

# TENAKEE SPRINGS MUNICIPAL CODE

## TITLE 01

### GENERAL PROVISIONS

Chapters:

01.01. CODE ADOPTION

01.02. CITY DATA

01.03. INTERPRETATION AND USE OF ORDINANCE CODE

01.04. ORDINANCES-RESOLUTIONS-TECHNICAL CODES

01.05. PENALTIES

#### CHAPTER 01.01

#### CODE ADOPTION

Sections:	01.01.010	<b>PURPOSE</b>
	01.01.020	<b>PRIOR ORDINANCES SUPERSEDE</b>
	01.01.030	<b>TITLES AND CHAPTERS ADOPTED</b>
	01.01.040	<b>CODE OF REGULATIONS</b>
		<b>ESTABLISHED AND ADOPTED</b>

**01.01.010 Purpose.** We, the elected officials of the City of Tenakee Springs, Alaska, mindful of the responsibilities for the welfare of our community which we hold as the City Council of a second class city incorporated under the Constitution and laws of the State of Alaska, and in order to provide local government of service to our people to meet their needs, do establish this Ordinance to be the Tenakee Springs Municipal Code.

**01.01.020 Prior Ordinances Superseded.** This Code supersedes any and all ordinances adopted prior to this Code and not included within this Code at the time of this Code's adoption.

**01.01.030 TITLES AND CHAPTERS ADOPTED.** The following titles and chapters constitute the Tenakee Springs Municipal Code as adopted:

## **TITLE 01 GENERAL PROVISIONS**

Chapters:

- 01.01 **CODE ADOPTION**
- 01.02 **CITY DATA**
- 01.03 **INTERPRETATION AND USE OF ORDINANCE CODE**
- 01.04 **ORDINANCES – RESOLUTIONS – TECHNICAL CODES**
- 01.05 **PENALTIES**

## **TITLE 02 CITY COUNCIL**

Chapters:

- 02.01 **CITY COUNCIL – GENERAL**
- 02.02 **MEETING AND ORGANIZATION**
- 02.03 **CITY COUNCIL PROCEDURES**
- 02.04 **CITY COUNCIL RULES OF ORDER**

## **TITLE 03 MUNICIPAL GOVERNMENT**

Chapters:

- 03.01 **PUBLIC OFFICIALS AND OFFICERS**
- 03.02 **(RESERVED)**
- 03.03 **DOCUMENTS AND RECORDS**

## **TITLE 04 PERSONNEL**

Chapters:

- 04.01 **GENERAL PROVISIONS**
- 04.02 **RECRUITMENT PROCEDURES**
- 04.03 **EMPLOYMENT SYSTEM**
- 04.04 **EMPLOYEES**

## **TITLE 05 (RESERVED)**

## **TITLE 06 BOARDS AND COMMISSIONS**

Chapters:

- 06.01 **BOARDS AND COMMISSIONS**
- 06.02 **PLANNING COMMISSION**

**TITLE 07 PLANNING, PLATTING AND LAND USE**

Chapters:

- 07.01 **SUBDIVISIONS**
- 07.02 **RIGHTS-OF-WAY**
- 07.03 **PLATTING AUTHORITY**
- 07.04 **ZONING**
- 07.05 **MOBILE HOMES**

**TITLE 08 ACQUISITION AND DISPOSAL OF MUNICIPAL PROPERTY**

Chapters:

- 08.01 **DISPOSAL OF CITY LAND**
- 08.02 **SALE OF LAND FOR ATTRACTING BENEFICIAL NEW INDUSTRIES**

**TITLE 09 REVENUE AND FINANCE**

Chapters:

- 09.01 **FISCAL POLICIES**
- 09.02 **BUDGET FORM AND SCOPE**
- 09.03 **BUDGET PROCEDURES**
- 09.04 **PURCHASING**
- 09.05 **TAXATION**
- 09.06 **SALES TAX**
- 09.065 **REMOTE SELLERS SALES TAX**
- 09.07 **BED TAX**
- 09.08 **RENTAL OF CITY OWNED EQUIPMENT**
- 09.09 **RESERVE FUND ACCOUNT**
- 09.10 **INVESTMENT ACCOUNTS**
- 09.11 **ENTERPRISE FUNDS**

**TITLE 10 (RESERVED)**

## **TITLE 11 ELECTIONS**

Chapters:

- 11.01 **ELECTIONS – GENERAL**
- 11.02 **ELECTION OFFICIALS**
- 11.03 **CANDIDATES – NOMINATIONS**
- 11.04 **NOTICE OF ELECTIONS**
- 11.05 **ELECTION BALLOTS**
- 11.06 **ABSENTEE VOTING**
- 11.07 **ELECTION PROCEDURES**
- 11.08 **CANVASSING OF ELECTION RETURNS**
- 11.09 **CONTEST OF ELECTION**
- 11.10 **INITIATIVE PETITION AND REFERENDUM**
- 11.11 **RECALL**

