

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 08-29**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 1.04.010 TO DELETE UNUSED OR OBSOLETE DEFINITIONS AND TO REVISE AND CONSOLIDATE OTHER DEFINITIONS OF TERMS USED IN THE WASILLA MUNICIPAL CODE; AMENDING WMC 3.45.010, 4.04.010, 5.08.010, 5.12.010, 5.16.020, 6.16.010, 7.04.010, 9.04.010, 10.12.010, 12.16.010, 12.20.010, 12.24.015, 13.04.010, 13.08.010, 13.12.010, 13.16.010, 13.20.010, 13.24.010, 16.04.070 AND 16.36.010 TO ADD OR REVISE DEFINITIONS PERTINENT TO WMC TITLES 3, 4, 5, 6, 7, 9, 10, 12, 13 AND 16 RESPECTIVELY, AND AMENDING WMC 7.04.020 TO PROVIDE THAT THE TERM "CITY" IN WMC TITLE 7 INCLUDES THE CITY'S ANIMAL CONTROL CONTRACTOR.**

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\* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

\* **Section 2. Amendment of section.** WMC 1.04.010, Definitions, is amended to read as follows:

1.04.010 Definitions.

**When used** [EXCEPT AS OTHERWISE SPECIFICALLY DEFINED] in this code, the following words and phrases[, WHEN USED IN THIS CODE,] shall have the meanings set forth in this section.

["AIR CONTAMINANT" MEANS DUST, FUMES, MUST, SMOKE, OTHER PARTICULATE MATTER, VAPOR, GAS, ODOROUS SUBSTANCES OR A COMBINATION OF THESE.

"AIR POLLUTION" MEANS THE PRESENCE IN THE OUTDOOR ATMOSPHERE OF ONE OR MORE AIR CONTAMINANTS IN QUALITIES AND

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DURATION THAT TEND TO BE INJURIOUS TO HUMAN HEALTH OR WELFARE, ANIMAL OR PLANT LIFE OR PROPERTY OR WOULD UNREASONABLY INTERFERE WITH THE ENJOYMENT OF LIFE OR PROPERTY.]

**“Borough” means the Matanuska-Susitna Borough, Alaska.**

[“BROADCAST CHEMICALS” MEANS CHEMICAL SUBSTANCES WHICH ARE RELEASED INTO THE AIR OR ONTO LAND OR WATER FOR THE PURPOSE OF PREVENTING, DESTROYING, REPELLING, STIMULATING OR RETARDING PLANT OR ANIMAL LIFE, OR CHEMICAL SUBSTANCES RELEASED FOR METEOROLOGICAL CONTROL, OIL SPILL CONTROL OR FIRE CONTROL.]

**“Business day” means a calendar day on which the city’s administrative offices are open to provide general services to the public.**

[“BY LAW” MEANS DENOTED APPLICABLE FEDERAL LAW, THE CONSTITUTION, STATUTES AND REGULATIONS OF THE STATE OF ALASKA, AND APPLICABLE COMMON LAW.]

**“Calendar day” means any day, including Saturdays, Sundays and holidays.**

[“CESSPOOL” MEANS A SUBSURFACE PIT WHICH RECEIVES UNTREATED SEWAGE.]

“City” means the [INCORPORATED c]City of Wasilla, Alaska.

“Code” means the Wasilla Municipal Code, including all amendments and additions. [ALL ORDINANCES SHALL BE ADOPTED AS SPECIFIED BY STATE LAW.]

“COMMUNITY SEWAGE SYSTEM” MEANS ANY SYSTEM, WHETHER PUBLICLY OR PRIVATELY OWNED, SERVING TWO OR MORE INDIVIDUALS’

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DWELLINGS OR BUSINESS ESTABLISHMENTS, FOR THE COLLECTION AND DISPOSAL OF SEWAGE OR INDUSTRIAL LIQUID WASTE, TO A POINT OF TREATMENT WORKS.

“COMMUNITY WATER SUPPLY SYSTEM” MEANS A SOURCE OF WATER AND DISTRIBUTION SYSTEM, INCLUDING TREATMENT WORKS, WHETHER PUBLICLY OR PRIVATELY OWNED, SERVING THE PUBLIC OR TWO OR MORE INDIVIDUAL DWELLING UNITS.

