

TITLE 1
GENERAL PROVISIONS

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- 1.05 General Provisions
- 1.10 Code Adoption; Amendments
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Chapter 1.05 -- General Provisions

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- 1.05.020 City seal.
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1.05.010 Name of municipality--Form of government.

- A. The City of King Cove shall continue as a municipal corporation under the name "The City of King Cove, Alaska."
- B. The government of the city shall be that commonly known and designated as the mayor-council form.
- C. The government of the city is a general law first class city under the laws of the State. (Ord. 77-01 (part), 1977)

1.05.015 City limits. The boundaries of the City of King Cove are as follows:

The area bounded by the King's Cove shore line and Lat. 55 degrees, 03 minutes, 06 seconds north to the south; by the King Cove Lagoon shore line and Lat. 55 degrees, 04 minutes, 06 seconds north to the north; by Long. 162 degrees, 19 minutes, 48 seconds west to the west; and by Long. 162 degrees, 18 minutes, 06 seconds west to the east, and commonly known as the King Cove Village Site. (Ord. 77-01 (part), 1977)

1.05.020 City seal. The description of the seal of the city shall be a circle upon which shall be printed the words, THE CITY OF KING COVE, ALASKA and across the face the inscription INCORPORATED ON SEPTEMBER 9, 1949. The above described seal is hereby adopted and declared the acts of this corporation. The seal of the city shall be kept by the city clerk and by him affixed to all acts requiring to be so authenticated. (Ord. 77-01 (part), 1977)

1.05.025 Definitions. Except as otherwise specifically defined in this ordinance or indicated by the context of an ordinance, words used in ordinances of the city shall have their ordinary dictionary meanings.

By Law: Denotes applicable federal law, The Constitution, statutes and regulations of the state of Alaska, and applicable common law.

City: Means the City of King Cove, Alaska.

Code: The Code of Ordinances, City of King Cove, Alaska.

Conditional Use: Means exception, special exception, special use, or special permit stated in the zoning ordinance.

Majority: Means a simple majority.

Municipality: Means a general law municipal corporation and political subdivision, which is a first or second class borough or city, or a third class borough, incorporated under the laws of the state.

Property: Means real and personal property.

Person: A corporation, company, partnership, firm, association, organization, business trust or society, as well as a natural person.

Personal Property: Means tangible property other than real property, such as goods and stock in trade, machinery and equipment, furniture and fixtures, motor vehicles and vehicles, boats, vessels and aircraft.

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 any matter of public notice in the way provided for by law, one location shall be at the U. S. Post Office.

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.

Registered Mail: Means registered mail or certified mail. Where there is a requirement that a notice be mailed by registered mail the requirement may be met by use of certified mail.

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.

State: The State of Alaska.

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. (Ord. 77-01 (part), 1977)

1.05.030 Interpretation. A. **Tense.** Words in the present tense include the past and future tense, and words in the future tense include the present tense.

B. **Number.** Words in the singular number include the plural, and words in the plural number include the singular.

C. **Gender.** Words of the masculine gender include the feminine and the neuter, and when the sense so indicates, words of the neuter gender may refer to any gender. (Ord. 77-01 (part), 1977)

1.05.035 Documents--Execution by city. All legal documents requiring the assent of the city shall be:

1. approved by the city council;
2. signed by the mayor on behalf of the city, or in the mayor's absence, by the presiding officer of the council;
3. attested to thereon by the city clerk, or in the absence of the city clerk, by the deputy clerk. (Ord. 77-01 (part), 1977)

1.05.040 Documents--Filed with the state. The city shall file with the State Department of Community and Regional Affairs:

1. maps and descriptions of all annexed or excluded territory;
2. a copy of an audit or statement of annual income and expenditures;
3. tax assessment figures as requested. (Ord. 77-01 (part), 1977)

Chapter 1.10 -- Code Adoption; Amendments^{1/}**Sections:**

- 1.10.010 Purpose.
- 1.10.015 Severability of ordinances and parts of code.
- 1.10.020 Effect of repeal of ordinances.
- 1.10.025 Amendments to code; Effect of new ordinances
Drafting.
- 1.10.030 Time ordinances take effect.
- 1.10.035 Distribution.
- 1.10.040 Supplements.

