

City of Klawock, Alaska

Code of Ordinances

A CODIFICATION OF THE ORDINANCES OF THE FIRST-CLASS
CITY OF KLAWOCK.

PUBLISHED BY ORDER OF THE CITY COUNCIL

1981

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**Klawock Municipal Code
Klawock, Alaska**

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1.01.010 **Code Cite and Designation.** The Ordinances in the following chapters and sections shall be called the Code of Ordinances of the City of Klawock, Alaska.
(Ordinance 81-1, adopted 12-15-81)

1.01.020 **Definitions.** The following definitions apply to the following words or terms used in the Code unless the plain meaning requires otherwise:

- A. “City”, The City of Klawock, Alaska;
(Ordinance 81-1, adopted 12-15-81)
- B. “Clerk”, The City Clerk-Treasurer;
(Ordinance 81-1, adopted 12-15-81)
- C. “Code”, The Code of Ordinances, City of Klawock;
(Ordinance 81-1, adopted 12-15-81)
- D. “Council”, The City Council of Klawock;
(Ordinance 81-1, adopted 12-15-81)
- E. “Person”, a corporation, company, partnership, firm, association, organizations, business, trust, or society, as well as a natural person;
(Ordinance 81-1, adopted 12-15-81)
- F. “Publish”, appearing at least once in a newspaper of general circulations distributed within the City, or if there is none, posting in three public places in the city for at least five days;
(Ordinance 81-1, adopted 12-15-81)

- G. “State”, the State of Alaska;
(Ordinance 81-1, adopted 12-15-81)
- H. “Voter”, A United States citizen who is qualified to vote in state elections, has been a resident of the City for 30 days immediately preceding the election, is registered to vote in state elections, and has not been convicted of a felony involving moral turpitude unless that citizen’s civil rights have been restored.
(Ordinance 81-1, adopted 12-15-81)

1.01.030 Effect of Repeal of Ordinances. For any Ordinance which has been repealed, a violation of that Ordinance which occurred before its repeal is enforceable as if the Ordinance had not been repealed, and any rights or remedies existing at the time of the Ordinance’s violation are preserved to anyone claiming them.
(Ordinance 81-1, adopted 12-15-81)

1.01.040 Severability. Every Ordinance or chapter of this Code which does not contain a severability clause shall be read as though it contains the following severability clause: “if any part of this Code is invalidated, the remainder which is not invalidated is valid.”
(Ordinance 81-1, adopted 12-15-81)

1.01.050 General Penalty.

- A. Every act prohibited by Ordinance of this City is unlawfully. Unless another penalty is expressly provided, every person convicted of a violation of any provision of this Code, or any rule or regulation adopted or issued thereby, shall be punished by a fine of not more than \$300.00. Each act of violation and every day upon which such violation occurs constitutes a separate offense.
(Ordinance 81-1, adopted 12-15-81)
- B. The penalty provided by this section shall apply to any amendments to this Code, whether or not such penalty is re-enacted in the amendment Ordinance, unless another penalty is expressly provided.
(Ordinance 81-1, adopted 12-15-81)

1.01.060 Violation of Law of Alaska. Violations of state law shall be violations of this Code, except where the State has exclusive jurisdiction over the offense.
(Ordinance 81-1, adopted 12-15-81)

1.01.070 Changes to Code.

- A. All Ordinances passed after the adoption of this Code shall be numbered according to the numbering system of this Code.

(Ordinance 81-1, adopted 12-15-81)

- B. Repealed provisions of this Code shall be excluded from the Code. The provisions to be repealed must be specifically repealed by section or chapter number.
(Ordinance 81-1, adopted 12-15-81)
- C. Amendments to this Code shall be made by specific reference to the section number and chapter number so amended.
(Ordinance 81-1, adopted 12-15-81)
- D. If a new chapter or section is to be added to this Code, specific reference to the new section number and new chapter number shall be made.
(Ordinance 81-1, adopted 12-15-81)

1.01.080 Distribution. This Code shall be made available to the public. The cost of reproducing all or parts of this Code may be charged to anyone requesting copies. A copy of this Code shall be furnished to any court as needed or upon its request.
(Ordinance 81-1, adopted 12-15-81)

1.01.090 Incorporating Changes into the Code. Changes to this Code shall be typed or printed and included within this Code within 90 days after passage.
(Ordinance 81-1, adopted 12-15-81)

1.01.100 Time Ordinance Take Effect. Every Ordinance takes effect upon adoption by the council unless otherwise stated in the Ordinance.
(Ordinance 81-1, adopted 12-15-81)

1.01.110 Grammatical Interpretation. The Following grammatical rules apply to this Code:

- A. Any gender includes the other gender;
(Ordinance 81-1, adopted 12-15-81)
- B. The singular number includes the plural and the plural includes the singular;
(Ordinance 81-1, adopted 12-15-81)
- C. The present tense includes the past and future tenses, and vice versa, unless clearly inappropriate;
- D. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language;
(Ordinance 81-1, adopted 12-15-81)

- E. Common words and phrases shall be construed and understood according to the common and 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;
(Ordinance 81-1, adopted 12-15-81)

1.01.120 Failure to Obey Citation.

- A. Except as provided in (B) of this section, a person who fails to appear in court to answer the citations, regardless of the disposition of the charge for which the citation was issued, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$300.00 or double the amount of the originally issued citation, whichever is the lesser amount. The execution of sentence may not be suspended nor may probation be granted except on condition that the minimum fine in this section is paid. Imposition of sentence may not be suspended.
- B. If a person is cited for an offense for which an amount of scheduled bail or fine is established and fails to pay the bill or fine, or appear in court, the citation shall be considered a summons.
(Ordinance 81-1, adopted 12-15-81)
- C. If a person cited for an offense for which an amount of scheduled bail or fine has been established appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail or fine established for the offense.
(Ordinance 81-1, adopted 12-15-81)

Title I, Chapter 2 ORDINANCES

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1.02.040	Ordinance Form and Content
1.02.050	Emergency Ordinances
1.02.060	Ordinances Confined to Single Subject
1.02.070	Requirements for Passage