## **TITLE 12 PUBLIC WORKS**

Chapters:

- 12.01 **PUBLIC WORKS DEPARTMENT AND DIRECTOR**

## **TITLE 13 VEHICLES AND TRAFFIC**

Chapters:

- 13.01 **MOTORIZED VEHICLES**
- 13.02 **(RESERVED)**
- 13.03 **(RESERVED)**
- 13.04 **(RESERVED)**
- 13.05 **NON-MOTORIZED VEHICLES**

## **TITLE 14 LIBRARY, COMMUNITY BUILDING AND OTHER PUBLIC PLACES**

Chapters:

- 14.01 **LIBRARY**
- 14.02 **COMMUNITY BUILDING**
- 14.03 **CAMPGROUNDS**
- 14.04 **PARKS AND RECREATION**

## **TITLE 15 HARBORS**

Chapters:

- 15.01 **GENERAL PROVISIONS**
- 15.02 **ADMINISTRATION**
- 15.03 **MOORAGE**
- 15.04 **PROHIBITED PRACTICES**
- 15.05 **IMPOUNDMENT**
- 15.06 **HARBOR REGULATIONS**
- 15.07 **HARBOR-ELECTRIC**

## **TITLE 16 HEALTH, PUBLIC SAFETY AND FIREARMS**

Chapters:

- 16.01 **LITTER CONTROL**
- 16.02 **DEPARTMENT OF HEALTH SERVICES**
- 16.03 **HEALTH COUNCIL**
- 16.04 **PUBLIC SAFETY**
- 16.05 **FIREARMS**

## **TITLE 17 ANIMALS AND AGRICULTURE**

Chapters:

- 17.01 **DOG CONTROL**

## **TITLE 18 ELECTRIC DEPARTMENT**

Chapters:

- 18.01 **GENERAL (RESERVED)**
- 18.02 **DEPARTMENT OF ELECTRIC SERVICES**

## **TITLE 19 FUEL DEPARTMENT**

Chapters:

- 19.01 **GENERAL (RESERVED)**
- 19.02 **DEPARTMENT OF FUEL SERVICES**

## CHAPTER 01.02

### CITY DATA

Sections:	01.02.010	<b>NAME OF MUNICIPALITY-FORM OF GOVERNMENT</b>
	01.02.020	<b>CITY LIMITS</b>
	01.02.030	<b>CITY SEAL</b>

**01.02.010 Name of Municipality-Form of Government.** A. The City of Tenakee Springs shall continue as a municipal corporation under the name: “The City of Tenakee Springs”.

B. The government of the city shall be that known and designated as the mayor-council form.

**01.02.020 City Limits.** A. The boundaries of the City of Tenakee Springs are as follows:

Beginning at the SE corner of Section 20, T47S, R64E,(projected), Copper River Meridian, Alaska; thence N to the NE corner of Section 17, T47S, R64E; thence W to SE corner of Section 7, T47S, R63E; thence N to the NE corner of Section 7, T47S, R63E; thence W to the NW corner of Section 12, T47S, R62E; thence S to the SW corner of Section 13, T47S, R62E; thence E to the NE corner of Section 19, T47S, R63E; thence S to the SW corner of Section 20, T47S, R63E; thence E to the point of beginning, containing 18.0 square miles, more or less.

B. The boundaries of the city as above described were effective as of October 26, 1971.

**01.02.030 City Seal.** The city shall have a seal consisting of two concentric circles bearing the words in the outer circle “City of Tenakee Springs, Alaska”, and bearing in the inner circle the words “Incorporated October 26, 1971” and the word “SEAL”.

**01.02.040 Code of Regulations Established and Adopted.** A. There shall be a Code of Regulations of the City of Tenakee Springs, which shall be titled Tenakee Springs Regulations, Policies and Fees.

B. The Tenakee Springs Regulations, Policies and Fees shall contain those rules, regulations, schedules, policies, regulations, procedures, lists and fees authorized by the Tenakee Springs Municipal Code to be adopted by Resolution of the City Council.

C. Additions to the Tenakee Springs Regulations, Policies and Fees shall be serially numbered and dated documents attached to the Resolution approved by the City Council. The enabling Resolution shall not become a part of the Tenakee Springs Regulations, Policies and Fees, and the last in the series and the last dated shall replace all others of the same series in that part of the Tenakee Springs Regulations, Policies and Fees to which it belongs.