“CONDITIONAL USE” MEANS EXCEPTION, SPECIAL EXCEPTION, SPECIAL USE, OR SPECIAL PERMIT STATED IN THE ZONING ORDINANCE].

“Council” means the city council of the city[ OF WASILLA, ALASKA].

**“Department” means a department, office or agency of the city.**

**“Department head” means the chief administrative officer of a department.**

**“Election” means a regular, special or runoff city election.**

[“EMISSION” MEANS RELEASE OF AIR CONTAMINANTS INTO THE ENVIRONMENT.]

**“Fiscal year” means the fiscal year of the city, which begins on July 1 and ends on June 30 of the following year.**

[“HOLDING TANK” MEANS A VESSEL FOR THE TEMPORARY STORAGE OF SEWAGE OR EXCREMENT, SUCH AS FOUND ON BOATS, MOBILE HOMES AND CAMPERS.

“INDUSTRIAL WASTE” MEANS A LIQUID, GASEOUS, SOLID OR OTHER WASTE SUBSTANCE OR A COMBINATION OF THEM RESULTING FROM PROCESS OF INDUSTRY, MANUFACTURING TRADE OR BUSINESS, OR FROM

**Bold and underline added. [CAPS AND BRACKETS, DELETED.]**

THE DEVELOPMENT OF NATURAL RESOURCES; HOWEVER, GRAVEL, SAND, MUD OR EARTH TAKEN FROM ITS ORIGINAL SITE AND PUT THROUGH SLUICE BOXES, DREDGES OR OTHER DEVICES FOR THE WASHING AND RECOVERING OF THE PRECIOUS METAL CONTAINED IN THEM AND RE-DEPOSITED IN THE SAME WATERSHED FROM WHICH IT CAME IS NOT INDUSTRIAL WASTE.]

**“Law” means the constitution, statutes and regulations of the United States and the state, the applicable ordinances of the borough, the ordinances of the city, and the applicable common law.**

[“LEACHATE” MEANS WATER THAT HAS PERCOLATED THROUGH SOLID WASTE AND CONTAINS DISSOLVED OR SUSPENDED PORTIONS FROM THE SOLID WASTE.]

“Majority” means a simple majority.

**“May” is permissive.**

“Mayor” means the mayor of the city [OF WASILLA].

“Motor vehicle” has the same meaning as in AS **28.90.990** [28.40.100].

[“MUNICIPAL ELECTION” INCLUDES, BUT IS NOT LIMITED TO, ELECTION TO CHOOSE CITY COUNCILMEMBERS AND UTILITY BOARD MEMBERS.

“MUNICIPALITY” MEANS A GENERAL LAW MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION, WHICH IS A FIRST OR SECOND CLASS CITY, OR BOROUGH, OR A THIRD CLASS BOROUGH, INCORPORATED UNDER THE LAWS OF THE STATE.

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"OPACITY" MEANS THE CHARACTERISTIC OF A SUBSTANCE WHICH RENDERS IT PARTIALLY OR WHOLLY IMPERVIOUS TO TRANSMITTANCE OF LIGHT AND CAUSES OBSTRUCTION OF AN OBSERVER'S VIEW.

"OPEN BURNING" MEANS THE BURNING OF ANY MATERIAL SUCH THAT THE PRODUCTS OF COMBUSTION ARE EMITTED DIRECTLY INTO THE AMBIENT AIR WITHOUT PASSING THROUGH A STACK OR FLARE.

"OTHER WASTES" MEANS GARBAGE, REFUSE, DECAYED WOOD, SAWDUST SHAVINGS, BARK TRIMMINGS FROM LOGGING OPERATIONS, SAND, LIME CINDERS, ASHES, OFFAL, OIL, GREASE, TAR, DYESTUFFS, ACIDS, CHEMICALS AND OTHER SUBSTANCES NOT SEWAGE OR INDUSTRIAL WASTE WHICH MAY CAUSE OR TEND TO CAUSE POLLUTION OF THE WATERS OF THE STATE.]

"Owner, record owner, or owner of record" means, with respect to real property, the owner of record or purchaser of record as shown in the records of the district recorder.

["PACKAGE PLANT" MEANS AEROBIC TREATMENT SYSTEM, HOLDING TANK, OR ANY OTHER TREATMENT WORKS WHICH RECEIVES OR TREATS SEWAGE.]

