed a petition to annex territory adjacent to existing city boundaries ("the Annexed Area") with the State of Alaska Local Boundary Commission ("LBC"); and

WHEREAS, the LBC approved the City's annexation petition on December 14, 2011; and

WHEREAS, the annexation will not become effective unless it is approved by a majority of City voters; and

WHEREAS, the City Council by Resolution 2012-07 has authorized a special election to be held April 10, 2012 at which both approval of annexation and approval of an ordinance levying a tax on sales of raw fish will be determined by city voters; and

WHEREAS, the Annexed Area is uninhabited and primarily consists of water; and

WHEREAS, the public policy goals of certain City of Dillingham ordinances will not apply in the Annexed Area;

BE IT ENACTED BY THE COUNCIL OF THE CITY OF DILLINGHAM, ALASKA:

Section 1. Amendment of Chapter 1.12. Chapter 1.12 of the Dillingham Municipal Code is hereby amended by adoption of a new Section 1.12.030 to read as follows:

1.12.030 Code Provisions not Applicable in Newly Annexed Areas

The following portions of the Dillingham Municipal Code shall not apply within that portion of the City annexed to the City after January 1, 2012:

- Chapter 8.08 Explosives
- Chapter 8.10 Prohibition of Smoking in Public Places
- Chapter 9.74 Curfew
- Chapter 9.86 Discharge of Firearms

Section 2. Effective Date. This ordinance shall be effective June 1, 2012 but only if a ballot proposition approving adding the Annexed Area to the City of Dillingham is approved by the voters of Dillingham in a special election to be held on or about April 10, 2012.

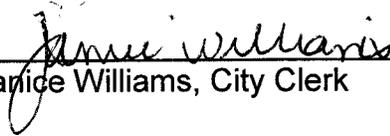
PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on March 1, 2012.

SEAL:




Alice Ruby, Mayor

ATTEST:

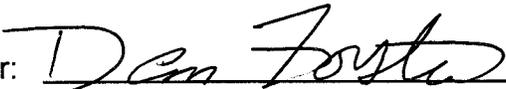

Janice Williams, City Clerk

Subject: An ordinance of the Dillingham City Council amending chapter 1.12 of the Dillingham Municipal Code by adoption of a new section 1.12.030 limiting the applicability of certain portions of the Dillingham Municipal Code in areas annexed to existing city boundaries

Agenda of: March 1, 2012

Council Action:

Manager: Recommend approval.

City Manager: 
Dan Forster

Route To:	Department / Individual	Initials	Remarks
	Finance / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

Summary Statement.

This ordinance was introduced at the February 2, 2012 Regular City Council meeting. The Code Review Committee directed the attorney to research the code and find those areas in the code that would be affected by annexation, such as firearms and fireworks, and prepare an ordinance for approval of the Council. The committee reviewed the ordinance at their February 23 meeting and is recommending it be adopted.

The following chapters of code would not apply to the newly annexed area: explosives (fireworks), prohibition of smoking in public places, curfew, and discharge of firearms.