

# Title 1

## GENERAL PROVISIONS

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### Chapters:

- 1.04 Code Adoption**
- 1.08 Borough Data**
- 1.12 Interpretation and Use of Ordinance Code**
- 1.20 Ordinances -- Resolutions -- Technical Codes**
- 1.24 Penalties**

## **Chapter 1.04 CODE ADOPTION**

There is hereby adopted the "Code of the Lake and Peninsula Borough of Alaska, and shall be sufficient to designate any ordinance adding to, correcting, amending, or repealing all or any part thereof as an addition to, correction, repeal, or amendment of the code. Ordinances shall be cited by giving the title, chapter and section numbers preceded by the code. (Ordinance 89-01, 5/20/89)

## **Chapter 1.08 BOROUGH DATA**

### **Sections:**

- 1.08.010**                    **Lake and Peninsula Borough - Manager form.**  
**1.08.020**                    **Borough limits.**  
**1.08.030**                    **Borough seal.**

### **1.08.010 Name of municipality--Form of government.**

- A.     The Lake and Peninsula Home Rule Borough shall continue as a municipal corporation under the name: "Lake and Peninsula Borough."
- B.     The government of the borough shall be that commonly known and designated as the assembly-manager form.

### **1.08.020 Borough limits.**

- A.     The boundaries of the Lake and Peninsula Borough shall be the same as they exist on the date of ratification of this Charter and as those boundaries thereafter are legally modified. Lake and Peninsula Borough boundaries are on file with the Municipal and Regional Assistance Division of the Alaska Department of Community and Regional Affairs.

### **1.08.030 Borough seal. (Reserved)**

## **Chapter 1.12 INTERPRETATION AND USE OF ORDINANCE CODE**

### **Sections:**

- 1.12.010 Definitions.**
- 1.12.020 Grammatical interpretation.**
- 1.12.030 Ordinances included in the Lake and Peninsula Borough Municipal Code.**
- 1.12.040 Amendments to code - Effect of new ordinances Amendatory language.**
- 1.12.050 Supplements or revisions to the Lake and Peninsula Borough Municipal Code.**

### **1.12.010 Definitions.**

Whenever the following words and terms are used in the Lake and Peninsula Borough Municipal Code, they shall have the meaning herein ascribed to them unless the context clearly indicates otherwise.

- A. "Assessor" means the borough assessor;
- B. "Attorney" means the borough attorney;
- C. "Borough" means the Lake and Peninsula Borough;
- D. "Clerk" means the borough clerk;
- E. "Code" means the Lake and Peninsula Borough Municipal Code;
- F. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Saturday and Sunday or a legal holiday, that day shall be excluded;
- G. "Assembly" means the assembly of the Lake and Peninsula Borough;
- H. "Presiding officer" means the chairperson of the assembly;
- I. "Finance director" means the borough finance director;
- J. "Judge" or "magistrate" means the judge of any court of law;
- K. "Law" denotes applicable federal law, the Constitution and statutes of the state of Alaska, the ordinances of the borough and, when appropriate, any and all rules and regulations which may be promulgated thereunder;
- L. "May" is permissive;
- M. "Mayor" means the borough mayor;
- N. "Month" means a calendar month;
- O. "Municipality" means the Lake and Peninsula Borough;
- P. "Municipal officer or employee" means an officer or employee of the borough, whether paid or unpaid, including members of the assembly, and members of any board or commission;
- Q. "Must" and "Shall" - Each is mandatory;
- R. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed";
- S. "Or" is disjunctive and "and" is conjunctive
- T. "Ordinance" means a law of the borough, provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution;
- U. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant of the entirety, or agent

- in charge for any of the foregoing, of the whole or a part of such building or land;
- V. "Peace officer" means any officer of the state police, members of the police force of any incorporated borough or borough, United States Marshals and their deputies, and other officers whose duty it is to enforce and preserve the public peace;
  - W. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them;
  - X. "Personal property" includes money, goods, chattels, things in action and evidences of debt;
  - Y. "Presiding officer" means the mayor;
  - Z. "Property" includes real and personal property;
  - AA. "Real property" includes lands, tenements and hereditaments;
  - BB. "State" means the state of Alaska;
  - CC. "Tenant" and "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

#### **1.12.020 Grammatical interpretation.**

The following grammatical rules shall apply in the Lake and Peninsula Borough Municipal Code and the ordinances of the borough:

- A. Gender. Any gender includes the other genders;
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular;
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable;
- D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language;
- E. All 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 as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

#### **1.12.030 Ordinances included in the Lake and Peninsula Borough Municipal Code.**

The assembly, with the advice and assistance of the borough attorney, shall cause each ordinance and resolution having the force and effect of law to be printed as promptly as possible following its adoption in the following manner:

- A. Ordinances enacted by the assembly of the borough are permanent in nature and shall be inserted in the Lake and Peninsula Borough

Municipal Code when properly prepared and authenticated by the borough clerk.