1.02.010 **Acts of the Council.** The Council shall act only by Ordinance, resolution, or motion. Law of general, uniform, and permanent nature shall be written as an Ordinance.
(Ordinance 81-1, adopted 12-15-81)

1.02.020 **Acts Required to be by Ordinance.**

- A. In addition to other actions which state law requires to be by Ordinance, the council shall use Ordinances to:
1. Establish, alter, or abolish city departments;
(Ordinance 81-1, adopted 12-15-81)
 2. Amend or repeal an existing Ordinance;
(Ordinance 81-1, adopted 12-15-81)
 3. Fix the compensation of council members;
(Ordinance 81-1, adopted 12-15-81)
 4. Provide for the sale of city property;
(Ordinance 81-1, adopted 12-15-81)
 5. Provide for a fine or other penalty, or establish rules or regulations for a violation of which a fine or penalty is imposed;
(Ordinance 81-1, adopted 12-15-81)
 6. Adopt the city budget;
(Ordinance 81-1, adopted 12-15-81)
 7. Make appropriations and supplemental appropriations or to transfer appropriations;
(Ordinance 81-1, adopted 12-15-81)
 8. Grant, renew, or extend a franchise;

(Ordinance 81-1, adopted 12-15-81)

9. Regulate the rate charged by a public utility;
(Ordinance 81-1, adopted 12-15-81)
10. Approve the transfer of a power to a borough;
(Ordinance 81-1, adopted 12-15-81)
11. Adopt, modify, or repeal the comprehensive plan, zoning, and subdivision Ordinances, building and housing codes, and the official map;
(Ordinance 81-1, adopted 12-15-81)
12. Provide for the retention or sales of tax-foreclosed property;
(Ordinance 81-1, adopted 12-15-81)
13. Exempt contractors from compliance with general requirements relating to payment and performance bonds in construction or repair of city public works projects within the limitations set out in AS 36.25.025.
(Ordinance 81-1, adopted 12-15-81)

- B. The budget Ordinance is a non-code Ordinance and need not be included in this Code.
(Ordinance 81-1, adopted 12-15-81)

1.02.030 Ordinance Procedure.

- A. A proposed Ordinance is introduced in writing by the mayor or other council member, or by a committee of council members, at any lawful council meeting.
(Ordinance 81-1, adopted 12-15-81)
- B. After the Ordinance is introduced, the council votes on whether to set the time and place for a public hearing on the Ordinance. If there are at least four votes in favor of setting a public hearing, then the council shall publish a summary of the proposed Ordinance with a notice setting out the time and place for a public hearing on the proposed Ordinance. The public hearing on the proposed Ordinance shall follow the date the notice was published by at least five days. The public hearing may be held at any lawful council meeting.
(Ordinance 81-1, adopted 12-15-81)
- C. At the public hearing, copies of the proposed Ordinance shall be given to all persons present who request them or the proposed Ordinance shall be read in full. All persons shall have an opportunity to be heard at the public hearing. After the hearing, the council shall consider the proposed

Ordinance and may adopt it with or without amendment. The council shall type or print and make available copies of the adopted Ordinance.
(Ordinance 81-1, adopted 12-15-81)

- D. If the proposed Ordinance is amended after the public hearing, and the amendments are so substantial that the change the Ordinance's basic character, the proposed Ordinance shall be treated as a newly-introduced proposed Ordinance.
(Ordinance 81-1, adopted 12-15-81)

1.02.040 Ordinance Form and Content.

- A. All Ordinances enacted by the council shall be in substantially the following form:
1. The heading "City of Klawock, Alaska";
(Ordinance 81-1, adopted 12-15-81)
 2. The Ordinance number;
(Ordinance 81-1, adopted 12-15-81)
 3. The title, which summarizes the Ordinance's provisions and includes any penalty imposed;
(Ordinance 81-1, adopted 12-15-81)
 4. The enacting clause, which shall read: "BE IT ENACTED BY THE KLAWOCK CITY COUNCIL AS FOLLOWS";
(Ordinance 81-1, adopted 12-15-81)
 5. The provisions of the Ordinances;
(Ordinances 81-1, adopted 12-15-81)
 6. The dates of introduction (first reading), public hearing, and adoption;
(Ordinance 81-1, adopted 12-15-81)
 7. Space for the signature of the mayor;
(Ordinance 81-1, adopted 12-15-81)
 8. Space for the clerk's signature to verify the signature of the mayor.
(Ordinance 81-1, adopted 12-15-81)
- B. The form appearing at the end of this chapter illustrates the form set out in this section and is suggested for use by council members.
(Ordinance 81-1, adopted 12-15-81)

1.02.050 Emergency Ordinances.

- A. The council may adopt emergency Ordinances to meet a public emergency. Every emergency Ordinance must contain a statement by the council why an emergency exists and a statement of the facts which describes the emergency. The Ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The council must type or print and make available copies of adopted emergency Ordinances.
(Ordinance 81-1, adopted 12-15-81)
- B. An emergency Ordinance may not be used to levy taxes, to grant, renew, or extend a franchise, or to regulate the rate charged by a public utility for its services.
(Ordinance 81-1, adopted 12-15-81)
- C. Emergency Ordinances are effective for 60 days.
(Ordinance 81-1, adopted 12-15-81)

1.02.060 Ordinances Confined to Single Subject. Every Ordinance shall be confined to one subject unless it is an appropriation Ordinance or one codifying, revising, or rearranging existing Ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each Ordinance shall be summarized in the title.
(Ordinance 81-1, adopted 12-15-81)

1.02.070 Requirements for Passage.

- A. At least four affirmative votes are required for the passage of an Ordinance.
(Ordinance 81-1, adopted 12-15-81)
- B. The final vote on an Ordinance is a recorded roll call vote.

