

TITLE 1
GENERAL PROVISIONS

CHAPTERS

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TITLE 1

GENERAL PROVISIONS

Chapter 1.04 -- Borough Code

Section:

1.04 Code Adoption.

1.04 Code Adoption.

There is hereby adopted the "Code of the Aleutians East Borough of Alaska, and shall be sufficient to designate any ordinance adding to, correcting, amending, or amendment of the code. Ordinances shall be cited by giving the title, chapter and section numbers preceded by the code."

(Ord. 88-1, Sec. 1.04, part, 1987)

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Chapter 1.08 -- Borough Data

Sections:

1.08.010	Aleutians East Borough, Mayor - Assembly Form.
1.08.020	Borough Limits.
1.08.030	Borough Seal.

1.08.010 Aleutians East Borough, Mayor - Assembly Form.

A. The Aleutians East Borough shall continue as a municipal corporation under the name: "Aleutians East Borough."

B. The government of the borough shall be that commonly known and designated as the mayor - assembly form.

(Ord. 88-1, Sec. 1.08.010, part, 1987)

1.08.020 Borough Limits.

The boundaries of the borough are those set out in the Certificate of Incorporation dated October 23, 1987.

(Ord. 88-1, Sec. 1.08.020, part, 1987)

1.08.030 Borough Seal.

The borough shall have a seal of two concentric circles bearing in the outer circle "Aleutians East Borough, Alaska," "October 23, 1987, and shall depict in the inner circle the word "Seal".

(Ord. 88-1, Sec. 1.08.030, part, 1987)

TITLE 1

GENERAL PROVISIONS

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 Aleutians East Municipal Code.
- 1.12.040 Amendments to Code - Effect of New Ordinances Amendatory Language.
- 1.12.050 Supplements or Revisions to the Aleutians East Borough Municipal Code.

1.12.010 Definitions:

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

- A. "Attorney" means the borough attorney;
- B. "Assembly" means the assembly of the Aleutians East Borough;
- C. "Borough" means the Aleutians East Borough;
- D. "Building Official" means the borough building official;
- E. "Clerk" means the borough clerk;
- F. "Clerk-treasurer," whenever the reference is to duties not involving money, means the borough clerk;
- G. "Code" means the Aleutians East Borough Municipal Code;
- H. "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 Sunday or a legal holiday, that day shall be excluded;
- 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 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 calendar month;
- O. "Municipality" means the Aleutians East 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 chairperson of the assembly;
- Z. "Property" includes real and personal property;
- AA. "Real property" includes lands, tenements and hereditaments;
- BB. "Registered mail" includes certified mail. When the use of registered mail is authorized or required by this code, certified mail may be used unless expressly prohibited;
- CC. "Sidewalk" means that portion of a street between the curb line and adjacent property line intended for the use of pedestrians;
- DD. "Signature" or "subscription" includes mark when the person cannot write, with his name written near the mark by a witness who writes his own name near the person's name, but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto;
- EE. "State" means the state of Alaska;
- FF. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, parking areas, or other public ways which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state of Alaska;
- GG. "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;
- HH. "Title of Office." Use of the title of any officer, employee, department, board or commission of the borough and borough;
- II. "Treasurer" whenever the reference to the duties involving money, means the borough finance director;
- JJ. "Written" includes printed, typewritten, mimeographed or multigraphed;
- KK. "Year" means a calendar year.

(Ord. 88-1, Sec. 1.12.010, part, 1987)

1.12.020 **Grammatical Interpretation**

The following grammatical rules shall apply in the Aleutians East 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.

(Ord. 88-1, Sec. 1.12.020, part, 1987)

1.12.030 **Ordinances Included in the Aleutians East 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 and borough general and permanent in nature shall be inserted in the Aleutians East 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 Aleutians East 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.

(Ord. 88-1, Sec. 1.12.030, part, 1987)

1.12.040 **Amendments to Code - Effects of New Ordinances**
Amendatory Language.

- A. All ordinances passed subsequent to this code which amends, repeal or in any 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 section 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 Aleutians East 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.

(Ord. 88-1, Sec. 1.12.040, part, 1987)

1.12.050 **Supplements or Revisions to the Aleutians East Borough**
Municipal Code.

The Aleutians East 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.

