

Title 1

GENERAL PROVISIONS

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Chapter 1.01**CODE ADOPTION**

Sections:

- 1.01.010 Adoption of initial code sections.
- 1.01.020 Code name.
- 1.01.030 Title, chapter and section headings.
- 1.01.040 Repeal not to affect offenses and rights.
- 1.01.050 Effective date.
- 1.01.060 Severability.

For statutory provisions regarding codification of municipal ordinances, see AS 29.48.180.

1.01.010 Adoption of initial code sections.

The initial sections of the code of ordinances of the city of Craig were adopted by Ordinance No. 130 of the city. [Ord. 130 § 5, 1975.]

1.01.020 Code name.

The code of permanent and general ordinances of the city of Craig shall be known as the “Craig Municipal Code.” It shall be sufficient identification of said code to refer to the same in any proceeding, including proceedings of a criminal or civil nature, as the “Craig Municipal Code.” Further reference may be made to the title, chapters, sections and subsections of the code as numbered therein. [Ord. 130 § 5, 1975.]

1.01.030 Title, chapter and section headings.

Title, chapter and section headings contained in the code shall not be deemed to govern, limit, modify, or in any manner affect the meaning or intention of the remainder of the content of any title, chapter or section. [Ord. 130 § 5, 1975.]

1.01.040 Repeal not to affect offenses and rights.

The repeal of ordinances and parts of ordinances of a permanent and general nature by Ordinance No. 130 shall not affect any offense committed or act done, or any penalty or forfeiture incurred, or any contract, right, or obligation established prior to the time when said ordinances and parts of ordinances are repealed. [Ord. 130 § 5, 1975.]

1.01.050 Effective date.

The effective date of each code section shall be the effective date of the ordinance enacting such code section, unless another effective date is stated in said ordinance. [Ord. 130 § 5, 1975.]

1.01.060 Severability.

If any section, subsection, sentence, clause or phrase of this code is held to be invalid for any reason, such invalidity shall not affect the validity of the other parts of this code. [Ord. 130 § 5, 1975.]

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Computation of time.
- 1.04.030 Authorized agent.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Prohibited acts include causing, permitting, etc.
- 1.04.060 Construction.
- 1.04.070 Repeal shall not revive any ordinance.

1.04.010 Definitions.

The following words and phrases, whenever used in the code of the city of Craig, 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 and phrases.

“Capital improvement” means a public improvement of a permanent nature, and may include land and equipment necessary for the functioning of a building or other capital improvement.

“City” means the municipal corporation organized under the laws of the territory of Alaska, March 1, 1922, by order of the United States District Court for the Territory of Alaska, First Judicial Division, at Ketchikan.

“Council” means the city council of the city of Craig, Alaska. “All its members” or “all councilmen” means the total number of councilmen provided by law without regard to vacancies or absences.

“Law” means the Constitution and laws of the United States of America, the Constitution and laws of the state of Alaska, the order incorporating the city and any amendment to such order, and, when appropriate, any and all rules and regulations promulgated thereunder.

“Local improvements” means public improvement specially beneficial to the property affected, and also includes the abatement of such unsafe, unhealthful or unsanitary conditions as the council shall determine to be a public nuisance.

“May” is permissive.

“Month” means a calendar month.

“Must” and “shall.” Each is mandatory.

“Oath” shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

“Ordinance” means a law of the city; provided, that a temporary or special law, administrative action, order or directive may be in the form of a resolution.

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

“Person” means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“Property” includes real and personal property.

“Public improvement” means improvements to or in connection with streets, sidewalks, parks, playgrounds, buildings, sewer systems, water systems, power systems, harbor facilities and any other real property or appurtenances thereof of the city used by the public.

“Public utility” means all those systems and businesses from which the general public is entitled to receive service and a legal right to demand the same, including water, sewage, electric, central heating, gas and common carrier businesses and systems.

“Publish,” “published,” or “publication” means the posting of public notices in at least three conspicuous public places in the city. A copy of any document referred to in a publication by posting shall be furnished free of charge by the city clerk to any person requesting the same for a period of one month from the date of posting.

“State” means the state of Alaska.

“Street” includes all streets, highways, avenues, lanes, alleys, courts, squares, curbs, sidewalks and other public ways in the city, which have been or may hereafter be dedicated or open to public use.

“Written” includes printed, typewritten, mimeographed or multigraphed.

“Year” means a period of 365 consecutive days except if there is a twenty-ninth day of February during such period, it means 366 consecutive days.

All words and phrases shall be construed and understood according to the common and generally

approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. [Ord. 110 § 1, 1973.]