Title I, Chapter 3
RESOLUTIONS AND TECHNICAL CODES

Sections:

- 1.03.010 Acting by Resolution
- 1.03.020 Procedures for Resolutions
- 1.03.030 Requirements for Passage
- 1.03.040 Rules and Regulations
- 1.03.050 Codes of Regulations

1.03.010 Acting by Resolution

- A. Opinions, principles, facts, or propositions may be presented in the form of a resolution.
- B. A resolution shall be in substantially the following form:
 - 1. The heading “City of Klawock, Alaska”;
(Ordinance 81-1, adopted 12-15-81)
 - 2. The resolution number;
(Ordinance 81-1, adopted 12-15-81)
 - 3. A short title descriptive of the resolution’s subject and purpose;
(Ordinance 81-1, adopted 12-15-81)
 - 4. “WHEREAS” clauses describing the statements of fact that show why there is a need for council resolution;
(Ordinance 81-1, adopted 12-15-81)
 - 5. The resolving clause “BE IT RESOLVED:” stating the opinions or course of action the council feels should be taken;
(Ordinance 81-1, adopted 12-15-81)
 - 6. The date of passage;
(Ordinance 81-1, adopted 12-15-81)
 - 7. Space for the signature for the mayor and every other council member who voted;
(Ordinance 81-1, adopted 12-15-81)
 - 8. Space for the clerk’s signature verifying the signatures of the mayor and other council members who voted.
(Ordinance 81-1, adopted 12-15-81)
- C. Resolutions shall not be included in the Code, but shall be kept separately by the clerk in a file available for public inspection.

(Ordinance 81-1, adopted 12-15-81)

- D. The form appearing at the end of this Chapter illustrates the form set out in this section and is suggested for use by council members.
(Ordinance 81-1, adopted 12-15-81)

1.03.020 Procedures for Resolutions.

- A. Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.
(Ordinance 81-1, adopted 12-15-81)
- B. After adoption, every resolution shall be posted on the city bulletin board or in other places as the council may direct.
(Ordinance 81-1, adopted 12-15-81)
- C. Every resolution shall become effective upon adoption unless a later date is specified in the resolution.
(Ordinance 81-1, adopted 12-15-81)
- D. If state law requires a resolution to be submitted to city voters, then the resolution may be adopted after the results of the election are certified.
(Ordinance 81-1, adopted 12-15-81)

1.03.030 Requirements for Passage.

- A. At least four affirmative votes are required for the passage of a resolution.
- B. The final vote on each resolution is a recorded roll call vote.

1.03.040 Rules and Regulations. Any rule or regulation made by an administrative officer or board or commission shall be posted for ten days in three public places following its approval by motion by the council.
(Ordinance 81-1, adopted 12-15-81)

1.03.050 Codes of Regulations. The council may in a single Ordinance adopt or amend by reference provisions of a standard published code of regulations. The date or edition of the standard published code of regulations shall be included in the adopting Ordinance. The regular Ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of 15 days before adoption of the regulations at least five copies of the code of regulations must be made available for public inspection at a time and place set out in the hearing notice. Only the adoption Ordinance needs to be printed after adoption. The council may sell the adopted code to the public.
(Ordinance 81-1, adopted 12-15-81)

(Chapter 1.03.010 (B))

CITY OF KLAWOCK, ALASKA
RESOLUTION NO. _____

A RESOLUTION _____

WHEREAS, _____

WHEREAS, _____

BE IT RESOLVED:

PASSED and APPROVED by the KLAWOCK CITY COUNCIL THIS _____ day of
_____, 19____.

Mayor

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

ATTEST: _____
City Clerk

**Title I, Chapter 4
CITY INFORMATION**

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- 1.04.010 Name of City and Form of Government
- 1.04.020 City Limits
- 1.04.030 City Seal Described
- 1.04.040 Seal Adoption Declared
- 1.04.050 Use of Seal

1.04.010 Name of City and Form of Government

- A. The City of Klawock shall continue as a municipal corporation and political subdivision of the State as a first class city.
(Ordinance 81-1, adopted 12-15-81)
- B. The government of the City shall be that commonly known and designated as the council-mayor form of government.
(Ordinance 81-1, adopted 12-15-81)

1.04.020 City Limits. The boundaries of the City as described below are the effective city limits as of_____.

(Ordinance 81-1, adopted 12-15-81)

1.04.030 City Seal Described. The description of the seal of the City shall be:

(Ordinance 81-1, adopted 12-15-81)

1.04.040 Seal Adoption Declared. The above described seal is hereby adopted and declared the official seal of the City.

(Ordinance 81-1, adopted 12-15-81)

1.04.050 Use of Seal. The city seal shall be used as evidence of the official nature of the city acts or documents. The city seal is to be kept and used by the clerk.

(Ordinance 81-1, adopted 12-15-81)

Title II

CITY ADMINISTRATION

Chapters:

- 2.01 Mayor
- 2.02 City Council
- 2.03 City Council Meetings
- 2.04 City Council Procedures
- 2.05 Responsibility of Officers and Employees
- 2.06 Documents and Records
- 2.07 City Clerk and Treasurer
- 2.08 City Attorney
- 2.09 Department of Public Safety
- 2.10 Department of Public Works and Engineering
- 2.11 City Administrator
- 2.12 Volunteer Fire Department and Emergency Medical Service
Repealed (Ordinance 94-1, adopted 02-01-94)
- 2.13 City Library

Title II, Chapter 1 MAYOR

Sections:

2.01.010	Duties of Mayor as Executive
2.01.020	Qualifications
2.01.030	Compensation of Mayor
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2.01.050	Mayor's Vote
2.01.060	Term of Office
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2.01.080	Vice-Mayor
2.01.090	Mayor is Ex-Officio Officer

2.01.010 Duties of Mayor as Executive

- A. The Mayor is the chief executive officer of the City. The Mayor shall preside at council meetings; act as ceremonial head of the City, and sign documents on behalf of the City upon council authorization.
(Ordinance 81-1, adopted 01-08-82)
- B. The Mayor is the chief administrative officer of the City. The Mayor shall perform the administrative duties listed below:
(Ordinance 81-1, adopted 01-08-82)
1. Appoint city employees and administrative officers, unless otherwise provided in this code or by AS 14.14.065; hire necessary administrative assistants, if so desired; and authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his or her department, if so desired;
(Ordinance 81-1, adopted 01-08-82)
 2. Suspend or remove by written order city employees and administrative officers, unless otherwise provided in this code or by AS 14.14.065;
(Ordinance 81-1, adopted 01-08-82)
 3. Supervise enforcement of City law;
(Ordinance 81-1, adopted 01-08-82)
 4. Prepare the annual budget and capital improvements program for the council;
(Ordinance 81-1, adopted 01-08-82)
 5. Execute the budget and capital improvements program as adopted;
(Ordinance 81-1, adopted 01-08-82)

