

Title 1

General Provisions

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 General Penalty
- 1.12 Right of Entry

Chapter 1.01 Code Adoption*

(Reserved)

* For statutory provisions regarding codification of municipal ordinances, see AS 29.25.050; for the provisions regarding adoption of codes of regulations by reference, see AS 29.25.040.

Chapter 1.04 General Provisions

Sections:

- 1.04.010 Definitions.
- 1.04.020 Prohibited acts.
- 1.04.030 Construction.
- 1.04.040 Repeal not to revive any ordinances.

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

- A. City. "The City" or "this City" shall be construed as if the words "of Seldovia" followed the word city, and shall extend to and include its several officers, agents and employees.
- B. "City attorney" means the city attorney of the City of Seldovia.
- C. "City Clerk" means the city clerk of the City of Seldovia.
- D. "City Council" or "Council" means the city council of the City of Seldovia.
- E. "City hall bulletin board" means the bulletin board of the city hall or of the city hall annex.
- F. "City manager" means the city manager of the City of Seldovia.
- G. Computation of Time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceedings shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceedings are to be had shall not be counted.
- H. Gender. A word implying the masculine gender shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- I. Interpretation. In the interpretation and application of any provisions of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provisions of the code impose greater restrictions upon the subject matter than the general provisions imposed by the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
- J. "Mayor" means the mayor of the City of Seldovia.
- K. "Municipal judge" or "municipal magistrate" means the municipal judge or municipal magistrate of the City of Seldovia.
- L. Number. A word implying the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- M. "Oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the word "swear" and "sworn" shall

be equivalent to the words "affirm" and "affirmed".

N. "Or" may be read "and," and "and" may be read "or" if the sense requires it.

O. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

P. "Person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals or groups of individuals.

Q. "Personal property" includes every species of property except real property.

R. "Real property" includes land, tenements and hereditaments of all kinds, together with all right to and interests in the land, tenements and hereditaments and further includes buildings, structures, improvements and fixtures upon or affixed to land.

S. "Territory" or "this territory" when used in this code means the State of Alaska.

T. Time. Words used in the present or past tense include the future as well as the present or past.

U. 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.

V. "Written" includes printed, typewritten, mimeographed or multigraphed.

W. "Year" means a calendar year.

X. "AS 29" refers to Alaska Statutes, Title 29, of the Municipal Code.

Y. "KPBC" means Kenai Peninsula Borough code.

Z. "SCC" means Seldovia City Code.

(Ord. 74-37 Sec. 1, 1974, Ord. 87 #13 Sec.1, 1987)

1.04.020 Prohibited acts. Whenever in the ordinances of the City, 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. (Ord. 74-37 Sec. 2, 1974).

1.04.030 Construction. The provisions of the ordinances of the City, and all proceeding under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 74-37 Sec. 3, 1974).

1.04.040 Repeal not to revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance that has been repealed thereby. (Ord. 74-37 Sec. 4, 1974).

Chapter 1.08

General Penalty*

Sections:

1.08.010 Designated.

1.08.020 Judgments and sentences to run consecutively.

1.08.010 Designated.

A. No person shall violate any of the provisions of the ordinances of the City. Except in cases where a different punishment is prescribed by an ordinance of the City, violators shall be punished by a fine of not more than three hundred dollars.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Seldovia, Alaska is committed, continued or permitted by any such person, and he shall be punished accordingly. (Ord. 81-4 Sec. 2, 1981; Ord. 74-2 Sec. 1, 1974).

1.08.020 Judgments and sentences to run consecutively. All judgments and sentences imposed and ordered by the municipal magistrate of the City shall run consecutively unless otherwise specifically provided by the judge of such court in such judgments and sentences. (Prior code Sec. 1.065).

Chapter 1.12 Right of Entry

Sections:

1.12.010 Inspection for enforcement.

1.12.010 Inspection for enforcement. Whenever necessary to make an inspection to enforce the provision of an ordinance or resolution, or whenever an authorized city official has reasonable cause to believe that there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the City, an authorized city official may, upon presentation of proper credentials demand to inspect, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by any ordinance or resolution; provided that except in emergency situations or when consent of the owner or other person having charge or control of the building or premises to the inspection has

* For statutory provisions authorizing cities to enforce ordinances and prescribe penalties for violations, see AS Sec. 29.25.070 and 29.35.010(7).

been otherwise obtained, he shall give the owner or other person having charge or possession at the building or premises, if he can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner or other person having charge or control of the building or premises shall state that the property owner or person noticed has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant. In the event the owner or person noticed or occupant refuses entry after such written notice has been made, the official shall have recourse to every remedy provided by law to obtain entry. (Ord. 74-33 Sec. 1, 1974).