D. In the first instance, the following shall constitute the Tenakee Springs Regulations, Policies and Fees:

1. Harbor Fees Policies
2. Electric Utility
  - a. Rate and Collection Policy
  - b. Rate
3. Community Hall Policy and Fees
4. Equipment Rental Fees

## **CHAPTER 01.03**

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

Sections:	01.03.010	<b>DEFINITIONS</b>
	01.03.020	<b>GRAMMATICAL INTERPRETATION</b>
	01.03.030	<b>ORDINANCES INCLUDED IN THE TENAKEE SPRINGS MUNICIPAL CODE</b>
	01.03.040	<b>AMENDMENTS TO CODE-EFFECT OF NEW ORDINANCES &amp; AMENDATORY LANGUAGE</b>
	01.03.050	<b>SUPPLEMENTS OR REVISIONS TO THE TENAKEE SPRINGS MUNICIPAL CODE</b>
	01.03.060	<b>SEVERABILITY OF ORDINANCES AND PARTS OF CODE</b>

**01.03.010 Definitions.** A. Whenever the following words and terms are used in the Tenakee Springs Municipal Code, they shall have the meaning herein ascribed to them unless the context clearly indicates otherwise:

1. "Appropriation" means a sum of money, the use of which is authorized by the City Council.

2. "Assessor" means the municipal assessor.
3. "Attorney" means the municipal attorney.
4. "Building official" means the municipal building official.
5. "City" means the City of Tenakee Springs.
6. "Clerk" means the municipal clerk.
7. "Clerk-treasurer", whenever the reference is to duties involving money, means the municipal finance director: municipal treasurer..
8. "Clerk-treasurer", whenever the reference is to duties not involving money, means the municipal clerk,
9. "Code" means the Tenakee Springs Municipal Code.
10. "Computation of time" means the time within which an act is to be done.
11. "Council" means the council of the city of Tenakee Springs.
12. "Deputy presiding officer" means vice-president of the council.
13. "Ex officio" means exercising powers implied by an office.
14. "Engineer" means the municipal engineer.
15. "Finance director" means the municipal finance director.
16. "Health officer" means the municipal health officer.
17. "Judge" or "magistrate" means the judge of any court of law.
18. "Law" denotes applicable federal law, the Constitution and statutes of the State of Alaska, the ordinances of the city and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
19. "May" is permissive.
20. "Mayor" means the municipal mayor.
21. "Month" means a calendar month.
22. "Municipality" means the city of Tenakee Springs.
23. "Municipal officer or employee" means an officer or employee of the city, whether paid or unpaid, including members of the council, and members of any board or commission.
24. "Must" and "Shall", each is mandatory.
25. "Oath" shall be construed to include an affirmation or declaration in all cases.
26. "Or" may be read "and" and "and" may be read "or" if the sense requires it.
27. "Ordinance" means a law enacted by the council.
28. "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 part of such building or land.
29. "Peace officer" means any officer of the state police or member of the police force of any municipality to preserve the public peace.
30. "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.
31. "Personal property" includes money, goods, chattels, things in action and evidence of debt.
32. "President of the Council" means the mayor.



33. “Presiding officer” means president of the City Council.
34. “Property” includes real and personal property.
35. “Public Hearing” means a meeting or portion of a meeting set up to give members of the public a chance to speak on a particular subject such as the provisions of a proposed ordinance.
36. “Real property” includes lands, tenements and hereditaments.
37. “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.
38. “Resolution” means an act of the Council, the purpose of which is to declare facts or express opinions or purposes, not to command.
39. “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.
40. “State” means the state of Alaska.
41. “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.
42. “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.
43. “Title of Office”, use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city.
44. “Vice-President of the Council” means Vice-mayor.
45. “Voter” means a voter in and for the City of Tenakee Springs, Alaska.
46. “Written” includes printed, typewritten, mimeographed or multigraphed.
47. “Year” means a calendar year.

**01.03.020 Grammatical Interpretation.** A. The following grammatical rules shall apply in the Tenakee Springs Municipal Code and the ordinances of the city:

1. “Gender”. Any gender includes the other genders.
2. “Singular and Plural”. The singular number includes the plural the plural includes the singular.
3. “Tenses”. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
4. “Use of Words and Phrases”. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.
5. 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.

**01.03.030. Ordinances Included in the Tenakee Springs Municipal Code.** A. The City Council, with the advice and assistance of the city 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:

1. Ordinances enacted by the City Council of the city general and permanent in nature shall be inserted in the Tenakee Springs Municipal Code when properly prepared and authenticated by the city clerk.
2. Emergency, bond, temporary and appropriation ordinances and resolutions shall not be included in the Tenakee Springs Municipal Code, but shall be retained in the form enacted.
3. 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 regain some of them to preserve the full meaning and intent of the ordinance.

**01.03.40 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 Tenakee Springs Municipal Code is hereby amended to read as follows: \_\_\_\_\_.”

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 Tenakee Springs 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.

**01.03.050 Supplements or Revisions to the Municipal Code.** The Tenakee Springs Municipal Code shall be supplemented at regular intervals, or if the City Council deems that supplementation of the code is unnecessary, the code shall be revised and printed every five years.