6. Make monthly financial reports to the council on City finances and operations;
(Ordinance 81-1, adopted 01-08-82)
7. Report to the council at the end of each fiscal year on the finances and administrative activities of the City;
(Ordinance 81-1, adopted 01-08-82)
8. Prepare and make available for public distribution an annual report on City affairs;
(Ordinance 81-1, adopted 01-08-82)
9. Serve as City personnel officer unless the council authorizes the Mayor by motion to appoint a personnel officer;
(Ordinance 81-1, adopted 01-08-82)
10. Execute other powers and duties specified in Title 29 of the Alaska Statutes or lawfully prescribed by the council.
(Ordinance 81-1, adopted 01-08-82)

2.01.020 Qualifications.

- A. The Mayor shall be qualifies city voter.
(Ordinance 81-1, adopted 01-08-82)
- B. If the Mayor ceases to be eligible to be a city voter, he or she is no longer mayor.
(Ordinance 81-1, adopted 01-08-82)
- C. Repealed
(Ordinance 81-1, adopted 11-07-95)

2.01.030 Compensation of Mayor. The Mayor of the City shall receive compensation of \$300.00 per month. The Mayor may be employed as a part-time, seasonal or temporary worker provided there is no conflict of interest as defined by Chapter 2.2, Section 5 of this code.
(Ordinance 81-1, adopted 08-21-01)

2.01.040 Oath of Office. The Mayor shall affirm in writing the oath of officer required of other city elected public officials as specified in chapter 2.2, Section 5 of this code.
(Ordinance 81-1, adopted 01-08-82)

2.01.050 Mayor's Vote. Veto Power. The Mayor is not a council member and may vote only in the case of a tie. The Mayor may veto any ordinance, resolution, motion, or other action of the council and may, be veto, strike or reduce items in appropriation ordinances, except for school budgeted

items. He shall submit to the council at its next regular meeting a written statement advising of his veto and giving his reasons. A veto is overridden by the vote of four of the authorized membership of the council.

(Ordinance 81-1, adopted 01-08-82)

2.01.060 Term of Office. The Mayor is elected at large by qualified voters of the City. He or she shall sever a term of three years and until a successor is elected and has qualified. The Mayor shall take office immediately at the council meeting held on the first Monday after certification of the regular election.

(Ordinance 81-1, adopted 01-08-82)

2.01.070 Vacancy. A vacancy in the office of mayor occurring within six months of a regular election shall be filled by the council. The person designated shall serve until the next regular election and until a successor is elected and has qualified. If a Council member is chosen, he or she shall resign his or her seat. If a vacancy occurs more than six months before a regular election, the council shall call a special election to fill the unexpired term.

(Ordinance 81-1, adopted 01-08-82)

2.01.080 Vice-Mayor. The council shall elect a vice-mayor from among its membership to serve in the temporary absence of the mayor.

(Ordinance 81-1, adopted 01-08-82)

2.01.090 Mayor is Ex-Officio Officer. The Mayor is the ex-officio member of every committee or department organized under this code.

(Ordinance 81-1, adopted 01-08-82)

Title II, Chapter 2 CITY COUNCIL

Sections:

2.02.010	Composition of Council
2.02.020	Qualifications of Council Members
2.02.030	Election of Council Members
2.02.040	Terms of Council Members
2.02.050	Oath of Office
2.02.060	Compensation of Council Members
2.02.070	Salaries of Elected Officials
2.02.080	Conflicts of Interest
2.02.090	Vacancies
2.02.100	Filling a Vacancy

2.02.010 **Composition of Council.** The Council shall consist of six members elected by the voters at large.
(Ordinance 81-1, adopted 01-08-82)

2.02.020 **Qualifications of Council Members.**

- A. Council members shall be qualified city voters.
(Ordinance 81-1, adopted 01-08-82)
- B. A Council member who ceases to be eligible to be a city voter immediately forfeits his or her office.
(Ordinance 81-1, adopted 01-08-82)
- C. *Repealed* (Ordinance 95-11, adopted 11-07-95)

2.02.030 **Election of Council Members.** An election will be held annually on the first Tuesday in October to choose Council members according to the schedule provided in Section 4 of this chapter.
(Ordinance 81-1, adopted 01-08-82)

2.02.040 **Terms of Council Members.** The regular term of office begins on the first Monday following the certification of election. Council members are elected for staggered three-three year terms and until their successors are elected and have qualified.
(Ordinance 02-03, adopted 4-16-02)

2.02.050 **Oath of Office.** All Council members before entering upon the duties of office shall affirm in writing the following oath and affirmation:

“I, _____, do solemnly swear that I will support and defend the Constitution of the United States, the Constitution of the State

of Alaska and the ordinances of the City of Klawock, Alaska and that I will honestly, faithfully and impartially perform the duties of the office of _____ to the best of my ability.”

(Ordinance 81-1, adopted 01-08-82)

B. The oath is filed with the City Clerk.

(Ordinance 81-1, adopted 01-08-82)

2.02.060 Salaries of Councilmen. Each Council member shall receive compensation of \$125.00 for each meeting at which he or she is recorded by the clerk as being attending.

(Ordinance 97-09, adopted 09-02-97)

2.02.070 Salaries of Elected Officials. The City Council by ordinance may at anytime change the compensation of Council members. The salary of the mayor may not be reduced during the term of office of the mayor, unless during the term a manager plan is adopted. An elected official may not receive compensation for service to the municipality in addition to the salary received as an elected official, unless otherwise provided by ordinance. Per diem payments or reimbursements for expenses are not compensation under this section.