"Person" means a[NY INDIVIDUAL,] public or private corporation, political subdivision, [GOVERNMENT AGENCY, MUNICIPALITY, INDUSTRY, CO-]partnership, association, firm, trust, estate, or any other entity, as well as a natural person [WHATSOEVER].

"Personal property" means all property other than real property.

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

["PESTICIDE" MEANS ANY CHEMICAL OR BIOLOGICAL AGENT INTENDED FOR PREVENTING, DESTROYING, REPELLING OR MITIGATION OF PLANT OR ANIMAL LIFE AND ANY SUBSTANCE.

"POLLUTION" MEANS THE CONTAMINATION OR ALTERING OF WATERS, LAND OR SUBSURFACE LAND OF THE STATE IN A MANNER WHICH CREATES A NUISANCE OR MAKES WATERS, LAND OR SUBSURFACE LAND UNCLEAN, OR NOXIOUS, OR IMPURE, OR UNFIT SO THAT THEY ARE ACTUALLY OR POTENTIALLY HARMFUL OR DETRIMENTAL OR INJURIOUS TO PUBLIC HEALTH, SAFETY OR WELFARE, TO DOMESTIC, COMMERCIAL, INDUSTRIAL, OR RECREATIONAL USE, OR TO LIVESTOCK, WILD ANIMALS, BIRDS, FISH, OR OTHER AQUATIC LIFE.

"PRIVATE WATER SUPPLY WELL" MEANS A WELL SERVING A SINGLE DWELLING UNIT OR BUSINESS.

"PRIVY" MEANS A STRUCTURE WHICH RECEIVES EXCREMENT, USUALLY NOT WATERBORNE.]

"Property" means real and personal property.

"Public right-of-way" means the entire width between the property lines of every way for which a legal right exists for public use.

"Published" means [APPEARING AT LEAST ONCE IN A PAPER OF GENERAL CIRCULATION DISTRIBUTED WITHIN THE MUNICIPALITY OR, IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION DISTRIBUTED WITHIN THE MUNICIPALITY, POSTING IN THREE PUBLIC PLACES FOR AT LEAST FIVE DAYS.

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

GENERALLY IT MEANS] the setting forth of any matter for public notice in the manner [WAY] provided for by law [OR ORDINANCE].

["PUTRESCIBLE GARBAGE" MEANS MATERIAL CAPABLE OF BEING DECOMPOSED WITH SUFFICIENT RAPIDITY AS TO CAUSE NUISANCE OR OBNOXIOUS ODORS.]

"Real property" means land and improvements and all possessory rights and privileges appurtenant to the property, and includes personal property affixed to the land or improvements.

["REGULAR ELECTION" MEANS THE MUNICIPAL ELECTION HELD ON THE FIRST TUESDAY OF OCTOBER ANNUALLY OR ON AN ELECTION DATE OR AT AN INTERVAL OF YEARS PROVIDED BY ORDINANCE.

"RESIDENTIAL" MEANS LAND DIVIDED INTO TWO OR MORE UNITS OR LOTS, FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE OF SALE OR OF DEVELOPMENT OF HOUSING INCLUDING MOBILEHOME PARKS, OR THAT LAND WHICH HAS BEEN ZONED FOR ANY RESIDENTIAL USE BY A GOVERNMENTAL ZONING AGENCY.]

"Roadway" means the portion of a street improved for vehicular travel, including shoulders, or, where curbs are laid, the portion of the street between the curbs.

["SEPTIC TANK" MEANS A SETTLING TANK IN WHICH SOLID AND SCUM MATERIALS MAY BE REMOVED FROM SEWAGE.

"SEWAGE" MEANS THAT WATER CARRIED HUMAN OR ANIMAL WASTES FROM RESIDENCES, BUILDINGS, INDUSTRIAL ESTABLISHMENTS, OR OTHER PLACES TOGETHER WITH GROUND WATER INFILTRATION AND SURFACE

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

WATER AS MAY BE PRESENT; THE MIXTURE OF SEWAGE WITH INDUSTRIAL LIQUID WASTE OR OTHER WASTE IS SEWAGE.

“SEWER” MEANS A PIPE OR ENCLOSED CONDUIT WHICH CARRIES SEWAGE, INDUSTRIAL LIQUID WASTE, OR OTHER WASTEWATER, BUT NOT INCLUDING THAT PLUMBING THAT CONVEYS WASTEWATER FROM THE BUILDING TO A COMMUNITY SEWERAGE SYSTEM OR POINT OF ON-SITE DISPOSAL.