1.04.020 Computation of time.

In computing time to determine the time within which an act must be done under any municipal ordinance or resolution, it shall be computed by excluding the first day and including the last day in the computation; and, if the last day be Sunday or a legal holiday that day shall be excluded. [Ord. 110 § 1, 1973.]

1.04.030 Authorized agent.

When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent. [Ord. 110 § 1, 1973.]

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city:

A. Gender. The masculine gender includes the feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. [Ord. 110 § 2, 1973.]

1.04.050 Prohibited acts include causing, permitting, etc.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, aiding and abetting such act or omission or aiding in the concealment thereof. [Ord. 110 § 3, 1973.]

1.04.060 Construction.

The provisions of the ordinances of the city, and all proceedings under them, are to be construed

with a view to effect their objects and to promote justice. [Ord. 110 § 4, 1973.]

1.04.070 Repeal shall not revive any ordinance.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. [Ord. 110 § 5, 1973.]

Chapter 1.08**NAME CHANGE**

Sections:

1.08.010 Name change.

1.08.010 Name change.

The name of the municipal corporation incorporated by order of the United States Commissioner's Court for the Craig Recording and Probate District, First Judicial District, state of Alaska, dated March 1, 1922, under the name "Craig" is changed to "City of Craig." [Ord. 114 § 1, 1973.]

Chapter 1.12**RIGHT OF ENTRY**

Sections:

1.12.010 Permission and notice required.

1.12.020 Emergency entry.

1.12.030 Search warrant use.

1.12.010 Permission and notice required.

Whenever it is necessary in the performance of the duties of a city official to inspect a building or premises for the purpose of determining whether a condition exists in such building or on such premises, which constitutes a violation of any ordinance which it is the duty of such official to enforce, such official shall, before entering upon such premises or entering such building, either:

A. Obtain the permission of one or more of the adult occupants of such property to enter upon the same and make such inspection or, in the absence of any occupant, obtain such permission from one or more of the owners thereof;

B. Serve a written notice that such property will be inspected at least 24 hours prior to such inspection, stating the approximate time when such inspection shall be made and serving the same upon one or more adult occupants of said building or, in the absence of an occupant, upon one or more of the owners thereof. Such notice shall state that such occupant or owner has the right to refuse entry until and unless a search warrant has been issued authorizing such entry. [Ord. 116 § 1, 1973.]

1.12.020 Emergency entry.

In the event of any emergency endangering life or property, such entry into any building or onto any premises may be made by such official in the performance of his duties without such consent or notice if the circumstances are such that damage will be done to life or property if the entry is delayed until such permission can be obtained or notice given. [Ord. 116 § 2, 1973.]

1.12.030 Search warrant use.

Any such official who has reasonable cause to believe that there is a violation of any ordinance which he has the duty to enforce, by reason of any condition existing in any building or on any premises, and the occupant or owner thereof refuses to

permit entry without a search warrant being obtained, such official may apply to and obtain from any court of competent jurisdiction a search warrant to search such premises. [Ord. 116 § 3, 1973.]

Chapter 1.16

GENERAL PENALTY

Sections:

- 1.16.010 Civil penalties and remedies.
- 1.16.020 Minor offense penalties and remedies.
- 1.16.030 Surcharge.
- 1.16.040 Minor offense fine schedule.

For statutory provisions authorizing cities to enforce ordinances and prescribe penalties for violations, see AS 29.25.070.

1.16.010 Civil penalties and remedies.

A. Upon violation of the provisions of any ordinance of the city, the city may institute or cause to be instituted any appropriate civil action to prevent, enjoin, abate, estop, remove or punish such violation and to obtain monetary damages suffered by such party.

B. In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed \$1,000 and attorneys' fees as provided by law.

C. Each day a violation continues following issuance of a notice requiring its cessation shall constitute an additional violation for purposes of assessing civil penalties.

D. An action to enjoin a violation of any city ordinance may be brought notwithstanding the availability of any other remedy. Upon application of injunctive relief and the finding of an existing or threatened violation, the court shall grant injunctive relief to restrain the violation. [Ord. 355 § 4, 1993.]

1.16.020 Minor offense penalties and remedies.

A. Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the mandatory requirements of any ordinance of the city is guilty of an infraction punishable by a fine not to exceed \$300.00.

B. Each violation of any ordinance occurring on a separate day and each failure to comply with the mandatory requirements of an ordinance on separate days constitutes a separate offense and the person found guilty of such repeated offenses shall

be punished accordingly. [Ord. 668 § 4, 2015; Ord. 355 § 4, 1993.]

