

Introduced by: Councilman Albertson  
Introduction Date: February 28, 2017  
Public Hearing: March 14, 2017  
Action: Passed  
Vote: 5-0

## *CITY OF BETHEL, ALASKA*

### **Ordinance #17-10**

#### **AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE SECTION 1.01 CODE ADOPTION**

**WHEREAS**, the Bethel Municipal Code was first adopted on February 25, 1985 via Ordinance 157;

**WHEREAS**, Title 1 of the Code has not been updated since 2007;

**WHEREAS**, since being hired with the City, the City Attorney has been tasked with updating all of the Bethel Municipal Code;

**WHEREAS**, as part of the update, the City Attorney has gone back to the beginning and updated section 1.01 presented below;

**NOW, BE IT FURTHER ORDAINED**, the City Council adopts the updated section 1.01 of the Bethel Municipal Code as outlined in this Ordinance;

**SECTION 1. Classification.** This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

**SECTION 2. Amendments.** Bethel Municipal Code Section 1.01, Code Adoption, is amended as follows (old language is stricken, new language is underlined):

#### **1.01 Code Adoption**

- 1.01.010 Adoption.
- 1.01.020 Title – Citation – Reference.
- 1.01.030 Codification Authority.
- ~~1.01.035 Revision of ordinances.~~
- 1.01.040 Ordinances Passed Prior to Adoption of the Code.
- 1.01.050 Reference Applies to all Amendments.
- ~~1.01.060 Title, chapter and section headings. Reviser of Ordinances~~
- ~~1.01.070 Reference to specific ordinances. Title, Chapter and Section Headings~~
- ~~1.01.080 Effect of code on past actions and obligations. Reference to Chapters, Sections or Ordinances~~
- ~~1.01.090 Effective date. History Notes~~
- ~~1.01.100 Constitutionality. Reference Notes and Editors Notes~~
- ~~1.01.110 Constitutionality/Severability~~
- ~~1.01.120 Supplements~~
- ~~1.01.130 Retrospective Effect of Ordinance~~

**1.01.010 Adoption.**

~~As authorized by AS 29.48.180, there is adopted the "Bethel Municipal Code," dated 2006. As authorized by AS 29.25.050, there is adopted the "Bethel Municipal Code" as compiled, edited and published by Code Publishing company, Seattle, Washington.~~

**1.01.020 Title – Citation – Reference.**

- A. This Code shall be known as the "Bethel Municipal Code" and it shall be sufficient to refer to said code as the "Bethel Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Bethel Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Bethel Municipal Code," and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code. For the purpose of the application of this section and of any other provision of the "Bethel Municipal Code" and of any other document, "Bethel Municipal Code" may be abbreviated "BMC."
- B. It shall be sufficient to designate an ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Bethel Municipal Code," and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code.

**1.01.030 Codification authority.**

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Bethel, Alaska, codified pursuant to the provisions of AS ~~29.48.180. 29.25.040-.050.~~

~~**1.01.035 Revision of ordinances.** [Move to .060]~~

~~A. The city clerk is the reviser of ordinances. The reviser of ordinances shall revise for consolidation into the Bethel Municipal Code all ordinances of a general and permanent nature adopted by the city council.~~

~~B. The reviser, with the prior approval of the city attorney, shall edit and revise the ordinances for consolidation without changing the meaning of any ordinance in the following manner:~~

- ~~1. Renumber sections, parts of sections, articles, chapters and titles;~~
- ~~2. Change the wording of sections or subsection titles, or delete subsection titles, and change or provide new titles for sections, articles, chapters and titles;~~
- ~~3. Change capitalization for the purpose of uniformity;~~
- ~~4. Substitute the proper designation for the terms "the preceding section," "this ordinance" and like terms;~~
- ~~5. Substitute the proper calendar date for "effective date of this ordinance," "date of adoption of this ordinance" and other phrases of similar import;~~

~~6. Strike out figures if they are merely a repetition of written words or vice versa, or substitute figures for written words or vice versa for the purpose of uniformity;~~

~~7. Correct manifest errors that are clerical, typographical, or errors in spelling, or errors by way of additions or omissions;~~

~~8. Correct manifest errors in references to laws, regulations, ordinances, and this code;~~

~~9. Rearrange sections, combine sections or parts of sections with other sections or parts of sections, divide long sections into two (2) or more sections, and rearrange the order of sections to conform to a logical arrangement of subject matter as may most generally be followed in this code;~~

~~10. Change all sections, when possible, to read in the present tense, indicative mood, active voice and if the use of personal pronouns cannot be avoided in a section change the section to read in the third (3rd) person, and singular number, or any other necessary grammatical change in the manner generally followed in this code;~~

~~11. Delete or change sections or parts of sections if a deletion or change is necessary because of other council amendments that did not specifically amend or repeal them;~~

~~12. Omit all temporary ordinances, all titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity, and construction clauses unless, from their nature, it may be necessary to retain them to preserve the full meaning and intent of the ordinance.~~

~~C. In exercising authority under this section, the reviser of ordinances shall be guided by conventions and policies followed by the State Reviser of Statutes in the exercise of authority under AS 01.05.031.~~

~~D. The reviser shall edit and revise the ordinances as they are adopted by the city council, without changing the meaning of any ordinance, so as to avoid the use of pronouns denoting masculine or feminine gender.~~

### **~~1.01.040 Ordinances passed prior to adoption of the code.~~**

~~The last ordinance included in the initial previous version of this Code is was Ordinance 04-02-17-07. The following ordinances, passed subsequent to Ordinance 04-02, but prior to the adoption of this code, are adopted and made a part of this code: Ordinances 04-03 through 06-14.~~

### **1.01.050 Reference applies to all amendments.**

Whenever a reference is made to this Code as the "Bethel Municipal Code" or to any portion thereof, or to any ordinance of the City of Bethel, Alaska, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

### **1.01.060 Reviser of Ordinances. [Previously .035]**

A. The City Clerk is designated as the reviser of ordinances. ~~The reviser of ordinances shall revise for consolidation consolidate in this Code all ordinances not of a temporary or special nature enacted by the City Council.~~ The reviser of ordinances shall

consolidate in this Code all ordinances enacted by the City Council that are not of a temporary or special nature.