“SEWAGE SYSTEM” MEANS PIPELINES OR CONDUITS, PUMPING STATIONS, AND FORCE MAINS, AND ALL OTHER APPURTENANT CONSTRUCTIONS, DEVICES AND APPLIANCES USED FOR CONDUCTION OF SEWAGE, INDUSTRIAL LIQUID WASTES, OR OTHER WASTE TO A POINT OF ULTIMATE DISPOSAL.]

**“Shall” is mandatory.**

[“SOIL ABSORPTION SYSTEM” MEANS SUBSURFACE SYSTEM, INCLUDING LATERAL PERFORATED DISCHARGE PIPES, GRAVEL TRENCHES, CRUSHED ROCK, THAT USES SOIL FOR THE PERCOLATION OF SEPTIC TANK EFFLUENT, TREATED SEWAGE, OR WASTEWATER, SUCH AS A FILTERING FIELD, LEACHING FIELD, SEEPAGE BED, OR SEEPAGE PIT, BUT NOT INCLUDING CESSPOOLS.

“STANDARD” MEANS THE MEASURE OF PURITY OF QUALITY FOR WATERS OR AIR IN RELATION TO THEIR REASONABLE AND NECESSARY USE AS ESTABLISHED BY THE ALASKA STATUTES 46.05.010 WATER, AIR AND ENVIRONMENTAL CONSERVATION 46.05.115.]

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]



**“State” means the State of Alaska.**

“Street” means a [AND INCLUDES ALL STREETS, ROADS, ALLEYS AND] right[S]-of-way [WITHIN THE BOUNDARIES OF THE CITY] that is [ARE] **reserved or** dedicated **for**[TO] public use for vehicular and pedestrian travel.

[“SUBDIVISION” MEANS THE DIVISION OF A TRACT OR PARCEL OF LAND INTO TWO OR MORE LOTS, SITES, OR OTHER DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF SALE OR BUILDING DEVELOPMENT, INCLUDES RESUBDIVISION, AND, WHEN APPROPRIATE TO THE CONTEXT, RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR AREA SUBDIVIDED.

“TREATMENT WORKS” MEANS A PLANT, DEVICE, STRUCTURE, DISPOSAL OUTFALL, LAGOON, PUMPING STATION, INCINERATOR, AREA DEVOTED TO SANITARY LANDFILLS, OR OTHER WORKS INSTALLED FOR THE PURPOSE OF TREATING, NEUTRALIZING, STABILIZING OR DISPOSING OF SEWAGE, INDUSTRIAL LIQUID WASTE, OR OTHER WASTE, AND SLEDGES RESULTING THEREFROM.

“VOTER” MEANS A UNITED STATES CITIZEN WHO IS REGISTERED TO VOTE IN STATE ELECTIONS AND HAS BEEN A RESIDENT OF THE CITY [MUNICIPALITY] FOR THIRTY (30) DAYS IMMEDIATELY PRECEDING THE ELECTION AND WHO IS NOT DISQUALIFIED UNDER ARTICLE V OF THE STATE CONSTITUTION.

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

“WASTEWATER” MEANS SEWAGE, WATERBORNE INDUSTRIAL WASTE, LAUNDRY LIQUID EFFLUENT, SHOWER OR SINK WATER, OR OTHER WASTES WHICH ARE WATERBORNE.

“WATERS” INCLUDE LAKES, BAYS, SOUNDS, PONDS, IMPOUNDING RESERVOIRS, SPRINGS, CREEKS, ESTUARIES, MARSHES, INLETS, STRAITS, PASSAGES, CANALS, THE PACIFIC OCEAN, GULF OF ALASKA, BERING SEA, AND ARCTIC OCEAN, IN THE TERRITORIAL LIMITS OF THE STATE, AND ALL OTHER BODIES OF SURFACE OR UNDERGROUND WATER, NATURAL OR ARTIFICIAL, PUBLIC OR PRIVATE, INLAND OR COASTAL, FRESH OR SALT, WHICH ARE WHOLLY OR PARTIALLY IN OR BORDERING THE STATE OR UNDER THE JURISDICTION OF THE STATE.]

