

Title I

General Provisions

Chapters:

| | |
|--------------|---------------------------------|
| Chapter 1.01 | Code Adoption |
| Chapter 1.02 | Ordinances |
| Chapter 1.03 | Resolutions and Technical Codes |
| Chapter 1.04 | City Information |

Chapter 1.01

Code Adoption

Sections:

| | |
|----------|------------------------------------|
| 1.01.010 | Code Cite and Designation |
| 1.01.020 | Definitions |
| 1.01.030 | Effect of Repeal of Ordinance |
| 1.01.040 | Severability |
| 1.01.050 | General Penalty |
| 1.01.060 | Violations of Laws of Alaska |
| 1.01.070 | Changes |
| 1.01.080 | Distribution |
| 1.01.090 | Incorporated Changes into the Code |
| 1.01.100 | Time Ordinances Take Effect |
| 1.01.110 | Grammatical Interpretation |

Section 1.01.010 Code cite and designation

The ordinances in the following chapters and sections shall be called the code of ordinances of Coffman Cove, Alaska. (Ordinance 89-2)

Section 1.01.020 Definitions

The following definitions apply to the following words or terms used in this code unless the meaning requires otherwise:

1. "City" means the City of Coffman Cove.
2. "Clerk" means the City Clerk.
3. "Code" means the Code of Ordinances, City of Coffman Cove

4. "Council" means the City Council of Coffman Cove, Alaska.
5. "Person" includes a corporation, joint venture, joint stock company, company, partnership, firm, club, association, organization, business, trust, or society, as well as natural person.
6. "Publish" means appearing at least once in a newspaper of general circulation distributed within the City, or if there is none, posting in three public places in the City for at least five days.
7. "State" means the State of Alaska.
8. "Voter" means a United States citizen who is qualified to vote in the State elections, has been a resident of the City for thirty (30) days immediately preceding the election, is registered to vote in state elections, and has not been convicted of a felony involving moral turpitude unless that person's civil rights have been restored.

(Ordinance 89-2)

Section 1.01.030 Effect of repeal of ordinances

For any ordinance which has been repealed, a violation of that ordinance which occurred before its repeal is enforceable as if the ordinance had not been repealed, and any rights or remedies existing at the time of the ordinance's violation are preserved to anyone claiming them.

(Ordinance 89-2)

Section 1.01.040 Severability

Every ordinance or chapter of this code which does not contain a severability clause shall be read as though it contains the following severability clause, "If any part of this code is invalidated, the remainder which is not invalidated is valid."

(Ordinance 89-2)

Section 1.01.050 General penalty

- A. Every act prohibited by ordinance of this city is unlawful. Unless another penalty is expressly provided, every person convicted of a violation of any provision of this code, or any rule or regulation adopted or issued thereby, shall be punished by a fine of not more than \$500, or not more than 30 days imprisonment, or both. Each

act of violation and every day upon which such violation occurs constitutes another penalty offence.

- B. The penalty provided by this section shall apply to any amendments to this code, whether or not such penalty is re-enacted in the amended ordinance, unless another penalty is expressly provided.

(Ordinance 89-2)

Section 1.01.060 Violations of laws of Alaska

Violation of State law shall be violations of this code, except where the State has exclusive jurisdiction over the offence.

(Ordinance 89-2)

Section 1.01.070 Changes to code

- A. All ordinances passed after the adoption of this code shall be numbered according to the numbering system of this code.
- B. Repealed provisions of this code shall be excluded from the code. The provisions of this code to be repealed must be specifically repealed by section or chapter number.
- C. Amendments to this code shall be made by specific reference to the section number and chapter number as amended.
- D. If a new chapter or section is added to this code, specific reference to the new section number and new chapter number shall be made.

(Ordinance 89-2)

Section 1.01.080 Distribution

This code shall be made available to the public. The costs of reproducing all or parts of this code shall be charged to anyone requesting copies. A copy of this code shall be furnished to any court as needed upon its request.

(Ordinance 89-2)

Section 1.01.090 Incorporated changes into the code

Changes to this code shall be typed or printed and included within ninety (90) days after passage.

(Ordinance 89-2)

Section 1.01.100 Time ordinances take effect

Every ordinance takes effect upon its adoption by the council unless otherwise stated in the ordinance.

Section 1.01.110 Grammatical interpretation

The following grammatical rules apply to this code:

1. any gender includes the other gender;
2. the singular number includes the plural and the plural includes the singular;
3. the present tense includes the past and future tenses, and vice versa, unless clearly inappropriate.
4. words and phrases not specifically defined shall be construed according to the context and approved usage of the language.
5. common words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others that have acquired a peculiar and appropriate meaning in the law shall be construed and understood to such peculiar and appropriate meaning.

