

ORDINANCE 14-06

AN ORDINANCE AMENDING TITLE 45, POWERS AND FUNCTIONS

WHEREAS, the legislative power of the Aleutians East Borough is vested with the Assembly pursuant to Alaska State Statute 29.20.050; and

WHEREAS The Aleutians East Borough Planning Commission recommends that the Assembly adopt the proposed changes to the Aleutians East Borough Code Title 45, Powers and Functions.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the Aleutians East Borough 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 the application to other persons or circumstances shall not be affected thereby.

Section 3. Effectiveness. This ordinance shall become effective upon adoption.

Section 4: Adoption by Section. Aleutians East Borough Code, Title 45 Powers and Functions is hereby repealed and Aleutians East Borough Code, Title 45 Powers and Functions as annexed hereto as part of this ordinance is hereby adopted as Title 45 Powers and Functions of the Code of Ordinances of the Aleutians East Borough.

INTRODUCED: Dec. 12, 2013

ADOPTED: Jan-16, 2014


Stanley Mack, Mayor
Date: 1/16/14

ATTEST:



Tina Anderson, Clerk

Date: 1/16/14

TITLE 45
POWERS AND FUNCTIONS

CHAPTERS:

45.05 AREAWIDE POWERS

45.10 NON-AREAWIDE POWERS

TITLE 45

POWERS AND FUNCTIONS

Chapter 45.05 -- Areawide Powers

Sections:

- 45.05.010 Areawide Powers and Functions.
- 45.05.020 Assessment and Collection of Taxes.
- 45.05.030 Planning, Platting and Land Use Regulations.
- 45.05.040 Airport Powers.
- 45.05.050 Docks, Ports and Harbors.
- 45.05.060 Transportation Systems.

45.05.010 Areawide Powers and Functions.

The powers and functions set out in this chapter are areawide and shall be exercised both inside and outside cities with such exceptions as are set out in this chapter or are as specifically set out in other provisions of this Code.

(Ord. 14-06 (Amended Ord. 88-3), Sec. 45.05.010)

45.05.020 Assessment and Collection of Taxes.

- A. The Borough shall assess and collect sales and use taxes that are levied within its boundaries as provided in AS 29.45 with the exception of city sales and use taxes as set out in subsection (b).
- B. Pursuant to the authority granted under AS 29.45.700(a), the Assembly authorizes each city within the Borough to levy and collect at their own expense sales and use taxes on such sources as each city may at any time provide by ordinance.

(Ord. 14-06 (Amended Ord. 88-3), Sec. 45.05.020)

45.05.030 Planning, Platting and Land Use Regulation.

- A. The Borough shall provide for planning, platting and land use regulation as provided in AS 29.40.010 with the exception of those areas of the Borough that are within cities as set out in subsection (b).
- B. Pursuant to the authority granted in AS 29.40.010(b), the Assembly authorizes each city within the Borough, at its own expense, to exercise within the boundaries of the city all of the powers and duties of the Borough under AS 29.40.

(Ord. 14-06 (Amended Ord. 88-3), Sec. 45.05.030)

(Ord. 90-10, Sec. 45.05.040)

45.05.040 Airport Powers.

- A. The Borough shall exercise on an areawide basis the power to construct, operate, maintain, expand and regulate public airports.
- B. This power is assumed pursuant to the exercise of said power on a non-areawide basis pursuant to voter approval of a proposition at a special Borough election held on March 21, 1990 and acceptance by the Borough under Borough Ordinance 91-3 of the transfer of the power from the City of Akutan by Akutan Ordinance No. 90-04 adopted on June 29, 1990; from the city of Cold Bay, by Cold Bay Ordinance No. 90-03, adopted on June 26, 1990; from the city of King Cove by King Cove Ordinance 90-5, adopted on May 17, 1990; and from the City of Sand Point by Sand Point Ordinance No. 90-9, adopted on May 8, 1990; said four cities being all the cities within the Aleutians East Borough on September 11, 1990. The airport power shall be exercised on an areawide basis commencing on September 11, 1990.
- C. There is retained by each city and there is granted to each city formed within the Borough after September 11, 1990 such powers as are necessary to permit each city to enter into one or more agreements, leases or other arrangements for the city to acquire, construct, operate and maintain airports acquired, owned, to be owned, or otherwise held by the Borough under its areawide airport power and to enter into joint exercise of powers agreements with the Borough.

(Ord. 14-06 (Amended Ord. 91-3), Sec. 45.05.050)

45.05.050 Docks, Ports and Harbors.

- A. The Borough shall exercise on an areawide basis the power to construct, operate, maintain, and regulate public docks, ports and harbors upon which construction was started after September 11, 1990, along with such other powers as may be necessary or convenient thereto, including the power to acquire and own such facilities.
- B. This power is assumed pursuant to the exercise of said power on a non-areawide basis pursuant to voter approval of a proposition at a special Borough election held on March 21, 1990 and acceptance by the Borough of the transfer of the power from the City of Akutan by Akutan Ordinance No. 90-04 adopted on June 29, 1990; from the City of Cold Bay, by Cold Bay Ordinance No. 90-03, adopted on June 26, 1990; from the City of King

Cove by King Cove Ordinance 90-5, adopted on May 17, 1990; and Sand Point Ordinance No. 90-9, adopted on May 8, 1990; said four cities being all the cities within docks, ports and harbors power shall be exercised on an areawide basis commencing on September 11, 1990.