(Ordinance 02-03, adopted 04-16-02)

2.02.080 Conflicts of Interest. A Council member, the mayor, or other officer or employee of the city shall disqualify himself or herself from participating in any official action in which he or she has a substantial financial interest.

(Ordinance 81-1, adopted 01-08-82)

2.02.090 Vacancies. An elected city office is vacated under the following conditions. The council shall declare an office vacant when the person elected:

1. Fails to qualify or take office within 30 days after election or appointments;
(Ordinance 81-1, adopted 01-08-82)
2. Is physically absent from the City for a 90 day period, unless excused by the council;
(Ordinance 81-1, adopted 01-08-82)
3. Resigns and the resignation is accepted;
(Ordinance 81-1, adopted 01-08-82)
4. Is physically or mentally unable to perform the duties of office;
(Ordinance 81-1, adopted 01-08-82)
5. Is removed from office;
(Ordinance 81-1, adopted 01-08-82)

6. Misses three consecutive regular meetings unless excused by the council;
(Ordinance 81-1, adopted 01-08-82)
7. Is convicted of a felony or of an offense involving a violation of his or her oath of office.
(Ordinance 81-1, adopted 01-08-82)

2.02.100 Filling a Vacancy. If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall designate a person to fill the vacant seat. The person appointed serves until the next regular city election and until his or her successor has qualified.
(Ordinance 81-1, adopted 01-08-82)

Title II, Chapter 3 CITY COUNCIL MEETINGS

Sections:

- 2.03.010 Meetings Public
- 2.03.020 Regular Council Meetings
- 2.03.030 Special Meetings, Including Emergency Meetings
- 2.03.040 Notice
- 2.03.050 Executive Session

2.03.010 Meetings Public

- A. Meetings of the council shall be public. The only exception to the requirement of the public council meetings is when an executive session is lawfully justified, as provided in Section 5 of this chapter.
(Ordinance 81-1, adopted 01-08-82)
- B. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings.
(Ordinance 81-1, adopted 01-08-82)

2.03.020 Regular Council Meetings

- A. The council shall meet on the first and third Tuesday of each month.
(Ordinance 81-1, adopted 01-08-82)
- B. The usual place of council meetings shall be at the city offices, council chamber. In the event of any condition which renders the meeting place unfit to conduct meetings of the council, the meeting may be moved to such other place as the council may choose, provided reasonable notice is given.
(Ordinance 81-1, adopted 01-08-82)

2.03.030 Special Meetings, Including Emergency Meetings

- A. Special meetings of the council are those meetings which are called by the mayor or any two members of the council for a time different than that fixed for regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings.
(Ordinance 81-1, adopted 01-08-82)
- B. Advance notice of at least 24 hours shall be given to each Council member before a special meeting is held. The notice shall specify the time, place, and business of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice shall be given personally to each member of the council or left at his or her usual place of business or residence by the clerk or the clerk's designee.

(Ordinance 81-1, adopted 01-08-82)

- C. In an emergency, a special meeting called on less than 24 hours notice is a legal meeting if all members are present or if there is a quorum and all absent members have waived (excused) in writing the required notice. A waiver may be made either before or after the meeting is held. Waivers shall be attached to and made a part of the minutes of the meeting.
(Ordinance 81-1, adopted 01-08-82)

2.03.040 Notice. For the purpose of giving notice to meetings, reasonable public notice is given if a statement containing the date, time, and place of the meeting is posted in at least three public places not less than 24 hours before the time of the meeting. This section does not alter or supersede any other notice requirements which may be provided in State law.
(Ordinance 81-1, adopted 01-08-82)

2.03.050 Executive Session.

- A. Only the following subjects may be discussed in an executive session:
1. Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the City;
(Ordinance 81-1, adopted 01-08-82)
 2. Subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion.
(Ordinance 81-1, adopted 01-08-82)
- B. The following shall be discussed in executive session when the best interests of the City so Require:
1. Negotiations with labor organizations representing city employees;
(Ordinance 81-1, adopted 01-08-82)
 2. Discussion of pending or threatened lawsuits in which the City has an interest.
(Ordinance 81-1, adopted 01-08-82)
- C. If any of the above subjects are to be discussed in executive session, the session must first be convened as a public meeting. During the public meeting, the council shall vote on a motion whether to hold an executive session. No subjects may be considered at the executive session except those mentioned in the adopted motion calling for the executive question. No action may be taken at the executive session. Only after the executive session is over and the meeting is once again before the public may the council take action on what was discussed in the executive session.
(Ordinance 81-1, adopted 01-08-82)

Title II, Chapter 4

CITY COUNCIL PROCEDURES

Sections:

2.04.010	Mayor Presides at Council Meetings
2.04.020	Order of Business
2.04.030	Minutes
2.04.040	Speaking- Rules of Conduct
2.04.050	Second Required for Motions
2.04.060	Disposition of Motions
2.04.070	Reducing Motions to Writing
2.04.080	Changing Vote on Motion
2.04.090	Additional Procedures
2.04.100	Voting Requirements

2.04.010 Mayor Presides at Council Meetings.

- A. The Mayor shall preside at all meetings of the council. He or she shall preserve order among council members and is responsible for the efficient conduct of all meetings according to the rules of the council. The Mayor may at any time make such other rules as are considered reasonable and proper to preserve order among the attending public during sessions of the council.
(Ordinance 81-1, adopted 01-08-82)

- B. The council shall select a vice-mayor from among the council who will preside in the mayor's absence or disability.
(Ordinance 81-1, adopted 01-08-82)

- C. In the temporary absence or disability of the mayor or vice-mayor, any member of the council may call the council to order at any properly-called meeting to elect an acting mayor from among its members. The acting mayor shall exercise all the powers of mayor only during such temporary absence or disability of the mayor or vice-mayor.
(Ordinance 81-1, adopted 01-08-82)