(Ord. 88-11, Sec. 1.12.050, part, 1987)

TITLE 1

GENERAL PROVISIONS

Chapter 1.20 -- Ordinance--Resolutions--Technical Codes

Sections:

1.20.010	Acts of the Assembly.
1.20.020	Acts Required to be by Ordinance.
1.20.030	Ordinance Procedure.
1.20.040	Ordinance Form and Content.
1.20.050	Emergency Ordinances.
1.20.060	Signature.
1.20.070	Ordinances Confined to Single Subject.
1.20.080	Repeal Shall Not Revive Any Ordinances.
1.20.090	Act by Agents.
1.20.100	Codes of Regulations.
1.20.110	Formal Acts by Resolution.
1.20.120	Resolutions - Reading - Hearing - Final Passage Posting.
1.20.130	Rules and Regulations.

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."

(Ord. 88-1, Sec. 1.20.010, part 1987)

1.20.020 Acts Required to be by Ordinance.

In addition to other actions which AS 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;
- 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.

(Ord. 88-1, Sec. 1.20.020, part, 1987)

1.20.030 Ordinance Procedure.

- A. An ordinance may be introduced if it is in writing and substantially in the form required in Chapters 12 and 20 of this Title.
- 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 governing body, or by the mayor.
 - (2) An ordinance shall be set by the governing body for a public hearing by the affirmative vote of a majority of the votes authorized on the question.
 - (3) At least five (5) days before the public hearing the Borough Clerk shall publish a summary of the ordinance together with a notice of the time and place for the public hearing, an agenda, and any other written materials.
 - (4) Copies of the ordinances shall be available to all persons present at the hearing, or the ordinance shall be read in full.
 - (5) During the hearing the governing body shall hear all interested persons wishing to be heard.
 - (6) After the public hearing the governing body shall consider the ordinance, and may adopt it with or without amendment. If an amendment to the ordinance is so substantial as to change the basic character of the ordinance, the ordinance, as amended, shall be treated as newly introduced and shall be scheduled for a public hearing to occur after publication of the summary and notice required in subsection B (3) of this section.

- (7) The governing body shall print and make available copies of an ordinance that is adopted.
- C. An ordinance takes effect immediately upon adoption or at a later date specified in the ordinance.
- D. For the purpose of this section, "published" means appearing at least once in a newspaper of general circulation distributed in the borough, or, if there is no newspaper of general circulation distributed in the municipality such that notice requirements can be met within the time required, posting in three public places within the borough for at least five days. If publication is by posting, publication does not occur until after the notice has been posted for five days. Thereafter, the five day publication required in subsection B(3) begins to run.

(Ordinance 23-05 (Amended-Ord. 88-1, Sec. 1.20.030, part, 1987)

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 ALEUTIANS EAST 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 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 Aleutians East Borough Ordinance Code shall refer to the code sections by number.

(Ord. 88-1, Sec. 1.20.040, part, 1987)

1.20.050 **Emergency Ordinance.**

- 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 to 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 service.
- C. Emergency ordinances are effective for sixty days.

(Ord. 88-1, Sec. 1.20.050, part, 1987)

1.20.060 **Signature.**

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

(Ord. 88-1, Sec. 1.20.060, part, 1987)

1.20.070 **Ordinances Confined to Single Subjects.**

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 appropriation. The subject of each ordinance shall be expressed in the title.

(Ord. 88-1, Sec. 1.20.070, part, 1987)

1.20.080 **Repeal Shall Not Revive Any Ordinance.**

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

(Ord. 88-1, Sec. 1.20.080, part, 1987)

1.20.090 **Acts by Agents.**

When an act is required by ordinance and the act may be done as well by an agent as by the principal, such requirement shall be construed as to require and include all such acts performed by an authorized agent.

(Ord. 88-1, Sec. 1.20.090, part, 1987)

1.20.100 **Codes of Ordinances.**

Adopted ordinances shall be published on the Borough's website. Paper copies are available upon request and the Borough reserves the right to charge a reasonable copying charge in accordance with A.S. 40.25.110."

(Ordinance 23-05 (Amended-Ord. 88-1, Sec. 1.20.100, Part, 1987)

1.20.110 **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 "Aleutians East Borough, Alaska";
 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, of necessary;
 5. The resolving clause "Be it Resolved";
 6. Provision for signature after the date, and designated lines for the signatures of the mayor
 7. An attestation.

- B. All resolutions adopted by the assembly whether at 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.

(Ord. 88-1, Sec. 1.20.110, part, 1987)

1.20.120. Resolution--Adoption--Effective Date--Posting.

- A. Every resolution shall be introduced in writing and may be adopted by the assembly upon introduction and with or without amendments.
- B. Unless specifically stated within the resolution or otherwise required by law, a resolution becomes effective-immediately upon adoption.
- C. Upon adoption of a resolution, a copy of the resolution shall be posted on the public bulletin board at the borough headquarters within the borough for at least fourteen days. Failure to post the resolution as required under this subsection does not affect the validity or enforceability of the resolution.