\* **Section 3. Amendment of section.** WMC 3.45.010, Definitions, is amended by amending the introductory paragraph and deleting the definitions of “city,” “city council,” “department head,” “fiscal year” and “mayor” as follows:

**When [AS] used in this title, the following words and phrases shall have the meanings set forth in this section:**

["CITY" MEANS THE CITY OF WASILLA.

"CITY COUNCIL" OR "COUNCIL" MEANS THE CITY COUNCIL OF THE CITY OF WASILLA.

"DEPARTMENT HEAD" MEANS THE CHIEF ADMINISTRATIVE OFFICER OF A CITY DEPARTMENT."

"FISCAL YEAR" MEANS THE PERIOD OF TIME FROM JULY 1ST THROUGH JUNE 30TH.

**Bold and underline added. [CAPS AND BRACKETS, DELETED.]**

"MAYOR" MEANS THE ELECTED MAYOR FOR THE CITY OR HIS OR HER DESIGNEE.]

\* **Section 4. Amendment of section.** WMC 4.04.010, Definitions, is amended by amending the introductory paragraph and by deleting the definitions of "borough," "business days," "calendar days," "city" and "election" as follows:

**When used in [IN] this title, the following words and phrases shall have the meanings set forth in this section**[UNLESS THE CONTEXT OTHERWISE REQUIRES]:

["BOROUGH" MEANS MATANUSKA-SUSITNA BOROUGH.

"BUSINESS DAYS" MEANS THE DAYS THE CITY'S ADMINISTRATIVE OFFICES ARE OPEN TO PROVIDE GENERAL SERVICES TO THE PUBLIC.

"CALENDAR DAYS" MEANS CONSECUTIVE DAYS SUCCEEDING ONE ANOTHER IN REGULAR ORDER.

"CITY" MEANS CITY OF WASILLA.

"ELECTION" INCLUDES ANY REGULAR, SPECIAL, OR RUN-OFF CITY ELECTION.]

\* **Section 5. Amendment of section.** WMC 5.08.010, Definitions, is amended by amending the introductory paragraph and deleting the definition of "department" and "department head" as follows:

**When used in [IN] this chapter, the following words and phrases** [TERMS] shall have the meanings **set forth** [SPECIFIED] in this section[, UNLESS THE CONTEXT REQUIRES OTHERWISE]:

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

["DEPARTMENT" MEANS A DEPARTMENT, OFFICE OR AGENCY OF THE CITY.

"DEPARTMENT HEAD" MEANS THE CHIEF ADMINISTRATIVE OFFICER OF A DEPARTMENT.]

\* **Section 6. Amendment of section.** WMC 5.12.010, Definitions, is amended by amending the introductory paragraph as follows:

[A. FOR THE PURPOSES OF] When used in this chapter, the following words and phrases shall have the meanings set forth in this section[UNLESS THE CONTEXT OTHERWISE REQUIRES]:

\* **Section 7. Amendment of section.** WMC 5.16.020, Definitions, is amended by amending the introductory paragraph and deleting the definition of "business day" as follows:

When used in this chapter, the following words and phrases[, WHEN USED IN THIS CHAPTER,] shall have the meanings set forth in this section:

["BUSINESS DAY" MEANS ANY DAY WHICH IS NOT A SATURDAY, SUNDAY OR OTHER DAY ON WHICH CITY OFFICES ARE AUTHORIZED OR REQUIRED BY LAW TO BE CLOSED.]

\* **Section 8. Amendment of section.** WMC 6.16.010, Definitions, is amended by amending the introductory paragraph as follows:

When used in this chapter, ~~t~~[T]he following words and phrases [WHEN USED IN THIS CHAPTER,] shall have the meanings set forth in this section:

\* **Section 9. Amendment of section.** WMC 7.04.010, Definitions, is amended by amending the introductory paragraph and the definition of “days” and by deleting the definitions of “borough,” “city” and “mayor” as follows:

**When used in** [FOR THE PURPOSES OF] this title, the following **words and phrases shall have the meanings set forth in this section:** [DEFINITIONS OF TERMS USED SHALL APPLY IN ALL CASES, UNLESS OTHERWISE STATED.]

["BOROUGH" MEANS THE MATANUSKA-SUSITNA BOROUGH.]

