

City of Gustavus, Alaska
Ordinance No. 2004-01

(Form 1.02-A)

**AN ORDINANCE OF THE CITY OF GUSTAVUS CREATING AND ADOPTING
TITLE 1: GENERAL PROVISIONS OF THE MUNICIPALITY'S
CODE OF ORDINANCE**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

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

Section 2. 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 its application to other persons or circumstances shall not be affected thereby.

Section 3. Enactment. Now, therefore, be it enacted by the Gustavus City Council that Title 1: General Provisions be created and adopted.

Section 4. Effective Date. This ordinance becomes effective upon adoption.

DATE INTRODUCED: MAY 13, 2004


DATE OF PUBLIC HEARING: MAY 19, 2004

PASSED AND ADOPTED by the Gustavus City Council this 19th day of May, 2004.



Mayor

ATTEST:



Clerk

City of Gustavus Ordinance

Published May 13, 2004
Public Hearing May 19, 2004
Adopted w/Amendment May 19, 2004

City of Gustavus, Alaska Municipal Code

Title 1

General Provisions

Chapters:

- 1.01 Code Adoption**
- 1.02 Ordinances**
- 1.03 Resolutions and Technical Codes**
- 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 Ordinances**
- 1.01.040 Severability of Ordinances and Parts of Code**
- 1.01.050 General Penalty**
- 1.01.060 Violations of Laws of Alaska**
- 1.01.070 Enforcement**
- 1.01.080 Changes to Code**
- 1.01.090 Distribution**
- 1.01.100 Incorporated Changes into the Code**
- 1.01.110 Time Ordinances Take Effect**
- 1.01.120 Grammatical Interpretation**
- 1.01.130 Corrections**

Section 1.01.010 Code Cite and Designation

The ordinances in the following chapters and sections shall be called the “Code of Ordinances, City of Gustavus, Alaska”.

Section 1.01.020 Definitions

The following definitions apply to this Code and all city ordinances unless the plain meaning requires otherwise:

- City:** The City of Gustavus, Alaska, or the area within the territorial limits of the City of Gustavus, Alaska.
- Clerk:** The City Clerk/Treasurer.
- Code:** The Code of Ordinances, City of Gustavus, Alaska; Gustavus City Code.
- Council:** The City Council of Gustavus, Alaska.
- Person(s):** A corporation, joint venture, joint stock company, company, partnership, firm, club, association, organization, business, trust, or society, as well as a natural person.
- Publish:** To post a notice within the City in three (3) locations open to the public, one (1) of which shall be the city office(s), for a period of not less than

five (5) days.
State: The State of Alaska.
Voter: A United States citizen who is qualified to vote in state elections, has been a resident of the City of Gustavus 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.
Law: Applicable federal law, the Constitution and statutes of the State of Alaska, the ordinances of the City, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

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.

Section 1.01.040 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 constructed 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."

Section 1.01.050 General Penalty

A. Every act prohibited by ordinance of this City is unlawful. Unless another 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). Unless otherwise specifically provided, upon the second conviction such person shall be punished by a fine of not more than five hundred dollars (\$500.00), or not more than thirty (30) days imprisonment, or both. Each act of violation and everyday upon which such violation shall occur shall constitute a separate offense.

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 amendment ordinance, unless another penalty is expressly provided.

Section 1.01.060 Violations of Laws of Alaska

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 this Code, except where the State has exclusive jurisdiction over the offense.

Section 1.01.070 Enforcement

The city council, or duly appointed regulatory body, or a Public Safety Officer, or any duly authorized Peace Officer shall enforce all city ordinances and laws of the State of Alaska, unless the state has exclusive jurisdiction.

Section 1.01.080 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 to be added to this Code, specific reference to the new section number and new chapter number shall be made.

Section 1.01.090 Distribution

This Code shall be made available to the public. The cost 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 and law enforcement personnel as needed upon their request.

Section 1.01.100 Incorporated Changes into the Code

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

Section 1.01.110 Time Ordinances Take Effect

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

Section 1.01.120 Grammatical Interpretation

The following grammatical rules apply to this Code:

- A. Any gender includes the other gender;

- B. The singular number includes the plural and the plural includes the singular;
- C. The present tense includes the past and future tenses, and vice versa, unless clearly inappropriate;
- D. All words and phrases shall be construed and understood according to the context and the commonly approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;
- E. “May” is permissive; and
- F. “Must” and “shall” are mandatory.

Section 1.01.130 Corrections

If errors are found in this Code that can be corrected without changing the meaning of any section of this Code, the city council may authorize the correction of these errors by substitution of corrected pages for the incorrect pages without amendment or following ordinance procedure. The following corrections are so authorized:

- A. Manifest errors that are clerical, or typographical in nature, or errors in spelling, or errors by way of addition or omission;
- B. Changes in capitalization for the purpose of uniformity;
- C. Changes in punctuation for the purpose of uniformity;
- D. Correction of manifest errors in reference to laws;
- E. Correction of mistakes in grammar; and
- F. Correction of citations or references to laws, statutes, and ordinances whose designations have changed because of renumbering or revision of the Alaska Statutes, federal law, or this Code.

