

CITY OF HOMER, ALASKA  
ORDINANCE NO. 90-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,  
AMENDING § 1.08.010 REGARDING THE FORM OF ORDINANCES;  
CREATING § 1.04.065, REGARDING ALTERING THE  
HOMER CITY CODE; AND REVISING § 1.08.060 REGARDING THE  
CODIFICATION OF ORDINANCES

WHEREAS, it is beneficial to clearly state that unauthorized alteration of the Homer City Code is a violation of the laws of the City; and,

WHEREAS, it is beneficial to clarify the procedure to be followed by the Code revisor in codifying enacted ordinances, granting the revisor certain authority to make editorial revisions to ordinances during the codification process, provided that such revisions do not change the meaning or legislative intent of the enactments;

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 1.04.065 of the Homer City Code is hereby created to read as follows:

1.04.065 Altering code. No person shall change or amend by additions or deletions, any part or portion of this Code or insert or delete pages, or portions thereof, or alter or tamper with such Code in any manner whatsoever except by ordinance or resolution or other official act of the City Council, which will cause the law of the City to be misrepresented thereby. A person violating this section shall be subject to the penalty provisions of § 1.16.010.

Section 2. Section 1.08.060 of the Homer City Code is hereby repealed and re-enacted to read as follows:

1.08.060 Codification of ordinances; revisor authority.  
a. Subject to general policies which may be promulgated by the Council for the preparation and publication of periodic cumulative supplements to the Homer City Code, the City Clerk, subject to review by the City Attorney, shall provide for the inclusion in the City Code of all ordinances of a general and permanent nature. The City Clerk shall also maintain a permanent record of all ordinances of a temporary or special nature enacted by the Council.  
b. All ordinances included in the City Code shall be assigned three-factor decimal section numbers as appropriate. The first number, shall identify the title and shall be followed by a period; the second number, consisting of two digits, shall identify the chapter and shall be followed by a period; the third number, consisting of three digits, shall identify the numerical sequence of the section within the chapter.

c. The City Clerk is designated as the revisor of ordinances. The revisor, subject to review by the City Attorney, may edit and revise ordinances for consolidation in the City Code as follows, provided that such edits and revisions do not change the meaning or legislative intent of any ordinance:

1. Number or renumber sections, parts of sections, articles, chapters and titles;
2. Change the wording of sections or subsection catchlines, or delete subsection catchlines, and change or provide new titles for articles, chapters, and titles;
3. Change capitalization for the purpose of uniformity;
4. Substitute the proper designation for the terms "the preceding section," "this ordinance," and like terms;
5. Substitute the proper calendar date for "effective date of this ordinance," "date of passage of this ordinance," and other phrases of similar import;
6. Strike out figures if they are merely a repetition of written words or vice versa, or substitute figures for written words or vice versa for the purpose of uniformity;
7. Correct manifest errors which are clerical, typographical, or errors in spelling, or errors by way of additions or omissions;
8. Correct manifest errors in reference to laws, ordinances or other sections of the Code;
9. Rearrange sections, combine sections or parts of sections with other sections or parts of sections, divide long sections into two or more sections, and rearrange the order of sections to conform to a logical arrangement of subject matter as may most generally be followed in the Code;
10. Change all sections, when possible, to read in the present tense, indicative mood, active voice, third person, and singular number, or any other necessary grammatical change in the manner generally followed in the Code;
11. Delete or change sections or parts of sections if a deletion change is necessary because of other ordinance amendments which did not specifically amend or repeal them;
12. Omit all temporary ordinances, all titles to ordinances, all enacting and repealing clauses, all declarations of emergency and all purpose, validity, and construction clauses unless, from their nature, it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance; and,

13. Edit pronoun usage so as to avoid references to masculine or feminine genders.

d. The revisor shall make recommendations to the Council concerning deficiencies, conflicts or obsolete provisions in the Code and, at the direction of the Council, the Clerk or Attorney shall draft ordinances for consideration by the Council to correct and remove deficiencies, conflicts or obsolete provisions in City ordinances.

Section 3. Section 1.08.010 of the Homer City Code is hereby amended by the amendment and redesignation of existing subparagraph b. as subparagraph c. and the creation of a new subparagraph b. to read as follows:

b. Nature of Ordinance. Each ordinance shall be identified on its face as either a general ordinance of a permanent nature or as a special, limited, or emergency ordinance, and shall so identify the limited scope of applicability and/or its temporary period of effectiveness.

c. Inclusion in the City Code. All ordinances of a general and permanent nature for inclusion in the City Code shall refer to the affected title, chapter and section of the City Code in accordance with Section 1.08.060b.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER,  
ALASKA, this 9<sup>th</sup> day of July, 1990.

THE CITY OF HOMER, ALASKA

  
JOHN P. CALHOUN, MAYOR

AYES: 6  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

ATTEST:

Patti J. Whalin  
Patti J. Whalin, CMC  
City Clerk

(City Seal)

First Reading: 6/11/90  
Public Hearing: 6/25/90  
Second Reading: 7/9/90  
Effective Date: 7/10/90

Reviewed and approved as to form and content:

Gordon J. Tans  
Gordon J. Tans, City Manager  
Date: 7-13-90

Gordon J Tans, Perkins Coie  
Date: \_\_\_\_\_