- B. Emergency, bond, temporary and appropriation ordinances and resolutions shall not be included in the Lake and Peninsula Borough Municipal Code, but shall be retained in the form enacted.
- C. All titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity and construction clauses shall be omitted from the code unless from their nature it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

**1.12.040 Amendments to code - Effect of new ordinances -Amendatory language.**

- A. All ordinances passed subsequent to this code which amend, repeal or in any way affect this code, may be provided with numbers in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.
- B. Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the section number of this code in the following language: "That section of the Borough Municipal Code is hereby amended to read as follows: . " The new provisions shall then be set out in full as desired.
- C. In the event a new section not heretofore existing in the Code, is to be added by an ordinance, the following language shall be used: "That the Lake and Peninsula Borough Municipal Code is hereby amended to add a section, to be numbered, which said section reads as follows:..." The new section shall then be set out in full as desired.
- D. All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

**1.12.050 Supplements or revisions to the Lake and Peninsula Borough Municipal Code.**

The Lake and Peninsula Borough Municipal Code shall be supplemented at regular intervals, or if the assembly deems that supplementation of the code is unnecessary, the code shall be revised and printed every five years.

## **Chapter 1.20 ORDINANCES--RESOLUTIONS--TECHNICAL CODES**

### **Sections:**

<b>1.20.010</b>	<b>Acts of the assembly.</b>
<b>1.20.020</b>	<b>Acts required to be by ordinance.</b>
<b>1.20.030</b>	<b>Ordinance procedure.</b>
<b>1.20.040</b>	<b>Ordinance form and content.</b>
<b>1.20.050</b>	<b>Emergency ordinances.</b>
<b>1.20.060</b>	<b>Signature.</b>
<b>1.20.070</b>	<b>Ordinances confined to single subject.</b>
<b>1.20.080</b>	<b>Repeal shall not revive any ordinances.</b>
<b>1.20.090</b>	<b>Codes of regulations.</b>
<b>1.20.100</b>	<b>Formal acts by resolution.</b>
<b>1.20.110</b>	<b>Resolutions - Reading - Hearing - Final passage - Posting.</b>
<b>1.20.120</b>	<b>Rules and regulations.</b>

### **1.20.010 Acts of the Assembly.**

The assembly shall act only by ordinance, resolution or order. Laws of a general, uniform and permanent nature shall be reduced to ordinance; laws of a temporary or special character shall be reduced to resolution. When the assembly expresses anything by way of command, the form of expression shall be "ordered"; when it expresses opinions, principles, facts or propositions, the form shall be "resolved."

### **1.20.020 Acts required to be by ordinance.**

In addition to other actions which Alaska Statute Title 29 requires to be by ordinance, the assembly shall use ordinances to:

- A. Establish, alter or abolish borough departments
- B. Fix the compensation of members of the assembly, boards, commissions, and committees;
- C. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- D. Provide for levying of taxes;
- E. Make appropriations and supplemental appropriations or transfer appropriations;
- F. Grant, renew, or extend a franchise;
- G. Regulate the rate charged by a borough public utility;
- H. Adopt, modify or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes, and the official map.
- I. Establish a formal procedure for acquisition from private sector, state or federal government of lands or rights in lands, and disposal of those lands or rights in lands.
- J. Provide for a comprehensive personnel system, including but not limited to regulating all appointments, promotions, demotions, suspensions and removal of borough officers and employees on the basis of merit; and
- K. Create or designate itself to be a board of review adjustment, equalization or canvassing board.

