

Proposed by:	Administration	
First Reading:	10/01/2009	
Second Reading:	10/15/2009	
Vote:	4 Aye	0 Nay      2 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA**  
**ORDINANCE NO. 09-19**

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA REPEALING SECTION 8.02.090, POSTING NOTICES AND DISTRIBUTING HANDBILLS ON MUNICIPAL PROPERTY.**

**WHEREAS,** A number of persons expressed concerns that requiring a person to deposit a bond before distributing handbills was unconstitutional; and

**WHEREAS,** Section 8.02.090 of the Skagway Municipal Code has not been reviewed by the Municipal Attorney since 1984; and

**WHEREAS,** The Municipal Attorney raised several concerns with the code section as currently written;

**BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:**

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

**Section 2. Purpose.** To repeal Section 8.02.090, posting notices and distributing handbills on municipal property. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from, and (**bold and underlined**) indicates text added to the current code as follows:

**Section 3. Repeal.** Section 8.02.090, posting notices and distributing handbills on municipal property is hereby repealed.

- ~~8.02.090 — Posting notices and distributing handbills on municipal property.~~
- ~~A. — Any person desiring to post notices or distribute handbills on any city property (for purposes of commercial advertising, political campaigning or any other purpose) may do so upon registering with the city clerk and depositing a cash bond of one hundred dollars (\$100.00) as a guarantee that such notices or handbills will be removed, collected and suitably disposed of when their purpose has been served, so as to prevent littering of any public or private property after the purpose of the notices or handbills has been served.~~
  - ~~B. — If the city incurs any expense by having to collect and properly dispose of such notices or handbills after their purpose has been served by reason of the failure of the persons distributing them to make proper collection and disposal, the city's expenses therefor shall be deducted from such cash bonds, and any balance remaining after expenses shall be refunded.~~
  - ~~C. — The provisions of this section shall not apply to the posting of official notices by any federal, state or local government agency, or by a court or officer of a court.~~

**Section 4. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

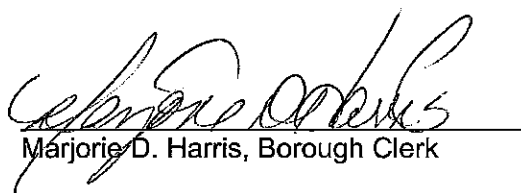
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**Section 5. Effective Date.** This ordinance shall become effective immediately upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 15<sup>th</sup> day of October, 2009.

  
Thomas D. Cochran, Mayor

ATTEST:

  
Marjorie D. Harris, Borough Clerk  
(SEAL)