**01.03.060 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 the application to other persons or circumstances shall not be affected thereby.”

## CHAPTER 01.04

### ORDINANCES – RESOLUTIONS – TECHNICAL CODES

Sections:	01.04.010	<b>ACTS OF THE CITY COUNCIL</b>
	01.04.020	<b>ACTS REQUIRED TO BE BY ORDINANCE</b>
	01.04.030	<b>ORDINANCE PROCEDURE</b>
	01.04.040	<b>ORDINANCE FORM AND CONTENT</b>
	01.04.050	<b>EMERGENCY ORDINANCES</b>
	01.04.060	<b>SIGNATURE</b>
	01.04.070	<b>ORDINANCES CONFINED TO SINGLE SUBJECT</b>
	01.04.080	<b>REPEAL SHALL NOT REVIVE ANY ORDINANCE</b>
	01.04.090	<b>COMPUTATION OF TIME</b>
	01.04.100	<b>ACTS BY AGENTS</b>
	01.04.110	<b>CODES OF REGULATIONS</b>
	01.04.120	<b>FORMAL ACTS BY RESOLUTION</b>
	01.04.130	<b>RESOLUTION PROCEDURE</b>
	01.04.140	<b>RULES AND REGULATIONS</b>
	01.04.150	<b>INITIATIVE AND REFERENDUM</b>

**01.04.010 Acts of the City Council.** A. The City Council shall act only by ordinance, or resolution, except that administrative actions, and all other actions which are duties of the mayor as prescribed in Title 3, Chapter 03.01.010, may be directed by stated motions. When the City Council expresses anything by way of command, the form of expression shall be “ordained”; when it expresses opinions, principles, facts or propositions, the form shall be “resolved”.

B. The mayor may appoint both standing and ad hoc committees of the council to examine issues in greater detail. Standing committees exist permanently. Ad hoc committees are formed to address a specific issue and are disbanded once the issue has been resolved. Committees shall be composed of at least one City Council member, and interested members of the community and the public shall submit letters of interest and shall be appointed by the City Council. A committee cannot take action on behalf of the council; instead, it may recommend an action to the council.

C. The City Council may by ordinance or resolution, establish advisory, administrative, technical, or quasi-judicial boards and commissions. These organizations are tasked with handling certain responsibilities, studying and reviewing issues authorized by the governing body, and making recommendations to the governing body. Boards and commissions do not have legislative authority.

D. The affirmative vote of at least four members shall be required for official action by the City Council.

**01.04.020 Acts Required to be by Ordinance.** A. In addition to other actions which Alaska Statutes Title 29 requires to be by ordinance,

The City Council shall use ordinances to:

1. establish, alter or abolish municipal departments;
2. fix the compensation of members of the City Council;
3. provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
4. provide for levying of taxes;
5. make appropriations and supplemental appropriations or transfer appropriations;
6. grant, renew, or extend a franchise;
7. adopt, modify or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;
8. approve the transfer of power to a first or second class borough from a city;
9. designate the borough seat;
10. provide for the retention or sale of tax-foreclosed property;
11. exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.025.

**01.04.030 Ordinance Procedure.** A. An ordinance may be presented for consideration only by a member or committee of the City Council or by the mayor at any regular or special meeting of the City Council.

B. Upon presentation of an ordinance, copies shall be furnished to each City Council member and to the mayor. Upon presentation, an ordinance shall be rejected, deferred, referred to committee, or accepted as being introduced.

C. Promptly after introduction, the City Council shall publish the ordinance and a notice setting out the time and place for a public hearing on the ordinance. The public hearing of an ordinance shall follow publication by at least five days; it may be held at a regular or special City Council meeting and may be adjourned from time to time.

D. At the public hearing copies of the ordinance shall be distributed to all persons present who request them or, in the alternative, the ordinance shall be read in full. At the public hearing all interested persons shall have an opportunity to be heard; the City Council may develop rules regulating the public hearing that do not unduly restrict the opportunity to be heard.

E. After the hearing, the City Council shall consider the ordinance and may adopt it with or without amendment.

F. The City Council shall type or print and make available copies of adopted ordinances for distribution to three (3) locations that are open to the public; other copies shall be available at cost of copying as determined by the City Council by resolution.

G. Ordinances take effect upon adoption or at a later date specified in the ordinance.

H. As used in this section, the term "publish" means that the proposed ordinance and notice of hearing shall appear at least once in a newspaper of general circulation distributed within the municipality, or, if there is not newspaper of general circulation distributed within the municipality, posted in three (3) public places for at least five (5) days.

**01.04.040 Ordinance Form and Content.** A. All ordinances enacted by the City Council shall be in substantially the following form:

1. The proposed ordinance shall have a heading and number, state the name of the person introducing the ordinance and date of introduction.