1.16.030 Surcharge.

In addition to any penalty prescribed by law, a defendant convicted of violating a city ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the state of Alaska as required by AS 29.25.074. [Ord. 668 § 4, 2015; Ord. 467 § 2, 1999.]

1.16.040 Minor offense fine schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as

provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and 29.25.074. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. If an offense is not listed on this fine schedule or another fine schedule, the defendant must appear in court to answer to the charges.

Section	Offense Title	Fine Amount
5.04.050	Possession or Consumption Under Age 21 1st Offense	\$50
5.04.050	Possession or Consumption Under Age 21 2nd Offense	\$150
5.04.050	Possession or Consumption Under Age 21 3rd and Subsequent Offense	\$300
5.05.010	Open Container, Consumption and Possession in Public Places 1st Offense	\$50
5.05.010	Open Container, Consumption and Possession in Public Places 2nd Offense	\$150
5.05.010	Open Container, Consumption and Possession in Public Places 3rd and Subsequent Offense	\$300
5.20.090	Display of License 1st Offense	\$50
5.20.090	Display of License 2nd Offense	\$100
5.20.090	Display of License 3rd Offense	\$300
7.04.010	Running at Large 1st Offense	\$25
7.04.010	Running at Large 2nd Offense	\$50
7.04.010	Running at Large 3rd Offense	\$100
7.04.020	Control of Dogs 1st Offense	\$25
7.04.020	Control of Dogs 2nd Offense	\$50
7.04.020	Control of Dogs 3rd Offense	\$100
7.04.025	Removal of Animal Excreta 1st Offense	\$25
7.04.025	Removal of Animal Excreta 2nd Offense	\$50
7.04.025	Removal of Animal Excreta 3rd Offense	\$100
7.06.010	Annual License Required 1st Offense	\$25
7.06.010	Annual License Required 2nd Offense	\$50
7.06.010	Annual License Required 3rd Offense	\$100
7.06.050	Dog Collar and License Tag 1st Offense	\$25
7.06.050	Dog Collar and License Tag 2nd Offense	\$50
7.06.050	Dog Collar and License Tag 3rd Offense	\$100
7.08.010(A)	Animal Care 1st Offense	\$50
7.08.010(A)	Animal Care 2nd Offense	\$100

Section	Offense Title	Fine Amount
7.08.010(A)	Animal Care 3rd Offense	\$300
7.08.010(B)	Animal Care 1st Offense	\$50
7.08.010(B)	Animal Care 2nd Offense	\$100
7.08.010(B)	Animal Care 3rd Offense	\$300
8.10.030	Litter in Public Places 1st Offense	\$50
8.10.030	Litter in Public Places 2nd Offense	\$100
8.10.030	Litter in Public Places 3rd Offense	\$300
8.10.040	Litter Thrown by Persons in Vehicle 1st Offense	\$50
8.10.040	Litter Thrown by Persons in Vehicle 2nd Offense	\$100
8.10.040	Litter Thrown by Persons in Vehicle 3rd Offense	\$300
8.10.050	Litter in Parks 1st Offense	\$50
8.10.050	Litter in Parks 2nd Offense	\$100
8.10.050	Litter in Parks 3rd Offense	\$300
9.24.030	Fireworks Violation 1st Offense	\$25
9.24.030	Fireworks Violation 2nd Offense	\$50
9.24.030	Fireworks Violation 3rd Offense	\$100
9.28.010	Obstruction Permit Required 1st Offense	\$50
9.28.010	Obstruction Permit Required 2nd Offense	\$100
9.28.010	Obstruction Permit Required 3rd Offense	\$300
9.38.010	Disorderly Conduct 1st Offense	\$100
9.38.010	Disorderly Conduct 2nd Offense	\$200
9.38.010	Disorderly Conduct 3rd Offense	\$300
9.38.020	Harassment 1st Offense	\$100
9.38.020	Harassment 2nd Offense	\$200
9.38.020	Harassment 3rd Offense	\$300
9.39.010	Eluding a Peace Officer 1st Offense	\$100
9.39.010	Eluding a Peace Officer 2nd Offense	\$200
9.39.010	Eluding a Peace Officer 3rd Offense	\$300
9.42.010	Unsworn Falsification 1st Offense	\$100
9.42.010	Unsworn Falsification 2nd Offense	\$200
9.42.010	Unsworn Falsification 3rd Offense	\$300
9.42.020	Making False Report 1st Offense	\$100
9.42.020	Making False Report 2nd Offense	\$200
9.42.020	Making False Report 3rd Offense	\$300
9.62.010	Theft in the Fourth Degree 1st Offense	\$100
9.62.010	Theft in the Fourth Degree 2nd Offense	\$200
9.62.010	Theft in the Fourth Degree 3rd Offense	\$300
9.62.020	Concealment of Merchandise 1st Offense	\$100
9.62.020	Concealment of Merchandise 2nd Offense	\$200