2.04.020 Order of Business. The order of business at every regular meeting of the council shall be as follows:

1. Call to order;
(Ordinance 81-1, adopted 01-08-82)

2. Roll call;
(Ordinance 81-1, adopted 01-08-82)

3. Minutes of previous meetings;

(Ordinance 81-1, adopted 01-08-82)

4. Reports;
(Ordinance 81-1, adopted 01-08-82)
5. Communications and public appearance requests;
(Ordinance 81-1, adopted 01-08-82)
6. Hearings, Ordinances, and Resolutions;
(Ordinance 81-1, adopted 01-08-82)
7. Old business;
(Ordinance 81-1, adopted 01-08-82)
8. New business;
(Ordinance 81-1, adopted 01-08-82)
9. Public participation;
(Ordinance 81-1, adopted 01-08-82)
10. Council comments;
(Ordinance 81-1, adopted 01-08-82)
11. Adjournment.
(Ordinance 81-1, adopted 01-08-82)

2.04.030 Minutes. Minutes of all regular and special meetings shall be taken. All minutes shall be kept in the council meeting journal. The minutes are available to the public for inspection and copies may be sold at cost.
(Ordinance 81-1, adopted 01-08-82)

2.04.040 Speaking- Rules of Conduct.

- A. Before speaking, a council member must first respectfully address the mayor or other presiding officer for permission to speak. A council member must then be recognized by the mayor or presiding officer before speaking. When two or more members request to speak at the same time, the mayor or other presiding officer shall determine which one is recognized.
(Ordinance 81-1, adopted 01-08-82)
- B. When speaking, a council member shall discuss only the subject under discussion. A council member shall not refer to any other council member except in respectful manner.
(Ordinance 81-1, adopted 01-08-82)

2.04.050 Second Required for Motion. All motions require a second, unless otherwise provided by special rule.
(Ordinance 81-1, adopted 01-08-82)

- 2.04.060 Disposition of Motions.** After a motion is seconded and stated or read by the mayor or other presiding officer, it shall be considered to be in the possession of the council and shall be disposed of by vote. However, the council member making the motion may withdraw it at any time before a vote is taken, if the member who made the second agrees.
(Ordinance 81-1, adopted 01-08-82)
- 2.04.070 Reducing Motions to Writing.** A motion must be made in writing if any council member demands.
(Ordinance 81-1, adopted 01-08-82)
- 2.04.080 Changing Vote on Motion.** Any previous vote on a motion may be changed by majority vote of the council.
(Ordinance 81-1, adopted 01-08-82)
- 2.04.090 Additional Procedures.** Robert’s Rules of Order Revised governs the conduct of council meetings to the extent this Chapter does not provide otherwise.
(Ordinance 81-1, adopted 01-08-82)
- 2.04.100 Voting Requirements.**
- A. Four council members constitute a quorum. A quorum is necessary for the council to conduct any business.
(Ordinance 81-1, adopted 01-08-82)
 - B. At least four affirmative or “Yes” votes are required for passage of an Ordinance, resolution or motion.
(Ordinance 81-1, adopted 01-08-82)
 - C. The final vote on each Ordinance, resolution, or substantive motion is a recorded roll call vote. Except when a conflict of interest requires that a person not vote, all council members present shall vote unless the council, for special reasons, permits a member to abstain. To allow a person to abstain, the council must decide the questions without discussion and before the final vote is taken.
(Ordinance 81-1, adopted 01-08-82)
 - D. The mayor or presiding officer shall declare all votes and the result.
(Ordinance 81-1, adopted 01-08-82)

Title II, Chapter 5
RESPONSIBILITY OF OFFICERS AND EMPLOYEES

Sections:

- 2.05.010 Conduct of Office
 2.05.020 Oath of Office
 2.05.030 Records Open

2.05.010 Conduct of Office. The council or the mayor shall have power to inquire into the conduct of any office, department, officer, or employee of the City, make investigations into city affairs, and compel the production of books, papers, and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee of the City.
 (Ordinance 81-1, adopted 01-08-82)

2.05.020 Oath of Office. Every officer of the City shall, before entering upon the duties of office, take an oath in writing to honestly, faithfully, and impartially perform and discharge the duties of his or her office. This oath is provided in Chapter 2.02, Section 5 of this code.
 (Ordinance 81-1, adopted 01-08-82)

2.05.030 Records Open. All records and accounts of every office and department of the City shall be open to inspection by any person, except that records and documents the disclosure of which would tend to defeat the lawful purpose for which they were intended, may be withheld from inspection. Such records as are required by State law or Ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the safe-keeping of all public records, reports, correspondence, or other data relative to the business of their department. Under no circumstances will any public records, reports, correspondence, or other data be destroyed or removed permanently from the files without the knowledge and approval of the City clerk.
 (Ordinance 81-1, adopted 01-08-82)

Title II, Chapter 6

DOCUMENTS AND RECORDS

Sections:

- 2.06.010 Document Approval
- 2.06.020 Documents to File with the State
- 2.06.030 Retention, Disposal of Public Records

2.06.010 Document Approval. All legal documents requiring the assent of the City shall be:

1. Approved by the council;
(Ordinance 81-1, adopted 01-08-82)
2. Signed by the mayor on behalf of the City;
(Ordinance 81-1, adopted 01-08-82)
3. Attested by the Clerk.
(Ordinance 81-1, adopted 01-08-82)

2.06.020 Documents to File with the State. The City shall file the following documents with the Department of Community and Regional Affairs:

1. Maps and descriptions of all annexed or excluded territory;
(Ordinance 81-1, adopted 01-08-82)
2. A copy of an audit or statement of annual income and expenditures;
(Ordinance 81-1, adopted 01-08-82)
3. Tax assessment and tax levy figures as requested;
(Ordinance 81-1, adopted 01-08-82)
4. Reports relating to long-term debt as provided in AS 44.19.205;
(Ordinance 81-1, adopted 01-08-82)
5. A copy of the current annual city budget;
(Ordinance 81-1, adopted 01-08-82)
6. A summary of the optional property tax exemptions authorized in the City, together with the city's estimate of the revenues lost to it by operation of each of the exemption.
(Ordinance 81-1, adopted 01-08-82)