"Day[S]" **means a calendar day, provided that** [ARE DEFINED AS] the time in which an act required by this **title** [CODE] is to be done is computed by excluding the first day and including the last, unless the last day **is not a business day** [FALLS ON A WEEKEND OR ON A HOLIDAY, RECOGNIZED BY THE CITY], and then it is also excluded. [UNLESS OTHERWISE SPECIFIED, "DAYS" MEANS CITY "BUSINESS DAYS."]

["CITY" MEANS THE CITY OF WASILLA AND IN THE CONTEXT OF A PARTICULAR SECTION, MAY MEAN THE DESIGNATED CONTRACT AGENT OF THE CITY PROVIDING ANIMAL CONTROL SERVICES TO THE CITY.

"MAYOR" MEANS THE MAYOR OF THE CITY OF WASILLA.]

\* **Section 10. Amendment of section.** WMC 7.04.020, Jurisdiction, is amended to read as follows:

7.04.020 Jurisdiction.

A. The city has jurisdiction over domestic and domesticated animals including canid hybrids. The city does not have jurisdiction over the following animals:

1. Wild animals;

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

2. Game animals, the taking or possession of which is regulated by the state or federal government.

B. This title contemplates that a contract is in place or will be in place with a private or public agency to provide animal control services within the city [OF WASILLA]. **Where a provision of this title authorizes or requires an action by the city, the authorization or requirement also applies to the private or public agency with which the city currently contracts for animal control services.**

\* **Section 11. Amendment of section.** WMC 9.04.010, Definitions, is amended by amending the introductory paragraph as follows:

**When used in this chapter,** the following **words and phrases** [DEFINITIONS ARE APPLICABLE TO THIS CHAPTER] **shall have the meanings set forth in this section:**

\* **Section 12. Amendment of section.** WMC 10.12.010, Definitions, is amended by amending the introductory paragraph as follows:

**When used in** [FOR THE PURPOSE OF] this chapter, the following **words and phrases shall have the meanings set forth in this section**[ TERMS ARE DEFINED AS FOLLOWS]:

\* **Section 13. Amendment of section.** WMC 12.16.010, Definitions, is amended by amending the introductory paragraph as follows:

**When** [AS] used in this chapter, **the following words and phrases shall have the meanings set forth in this section:**

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

\* **Section 14. Amendment of section.** WMC 12.20.010, Definitions, is amended by amending the introductory paragraph as follows:

**When [AS] used in this chapter, the following words and phrases shall have the meanings set forth in this section:**

\* **Section 15. Amendment of section.** WMC 12.24.015, Definitions, is amended by amending the introductory paragraph as follows:

**When used in this chapter, t[T]he following words and phrases[, WHEN USED IN THIS CHAPTER,] shall have the meanings set forth in this section:**

\* **Section 16. Amendment of section.** WMC 13.04.010, Definitions, is amended by amending the introductory paragraph and by deleting the definition of “business day” as follows:

**When [AS] used in this chapter, the following words and or phrases shall have the meanings set forth in this section:**

[“BUSINESS DAY” MEANS A DAY ON WHICH THE CITY’S ADMINISTRATIVE OFFICES ARE OPEN TO PROVIDE GENERAL SERVICES TO THE PUBLIC.]

\* **Section 17. Amendment of section.** WMC 13.08.010, Definitions, is amended by amending the introductory paragraph and definitions of “industrial waste” and “sewage” and by deleting the definition of “business day” to read as follows:

**When [AS] used in this chapter, the following words and phrases shall have the meanings set forth in this section:**

[“BUSINESS DAY” MEANS A DAY ON WHICH THE CITY’S ADMINISTRATIVE OFFICES ARE OPEN TO PROVIDE GENERAL SERVICES TO THE PUBLIC.]

**Bold and underline added. [CAPS AND BRACKETS, DELETED.]**

“Industrial waste[S]” means a liquid, gaseous, solid or other waste substance or a combination thereof resulting from process of industry, manufacturing trade or business, or from the development of natural resources; however, gravel, sand, mud or earth taken from its original site and put through sluice boxes, dredges or other devices for the washing and recovering of the precious metal and re-deposited in the same watershed from which it came is not industrial waste[THE WASTEWATER FROM INDUSTRIAL PROCESSES, TRADE OR BUSINESSES AS DISTINCT FROM DOMESTIC OR SANITARY WASTES].

