

Proposed by:	Administration
Reviewed by Attorney:	03/2008
First Reading:	04/03/2008
Second Reading:	04/17/2008
Vote: 5 Aye	0 Nay 1 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 08-13

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 1 TO ADDRESS THE CHANGE IN STATUS FROM CITY TO BOROUGH GOVERNMENT.

WHEREAS, Amendments are required to address the change in status from city to borough government; and

BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

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

Section 2. Purpose. To amend Title 1 to address the transition from city to borough government and update definitions and rules of construction. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from, and **bold** indicates text added to the current code as follows:

Section 3. Amendment. Title 1, General Provisions is hereby amended as follows

Chapter 1.01
CODE ADOPTION (Reserved)

Chapter 1.04
GENERAL PROVISIONS

Sections:

- 1.04.010 Title.**
- 1.04.020 Definitions and rules of construction.**
- 1.04.030 Abbreviations.**
- 1.04.040 Catchlines of sections.**
- 1.04.050 Administrative rules and regulations--Publication or posting.**
- 1.04.060 Amendment--Addition--Repeal.**
- 1.04.070 Unlawfully altering code.**
- 1.04.080 Prior resolutions--Status of resolutions.**
- 1.04.090 Temporary and special ordinances to remain in effect.**
- 1.04.100 Repeal of ordinances.**
- 1.04.110 Severability of parts of code.**

1.04.010 Title.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Skagway City **Municipal** Code," and may be so cited.

1.04.020 Definitions and rules of construction.

In the construction of this code and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

- A.** “**Assembly**” or “**borough assembly**” means the legislative body of the **municipality**.
- B.** “**Borough**” has the same meaning as “**municipality**” or “**Municipality of Skagway Borough**”.
- ~~D.~~ “~~City council~~” or “~~council~~” means the city council of the city.
- FC.** Computation of Time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time **excluding municipal and federal holidays**, but the day on which such proceeding is to be had shall not be counted.
- GD.** Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- HE.** Interpretation. In the interpretation and application of any provisions of this code, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the code imposes greater restrictions upon the subject matter than the general provisions imposed by the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
- IF.** “Mayor” means the mayor of the city **municipality**.
- BG.** “City **Municipal** attorney” means the city **municipal** attorney of the city **municipality**.
- CH.** “City **Municipal** clerk” means the city **municipal** clerk of the city **municipality**.
- EI.** “City **Municipal** manager” means the city **municipal** manager of the city **municipality**.
- AJ.** The words “~~the city~~ **municipality**” or “this city **municipality**” shall be construed as if the words “of Skagway” follow the word “~~city~~ **municipality**,” and shall extend to and include its several officers, agents and employees.
- JK.** Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.
- KL.** “Oath” includes an affirmation 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” or “affirmed.”
- LM.** Or, And. “Or” may be read “and” and “and” may be read “or” if the sense requires it.
- MN.** “Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.
- NO.** “Person” extends and applies to associations, clubs, societies, firms, partnerships, and bodies politic and corporate as well as to individuals or groups of individuals.
- OP.** “Personal property” includes every species of property except real property where otherwise provided in this code.
- PQ.** “Regular meeting” or “meeting,” whenever the sense of a sentence requires, means “regular or special meeting.”
- QR.** “State” or “this state” means the state of Alaska.
- RS.** Tense. Words used in the present or past tense include the future as well as the present or past.

1.04.030 Abbreviations.

- A. Whenever in this code the letters “AS” are used, they mean Alaska Statutes.
- B. Whenever in this code the letters “SLA” are used, they mean Session Laws of Alaska.

- C. Whenever in this code the letters "SGMC" are used, they mean Skagway City Municipal Code.

1.04.040 Catchlines of sections.

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the section, and shall not be deemed or taken to be the titles of such sections, nor as any part of the section, nor shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted, unless expressly so provided.

1.04.050 Administrative rules and regulations--Publication or posting.

All rules and regulations made by an administrative officer subject to approval by the ~~council~~ assembly under the provisions of this code shall be published, either by one (1) publication in a newspaper of general circulation in the ~~city~~ municipality, or by posting a copy thereof for ten (10) days following their approval by the ~~city council~~ assembly on the ~~city~~ bulletin board in the ~~City Hall~~ municipal offices.