- C. Only the following docks, ports and harbors were under construction or constructed prior to September 11, 1990.
1. In the City of Sand Point:
 - a. Sand Point City Dock
 - b. Sand Point Boat Harbor
 - c. Sand Point Harbor Expansion Dock and Uplands as more specifically shown on Exhibit A to Sand Point Ordinance 90-9.
 2. In the City of King Cove, King Cove Boat Harbor as more specifically shown on Exhibit A to King Cove Ordinance 90-5.
 3. In the City of Akutan:
 - a. The Akutan City Dock and Uplands Support Facilities
 - b. The Akutan Seaplane Ramp and Turn-around, and
 - c. The barge situated at the Old Seawest Dock, all as more particularly shown on Exhibit A to Akutan Ordinance 90-04.
 4. In the City of Cold Bay, there are no docks, ports or harbors constructed or operated by the City upon which construction was started prior to September 11, 1990.
- D. There is retained by each city and there is granted to each city formed within the Borough after September 11, 1990 such powers as are necessary to permit each city to enter into one or more agreements, leases or other arrangements for the city to acquire, construct, operate and maintain docks, ports and harbors acquired, owned, to be owned, or otherwise held by the Borough under its areawide docks, ports, and harbors power and to enter into joint exercise of power agreements with the Borough.

(Ord. 14-06 (Amended Ord. 91-4), Sec. 45.05.060)

45.05.060 Transportation Systems.

- A. The Borough shall exercise on an areawide basis the power to provide transportation systems.
- B. The power set out in this section is assumed pursuant to Alaska Statute 29.35.210(b)(1) and consists of the power to acquire, construct, maintain, regulate and operate roads, vessels, and vehicles, including passenger, marine, and vehicle terminals and all related equipment and facilities that are necessary or appropriate for the construction, maintenance, regulation and operation of roads, vessels and vehicles that comprise a transportation system that interconnects cities and communities within the Borough.
- C. There is retained by each city, and there is granted to each city formed within the Borough after the effective date of Ordinance 99-02, such powers as are necessary to permit each city to enter into one or more agreements, leases or other arrangements for the city to acquire, construct, operate and maintain parts of the transportation systems held by the Borough under its areawide transportation systems power and to enter into joint exercise of power agreements with the Borough.

(Ord. 14-06 (Amended Ord.99-02), Sec.45.05.070)

TITLE 45

POWERS AND FUNCTIONS

Chapter 45.10 - Non-Areawide

Sections:

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|-----------|-----------------------------|
| 45.10.010 | General. |
| 45.10.020 | Economic Development Power. |
| 45.10.030 | Airport Powers. |
| 45.10.040 | Docks, Ports and Harbors |

45.10.010 General.

- A. The Borough assumes and may exercise on a non-areawide basis the powers and functions set out in this chapter.
- B. The Borough may enter into agreements with the United States, the State of Alaska, or with one or more cities for the cooperative or joint administration of all or any part of a power subject this chapter.

- C. Upon the transfer of all or a portion of a power by a city by ordinance and approval of the transfer by the Assembly by ordinance, the Borough shall exercise the transferred power within the city. Upon the assumption of the power by the Borough on a non-areawide basis and the transfer of the power by all cities within the Borough, the power shall be exercised on an areawide basis.

(Ord. 14-06 (Amended Ord. 89-2), Sec. 45.10.010)

45.10.020 Economic Development Power.

- A. The Borough shall exercise on a non-areawide basis the power to provide for economic development, as authorized under AS 29.35.210 (a).
- B. The exercise of the power to provide for economic development includes, but is not limited to:
 - 1. Providing financial and other forms of assistance to public and private groups for the conduct of activities intended to preserve or further the economic health or development of the Borough.
 - 2. Construct, improve, operate and maintain facilities such as docks, wharves, harbors, transportation facilities, and industrial development sites that will encourage, or accommodate the needs of, the fishing industry within the Borough.
- C. Such other similar or different activities as the Assembly determines to be intended for the preservation or expansion of the economy of the Borough.

(Ord. 14-06 (Amended Ord. 89-2), Sec. 45.10.020)

45.10.030 Airport Powers.

Pursuant to the approval by the voters of the Aleutians East Borough at a special election held on March 21, 1990, the Borough assumes and shall exercise on a non-areawide basis the power to acquire, own, construct, operate, maintain and regulate public airports along with such other powers as may be necessary and convenient thereto.

(Ord. 14-06 (Amended Ord. 91-3), Sec. 45.10.030)

45.10.040 Docks, Ports and Harbors

Pursuant to the approval by the voters of the Aleutians East Borough at a special election held on March 21, 1990, the Borough assumes and shall exercise on a non-areawide basis the power to acquire, own, construct, operate, maintain and

regulate public docks, ports and harbors along with such other powers as may be necessary and convenient thereto.

(Ord. 14-06 (Amended Ord. 91-4), Sec. 45.10.040)