(Ord. 92-6 (Amended Ord. 88-1), Sec. 1.20.120, part, 1987)

1.20.130 Rules and Regulations.

Any rule or regulation made by any administrative officer or board or commission shall be published either by one publication in a newspaper of general circulation in the borough or by posting a copy thereof for ten days following its approval by the borough assembly on the borough bulletin board in the borough offices.

(Ord. 88-1, Sec. 1.20.130, part, 1987)

TITLE 1

GENERAL PROVISIONS

Chapter 1.24 -- Penalties

Sections:

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|----------|---|
| 1.24.010 | General Policy. |
| 1.24.020 | Penalty Surcharge Authorization and Collection. |
| 1.24.050 | Minor Offense Fine Schedule. |

1.24.010 General Penalty

- A. Except in cases where a different punishment is prescribed by any ordinance of the Borough, a person convicted of a violation of the ordinances of the Borough is guilty of an infraction punishable by a fine not to exceed \$500.
- B. The Borough shall provide written notice to the commissioner of health and social services or to the commissioner's designee of the commencement of a civil enforcement action for the violation of an ordinance under subsection E of this section against a minor. Unless the commissioner and the Borough have negotiated an agreement making other arrangements for the Borough to provide the notice required by this subsection, the Borough shall provide the notice by mailing a copy of the citation or other document setting out the notice of the commencement of the civil enforcement action.
- C. Unless an ordinance authorizes use of a hearing officer, the enforcement of an infraction against a minor for violation of any provision of this Code shall be heard in the District Court in the same manner as for similar allegations brought against an adult, except that the minor's parent, guardian or legal custodian shall be present at all proceedings unless the court excuses the parent, guardian or legal custodian from attendance for good cause.
- D. An action for an infraction filed against a minor under this section does not give rise to the right to a trial by jury or to counsel appointed at public expense.
- E. Notwithstanding the availability of any other remedy, the Borough or an aggrieved person may institute a civil action against a person who violates a borough ordinance or any order issued under the AEBMC. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000

may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation the Superior court shall grant the injunction as provided in AS 29.25.070(b) or any successor law.

(Ord. 17-02 (Amended Ord. 88-1), Sec. 1.24.010, part, 1987).

1.24.020 Penalty Surcharge Authorization and Collection.

The surcharge required to be imposed pursuant to AS 12.55.039 is authorized and shall be imposed as a surcharge on penalties imposed for the violation of an ordinance, Code provision, or regulation of the Aleutians East Borough brought under a citation or criminal complaint that would require a proceeding in the Alaska Court System if the defendant were to enter a plea of not guilty. The Court may impose and collect the surcharge on all penalties imposed by the Court where fines are paid to the Court. For all criminal proceedings in which the fine is collected by the Borough, the surcharge imposed shall be collected by the Borough with the payment of the fine and regularly paid over to the appropriate agency of the state less any collection and administration fee or reimbursement authorized by the state to be retained by the Borough. In addition to any penalty prescribed by law, a defendant convicted of violating a Borough ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074.

(Ord. 17-02 (Amended Ord. 99-01), new section 1.24.020)

1.24.050 Minor Offense Fine Schedule.

- A. In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska Court System's Rules of Minor Offense Procedure shall apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. The fines may not be judicially reduced.
- B. FINE SCHEDULE

Code Section	Ordinance Description	Fine Schedule Amount
60.20.140(a)	Failure/delinquency to file a raw fish sales tax return	\$250
60.20.140(a)	Incomplete filing of raw fish sales tax return	\$250
60.20.140(c)	Failure to apply for Certificate of Registration	\$200
60.20.140(c)	Engaging in taxable transactions without a Certificate of Registration	\$300
60.20.140(d)	Failure to provide written statement of tax due on a transaction	\$250
60.20.140(e)	Failure or refusal to collect required tax	\$300

(Ordinance 17-02, new section 1.24.050)

TITLE 1

GENERAL PROVISIONS

Chapter 1.28 – Financial Disclosure

Sections:

1.28 Financial Disclosure

1.28 Financial Disclosure

- A. Financial disclosure is required by all Aleutians East Borough Assembly members, Aleutians East Borough School Board members, Planning Commission members and the Aleutians East Borough Mayor.
- B. Each elected or appointed official shall complete and file with the clerk a report of financial disclosure and business interest, the Aleutians East Borough Financial Disclosure form, no later than April 15 of each year.

(Ord. 12-03, new section 1.28)