“Sewage” means water carried with human or animal wastes from residences, buildings, industrial establishments, or other places together with ground water infiltration and surface water as may be present; the mixture of sewage with industrial liquid waste or other waste is sewage[THE SPENT WATER OF A COMMUNITY. THE PREFERRED TERM IS WASTEWATER].

\* **Section 18. Amendment of section.** WMC 13.12.010, Definitions, is amended by amending the introductory paragraph and definition of “holding tank waste” and by adding the definition of “holding tank” and by deleting definitions of “city,” “person” “shall,” and “state” as follows:

[UNLESS THE CONTEXT SPECIFICALLY INDICATES OTHERWISE] **When used in this chapter**, the following **words** [TERMS ] and phrases [, AS USED IN THIS CHAPTER,] shall have the meanings **set forth in this section**[HEREINAFTER DESIGNATED]:

[“CITY” MEANS THE CITY OF WASILLA OR THE CITY COUNCIL OF WASILLA.]

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]



**“Holding tank” means a vessel for the temporary storage of sewage or excrement, such as found in boats, mobile homes chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.**

“Holding tank waste” means [ANY] waste from a holding tank[S SUCH AS VESSELS, CHEMICAL TOILETS, CAMPERs, TRAILERS, SEPTIC TANKS, AND VACUUM PUMP TANK TRUCKS].

[“PERSON” MEANS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM, COMPANY, CORPORATION, ASSOCIATION, JOINT STOCK COMPANY, TRUST, ESTATE, GOVERNMENTAL ENTITY OR ANY OTHER LEGAL ENTITY, OR THEIR LEGAL REPRESENTATIVES, AGENTS OR ASSIGNS. THE MASCULINE GENDER SHALL INCLUDE THE FEMININE, THE SINGULAR SHALL INCLUDE THE PLURAL WHERE INDICATED BY THE CONTEXT.

“SHALL” IS MANDATORY. “MAY” IS PERMISSIVE.

“STATE” MEANS STATE OF ALASKA.]

\* **Section 19. Amendment of section.** WMC 13.16.010, Definitions, is amended by amending the introductory paragraph and by deleting the definition of “person” as follows:

**When [AS] used in this chapter, the following words and phrases shall have the meanings set forth in this section:**

[“PERSON” MEANS A CORPORATION, COMPANY, PARTNERSHIP, FIRM, ASSOCIATION, ORGANIZATION, BUSINESS, TRUST, SOCIETY, MUNICIPAL CORPORATION OR DEPARTMENT OR DIVISION THEREOF OR NATURAL PERSON.]

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

\* **Section 20. Amendment of section.** WMC 13.20.010, Definitions, is amended by amending the introductory paragraph as follows:

[THE FOLLOWING WORDS OR PHRASES, WHEN] **When** used in this chapter, **the following words and phrases** shall have the meanings set forth in this section:

\* **Section 21. Amendment of section.** WMC 13.24.010, Definitions, is amended by amending the introductory paragraph and by deleting the definition of “city clerk,” “department,” and “director” as follows:

**When [AS] used in this chapter, the following words and phrases shall have the meanings set forth in this section:**

["CITY CLERK" MEANS THE WASILLA MUNICIPAL CLERK WHO IS RESPONSIBLE FOR ALL PERMITS AND KEEPS RECORDS FOR THE CEMETERY.

"DEPARTMENT" MEANS THE WASILLA PUBLIC WORKS DEPARTMENT OR ITS DIRECTOR.

"DIRECTOR" MEANS THE DIRECTOR OF THE WASILLA PUBLIC WORKS DEPARTMENT.]

\* **Section 22. Amendment of section.** WMC 16.04.070, Definitions, is amended by amending the introductory paragraph and by adding a definition of “pollution,” amending the definition of “conditional use” and deleting definitions of “borough,” “city,” “council,” “mayor” and “public works department” to read as follows:

[THE FOLLOWING WORDS AND PHRASES, WHEN] **When** used in this title, **the following words and phrases** shall have the meanings set forth in this section:

["BOROUGH (MSB)" MEANS THE MATANUSKA-SUSITNA BOROUGH.

"CITY" MEANS THE CITY OF WASILLA, ALASKA.]

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

“Conditional use” means [IS ]a use designated as such in the district use chart in Section 16.20.020, which is reviewed and decided upon by the commission under Section 16.16.040. A conditional use requires a public hearing.