2. 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.
3. Enacting clause: The enacting clause shall read: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TENAKEE SPRINGS, ALASKA."
4. Substantive part of the ordinance: The provisions of the ordinance shall follow the enacting clause.
5. Signatures: Appropriate places shall be provided for the signatures of the mayor and the city clerk.
6. Attestation: The enactment and passage date of the ordinance shall be attested by the city clerk.
7. Code section numbers: Ordinances which amend, add to or repeal sections of the Tenakee Springs Municipal Code shall refer to the code sections by number.

**01.04.050 Emergency Ordinances.** A. To meet a public emergency the City Council may adopt ordinances effective upon adoption.

1. every emergency ordinance must contain a finding by the City Council that an emergency exists and a statement of the facts upon which the finding is based.
2. the ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced.
3. the affirmative vote of all members present, or the affirmative vote of three-fourths (3/4) of the total membership, whichever is less, is required for adoption.
4. the City Council must print or type 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 (60) days.

**01.04.060 Signature.** Each ordinance shall be signed by the mayor at its adoption and attested by the city clerk.

**01.04.070 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.

**01.04.080 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.

**01.04.090 Computation of Time.** The time in which an act provided by law is required to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

**01.04.100 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.

**01.04.110 Code of Regulations.** The City Council 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 (15) days before adoption at least five (5) copies of the code of regulations 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 or typed after adoption. The City Council shall provide for the adopted code of regulations to be sold to the public.

**01.04.120 Formal Acts by Resolution.** A. Formal acts by the City Council 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 of Tenakee Springs, Alaska”;
2. the space for a number to be assigned – “Resolution(Number)”;
3. state the name of person introducing the resolution and the date of introduction;
4. a short and concise title descriptive of its subject and purpose;
5. short premises or whereas clauses descriptive of the reasons for the resolutions if necessary;
6. the resolving clause “BE IT RESOLVED”;
7. provision for signature after the date, and designated lines for the signatures of the mayor and city clerk; and
8. an attestation.

B. All Resolutions adopted by the City Council whether at the instance of and presented by third parties, or on the motion of the instance of the City Council, shall conform to the requirements in A. (above).

C. Resolutions shall not be included in any municipal code of ordinances.

**01.04.130 Resolution Procedure.** 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 City Council 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, the City Council shall type or print and make available copies of adopted resolutions for distribution to three (3) locations that are open to the public; other copies shall be available at cost of copying as determined by the City Council by resolution.

D. Every resolution, unless it shall specify a later date, shall become effective upon adoption.

**01.04.140 Rules and Regulations.** Any rule or regulation made by any administrative officer of board or commission shall be published either by one (1) publication in a newspaper of

general circulation in the city or by posting a copy thereof for ten (10) days following its approval by the City Council in three (3) public places.

**01.04.150 Initiative and Referendum.** Voters of the city may directly enact ordinances and resolutions by the initiative and may reject ordinances and resolutions of the City Council by referendum but these powers may be exercised only as prescribed by Alaska Statutes 29.26.100 – 29.26.190.

**CHAPTER 01.05**

**PENALTIES**

Sections:                   01.05.010       **GENERAL PENALTY**  
                                   01.05.020       **AIDING OR ABETTING**

**01.05.010 General Penalty.** A. Every act prohibited by ordinance of this city is unlawful. Unless another penalty is expressly provided by an ordinance, every person who violates any provision of this code, or any rule or regulation adopted or issued pursuant to this code, is subject to a civil penalty in the amount set forth in TSMC 01.05.030, not to exceed five hundred (\$500) dollars.

B. Any person given notice of a violation subject to a civil penalty shall have the option of paying the civil penalty by mail or in person at the address listed on the notice; or contesting the notice as set forth in TSMC 01.05.060.

C. Each act of violation and every day upon which the violation shall occur is a separate offense and may be cited as such.

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

**01.05.030 Violations, Civil Fines** A. Notwithstanding any provision of the TSMC to the contrary, the offenses listed in the table below shall be considered violations subject to a civil penalty not to exceed that set forth in the table below; payment of the listed civil fine shall be accepted in satisfaction of the violation; and the violation shall be subject to the procedure set forth in TSMC 01.05.040 – 01.05.060. Second & Third offence penalties shall be incurred for repeat violations within 2 years of initial Notice of Violation.