Section	Offense Title	Fine Amount
9.62.020	Concealment of Merchandise 3rd Offense	\$300
9.62.040	Criminal Mischief Third Degree 1st Offense	\$100
9.62.040	Criminal Mischief Third Degree 2nd Offense	\$200
9.62.040	Criminal Mischief Third Degree 3rd Offense	\$300
9.62.045	Criminal Mischief Fourth Degree 1st Offense	\$100
9.62.045	Criminal Mischief Fourth Degree 2nd Offense	\$200
9.62.045	Criminal Mischief Fourth Degree 3rd Offense	\$300
9.86.010	Misconduct Involving Weapons Fourth Degree 1st Offense	\$100
9.86.010	Misconduct Involving Weapons Fourth Degree 2nd Offense	\$200
9.86.010	Misconduct Involving Weapons Fourth Degree 3rd Offense	\$300
9.86.020	Misconduct Involving Weapons Fifth Degree 1st Offense	\$50
9.86.020	Misconduct Involving Weapons Fifth Degree 2nd Offense	\$150
9.86.020	Misconduct Involving Weapons Fifth Degree 3rd Offense	\$300
9.88.010	Discharging Firearms 1st Offense	\$100
9.88.010	Discharging Firearms 2nd Offense	\$200
9.88.010	Discharging Firearms 3rd Offense	\$300
9.88.020	Shooting Air Guns 1st Offense	\$25
9.88.020	Shooting Air Guns 2nd Offense	\$50
9.88.020	Shooting Air Guns 3rd Offense	\$100
9.88.030	Hunting within City Limits 1st Offense	\$100
9.88.030	Hunting within City Limits 2nd Offense	\$200
9.88.030	Hunting within City Limits 3rd Offense	\$300
9.90.010	Misconduct Involving a Controlled Substance Sixth Degree 1st Offense	\$100
9.90.010	Misconduct Involving a Controlled Substance Sixth Degree 2nd Offense	\$200
9.90.010	Misconduct Involving a Controlled Substance Sixth Degree 3rd Offense	\$300
9.90.020	Misconduct Involving a Controlled Substance Seventh Degree 1st Offense	\$100
9.90.020	Misconduct Involving a Controlled Substance Seventh Degree 2nd Offense	\$200
9.90.020	Misconduct Involving a Controlled Substance Seventh Degree 3rd Offense	\$300
9.90.040(A)(1)	Consuming Marijuana in Public Place 1st Offense	\$100
9.90.040(A)(1)	Consuming Marijuana in Public Place 2nd Offense	\$200
9.90.040(A)(1)	Consuming Marijuana in Public Place 3rd Offense	\$300
9.90.040(A)(2)	Consuming Marijuana Outdoors Adjacent to a Public Place 1st Offense	\$100
9.90.040(A)(2)	Consuming Marijuana Outdoors Adjacent to a Public Place 2nd Offense	\$200
9.90.040(A)(2)	Consuming Marijuana Outdoors Adjacent to a Public Place 3rd Offense	\$300

[Ord. 684 § 4, 2016; Ord. 668 § 4, 2015.]

Chapter 1.20**CREATION, NOTICE, AND
RECORDING OF LIENS**

Sections:

1.20.010 Authority to lien.

1.20.010 Authority to lien.

A. The city may create, record, and provide notice of a lien on real or personal property to secure payment of past due utility fees, costs incurred by the municipality in the abatement of an unsafe or dangerous building, and other fees and charges provided for by ordinance. Except as otherwise provided by state law, when recorded, a municipal lien under this section has priority over all other liens except:

1. Liens for property taxes, special assessments, and sales and use taxes;
2. Liens that were perfected before the recording of the lien under this section;
3. Liens that, under state law, are prior, paramount, and superior to all other liens; and
4. Mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notice of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this section.

B. An action to foreclose a lien on real property shall be commenced and pursued in the manner provided for the foreclosure of liens in AS 09.45.170 through 09.45.220.

C. The remedy provided in this section is not exclusive and shall be in addition to all other remedies available to the city to collect the fees, charges, costs, penalties and interest due under this chapter.

D. Fees for the administrative costs of filing of notices of liens and releasing of liens shall be:

1. Filings of notices of lien: \$25.00, plus recorder's office filing fee.
2. Release of liens: \$25.00, plus recorder's office filing fee. [Ord. 704 § 4, 2017.]