1.10.010 Purpose. We, the elected officials of the City of King Cove, Alaska, mindful of the responsibilities for the welfare of our community which we hold as the council of a first class city incorporated under the laws of and the Constitution of the State of Alaska, and to provide local government of service to our people to meet their needs, do establish this ordinance of organization and procedure for the City of King Cove. (Ord. 77-01 (part), 1977)

1.10.015 Severability of ordinances and parts of code. Any ordinance enacted before or after the adoption of this code which lacks a severability clause shall be construed as though it contained the clause in the following language: "If any provision of this ordinance, or the 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." (Ord. 77-01 (part), 1977)

1.10.020 Effect of repeal of ordinances. Ordinances repealed remain in force for the trial and punishment of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and, so far as they apply, to any office, trust, proceeding, right, contract or event, already affected by them. (Ord. 77-01 (part), 1977)

1.10.025 Amendments to code; Effect of new ordinances; Drafting.
A. All ordinances passed after the adoption of this code which amend, repeal or in any way affect this code shall be numbered according to the numbering system of this code.

^{1/} See also Chapter 2.15, Article 2, Ordinances and Resolutions.

Repealed chapters, sections and subsections or any part thereof shall be excluded from the code.

B. Amendments to this code shall be made by specific reference to the section number of this code in substantially the following language: "Chapter _____ Section _____ of the Code of Ordinances of the City of King Cove, Alaska, is hereby amended to read as follows."

C. If a new chapter or section is to be added to this code substantially the following language shall be used: "The Code of Ordinances of the City of King Cove, Alaska, is hereby amended by addition of the following chapter (or section)." The provisions to be repealed, must be specifically repealed by section or chapter number. (Ord. 77-01 (part), 1977)

1.10.030 Time ordinances take effect. An ordinance which has been approved by the city council shall be effective 24 hours after passage, unless otherwise stated in the ordinance. (Ord. 77-01 (part), 1977)

1.10.035 Distribution. This code with amendments shall be made available to the public for inspection on request. A copy of this code shall be furnished to the courts as needed or upon the request of the court. (Ord. 77-01 (part), 1977)

1.10.040 Supplements.^{1/} Supplements to this code shall be printed and included within this code within 60 days after the council passes the law. (Ord. 77-01 (part), 1977)

^{1/} See AS 29.25.050 as to State requirement that municipalities periodically codify ordinances.

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Chapter 1.15 -- Violations and Penalties

Sections:

- 1.15.010 Laws of Alaska; Violations; Ordinances not exclusive.**
- 1.15.015 General penalty.**
- 1.15.020 Surcharge.**
- 1.15.025 Civil remedies, penalties and injunctions.**

1.15.010 Laws of Alaska; Violations; Ordinances not exclusive.

No person shall violate any law of the State of Alaska, nor any rule or regulation adopted by any duly authorized agency of the State of Alaska. Violations of the foregoing shall be violations of the code of ordinances of the City of King Cove, Alaska, except where the state has exclusive jurisdiction over the offense. (Ord. 77-01 (part), 1977)

1.15.015 General penalty.^{1/} A. Every act prohibited by ordinance of this city is unlawful. Unless other penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00). Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

B. The penalty provided by this section shall, unless any other penalty is expressly provided, apply to the amendment of any section of this code, whether or not such penalty is re-enacted in the amendment ordinance. (Ord. 77-01 (part), 1977; Ord. 2000-02, § 1, 9-22-99)

1.15.020 Surcharge. In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of violating this code or any rule or regulation adopted or issued in pursuance thereof shall be assessed a surcharge in the amount, if any, prescribed by AS 12.55.039. The surcharge shall be collected as provided in AS 12.55.039 and AS 29.25.075. The failure to pay the surcharge is punishable as contempt of court as provided in AS 12.55.039. (Ord. 99-7, § 1, 1-5-99)

^{1/} See AS 29.35.010(7) for authority to prescribe penalties for violation of municipal ordinances. See AS 29.25.070 as to maximum penalties authorized for violation of a municipal ordinance.

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1.15.025 Civil remedies, penalties and injunctions. The city may institute a civil action against a person who violates any provision of this code or any ordinance of the city. In addition to any other remedy or penalty provided by this code or an ordinance of the city, any person who violates any provision of this code or any ordinance, or any rule, regulation, permit, variance, code of technical regulation, or order issued or adopted pursuant thereto shall be subject to a civil penalty of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) for each violation. In addition, an action to enjoin a violation or threatened violation may be brought notwithstanding the availability of any other or remedy or the imposition of a fine or penalty. On application for injunctive relief and a finding of a violation or threatened violation of any provision of this code or any ordinance of the city, or any rule, regulation, permit, variance, code of technical regulation, or order issued or adopted pursuant thereto, the superior court shall grant the injunction to restrain the violation. Each day that a violation continues constitutes a separate violation.
(Ord. 2000-02, § 2, 9-22-99)