

## *CITY OF BETHEL, ALASKA*

### **Ordinance #17-19**

#### **AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE SECTION 1.02 GENERAL PROVISIONS**

**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 (previously adopted);

**WHEREAS**, this is a continuation of Title One's update;

**NOW, BE IT FURTHER ORDAINED**, the City Council adopts the updated section 1.02 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 1.02, General Provisions, is amended as follows (old language is stricken, new language is underlined):

#### **Chapter 1.02 GENERAL PROVISIONS**

Sections:

- .010 Definitions
- .020 Grammatical Interpretation
- .030 Acts by Agents

- ~~1.04.060 — Prohibited acts include causing and permitting.~~
- ~~1.04.090 — Repeal shall not revive any ordinances.~~
- ~~1.04.100 — Repeal or amendment of any ordinance.~~
- ~~1.04.110 — Severability clause.~~

### **1.02.010 Definitions**

The following words and phrases, whenever used in the ordinances of the City of Bethel, Alaska, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. "Agent" means a person acting on behalf of another.
- B. "Business day" means a calendar day on which the city's administrative offices are open to provide general services to the public.
- C. "Calendar day" means any day, including Saturdays, Sundays and holidays
- A. "City" and "town" each means the City of Bethel, Alaska, or the area within the territorial limits of the City of Bethel, Alaska, and such territory outside Bethel over which the City of Bethel has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "City Attorney" means the city attorney for the City of Bethel.
- C. "City Clerk" means the city clerk of the City of Bethel.
- D. "City Manager" means the city manager of the City of Bethel.
- E. "Code," means the Bethel Municipal Code.
- F. "Council" means the City council of the City of Bethel, Alaska. "All its members" or "all councilmen" means the total number of councilmen holding office provided for in the Code, without regard to vacancies or absences.
- G. "Fee" means a sum of money charged by the City for the carrying on of business, profession or occupation.
- H. "Knowingly" imports only a knowledge of the facts exists which brings the act or omission within the provisions of this Code. It does not require any knowledge of unlawfulness of such act or omission.
- I. "Law" denotes applicable federal law, the Constitution and statutes of the State of Alaska, the ordinances of the City of Bethel, and, when appropriate, any and all rules and regulations which may be promulgated thereunder. — means the Constitution and statutes of the United States, the constitution statutes of the State of Alaska, and the ordinances enacted by the City of Bethel.
- J. "Owner," applied to a building or land, means and includes any part owner, joint owner, organization, business trust, society, tenant in common, joint tenant, tenant by the entirety, lessee of the whole or of a part of such building or land.
- K. "Peace Officer" means any officer of the State of Alaska, members of the police force of any incorporated city or borough, United States Marshalls and their deputies, and other officers whose duty it is to enforce and preserve the public peace;
- L. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, firm, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- M. "Personal property" means and includes tangible property, other than real property, such as money, merchandise, goods, chattels, effects, evidence of rights things in action and evidences of debt all written instruments by which any

pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and very right or interest therein.

- N. "Preceding" and "following" mean next before and next after, respectively.
- O. "Property" includes real and personal property.
- P. "Real property" means and includes land, tenements and hereditaments of all kinds, together with all rights to and interest in land, tenements, and hereditaments and further includes buildings, structures, improvements and fixtures upon or affixed to land.

#### **1.02.020 Grammatical Interpretation**

- A. In the interpretation and application of any provisions of this Code, it shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.
- B. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision(s) imposing the greater restriction and/or regulation shall be deemed to be controlling.
- C. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired an peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate hearing. All words and phrases not specifically defined shall be construed according to the rules of grammar and according to their common and approved usage. Undefined technical words and phrases which have acquired a peculiar and appropriate meaning shall be construed according to the peculiar and appropriate meaning including any relevant industry standard.
- D. Computation of Time. The time within which an act is required to be done shall be computed by excluding the first (1<sup>st</sup>) day and including the last day, unless the last day is a Saturday, Sunday or a holiday, in which case it shall also be excluded. All reference to "days" shall be calendar days unless specifically indicated as working or business days.
- E. Word Construction: The following grammatical rules shall apply in the Ordinances of the City of Bethel, unless it is apparent from the context that a different construction is intended:
  - 1. Generally. Whenever any word in any section of this Code importing the plural number is used in describing or referring to matters, parties or persons, in any single matter, party or person shall be deemed to be included, although distributive words may not have been used.
  - 2. Gender. Each gender includes the masculine, feminine and neuter genders. A word importing the masculine gender only shall extend and be applied to females, firms, partnerships, corporations, et al., and males.
  - 3. Numerical. The singular number includes the plural and the plural includes the singular. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

4. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly applicable and words in the future tense include the present or past tense.
5. The word "shall" or "must" is mandatory and non-discretionary.
6. The word "or" may be read "and", and "and" may be read "or" if the sense requires it.
7. The words "preceding" and "following" mean next before and next after, respectively.
8. The word "may" is permissive.
9. When the word "includes" or "including" is used in an ordinance, it shall be construed as though followed by the phrase "but not limited to."
10. Employees. Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words "of the City of Bethel."
11. Officers. Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words "of the City of Bethel."
12. Signature. "Signature" or "subscription" includes a 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 (2) witnesses so sign their own names thereto.

#### **1.02.030 Acts by agents.**

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

#### **~~1.02.020 Title of office.~~**

~~Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city of Bethel.~~

#### **~~1.04.060 Prohibited acts include causing and permitting.~~**

~~Whenever in the ordinances of the city of Bethel, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.~~

#### **~~1.04.090 Repeal shall not revive any ordinances.~~**

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

#### **~~1.04.100 Repeal or amendment of any ordinance.~~**

~~A. The repeal or amendment of any ordinance does not release or extinguish any penalty, forfeiture, or liability incurred or right accruing or accrued under such ordinance unless~~

Introduced by: Council Member Watson  
Introduction Date: April 11, 2017  
Public Hearing: April 25, 2017  
Action: Approved  
Vote: 5-0

~~the repealing or amending act expressly so provides. An amended or repealed ordinance shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any right, penalty, forfeiture or liability.~~

~~B. The expiration of a temporary ordinance does not release or extinguish any penalty, forfeiture, or liability incurred or right accruing or accrued under such ordinance unless the temporary ordinance expressly so provides, and such ordinance shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement for such penalty, forfeiture or liability, or right accruing or accrued.~~

~~C. The simultaneous repeal and reenactment or readoption of an ordinance or provision of this code shall have the same effect as if the legislative action taken were to amend the provision to read as shown in the readopted or reenacted language without a repeal.~~

**~~1.04.110 Severability clause.~~**


~~Any ordinance heretofore or hereafter enacted by the city council which lacks a severability clause shall be construed as though it contained the clause in the following language:~~

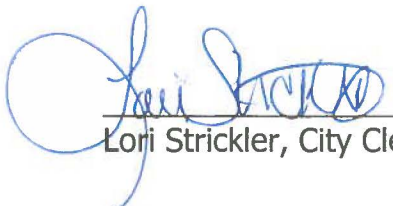
~~If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby. The city council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.~~

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

**ENACTED THIS 25 DAY OF APRIL 2017, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.**

ATTEST:

  
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Richard Robb, Mayor

  
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Lori Strickler, City Clerk