

CHAPTER 1 – GENERAL PROVISIONS

ARTICLE 1

[Revisor's Note Ordinance 2012-05 adopted on November 9th 2021 added (9) to section 1.105 definitions.]

Section 1.105 Definitions

Unless the provision of the context otherwise requires, the following definitions shall govern the construction of this code:

- (1) "This code" means the Code of Ordinances of the City of Nenana;
- (2) "Section" means a section of this code;
- (3) "Person" includes any person, firm, partnership association, corporation, company, syndicate, estate, trust, business trust, or organization of any kind;
- (4) "City" means the City of Nenana, Alaska;
- (5) "State" means the State of Alaska
- (6) "Council" and "city council" means the City Council of the City of Nenana;
- (7) "Clerk", "Clerk-Treasurer", and "City Clerk" means the City Clerk of the City of Nenana;
- (8) "Oath" includes affirmations and written declarations signed under the penalties of perjury.
- (9) "Municipal Assembly" or "City Assembly", means "City Council" and "Municipality of Nenana" or "Municipality" also means "City" of "Nenana". And use of the word "municipality" means "city".

Section 1.110 Rules of Construction

The following rules of construction shall govern the construction of this code:

- (1) The present tense includes the past and the future tenses; and the future, the present;
- (2) The masculine gender includes the feminine and neuter;
- (3) The singular number includes the plural; and the plural the singular;
- (4) "Shall" is mandatory and "may" is permissive.

Section 1.155 Headings in Code; Effect

Chapter, article, and section headings do not in any manner affect the scope, meaning or intent of the provisions of this code.

Section 1.120 Reference Applies to Amendments and Additions.

Whenever reference is made to this code or to any part thereof, such reference applies to all amendments and additions now or hereafter made.

Section 1.125 Delegations of Power and Duties.

Whenever power is granted to, or a duty imposed upon, a public officer by this code, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise.

Section 1.130 Severability

If any provision of this code, or the application to any person or circumstance, is held invalid, the remainder of this code, or the application of such provision to other person or circumstances, shall not be affected thereby.

Section 1.135 General Penalty; Punishment for Misdemeanor

- (a) Every person who does any act prohibited by this code that is not stated to be a violation is guilty of misdemeanor.
- (b) Except where a different penalty is provided by this code, every person guilty of a misdemeanor is punishable by a fine of not more than \$500 or by imprisonment for not more than 30 days, or by both fine and imprisonment.

[Reviser's Note – Section 1.137 was added by adoption of Ordinance 89-03 on 2/8/89.]

Section 1.137 Interest of Unpaid Bills

Except as otherwise provided by this Code of Ordinances, every person who owes money for any reason to the Municipality of Nenana, and who fails to pay said money to the Municipality when due, shall pay interest to the Municipality on said money at the rate of ten and one half percent (10.5%) per annum beginning on the date said money was due and ending on the date said money is paid in full payments.

Section 1.140 Amendments to This Code; Form

- (a) All ordinances passed subsequent to the effective date of this code which amend or add to this code shall be numbered in accordance with the numbering system of this code and shall be printed for inclusion herein. Any provisions of this code which is repealed shall be excluded from this code by omission from the reprinted pages affected by such repeal.

- (b) Ordinances which amend sections of this code shall use the following language: "That section ____ of the Code of Ordinances of the City of Nenana is hereby amended to read as follows: ____." The section as amended shall then be set out in full.
- (c) Ordinances which add new sections, articles or chapters to this code shall use the following language: "That the Code of Ordinances of the City of Nenana is hereby amended by adding a new section (or article or chapter), numbered and reading as follows: ____." The new section, article or chapter shall then be set out in full.
- (d) Ordinances which repeal sections, articles or chapters of this code shall use the following language: "That the Code of the Ordinances of the City of Nenana is hereby repealing ____." The sections, articles or chapters repealed shall then be listed by number.

[Reviser's Note – The ordinances have been codified in a pattern to provide each reference. If additions or amendments follow the same pattern, then the use of this Code of Ordinances should be simpler.]

Definitions are placed at the beginning of each chapter, article, or section. In all chapters, "105" is reserved for definitions whether the chapter in its present form has any definitions or not.

Liberal use of "Reviser's Notes" should be encouraged when adding to this code to reference other sections of the Code of Alaska Statutes to aid in understanding and interpreting the code. The notes are an aid only and are not part of this code.

Section 1.145 Effect of Repealing Ordinances

- (a) The repeal of any prior ordinances of the city 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 directed.
- (b) Provisions of the code repealed shall remain in force for the trial and punishment of all past violations of such provision, and for the recovery of penalties and forfeitures already incurred.
- (c) The repeal of any provision of this code shall not affect any rights which have accrued before the effective date of such repeal.

[Revisor's Note Ordinance 2012-05 adopted on November 19th 2021 added (d) to section 1.150.]

Section 1.150 Maintenance of Official Copy of This Code in City Clerk's Office

- (a) A copy of this code shall be kept on file in the office of the city clerk, preserved in loose leaf form, or in such form as the clerk may consider most expedient. Such copy shall be the official copy of this code and shall be prima facie evidence of this code.
- (b) Pages of the copy of this code on file in the clerk's office shall be added or deleted as necessary in order that such copy shall at all times be a current and accurate copy of this code.
- (c) The copy of this code on file in the clerk's office shall be available to all persons desiring to examine it in the clerk's office during regular office hours.
- (d) The Official copy of this code may be duplicated electronically in addition to the loose-leaf form prescribed in (a) of this article.

Section 1.155 Maintenance of Official Copy of the "Record of Resolutions of the City of Nenana"

An official copy of all resolutions of the city council shall be maintained in a separate "Record of Resolution of the City of Nenana," in the same or in a similar manner as in prescribed by section 1.150 for the maintenance of the official copy of this code.

[Reviser's Note - A resolution deals with matters of a special or temporary character; and ordinance prescribes some permanent rule of conduct of government to continue in force until the ordinance is repealed. See generally Title 29 of the Alaska Statutes; specifically see A.S. 29.25.010]

A.S. 29.25.050 requires each ordinance and resolution to be codified. Much confusion will be avoided by keeping them in separate codes as prescribed by the section. The resolutions should be assigned a number and should be indexed by subject matter.

Section 1.160 Altering Codes

Any person who alters or tampers with any official copy of this code or the Code of Resolutions of the City of Nenana in any manner which will cause either code to be misrepresented thereby is guilty of a misdemeanor.