2.06.030 Retention, Disposal of Public Records. The mayor shall approve a records retention and disposal schedule which indicates how long city records, documents, correspondence, and other papers shall be kept before disposal. (Ordinance 81-1, adopted 01-08-82)

**Title II, Chapter 7
CITY CLERK AND TREASURER**

Sections:

2.07.010	Appointment and Term
2.07.020	Duties of Clerk
2.07.030	Acting Clerk
2.07.040	Reserved
2.07.490	Reserved
2.07.500	Treasurer

2.07.010 Appointment and Term.

- A. The clerk shall be appointed by the council.
(Ordinance 81-1, adopted 01-08-82)
- B. The clerk shall hold office at the pleasure of the council.
(Ordinance 81-1, adopted 01-08-82)

2.07.020 Duties of Clerk.

- A. The clerk shall:
 - 1. Give and post notice of the time and place of council meetings both to the council and to the public;
(Ordinance 81-1, adopted 01-08-82)
 - 2. Attend council meetings and keep the minutes in the journal;
(Ordinance 81-1, adopted 01-08-82)
 - 3. Arrange publication and posting notices, Ordinances, and resolutions;
(Ordinance 81-1, adopted 01-08-82)
 - 4. Maintain and make available for public inspection city Ordinances, resolutions, rules, regulations and codes;
(Ordinance 81-1, adopted 01-08-82)
 - 5. Attest deeds, Ordinances, resolutions, and other documents;
(Ordinance 81-1, adopted 01-08-82)
 - 6. Record and certify actions of the council;
(Ordinance 81-1, adopted 01-08-82)
 - 7. Have the power to administer oaths;
(Ordinance 81-1, adopted 01-08-82)

8. Be custodian of the city seal and the official records of the City;
(Ordinance 81-1, adopted 01-08-82)
9. Be the city election registrar and be responsible for calling and supervising all city elections;
(Ordinance 81-1, adopted 01-08-82)
10. Perform other duties specified by this code, state law or the council.
(Ordinance 81-1, adopted 01-08-82)

2.07.030 Acting Clerk. The council may appoint an acting clerk in case of the temporary absence of the clerk. The acting clerk has all the powers, duties and obligations of the clerk.
(Ordinance 81-1, adopted 01-08-82)

2.07.500 Treasurer.

- A. There shall be a city treasurer; the treasurer shall be responsible to the city administrator.
(Ordinance 95-1, adopted 03-07-95)
- B. The treasurer shall:
 1. Keep custody of all city funds;
(Ordinance 95-1, adopted 03-07-95)
 2. Keep an itemized account of money received and disbursed;
(Ordinance 95-1, adopted 03-07-95)
 3. Maintain care of all property used by the city;
(Ordinance 95-1, adopted 03-07-95)
 4. Assist the mayor to compile the annual budget of the city;
(Ordinance 95-1, adopted 03-07-95)
 5. Prepare and submit to the mayor such financial reports and other data as may be required;
(Ordinance 95-1, adopted 03-07-95)
 6. Prescribe and control such procedures as are necessary to protect city funds and property;
(Ordinance 95-1, adopted 03-07-95)
 7. Be responsible for filing state and federal applications for shared revenue programs;
(Ordinance 95-1, adopted 03-07-95)

8. Perform such duties as the mayor, council, or state law may lawfully require.
(Ordinance 95-1, adopted 03-07-95)

Title II, Chapter 8 CITY ATTORNEY

Sections:

2.08.010 City Attorney
2.08.020 Duties of City Attorney

2.08.010 City Attorney. There may be a city attorney who shall be appointed by the council. He shall hold office at the pleasure of the council.
(Ordinance 81-1, adopted 01-08-82)

2.08.020 Duties of City Attorney.

A. The City attorney may:

1. Be charged with the performance of all legal services of the city, including those of legal advisor to the council, the mayor and to all departments and offices of the city.
(Ordinance 81-1, adopted 01-08-82)
2. Upon request of the city council, take the necessary steps to arrange for the prosecution of violations of the City Ordinance.
(Ordinance 81-1, adopted 01-08-82)
3. Represent the city in all matters, civil and criminal, in which the city is interested.
(Ordinance 81-1, adopted 01-08-82)
4. Draft any Ordinance when required by the city council or mayor.
(Ordinance 81-1, adopted 01-08-82)
5. Perform such other duties as may be required by the city council or the Ordinances of the city.
(Ordinance 81-1, adopted 01-08-82)
6. Attend meetings of the city council.
(Ordinance 81-1, adopted 01-08-82)
7. Report to the city council promptly all suits brought against the city.
(Ordinance 81-1, adopted 01-08-82)
8. Call to the attention of the city council and the mayor all matters of law affecting the city.
(Ordinance 81-1, adopted 01-08-82)
9. Render all opinions in writing, as far as is practicable.

(Ordinance 81-1, adopted 01-08-82)

10. Maintain a record of all of his opinions rendered and turn such record over to his successor in office.

(Ordinance 81-1, adopted 01-08-82)

Title II, Chapter 9
DEPARTMENT OF PUBLIC SAFETY

Sections:

2.09.010	Department of Public Safety Established
2.09.020	Director of Public Safety
2.09.021	Deputy Directors
2.09.022	Organizational Chart of Department
2.09.025	Volunteers
2.09.030	Rules and Regulations
2.09.040	Administration and Budget
2.09.045	Ambulance Charges
2.09.050	Personnel
2.09.060	Labor
2.09.070	Social Functions/Business Meetings

2.09.010 Department of Public Safety Established. There shall be a department of public safety. It shall consist of a police division, fire and life safety division, and civil defense division. It shall consist of a Director of Public Safety, Deputy Director/Fire Chief, Deputy Director/Civil Defense and Planning, Police Officers, Reserves, Volunteer Firefighters, Emergency Medical Technicians and staff personnel as deemed by the city council to be necessary for the effective operation of the department.
(Ordinance 96-11, adopted 08-06-96)