[“COUNCIL” MEANS THE CITY COUNCIL OF THE CITY OF WASILLA.

“MAYOR” MEANS THE MAYOR OF THE CITY OF WASILLA, ALASKA.]

“Pollution” means the contamination or altering of air, water or land or in a manner that creates a nuisance, or makes the air, water or land unclean, noxious or impure so that it is harmful or injurious to public health, safety or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, birds, or fish or other aquatic life.

[“PUBLIC WORKS DEPARTMENT” MEANS THE PUBLIC WORKS DEPARTMENT OF THE CITY OF WASILLA.]

\* **Section 23. Amendment of section.** WMC 16.36.010, Definitions, is amended by amending the introductory paragraph and by deleting the definition of “business day” as follows:

[THE FOLLOWING WORDS AND PHRASES, WHEN When used in this chapter, the following words and phrases shall have the meanings set forth in this section:

[“BUSINESS DAY” MEANS ANY DAY WHICH IS NOT A SATURDAY, SUNDAY OR OTHER DAY ON WHICH CITY OFFICES ARE AUTHORIZED OR REQUIRED BY LAW TO BE CLOSED.]

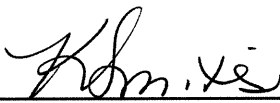
\* **Section 24. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

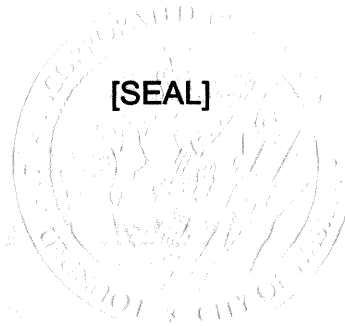
**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

ADOPTED by the Wasilla City Council on June 28, 2008.

  
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DIANNE M. KELLER, Mayor

ATTEST:

  
\_\_\_\_\_  
KRISTIE SMITHERS, MMC  
City Clerk



**Bold and underline added. [CAPS AND BRACKETS, DELETED.]**



**CITY OF WASILLA  
LEGISLATION STAFF REPORT**

**RE: Ordinance Serial No. 08-29: REVISING DEFINITIONS WITH THE WASILLA MUNICIPAL CODE.**

Agenda of: ~~June 23, 2008~~ July 14, 2008  
 Originator: Kristie Smithers, City Clerk

Date: June 5, 2008

Route to:	Department	Signature/Date
X	Police, Youth Court, Dispatch, Code Compliance	<i>[Signature]</i> 6/11/08
X	Cultural and Recreation Services, Library, Museum, Sports Complex	<i>[Signature]</i> 6/11/08
X	Public Works, Recreation Facility Maintenance	<i>[Signature]</i> 6/11/08
X	Finance, MIS, Purchasing <b>CFO</b>	<i>[Signature]</i> 6/11/08
X	Deputy Administrator, Planning, Economic Development, Human Resources	<i>[Signature]</i> 6/11/08
X	City Clerk	<i>[Signature]</i>

**REVIEWED BY MAYOR DIANNE M. KELLER:** *Dianne M. Keller*

**FISCAL IMPACT:**  yes\$ or  no      Funds Available  yes  no  
 Account name/number:  
 Attachments:

**SUMMARY STATEMENT:**

Ordinance Serial No. 08-29 is presented to the Council to help clean-up several definitions throughout the Wasilla Municipal Code. The proposed ordinance deletes unused and obsolete definitions within Title 1 and includes many definitions that are referenced throughout other sections of the code which are now consolidated into Title 1.

Section 2 of the ordinance adds, deletes, and amends several definitions in Title 1. During our review, we found that many of the definitions that were originally referenced in Title 1 were not even used throughout the code, or other titles of the code already had the same definition referenced.

Sections 3, 4, 5, 7, 9, 16, 17, 18, 19, 21, 22 and 23 of the ordinance deletes several definitions already referenced in Title 1, a few definitions are added to the respective code section, and some also include amendment to the introductory paragraph of the definitions section.

Sections 6, 8, 11, 12, 13, 14, 15, and 20 only amend the introductory paragraphs of their corresponding section.

In Section 10, WMC 7.04.020, the code section referring to "jurisdiction," is also clarified to include the city's animal control contractor.