- B. The reviser, with the ~~prior approval~~ concurrence of the City Attorney, shall edit and revise the ordinances for consolidation without changing the meaning of any ordinance in the following manner:
1. Number or renumber sections, parts of sections, parts, chapters and titles.
  2. Change or delete the wording of sections or subsection titles, ~~or delete subsection titles,~~ and change or provide new titles for sections, chapters and titles.
  3. Change capitalization for the purpose of uniformity.
  4. Substitute the proper designation for the terms "the preceding section," "this ordinance" and like terms.
  5. Substitute the ~~proper~~ calendar date for "effective date of this ordinance," "date of adoption of this ordinance" or other ~~date changes~~ phrases of similar import;
  6. Strike out figures if they are merely a repetition of written words or vice versa, or substitute figures for written words or vice versa for the purpose of uniformity or clarity;
  7. Correct manifest errors that are clerical, typographical, or errors in spelling, or errors by way of additions or omissions.
  8. Rearrange sections, combine sections or parts of sections with other sections or parts of sections, divide long sections into two (2) or more sections, and rearrange the order of sections to conform to a logical arrangement of subject matter as may most generally be followed in this Code;
  9. Correct mistakes in grammar;
  10. Change sections, when possible, to read in the present tense, indicative of mood, active voice and if the use of personal pronouns cannot be avoided in a section, change the section to read in the third (3<sup>rd</sup>) person, and singular number, or any other necessary grammatical change in the manner generally followed in this Code;
  11. Delete or change sections or parts of sections if a deletion of change is necessary because of other council amendments that did not specifically amend or repeal them;
  12. Omit all temporary ordinances, all titles to ordinances, all enacting or repealing clauses, all declarations of emergency, and all purpose, validity and construction clauses unless, from their nature, it may be necessary to retain them to preserve the full meaning and intent of the Ordinance;
  13. Correct manifest errors in citations or references to laws, regulations, statutes, ordinances and this Code whose designations have changed because of renumbering or revision of the Alaska Statutes, federal or State law, or this Code.
- C. In exercising authority under this section, the reviser of ordinances shall be guided by conventions and policies followed by the State Reviser of Statutes in the exercise of authority under AS 01.05.031.
- D. The reviser shall edit and revise the ordinances ~~as they are adopted~~ by the city council, without changing the meaning of any ordinance and so as to avoid the use of pronouns denoting masculine or feminine gender.

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E. The reviser shall, with the assistance and advise of the City Attorney, make recommendations to the City Council concerning deficiencies, conflicts or obsolete provisions in the Code.

**1.01.060 070 Title, Chapter and Section headings.**

Title, chapter and section headings contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section thereof.

**1.01.070080 Reference to Specific Ordinances.**

All references to chapters, sections, or ordinances are to the chapters, sections and ordinances of this Code, unless otherwise specified. The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances designated by number or otherwise and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

**1.05.090 History notes.**

The history notes appearing in brackets after sections in this Code are not intended to have any legal effect, but are merely intended to indicate the source of the matter contained in the section.

**1.05.100 Reference notes and editor's notes.**

The references and editor's notes appearing throughout the Code are not intended to have any legal effect, but are merely intended to assist the user of the Code.

**1.01.100 110 Constitutionality/Severability.**

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The Council declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**1.01.120 Supplements to Code**

A. By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the City Clerk. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the City Council or adopted by initiative and referendum during the period covered by the supplement and all changes made by the supplement in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will,

where necessary, replace pages which have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

- B. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by their omission from reprinted pages.
- C. When preparing a supplement to this Code, the codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
1. Organize the ordinance material into appropriate subdivisions;
  2. Provide appropriate catch lines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in catch lines, headings and titles;
  3. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  4. Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections through ..."; and the inserted section numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and
  5. Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.
- State Law reference—** Revision of Alaska Statutes, AS 01.05.031.
- D. Additions to this Code shall be printed no less often than each six months and shall be available as provided in section 1.05.075.
- State Law reference—** Codification, AS 29.25.050.

**1.01.080 130      Retrospective Effect of Ordinances ~~code on past actions and obligations.~~**

- A. No ordinance is retrospective unless expressly declared therein.
- B. Neither the adoption of this Code, subsequent sections or chapters, nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, ~~nor be construed as affecting any of the provisions of such ordinances, relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, not to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any~~

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ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

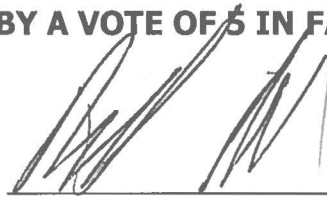
**~~1.01.090 Effective date.~~**

~~This code shall become effective on the date the ordinance adopting this code as the "Bethel Municipal Code" becomes effective.~~

**SECTION 3. Effective Date.** This ordinance shall become effective upon passage by the Bethel City Council.

**ENACTED THIS 14 DAY OF MARCH 2017, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.**

ATTEST:

  
\_\_\_\_\_  
Richard Robb, Mayor  
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Lori Strickler, City Clerk