### **1.20.030 Ordinance procedure.**

- A. An ordinance is introduced in writing in the form required by the borough assembly.
- B. The following procedure governs the enactment of all ordinances, except emergency ordinances:
  - 1. An ordinance may be introduced by a member or committee of the borough assembly, or by the mayor or manager;
  - 2. Upon presentation of an ordinance, copies shall be furnished to each assembly member, to the mayor, and to the borough manager;
  - 3. Upon presentation, an ordinance shall be rejected, deferred, or accepted as being introduced;
  - 4. Upon introduction, an ordinance shall be set by the borough assembly for a public hearing by the affirmative vote of a majority of the votes authorized on the question;
  - 5. At least ten days before the public hearing, a summary of the ordinance shall be published together with a notice of the time and place for the hearing;
  - 6. Copies of the ordinance shall be available to all persons present at the hearing, or the ordinance shall be read in full at the hearing;
  - 7. During the hearing the borough assembly shall hear all interested persons wishing to be heard;
  - 8. After the public hearing the borough assembly shall consider the ordinance, and may adopt it with or without amendment;
  - 9. The borough assembly shall print and make available copies of an ordinance that is adopted.
- C. An ordinance takes effect upon adoption or at a later date specified in the ordinance.
- D. As used in this section, the term "publish" means mailing to each city or village administrator and notice given through the media widely available throughout the borough at least ten (10) days before the public hearing, or action, or meeting for which the notice is given.

*(Amended by Ordinance 93-02 5/18/93)*

### **1.20.040 Ordinance form and content.**

All ordinances enacted by the assembly shall be in substantially the following form:

- A. The proposed ordinance shall have a heading and number.
- B. Title: A short summary of the ordinance's provisions shall be included in a title at the head of the ordinance. The title shall make reference to any penalties imposed by the ordinance.
- C. Enacting clause: The enacting clause shall read: "BE IT ENACTED BY THE ASSEMBLY OF THE LAKE AND PENINSULA BOROUGH:"
- D. Substantive part of the ordinance: The provisions of the ordinance will follow the enacting clause.
- E. Signatures: Appropriate places shall be provided for the signatures of the mayor and the clerk.

- F. Attestation: The enactment and passage date of the ordinance shall be attested by the clerk.
- G. Code section numbers: Ordinances which amend, add to or repeal sections of the Lake and Peninsula Borough Ordinance Code shall refer to the code sections by number.

**1.20.050 Emergency ordinances.**

- A. To meet a public emergency the assembly may adopt ordinances effective on adoption. Every emergency ordinance must contain a finding by the assembly that an emergency exists and a statement of the facts upon which the finding is based. 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 membership, whichever is less, is required for adoption. The assembly must 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 days.

**1.20.060 Signature.**

Each ordinance shall be signed by the mayor at its adoption and attested by the clerk.

**1.20.070 Ordinances confined to 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 expressed in the title.

**1.20.080 Repeal shall not revive any ordinances.**

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

**1.20.090 Codes of regulations.**

The assembly may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the ordinance nor its amendments need be distributed to the public or read in full at the hearings. For a period of fifteen days before adoption, copies of the code must be made available for public inspection in each borough community. Only the adopting ordinance need be printed after adoption. The assembly shall provide for the adopted code to be provided to the public.

### **1.20.100 Formal acts by resolution.**

- A. Formal acts by the assembly not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:
  - 1. The heading "Lake and Peninsula Borough";
  - 2. The space for a number to be assigned --"Resolution, No.       ";
  - 3. A short and concise title descriptive of its subject and purpose;
  - 4. Short premises or whereas clauses descriptive of the reasons for the resolution, if necessary;
  - 5. The resolving clause "Be it Resolved:";
  - 6. Provision for signature after the date, and designated lines for the signatures of the mayor and clerk; and
  - 7. An attestation.
- B. All resolutions adopted by the assembly whether at the instance of and presented by third parties, or on the motion of the instance of the assembly, shall conform to the requirements set forth in (A.) above.
- C. Resolutions shall not be included in any municipal code of ordinances.

### **1.20.110 Resolutions--Reading--Hearing--Final passage --Posting.**

- A. Every resolution shall be introduced in writing before any vote for passage thereof is taken.
- B. On any vote for passage of the resolution, all persons interested who appear shall be given an opportunity to be heard. After such hearing, the assembly may finally pass such resolution with or without amendments. First reading of any resolution shall be final and no further passage shall be required.
- C. After final passage, every resolution shall be posted in full on the borough office bulletin board. Every resolution, unless it shall specify a later date, shall become effective immediately following final passage, or, if the resolution be submitted at a referendum election when state law or borough charter so requires, then upon a favorable vote of the requisite number of those voting thereon.

### **1.20.120 Rules and regulations.**

Any rule or regulation made by any administrative officer or board or commission shall be published at least fifteen days prior to its adoption in a newspaper of general circulation in the borough and by posting at public posting locations.

## **Chapter 1.24 PENALTIES**

### **Sections:**

#### **1.24.010                    General penalty.**

Every act prohibited by the ordinances of this borough is unlawful. Unless another penalty is expressly provided by an ordinance, every person convicted of a violation of any of the ordinances of this borough, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.