<b>Code Section</b>	<b>Offense</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup> plus</b>
<b>07.02 Rights of Way</b>				
07.02.050A	Encroachment placed in ROW without permit	\$100	\$200	\$300
07.02.050C	Encroachment is or becomes a hazard or nuisance	\$50	\$150	\$300

07.02.060A (4)	Roofline that sheds snow in the road	\$20	\$100	\$300
<b>07.03 Platting Authority</b>				
07.03.100	Offering to sell land in an unapproved subdivision	\$100	\$300	\$500
07.03.100	Recording or attempting to record a subdivision before approval of the platting authority	\$100	\$300	\$500
<b>07.04 Zoning</b>				
07.04.040	Violation of any provision of the Residential Zoning regulations	\$50	\$150	\$300
07.04.050	Violation of any provision of the Townsite Core Zoning regulations	\$50	\$150	\$300
7.04.060	Violation of any provision of the Industrial Zoning regulations	\$50	\$150	\$300
07.04.070	Violation of any provision of the Watershed Reserve regulations	\$50	\$150	\$300
07.04.080D	Unauthorized dumping or storage of prohibited objects	\$50	\$150	\$300
07.04.100	Failure to obtain required Variance	\$100	\$300	\$500
07.04.120	Construction without a building permit	\$100	\$300	\$500
07.04.150	Non-conforming sign	\$25	\$50	\$100
<b>07.05 Mobile Homes</b>				
07.05.010	Moving in a prohibited mobile or prefab building	\$100	\$300	\$500
<b>09.06 Sales Tax</b>				
09.06.070A	Failure to file timely sales tax returns	\$50	\$150	\$300
<b>09.07 Bed Tax</b>				
09.07.040A	Failure to file timely bed tax returns	\$50	\$150	\$300
<b>11.01 Elections-General</b>				
11.01.090	Violation of any part 1-16, specify part on notice	\$100	\$200	\$300
<b>13.01 Motorized Vehicles</b>				
13.01.025	Prohibit commercial use of vehicle-no taxi	\$50	\$100	\$300
13.01.030	Failure to license vehicle	\$50	\$100	\$300
13.01.040	Operating a non-conforming vehicle without a permit	\$50	\$100	\$300
13.01.050	Operating an unlicensed/unpermitted vehicle on city roads	\$50	\$100	\$300
13.01.060	Operating a motorized vehicle beyond posted limits of road	\$50	\$100	\$300
13.01.070	Leaving an unattended vehicle parked on the improved multi-use portion of the road so as to impede trail (fire, fuel truck)	\$50	\$150	\$300
13.01.080	Failure to replace/repair muffler after warning	\$50	\$100	\$300
13.01.090	Operating a motorized vehicle after dark without a headlight	\$25	\$75	\$200
13.01.120	Under aged/unlicensed motor vehicle operator prohibited	\$50	\$100	\$300



13.01.130	Failure to yield to a pedestrian	\$50	\$100	\$300
13.01.140A	Unauthorized use on restricted docks	\$25	\$100	\$300
13.01.140B	Use of prohibited vehicle on trail, street, or dock	\$100	\$300	\$500

**13.05 Non-motorized vehicles**

13.05.020	Failure to yield to pedestrians	\$25	\$50	\$150
13.05.040	No parking so as to impede traffic on improved portion of road (fire/fuel truck)	\$25	\$50	\$150
13.05.050	Unattended non-motorized vehicles impeding traffic on floats or docks	\$25	\$50	\$150

**14.03 Campgrounds**

14.03.010	Camping in prohibited areas	\$50	\$100	\$300
14.03.040A (1-9)	Violation of any prohibited regulation	\$50	\$100	\$300

**15.04 Harbors Prohibited Practices**

15.04.010	Excessive speed/wake in harbor	\$50	\$100	\$300
15.04.030	Creating or failure to remove a hazard to navigation	\$50	\$150	\$300
15.04.040	Failure to register vessel after entering harbor	\$25	\$75	\$150
15.04.050A (1-5)	Improper mooring	\$50	\$100	\$300
15.04.060	Operating vessel in harbor without equipment specified in TSMC 15.03.060	\$25	\$75	\$200
15.04.070A	Littering, improper disposal of trash in the water or on Harbor grounds	\$50	\$100	\$300
15.04.070B	Burning refuse on beach in harbor	\$100	\$300	\$500
15.04.080	Dumping, improper disposal of petroleum products on water or harbor lands	\$50	\$100	\$300

**16.01 Litter Control**

16.01.010(A)	litter collected, deposited or remain in any place under his/her control	\$100	\$200	\$300
16.01.020(B)	throw, deposit litter in ROW or other public places	\$100	\$200	\$300
16.01.030(C)	failure to keep un-improved portion of ROW in front of residence free of litter	\$100	\$200	\$300
16.01.040(D)	drive or move any vehicle carelessly loaded from falling upon any ROW or public place	\$100	\$200	\$300
16.01.050(E)	throw or deposit litter on any private property	\$100	\$200	\$300
16.01.060(F)	keep, maintain or deposit abandoned/junked vehicle on public property	\$100	\$200	\$300

**16.05 Firearms**

16.05.010	Unlawful discharge of firearms	\$100	\$300	\$500
-----------	--------------------------------	-------	-------	-------

