

Chapter 01
GENERAL PROVISIONS

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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 Cold Bay, Alaska".

Section 1.01.020 Definitions

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

- Attorney: The City Attorney
- City: The City of Cold Bay, Alaska, or the area within the territorial limits of the City of Cold Bay, Alaska;
- Clerk: The Cold Bay City Clerk;
- Clerk-Treasurer: The Cold Bay City Clerk and Treasurer;
- Code: The Code of Ordinances, City of Cold Bay, Alaska; the Cold Bay City Code;
- Computation of Time: The time within which an act is done. It shall be computed by excluding the first and including the last day; and if the last say is a Sunday or legal holiday, that day shall be excluded;
- Council: The City Council of Cold Bay; Judge or Magistrate: The judge of any court of law;
- Law: Federal law, state law, the state constitution, city ordinances and any and all rules and regulations which may be promulgated there under;
- May: Is permissive;
- Mayor: The Mayor of the City of Cold Bay;

Month:	A calendar month;
Municipal Officer:	An officer of the City, elected or appointed;
Municipal Employee:	A person who works for the City, whether paid or unpaid;
Must and Shall:	Each is mandatory;
Oath:	Includes an affirmation or declaration of the truth;
Ordinance:	A law of the City;
Owner:	Any and all persons holding title to property;
Peace Officer:	Any officer whose duty it is to enforce the laws and preserve the public peace;
Persons:	A corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person;
Personal Property:	All property other than real estate;
Publish:	To post a notice within the city in three locations open to the public, one of which shall be the city offices, for a period of prescribed by Code;
Real Property:	Land and all improvements thereon;
Registered Mail:	Includes certified mail;
Signature:	Includes properly witnessed mark by a person who cannot write;
State:	The State of Alaska;
Street:	Streets, roads, avenues, alleys or other public ways;
Tenant:	Or "occupant": Any person or persons occupying real property;
Voter:	A United States citizen who is qualified to vote in State elections, has been a resident of the City of Cold Bay for 30 days immediately preceding the election, is registered to vote in State elections and is not disqualified under Article V of the constitution of the State of Alaska;
Written:	Includes printed, typed or hand written;
Year:	Calendar year, unless otherwise noted.

Section 1.01.030 Grammatical Interpretation

The following grammatical rules shall apply in the Cold Bay City Code and the Ordinances of the City:

- 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. 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.
- F. "Must" and "Shall", each is mandatory.

Section 1.01.040 Effect of Repeal of Ordinances.

Ordinances repealed remain in force for the trial and punishment of all past violations of them, for the recovery of penalties and forfeitures already incurred, for the preservation of all rights and remedies existing by them and so far as they apply, to any office, trust, proceeding, right, contract, or event already affected by them.

Section 1.01.050 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 construed 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 application to other persons or circumstances shall not be affected thereby."

Section 1.01.060 General Penalty

Every act prohibited by ordinance of this City is unlawful. Unless other 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, shall be punished by a fine of not more than five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority. The Council may, at its discretion, substitute the fine in all or in part for community service at the hourly rate of the State of Alaska minimum wage. A "violation" is a non-criminal offense punishable only by a fine, but not imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled to:

- A. A trial by jury; or
- B. Have a public defender or other counsel appointed at public expense to represent the person.

The penalty provided by this section shall, unless any other penalty is expressly provided, apply to the amendment of any section of this Code, whether or not such penalty is re-enacted in the amendment ordinance.

Section 1.01.070 Laws of Alaska; Violations.

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 the Code of Ordinances of the City of Cold Bay, Alaska, except where the State has exclusive jurisdiction over the offense.

Section 1.01.080 Supplements or Revisions to the Cold Bay City Code

The Cold Bay City Code shall be supplemented at regular intervals or if the Council deems that supplementation of the code is unnecessary, the Code shall be revised and printed at least every 5 years.

Section 1.01.090 Time Ordinances Take Effect.

An ordinance which has been approved by the Council shall be effective upon approval of the Council, unless otherwise stated in the ordinance.

Section 1.01.100 Corrections

Corrections to obvious errors in code are authorized in the following circumstances:

- A. Manifest errors which 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. Correction of manifest errors in references to laws;
- D. Correction of mistakes in grammar; and
- E. Correction of citations or references to laws, statutes and ordinances whose designations have changes because of renumbering or revision of the Alaska Statutes, federal law, or this Code.