1.04.060 Amendment--Addition--Repeal.

- A. All ordinances passed subsequent to this code which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion in this code. ~~herein~~. In the case of repealed chapters, sections and subsections of any part of this code ~~thereof~~, by subsequent ordinances, such repealed portions may be excluded from the code by omission from the reprinted pages. ~~affected thereby~~. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are readopted as a new code by the ~~city council~~ assembly.
- B. Amendments to any other 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: "Chapter _____, is hereby amended as follows" That section _____ of the Skagway City 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 to the existing code, the following language shall be used: "Chapter _____, is amended as follows by adding Section _____" That the Skagway City Code is hereby amended by adding 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.

1.04.070 Unlawfully altering code.

It is unlawful for any person in the ~~city~~ municipality to change or amend, by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions of pages ~~thereof~~, or to alter or tamper with such code in any manner whatsoever which will cause the law of the ~~city~~ municipality to be misrepresented by the alteration. ~~thereby~~. Any person violating this section shall be punished as provided in Chapter 1.20.

1.04.080 Prior resolutions--Status of resolutions.

All resolutions ~~heretofore~~ enacted which purport to enact, repeal, amend, alter, enlarge or create ordinances as of the effective date of such resolution are ~~hereby~~ ratified, confirmed, validated and enacted as ordinances of the ~~city~~ municipality; providing, however, no such

resolution shall have the status of an ordinance and shall not ~~hereby~~ acquire the status of an ordinance unless the title or contents of such resolution clearly shows an intent to have the effect of an ordinance.

1.04.090 Temporary and special ordinances to remain in effect.

The continuance in effect of temporary and/or special ordinances and non-code ordinances, although omitted from the Skagway City Municipal Code, shall not be affected by such omission in the code; ~~therefrom~~; and the adoption of the code shall not repeal or amend any such ordinance or part of any such ordinance.

1.04.100 Repeal of ordinances.

The repeal of any prior ordinance of the city municipality by any subsequent ordinance shall not operate to revive the provisions of any ordinance which may have been repealed by such prior ordinance, unless such revival shall be expressly provided for. Ordinances repealed remain in force for the trial and punishment of all past offenses of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them, and so far as they may apply to any office, trust, proceeding, right, contract or event already affected by them.

1.04.110 Severability of parts of code.

The sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

Chapter 1.12
ORDINANCES AND RESOLUTIONS

Sections:

- 1.12.010 Acts of the ~~council~~ assembly.**
- 1.12.020 Signatures.**
- 1.12.030 Scope of ordinances.**
- 1.12.040 Acts by agents.**
- 1.12.050 Codes of regulations.**
- 1.12.060 Resolutions--Form--Codification barred.**
- 1.12.070 Resolutions--Passage.**

1.12.010 Acts of the ~~council~~ assembly.

- A. The ~~council~~ assembly shall act only by ordinance, resolution or order. Law 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 ~~council~~ assembly expresses anything by way of command, the form of expression shall be "ordered"; when it expresses opinion, principles, facts or propositions, the form shall be "resolved."
- B. Refer to SGMC Title 3, Chapter 3.01, for procedures governing adoption of ordinances and for acts required to be by ordinance.

1.12.020 Signatures.

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

1.12.030 Scope of ordinances.

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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 expressed in the title.

1.12.040 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.

1.12.050 Codes of regulations.

The ~~council~~ 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 at least five (5) days before adoption at least two (2) copies of the code must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The ~~council~~ assembly shall establish fees by resolution ~~provide~~ for the adopted code to be sold to the public.

1.12.060 Resolutions--Form--Codification barred.

- A. Formal acts by the ~~council~~ 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 "City Municipality of Skagway, 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, 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;
 7. Attestation.
- B. All resolutions adopted by the ~~council~~ assembly, whether at the instance of and presented by third parties, or on the motion of or at the instance of the ~~council~~ assembly, shall conform to the requirements set forth in subsection A of this section.
- C. Resolutions shall not be included in any municipal code of ordinances.