**17.01 Dog Control**

17.01.010	Failure to license Dog	\$25	\$50	\$100
-----------	------------------------	------	------	-------

17.01.050 (A,B,C,)	Failure to confine/control animal that bites, is in heat or runs loose at public gatherings or on the airplane float	\$50	\$100	\$300
17.01.060 (A,B,C,D)	Failure to control objectionable behavior	\$25	\$50	\$100
17.01.070	Interference with officer enforcing provisions of this section	\$50	\$150	\$300

**18.02 Department of Electrical Services**

18.02.080(A)	Interfering or tampering with electric utility devices or equipment	\$50	\$100	\$300
18.02.080(B)	Unlawful connection of generating equipment	\$100	\$300	\$500
18.02.080(C)	Unlawful sale of electricity	\$100	\$300	\$500
18.02.080(D)	Mooring to a power pole transformer vault or other Utility equipment	\$50	\$100	\$300

B. Late Payment Fee. Except for notices for which an administrative appeal has been filed under TSMC 01.05.040, the civil fines under subsection A shall be increased by an additional twenty-five (\$25.00) dollars in the event that the fine is not paid in full within thirty (30) days of the date the notice was issued. In computing the thirty (30) day period, the period during which a properly filed and timely appeal is pending shall not be considered for assessing the late fee. In addition to the civil fines described above, the violator or presumed violator shall pay all costs incurred in collection of a civil penalty, exclusive of the costs of administrative appeal described in TSMC 01.05.060 and the costs of mailing the notice under TSMC 01.05.040C.

C. Collection of Civil Penalties, and Costs. An alleged violator of any of the ordinances described in subsection A of this section who has failed to pay all applicable fines, late payment fees, and costs described in this section shall, upon the expiration of any time for appeal, be indebted to the City in the amount of such fines, late payment fees, and costs. In addition to or in lieu of any other provision for collection of such fines, late payment fees, and costs, the City may collect these amounts as a debt and may use such collection services and methods as are allowed by law.

**01.05.040 Procedure.** A. It is the policy of the City of Tenakee Springs to attempt to achieve compliance with its ordinances by contacting an offending party, requesting their compliance with the relevant ordinance and working with them in a spirit of cooperation to resolve the particular matter. It is only when these efforts fail that a notice may be issued for all violations of any section of the TSMC by:

1. The Mayor and/or his designee
  - a.) a designee shall be approved by the city council, and
  - b.) may be a paid violation officer, and
2. the Harbormaster for violations of Title 15 and Section 16.05.010, and
3. the Electric Manager or Assistant Electric Manager for violations of Title 18.

B. The City shall use the Tenakee Springs Notice of Violation Form to provide notice of a violation listed under TSMC 01.05.030A to anyone accused of violating any provision of this code.

C. Each of the officers identified in subsection A. is authorized to give notice to persons accused of violating an ordinance listed in TSMC 01.05.030A by delivering notices of violation to such persons, or, in cases where vehicles without drivers are parked or stopped in violation of the Tenakee Springs Municipal Code listed in TSMC 01.05.030A by affixing a notice of violation to the vehicles by means of which the alleged violation occurred, or, in appropriate cases, by conspicuously affixing the notice to a house or other building or property where the alleged violation occurred, or by delivering the notice by certified mail. The notices of violation shall include at least the following:

1. A brief description of the violation;
2. The registration number and/or other identification of the vehicle, house, or other building, if available;
3. The approximate time and place of the violation;
4. The civil fine for the violation;
5. The City of Tenakee Springs office and address where the civil fine must be paid;
6. A statement that unless an appeal is filed or notice paid within 30 days from the date of the notice of the violation an additional fee of \$25.00 will be imposed;
7. A brief description of the procedure for appealing the notice of violation, the office where such appeal must be filed and the time for filing an appeal;
8. A notice that timely payment of the civil fine will waive all rights to appeal or contest the notice of violation or civil fine;
9. A notice that the person has a right to an administrative hearing at which the person may be represented by counsel, confront and question witnesses, testify, and subpoena witnesses;
10. A notice that failure to timely and properly file an appeal or pay the civil fine will be deemed an admission of the violation, will waive all rights to appeal or contest the notice of violation or civil fine, will cause the civil fine and late payment fee to become immediately due and payable, and will subject the person to additional collection costs if the civil fine and fee are not paid; and
11. Such other relevant information as the City may require.

D. Failure to appeal the notice is a waiver of all right to appeal or contest the notice, shall be deemed an admission of the violation described in the notice, and shall cause the civil penalty and late payment fee described in TSMC 01.05.030B to become immediately due and payable.

**01.05.050 Adjudications of Appeals of Notice of Violation.**

A. Unless the City Council exercises its discretion and appoints a hearing officer on a particular appeal, the City Council may hear appeals of notices issued by the Planning Commission Chair, the Building

Permit Officer, the Harbor Master, or the Manager of any Enterprise Operation of the City. In all other cases, the City Council shall appoint a hearing officer to hear the appeal.

