

**Title 1**

**GENERAL PROVISIONS**

**Chapters:**

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 Form of Government**
- 1.12 City Limits**
- 1.16 City Seal**
- 1.20 General Penalty**

## Chapter 1.01

### CODE ADOPTION\*

#### Sections:

- 1.01.010** Adopted.  
**1.01.020** Title—Citation—  
 Reference.  
**1.01.030** Reference applies to  
 all amendments.  
**1.01.040** Title, chapter and  
 section headings.  
**1.01.050** Reference to specific  
 ordinances.  
**1.01.060** Ordinances passed  
 prior to adoption of the  
 code.  
**1.01.070** Effect of code on past  
 actions and obligations.  
**1.01.080** Constitutionality.  
**1.01.090** References to prior  
 code.

\*Prior history: Ord. dated 12/21/84

#### **1.01.010** Adoption.

There is adopted the "Emmonak Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 95-01 § 1, 1995)

#### **1.01.020** Title—Citation— Reference.

This code shall be known as the "Emmonak Municipal Code" and it shall be sufficient to refer to this code as the Emmonak Municipal 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 Emmonak Municipal Code. Reference may be made to the titles, chapters, sections and subsections of the Emmonak Municipal Code and such references shall apply to those titles, chapters, sections or subsections as they appear in the code. (Ord. 95-01 § 2, 1995)

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

Whenever a reference is made to this code as the Emmonak Municipal Code or to any portion thereof, or to any ordinance of the city of Emmonak, Alaska, codified herein, the reference shall apply to all amendments, corrections and additions heretofore now or hereafter made. (Ord. 95-01 § 3, 1995)

#### **1.01.040** 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 of this code. (Ord. 95-01 § 4, 1995)

#### **1.01.050** Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically 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. (Ord. 95-01 § 5, 1995)

**1.01.060 Ordinances passed prior to adoption of the code.**

The last ordinance included in this code was Ordinance 93-15, passed 7/27/93.

The following ordinances, passed subsequent to Ordinance 93-15, but prior to adoption of this code, are adopted and made a part of this code: Ordinance 93-17, passed 7/27/93; and Ordinance 94-08 (Bi-Weekly Payroll), passed 12/13/94. (Ord. 95-01 § 6, 1995)

**1.01.070 Effect of code on past actions and obligations.**

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 95-01 § 7, 1995)

**1.01.080 Constitutionality.**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. 95-01 § 8, 1995)

**1.01.090 References to prior code.**

References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code. (Ord. 95-01 § 9, 1995)

## Chapter 1.04

### GENERAL PROVISIONS

#### Sections:

- 1.04.010** Title for citation.  
**1.04.020** Definitions.  
**1.04.030** Grammatical interpretation.  
**1.04.040** Effect of repeal of ordinances.  
**1.04.050** Severability of ordinances and parts of code.  
**1.04.060** Amendments to code—  
 Effect of new ordinances.  
**1.04.070** Distribution.
- 1.04.010** Title for citation.  
 The following chapters and sections shall be called the "Code of Ordinances of the City of Emmonak, Alaska." (Prior code Ch. 1, § 1)
- 1.04.020** Definitions.  
 The following definitions apply to the code and all city ordinances unless the plain meaning requires otherwise:  
 "City" means the city of Emmonak, Alaska.  
 "Clerk" means the city clerk.  
 "Code" means the code of ordinances, city of Emmonak, Alaska.  
 "Council" means the city council of Emmonak.  
 "Person" means a corporation, company, partnership, firm, association, organization, business trust or society, as well as a natural person.  
 "Publish" means to post a notice within the city in three locations, one of which

shall be the city offices, for a period of not less than five days.

"State" means the state of Alaska. (Prior code Ch. 1, § 2)

**1.04.030** Grammatical interpretation.

A. Words in the present tense include the past and future tense, and words in the future tense include the present tense.