1.12.070 Resolutions--Passage.

- A. Every resolution shall be introduced in writing and shall be orally read 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 ~~council~~ 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.

Chapter 1.20
GENERAL PENALTY

Sections:

- 1.20.010 Integration into other enactments.**

- 1.20.020 Person defined.**
- 1.20.030 Violations--Separate offenses.**
- 1.20.040 Penalties for false alarms, burglary/intrusion, robbery.**

1.20.010 Integration into other enactments.

This penalty provision shall be considered as an integral and organic part of every ordinance, regulation and order that does not contain a specific penalty clause.

1.20.020 Person defined.

"Person," as used in penalty provisions throughout this code, includes the officers and any stockholders having more than a thirty percent (30%) interest of a corporate defendant.

1.20.030 Violations--Separate offenses.

Every act prohibited by this code is unlawful. Unless another penalty is expressly provided by this code for any particular provision or section, each violation of this code is a non-criminal infraction, punishable by a civil penalty of up to three hundred dollars (\$300.00) per violation. Each act or violation, and every day upon which a violation occurs or continues, constitutes a separate offense and separate violation.

1.20.040 Penalties for false alarms, burglary/intrusion, robbery.

A. False alarms, as determined in writing by the Police Chief or a designated representative, shall be charged for as follows:

First False Alarm:	Written Warning
Second False Alarm:	\$100.00
Third and subsequent false alarms	\$200.00

B. Penalties may be imposed by the Police Chief for malicious and/or repetitive alarm signals which are false due to negligence of the owner/operator or caused by the owner/operator or his tenants or employees. Identified false alarms shall be listed cumulatively by location during the calendar year. At the conclusion of the year incident logs shall be closed and a new list of false alarms shall be initiated as needed.

Chapter 1.30
INSURANCE REQUIREMENTS

Sections:

- 1.30.010 Insurance Requirements – Contracts**
- 1.30.015 Insurance Requirements – Leases**
- 1.30.020 Exemptions**

1.30.010 Insurance Requirements – Contracts.

No contract for services shall be issued or continued unless there is presented to the City Municipality of Skagway a certificate of insurance showing that the business owner/operator has obtained at least one million dollars (\$1,000,000.00) general liability insurance. Proof of such insurance shall be provided to the City Municipality as a condition of entering the contract. Failure to maintain such insurance shall constitute a breach of contract. The certificate of insurance must establish that the city municipality is named as an additional insured on such policy, and that the insurer ~~thereof~~ shall notify the city municipality twenty (20) days before the policy is canceled, or terminated. Additionally, the certificate of insurance holder shall execute an instrument under the terms of which the holder will agree to indemnify, defend

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and hold harmless the City Municipality of Skagway from any and all claims for injury or damage to persons or property as a result of the holder's activities.

1.30.015 Insurance Requirements – Leases

No lease of real property owned by the City Municipality of Skagway shall be issued or continued unless there is presented to the City Municipality of Skagway a certificate of insurance showing that the business owner/operator has obtained at least one million dollars (\$1,000,000.00) general liability insurance. Proof of such insurance shall be provided to the City Municipality as a condition of entering the lease. Failure to maintain such insurance shall constitute a breach of the terms and conditions of the lease. The certificate of insurance must establish that the city municipality is named as an additional insured on such policy, and that the insurer thereof shall notify the city municipality twenty (20) days before the policy is canceled, or terminated. Additionally, the certificate of insurance holder shall execute an instrument under the terms of which the holder will agree to indemnify, defend and hold harmless the City Municipality of Skagway from any and all claims for injury or damage to persons or property as a result of the holder's activities.

1.30.020 Exemptions.

The Manager may at his discretion waive general liability insurance minimums for contract employees, including but not limited to janitorial contracts, contracts for instructors and contracted medical service providers. CIP contractors and municipal service contractors such as auditors, assessors, engineers and attorneys shall not be considered for exemptions under this chapter.

Section 4. 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 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 17th day of April, 2008.

Thomas D. Cochran, Mayor

ATTEST:

Marjorie D. Harris, Borough Clerk

(SEAL)