B. The City may contract for the professional services of an attorney to serve as the hearing officer for appeals of notices issued under TSMC 01.05.040. A hearing officer shall be a member of the Alaska Bar Association with five years of experience as an attorney in Alaska administrative law and a resident of Alaska. The City may also contract with the State of Alaska's Office of Administrative Hearings to provide hearing office services.

C. The hearing officer will hear appeals brought under TSMC 01.05.060.

**01.05.060 Administrative Appeal.** A. Right to Appeal a Notice of Violation. Any person to whom a Notice under TSMC 01.05.040C has been issued and any person who is the registered owner of a vehicle or other property to which a notice was affixed may appeal the notice in the manner set forth below.

B. Time for Appeal. Within twenty (30) days of the date the notice of violation was issued, any person appealing a notice of violation shall file with the City Clerk a written appeal. Failure to file a written appeal within the time limit set forth in this subsection shall waive any right to contest the notice or the penalties, fees and costs imposed for the violation.

C. Contents of Written Appeal. The written appeal must state:

1. The name and mailing address of the appellant;
2. The number or other sufficient identification of the notice of violation;
3. A description of the vehicle, if the alleged violation involved a vehicle;
4. Any facts, documents, photographs, witness statements or other evidence supporting the appeal;
5. A statement of the reasons for the appeal;
6. A statement that the appellant requests a hearing or desires to have the matter decided without a hearing. Unless a hearing is requested, the appellant's rights to a hearing, and the opportunity to present evidence and to examine and cross-examine witnesses will be waived. If the appellant waives the hearing, the hearing officer may determine the case based upon the written statements of the appellant, the issuing officer and any witnesses and upon the hearing officer's own observations; and
7. The signature of the appellant and the date of signing.

D. Appeal Files. The City Clerk shall provide to the parties and persons deciding the appeal with copies of all correspondence between the city agency issuing the notice and appellant, the written appeal filed by the appellant, and correspondence, if any, between the city and third party experts advising the City on the issues raised by the appeal.

E. Appeal Hearing Procedures.

1. Date. Unless otherwise agreed by the appellant and the hearing officer any hearing requested pursuant to this section shall take place no later than thirty (30) days from the date the written notice of appeal is filed with the City.

2. Procedure. The City shall bear the burden of proof to prove the violation by a preponderance of the evidence. The hearing shall be conducted informally and may be governed by such rules and procedures as the hearing officer may choose to establish, except that:

Parties may appear in person or by telephone at their own expense. An appellant may, represent himself or herself, or hire an attorney authorized to practice law in Alaska to represent them in the hearing;

- a.) Parties may present witnesses and evidence on their own behalf;
- b.) Parties or their counsel, but not both, may cross-examine opposing witnesses on matters relevant to the issues, impeach witnesses regardless of which party first called the witness to testify, and rebut evidence against them;
- c.) The hearing officer may consider evidence, which the officer reasonably deems to be relevant and material to the contested issue. Relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule, which makes improper the admission of the evidence over objection in a civil action. Hearsay evidence may be considered provided there are guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence the proponent can procure by reasonable efforts;
- d.) All proceedings shall be open to the public;
- e.) The hearing shall be memorialized by an electronic recording or a stenographic record; and
- f.) Failure of an appellant to appear at a hearing when such hearing has been requested by appellant shall constitute a waiver of all right to a hearing and shall render the amount of the fines, penalties and cost due and owing.

F. Scope of Review. The hearing officer's decisions shall be based solely upon the law and the facts applicable to the case. If a violation is legally determined to have occurred, the hearing officer shall not substitute his or her judgment as to whether a Notice of Violation should have been issued.

G. Decision. The hearing officer may exercise reasonable discretion in deciding the appeal. The decision shall be based upon substantial evidence from the whole record. The hearing officer shall promptly issue a written decision on the record.

H. Payment. If the hearing officer upholds the Notice of Violation, the appellant shall pay the civil penalty, any applicable late fees, and costs within fifteen (15) days of the decision unless a timely request for reconsideration is filed.

I. Reconsideration and Appeal. The decision of the hearing officer reached after the conclusion of hearing may be reconsidered or reheard only if:

1. There was substantial procedural error in the original proceedings;
2. The hearing officer acted without jurisdiction; or

3. The decision was based on fraud or misrepresentation.

Any person seeking reconsideration or rehearing must file a request with the City Clerk together with the materials supporting one or more of the grounds stated above within fifteen (15) days of the decision for which reconsideration or rehearing is requested. A rehearing shall be conducted in the same manner as the original proceeding. The decision of the hearing officer may be appealed to the superior court pursuant to the Alaska Appellate Rules, if such appeal is filed within thirty (30) days of the issuance of the decision.]