B. Words in the singular number include the plural, and words in the plural number include the singular.

C. Words of the masculine gender include the feminine and the neuter and when the sense so indicates, words of neuter gender may refer to any gender. (Prior code Ch. 1, § 3)

**1.04.040** Effect of repeal of ordinances.

Ordinances repealed remain in force for the trial and punishment of all past violations 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 apply to any office, trust, proceeding, right, contract as already affected by them. (Prior code Ch. 1, § 4)

**1.04.050** 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 this ordinance, or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the applica-

tion to other persons or circumstances shall not be affected thereby." (Prior code Ch. 1, § 5)

**1.04.060 Amendments to code—  
Effect of new ordinances.**

A. All ordinances passed after the adoption of this code which amend, repeal or in any way affect this code shall be numbered according to the numbering system of this code. Repealed chapters, sections and subsections or any part thereof shall be excluded from the code.

B. Amendments to this code shall be made by specific reference to the section number of this code in substantially the following language: "Chapter \_\_\_\_, Section \_\_\_\_, of the Code of Ordinances of the City of Emmonak, Alaska, is hereby amended to read as follows:"

C. If a new chapter or section is to be added to this code, substantially the following language shall be used: "The Code of Ordinances of the City of Emmonak, Alaska, is hereby amended by addition of the following chapter (or sections):"

If provisions are repealed, they must be specifically repealed by section by chapter number. (Prior code Ch. 1, § 8)

**1.04.070 Distribution.**

This code with amendments shall be made available to the public for inspection on request. A reasonable fee for the cost of photocopying all or parts of this code may be charged to anyone requesting copies. A copy of this code shall be furnished to the courts as needed or upon the request of the court. (Prior code Ch. 1, § 9)

**Chapter 1.08**

**FORM OF GOVERNMENT**

**Sections:**

**1.08.010**      **Name of municipality—  
Form of government.**

**1.08.010**      **Name of municipality—  
Form of government.**

A. The city shall continue as a municipal corporation and political subdivision of the state under the name: "City of Emmonak, Alaska."

B. The government of the city shall be that commonly known and designated as the manager form. (Prior code Ch. 2, § 1)

**Chapter 1.12**

**CITY LIMITS**

**Sections:**

**1.12.010 City limits.**

**1.12.010 City limits.**

**A. The boundaries of the city are as follows:**

Beginning at the school brass cap. brass cap number S.4095, and measuring therefrom, the city boundaries extend one mile in the northerly direction, one mile in the southerly direction, two and one-half miles in the westerly direction, and two miles in the easterly direction.

**B. The boundaries of the city as above described were the city limits as of February 4, 1964. (Prior code Ch. 2, § 2)**

**Chapter 1.16**

**CITY SEAL**

**Sections:**

- |                 |                     |
|-----------------|---------------------|
| <b>1.16.010</b> | <b>Description.</b> |
| <b>1.16.020</b> | <b>Adoption.</b>    |
| <b>1.16.030</b> | <b>Use.</b>         |

**1.16.010 Description.**

The description of the seal of the city shall be a circle upon which shall be printed the words "THE CITY OF EMMONAK, ALASKA" and across the face the inscription "INCORPORATED ON FEBRUARY 13, 1964." (Prior code Ch. 4, § 1)

**1.16.020 Adoption.**

The above described seal is adopted and declared the official seal of the city. (Prior code Ch. 4, § 2)

**1.16.030 Use.**

The city seal shall be used to authenticate all acts of the city. The seal shall be kept by the clerk and by him or her affixed to all acts or documents required to be so authenticated. (Prior code Ch. 4, § 3)

**Chapter 1.20****GENERAL PENALTY****Sections:**

- 1.20.010**      **General penalty.**  
**1.20.020**      **Laws of Alaska—**  
                         **Violations.**

**1.20.010**      **General penalty.**

A. Every act prohibited by ordinance of this city is unlawful. Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than three hundred dollars. Unless otherwise specifically provided, upon the second conviction such person shall be punished by a fine of not more than five hundred dollars. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

B. The penalty provided by this section shall, unless any other penalty is expressly provided, apply to the amendment of any section of this code, whether or not such penalty is reenacted in the amendment ordinance. (Ord. 43-02 § 1, 1993: prior code Ch. 1, § 6)

**1.20.020**      **Laws of Alaska—**  
                         **Violations.**

No person shall violate any law of the state of Alaska, nor any rule or regulation adopted by any duly authorized agency of the state. Violations of the foregoing shall be violations of the code, except where the state has exclusive jurisdiction over the offense. (Prior code Ch. 1, § 7)