(Ordinance 89-2)

Chapter 1.02

Ordinances

Sections:

| | |
|----------|---|
| 1.02.010 | Acts of the council |
| 1.02.020 | Acts required to be by ordinance |
| 1.02.030 | Ordinance procedure |
| 1.02.040 | Ordinance form |
| 1.02.050 | Emergency ordinances |
| 1.02.060 | Ordinances confined to a single subject |
| 1.02.070 | Requirements for passage |

Section 1.02.010 Acts of the council

The council shall act only by ordinance, resolution or motion. Law of a general, uniform and permanent nature shall be written as an ordinance.

(Ordinance 89-3)

Section 1.02.020 Acts required to be by ordinance

A. In addition to other actions which state law requires to be by ordinance, the council shall use ordinances to:

1. establish, alter, or abolish city departments;
2. amend or repeal an existing ordinance
3. fix the compensation of the council members;
4. provide for the sale of city property;
5. provide for a fine or another penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
6. adopt the city budget;
7. make appropriations and supplemental appropriations or to transfer appropriations;
8. grant, renew, or extend a franchise;
9. regulate the rate charged by a public utility;
10. approve the transfer of power to a borough;
11. adopt, modify, or repeal the comprehensive plan, zoning, and subdivision ordinances, building and housing codes, and official map;
12. provide for the retention or sale of tax-foreclosure property;
13. exempt contractors from compliance with general requirements relating to payment and performance bonds

in the construction or repair of the city public works projects within limitations set out in AS 36.25.025.

- B. The budget ordinance is a non-code ordinance and need not be included in this code.

(Ordinance 89-3)

Section 1.02.030 Ordinance procedure

- A. A proposed ordinance is introduced in writing by the mayor or other council member, or by a committee of council members, at any lawful council meeting.
- B. After the ordinance is introduced, the council shall publish a summary of the proposed ordinance with a notice setting out the time and place for a public hearing on the proposed ordinance. The public hearing on the proposed ordinance shall follow the date the notice was published by at least five (5) days. The public hearing may be held at any lawful council meeting.
- C. At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. All persons shall have an opportunity to be heard at the public hearing. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The council shall type or print and make available copies of the adopted ordinance.
- D. If the proposed ordinance is amended after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly introduced proposed ordinance.

(Ordinance 89-3)

Section 1.02.040 Ordinance form

All ordinances enacted by the council shall be substantially the following form (illustrated by Form 1.02-A):

1. The heading "City of Coffman Cove, Alaska";
2. the ordinance number;
3. the title, which summarizes the ordinances provisions and includes penalty imposed;

4. the enacting clause, which shall read: "BE IT ENACTED BY THE COFFMAN COVE CITY COUNCIL AS FOLLOWS";
5. the provisions of the ordinance;
6. the dates of introduction (first reading), public hearing, and adoption;
7. space for signature of the mayor;
8. space for the clerk's signature to verify the signature of the mayor.

(Ordinance 89-3)

Section 1.02.050 Emergency ordinances

- A. The council may adopt emergency ordinances to meet a public emergency. Every emergency ordinance must contain a statement by the council why an emergency exists and a statement of the facts which describes the emergency. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The council must type or print and make available copies of the adopted emergency ordinance.
- B. An emergency ordinance may not be used to levy taxes; to grant, renew, or extend a franchise; or to regulate the rate charged by a public utility for its services.
- C. Emergency ordinances are effective for sixty (60) days.

(Ordinance 89-3)

Section 1.02.060 Ordinances confined to a single subject

Every ordinance shall be confined to one subject unless it is an appropriation ordinance or one codifying, revising or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be summarized in the title.

(Ordinance 89-3)

Section 1.02.070

Requirements for passage

- A. At least four affirmative votes are required for the passage of an ordinance.
- B. The final vote on an ordinance is recorded roll call vote.

CITY OF COFFMAN COVE, ALASKA
ORDINANCE NO. ____-____

(From 1.02-A) (SAMPLE)

AN ORDINANCE

BE IT ENACTED BY THE COFFMAN COVE CITY COUNCIL AS FOLLOWS:

SECTION 1.

SECTION 2.

SECTION 3.

DATE INTRODUCED: _____

DATE OF PUBLIC HEARING: _____

PASSED and APPROVED by the Coffman Cove City Council this _____ day of _____, 20____.