Chapter 1.02

Ordinances

Sections:

1.02.010	Acts of the City Council
1.02.020	Acts Required to be by Ordinance
1.02.030	Ordinance Procedure
1.02.040	Ordinance Form and Content
1.02.050	Emergency Ordinances
1.02.060	Ordinances Confined to a Single Subject
1.02.070	Requirements for Passage
1.02.080	Ordinance File

Section 1.02.010 Acts of the City Council

The city council shall act only by ordinance, resolution, or motion. Law of a general, uniform, and permanent nature shall be written as an ordinance. When the city council expresses opinions, principles, facts, or propositions, it shall be in the form of a resolution.

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 city council shall use ordinances to:

1. Establish, alter, or abolish city departments;
2. Amend or repeal an existing ordinance;
3. Fix the compensation of city council members;
4. Provide for the sale of city property;
5. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
6. Provide for the levying of taxes;
7. Adopt the city budget;
8. Make appropriations, including supplemental appropriations, or transfer appropriations;
9. Grant, renew, or extend a franchise;
10. Adopt, modify, or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;
11. Approve the transfer of a power to a first or second class borough;
12. Designate a borough seat;
13. Provide for the retention or sale of tax-foreclosed property;
14. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of city public works projects within limitations as set out in AS 36.25.0; and
15. Provide for acquisition and disposal of land or an interest in land.

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

Section 1.02.030 Ordinance Procedure

A. An ordinance may be presented for consideration only by a member or committee of the city council or by the mayor at any regular or special meeting of the city council.

B. Upon presentation of an ordinance, copies shall be furnished to each city council member and to the mayor. Upon presentation, an ordinance shall be rejected, deferred, referred to committee, or accepted as being introduced.

C. Promptly after introduction, the city council shall publish the ordinance and a notice setting out the time and place for a public hearing on the ordinance. The public hearing of an ordinance shall follow publication by at least five (5) days; it may be held at a regular or special city council meeting and may be postponed from time to time.

D. At the public hearing, copies of the ordinance shall be distributed to all persons present who request them, or the ordinance shall be read in full. At the public hearing, all interested persons shall have an opportunity to be heard; the city council may develop rules regulating the public hearings that do not unduly restrict the opportunity to be heard.

E. After the public hearing, the city council shall consider the ordinance and may adopt it with or without amendment.

F. If a proposed ordinance is amended by the city council after the public hearing and the amendment(s) are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly-introduced proposed ordinance and shall follow all the steps required for adoption of an ordinance.

G. The city council shall type or print and make available copies of adopted ordinances for distribution to three (3) locations that are open to the public; other copies shall be available at cost of copying as determined by the city council by resolution.

H. Ordinances take effect upon adoption or at a later date specified in the ordinance.

I. As used in this section, the term "publish" means that the proposed ordinance and notice of hearing shall be posted within the City in three (3) locations open to the public, one (1) of which shall be the city office(s), for a period of not less than five (5) days.

Section 1.02.040 Ordinance Form and Content

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

- A. The heading “City of Gustavus, Alaska”;
- B. The ordinance number;
- C. The title, which summarizes the ordinance’s provisions and includes any penalty imposed;
- D. The enacting clause, which shall read: “BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS.”;
- E. The provisions of the ordinance;
- F. The dates of introduction (first reading), public hearing, and adoption;
- G. Space for the mayor’s signature; and
- H. Space for the clerk’s signature to verify the mayor’s signature.

Section 1.02.050 Emergency Ordinances

A. The city council may adopt emergency ordinances to meet a public emergency. Every emergency ordinance must contain a statement by the city council why an emergency exists and a statement of the facts which describe 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 (3/4) of the total city council membership, whichever is less, is required for adoption. The city council must type or print and make available copies of adopted emergency ordinances.

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.

Section 1.02.060 Ordinances Confined to a Single Subject

Every ordinance shall be confined to one (1) 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.

Section 1.02.070 Requirements for Passage

A. At least four (4) affirmative votes are required for the passage of an ordinance.

B. The final vote on an ordinance is a recorded roll call vote.

Section 1.02.080 Ordinance File

The city clerk shall keep separate permanent files for ordinances that are available for public inspection. These files shall contain all introduced, passed, failed, and repealed ordinances.

CITY OF GUSTAVUS, ALASKA
ORDINANCE NO. _____ - _____

(Form 1.02.-A) (Sample)

AN ORDINANCE _____

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1. _____

Section 2. _____

Section 3. _____

DATE INTRODUCED: _____

DATE OF PUBLIC HEARING: _____

PASSED and APPROVED by the Gustavus 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 Resolution
1.03.030	Requirements for Passage
1.03.040	Rules and Regulations
1.03.050	Codes of Regulations
1.03.060	Initiative and Referendum

Section 1.03.010 Acting by Resolution

- A. Opinions, principles, facts, or propositions may be presented in the form of a resolution.
- B. A resolution shall be in substantially the following form (illustrated by Form 1.03-A):
1. The heading “City of Gustavus, 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 “AND NOW THEREFORE BE IT RESOLVED” stating the opinions or course of action the council feels should be taken;
 6. The date of passage;
 7. Space for the mayor’s signature, and every other Council Member who voted;and
 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 city clerk in a file available for public inspection.
(Section 1.03.010 amended via ordinance August 11, 2005; Ordinance No. 2005-03)

Section 1.03.020 Procedures for Resolution

- A. Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.
- B. After adoption, every resolution shall be posted at the city office(s) or in other places as the city council may direct.
- C. Every resolution shall become effective upon adoption unless a later date is specified in the resolution.

D. If 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.

Section 1.03.030 Requirements for Passage

A. At least four (4) affirmative votes are required for the passage of a resolution.

B. The final vote on each resolution is a recorded roll call vote.

Section 1.03.040 Rules and Regulations

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

Section 1.03.050 Code of Regulations

The city council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. 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 code of 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 city council shall provide for an adopted code of regulations to be made available to the public at no more than cost.

Section 1.03.060 Initiative and Referendum

Voters of the City may directly enact ordinances and resolutions by the initiative and may reject ordinances and resolutions of the city council by referendum, but these powers may be exercised only as prescribed by Alaska Statutes 29.26.100 - 29.26.190.

Resolution of the City of Gustavus, Alaska

RESOLUTION NO. _____ - _____

(FORM 1.03-A) (SAMPLE)

A RESOLUTION _____

WHEREAS, _____

_____ ;

WHEREAS, _____

_____ ;

AND NOW THEREFORE BE IT RESOLVED

PASSED and APPROVED by the Gustavus City Council this _____

day of _____, 20_____.

Mayor _____

Attest:
Clerk _____

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 (Reserved)
1.04.040	Seal Adoption Declared (Reserved)
1.04.050	Use of Seal (Reserved)

Section 1.04.010 Name of City and Form of Government

A. The City of Gustavus is a municipal corporation and political subdivision of the State of Alaska, incorporated as a second class city under the name: “The City of Gustavus”.

B. The government of the City of Gustavus shall be that commonly known and designated as the council-mayor form of government.

Section 1.04.020 City Limits

The corporate boundaries of the City of Gustavus, as described below, are the effective city limits:

Beginning at the northeast corner of section 3, T40S, R59E, Copper River Meridian (C.R.M.); as shown on USGS Quadrangle Juneau (B-5) (minor revisions 1966), the true point of beginning;

Thence south approximately 1.1 miles to the line of mean high tide of Icy Passage;

Thence continuing south 1.9 miles to a point in Icy Passage;

Thence southwesterly at approximately S75°W an approximate distance of 8.2 miles to a point in Icy Strait;

Thence north 1.2 miles to a point where the common section line between sections 20 and 21, T40S, R58E, meet the line of mean high tide;

Thence continuing north along said section line and partly along the western boundary of the Dude Creek Critical Habitat Area to the northwest corner of section 9, T40S, R58E, C.R.M.;

Thence east along the western boundary of the Dude Creek Critical Habitat Area to the

northeast corner of section 9, T40S, R58E, C.R.M.;

Thence north along the western boundary of the Dude Creek Critical Habitat Area to the northwest corner of section 3, T40S, R58E, C.R.M.;

Thence west along the township line dividing T39S and T40S, C.R.M. to the line of mean high tide of Glacier Bay;

Thence continuing west approximately 375' to a point in Glacier Bay;

Thence north 1 mile to a point in Bartlett Cove;

Thence east ½ mile to a point in Bartlett Cove;

Thence northeast (N45°E) approximately ¾ mile to a point in Bartlett Cove;

Thence east approximately ¼ mile to a point where the line of mean high tide meets the south boundary of the northeast ¼ of section 29, T39S, R58E, C.R.M.;

Thence continuing east to the protracted center of section 25, T39S, R58E, C.R.M.;

Thence southeasterly to the northwest corner of section 5, T40S, R59E, C.R.M.;

Thence east to the northwest corner of section 3, T40S, R59E, C.R.M., the true point of beginning.

Note: The above description is based on USGS quadrangles Juneau B-5 and B-6, with minor revisions, respectively, in 1966 and 1967.

The boundaries described above encompass an estimated 29.23 square miles of land and 10.02 square miles of tidelands and submerged lands, all in the First Judicial District, State of Alaska.

Section 1.04.030 City Seal Described (Reserved)

Section 1.04.040 Seal Adoption Declared (Reserved)

Section 1.04.050 Use of Seal (Reserved)