MAYOR

ATTEST:

CLERK

Chapter 1.03

Resolutions and Technical Codes

Sections:

| | |
|----------|----------------------------|
| 1.03.010 | Acting by resolution |
| 1.03.020 | Procedures for resolutions |
| 1.03.030 | Requirements for passage |
| 1.03.040 | Rules and regulations |
| 1.03.050 | Codes of regulations |

Section 1.03.010 Acting by resolution

- A. Opinions, principals, facts, or proposition may be presented in the form of a resolution.

- B. A resolution shall be in substantially the following form (illustrated by Form 1.03A):
 - 1. the heading “City of Coffman Cove, Alaska:”;
 - 2. the resolution number;
 - 3. a short title descriptive of the resolution’s subject and purpose;
 - 4. “WHEREAS” clauses describing the statements of fact that show why there is a need for council resolution;
 - 5. the resolving clause “BE IT RESOLVED:” stating the opinions of course of action the council feels should be taken;
 - 6. the date of passage;
 - 7. space for the signature of the mayor;
 - 8. space for the clerk’s signature verifying the signature of the mayor.

- C. Resolutions shall not be included in the code, but shall be kept separately by the clerk in a file available for public inspection.

(Ordinance 89-4)

Section 1.03.020 Procedures for resolutions

- A. Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.
- B. After adopting, every resolution shall be posted on the city bulletin board or in other places as the council may direct.
- C. Every resolution shall become effective upon adoption unless a later date is specified in the resolution,
- D. If the State law requires a resolution to be submitted to city voters, then the resolution may be adopted after the results of the election are certified.

(Ordinance 89-4)

Section 1.03.030 Requirements for passage

- A. At least four affirmative votes are required for the passage of a resolution.
- B. The final vote on each resolution is recorded through a role call vote.

(Ordinance 89-4)

Section 1.03.040 Rules and regulations

Any rule or regulation made by any administrative officer or board or commission shall be posted for ten (10) days in three (3) public places following its approval by motion by the council.

(Ordinance 89-4)

Section 1.03.050 Codes of regulations

The council may in a single ordinance adopt or amend by reference, provisions of a standard published code of regulations.

Chapter 1.04

City Information

Sections:

| | |
|----------|-------------------------------------|
| 1.04.010 | Name of city and form of government |
| 1.04.020 | City limits |
| 1.04.030 | City seal described |
| 1.04.040 | Seal adoption declared |
| 1.04.050 | Use of seal |

Section 1.04.010 Name of city and form of government

- A. The City of Coffman Cove shall continue as a municipal corporation and political subdivision of the State as a second class city.
- B. The government of the city shall be that commonly known and designated as the council-mayor form of government.

(Ordinance 89-5)

Section 1.04.020 City limits

The boundaries of the city as described below are the effective city limits as follows:

Beginning at the SW corner of protracted Section 28, T67S, R81E, Copper River Meridian (CRM); thence due north to a point 500' seaward of the line of mean high tide; thence meandering 500' offshore and parallels to the shore in a northerly, easterly, and southerly direction around Gull Rock and Coffman Island to the intersection with the extension of the southern boundary of protracted Section 9, T68S, R82E, CRM; thence west to the SW corner of protracted Section 3, T68S, R81E, CRM; thence west to the SW corner of the SE ¼ of protracted Section 4, T68S, R81E, CRM; thence west to the SW corner of protracted Section 33, T67S, R81E, CRM; thence north to the point of beginning, containing 12 squared miles, more or less, all within the First Judicial District, State of Alaska.

(Ordinance 89-5)

Section 1.04.030 City seal described

The description of the city seal shall be:

Around the top outer rim of the seal it shall say City of Coffman Cove and the bottom of the outer rim it shall say Alaska. The center of the Seal shall say Municipal Alaska Seal 1989.

(Ordinance 89-5)

Section 1.04.040 Seal adoption declared

The above-described seal is hereby adopted and declared the official seal of the city.

Section 1.04.050 Use of seal

The city seal shall be used as evidence of the official nature of city acts or documents. The city seal is to be kept and used by the clerk.

(Ordinance 89-5)

The date or edition of the standard published code of regulations shall be included in the adopting ordinance. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of fifteen (15) days before adoption of the regulations at least five (5) copies of the code of regulations must be made available for public inspection at a time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The council may sell the adopted code to the public.

(Ordinance 89-4)

**CITY OF COFFMAN COVE, ALASKA
RESOLUTION NO. ____ - ____**

(Form 1.03-A) (Sample)

A RESOLUTION

WHEREAS,

WHEREAS,

BE IT RESOLVED

BE IT FURTHER RESOLVED

PASSED and APPROVED by the Coffman Cove Council this _____ day of _____, 20_____.

Mayor

ATTEST:

City Clerk