2.09.020 Director of Public Safety.

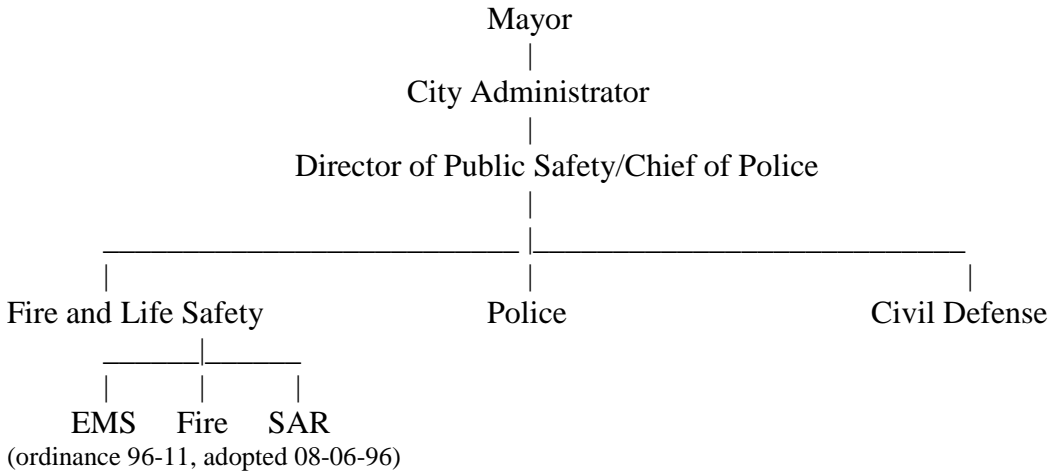
- A. Appointment. The director of public safety shall be appointed by the mayor or his designee and responsible to the city administrator. He shall be qualified through training and experience and shall have the ability to command personnel. Minimum qualifications include and Associates degree in criminal justice, public administration or closely related field; five (5) years police experience with at least three (3) years in a supervisory position; an advanced certificate or its equivalent; and graduation from a recognized police academy. Fire and EMS training is helpful but not required.
(Ordinance 96-11, adopted 08-06-96)
- B. Powers and Duties. The Director of Public Safety, as applicable:
1. Develop and propose changes to the Klawock Municipal Code and to the Police Department Policy and Procedures Manual to the city council.
(Ordinance 96-11, adopted 08-06-96)

2. Administer the policies of the mayor and city council as they relate to the operation of the department of public safety.
(Ordinance 96-11, adopted 08-06-96)
3. Preserve the public peace and order in the prevention and detection of crime, apprehension of offenders, protection of persons and property, and the enforcement of law.
(Ordinance 96-11, adopted 08-06-96)
4. Render emergency services for which his or her department is trained and equipped.
(Ordinance 96-11, adopted 08-06-96)
5. Facilitate the deputy directors in the operation of their division or section.
(Ordinance 96-11, adopted 08-06-96)

2.09.021 Deputy Directors.

- A. Appointment. Deputy directors shall be the head of a division of the department. They shall be appointed by the mayor or his designee and responsible to the director of public safety.
(Ordinance 96-11, adopted 08-06-96)
- B. Powers and Duties. Deputy directors shall, as applicable;
 1. Develop and propose changes in the Klawock Municipal Code that relate to their individual divisions and policy and procedures for their divisions.
(Ordinance 96-11, adopted 08-06-96)
 2. Appoint other officers and establish rank and protocol for on-scene command.
(Ordinance 96-11, adopted 08-06-96)
 3. Render emergency services for which his or her division is trained and equipped for.
(Ordinance 96-11, adopted 08-06-96)
 4. The deputy director/civil defense and planning has the responsibility to establish response plans for all types of emergencies, especially those involving more than one division of the department and/or other governmental agencies.
(Ordinance 96-11, adopted 08-06-96)

2.09.022 Organizational Chart of the Department.



2.09.025 Volunteers

- A. Appointment. Volunteers shall be appointed by the respective division heads with the approval of the mayor or his designee.
(Ordinance 96-11, adopted 08-06-96)
- B. Powers and Duties:
 - 1. Be accountable to their respective deputy directors;
(Ordinance 96-11, adopted 08-06-96)
 - 2. Provide emergency service for which his or her division is trained and equipped.
(Ordinance 96-11, adopted 08-06-96)

2.09.030 Rules and Regulations. The director of public safety shall maintain, enforce and update a comprehensive set of rules and regulations governing the discipline, training an operation for the police department. Such rules and regulations shall be effective when approved and filed with the city council. The director shall strictly enforce and carry out these rules and regulations.

The director shall see that each division and section of the department have rules and regulations in place and approved by the city council. Each deputy director shall strictly enforce and carry out their respective rules and regulations.
(Ordinance 96-11, adopted 08-06-96)

2.09.040 Administration and Budget. The director will submit to the city administrator by January 31st of each year, a proposed budget for the

following fiscal year that shows the departments needs for the operation, equipment, personnel and training. Each deputy director shall give input as to the needs of each individual division and section. The budget request may be accompanied by back up material which shows justification for discretionary items.

The budget may be revised by the city administrator and sent to the city council for approval in the city's annual budget. The director will administer the approved budget within the fiscal constraints that occur.
(Ordinance 96-11- 08-06-96)

2.09.045 Ambulance Charges. Charges for the use of and services provided by the city ambulance and EMS services shall be as follows;
(Ordinance 99-14, adopted 10-19-99)

1. Charges are as follows:

a.	On-scene care/no transportation	\$100.00
b.	Transport within Klawock City Limits	\$150.00
c.	Transport to Craig	\$270.00
d.	Transport from Craig	\$270.00
e.	Transport to Hollis	\$325.00
f.	Transport from Hollis	\$325.00
g.	Transport to Ketchikan	\$400.00
2. A charge in addition to the above charges shall be made for the supplies used for each patient equal to fifty percent (50%) of the transport charges.
3. For patients who do not reside within the Klawock City limits there shall be an additional charge of \$50.00.

2.09.050 Personnel. Personnel matters shall be handled within the divisions of police, fire, EMS, search and rescue and civil defense, in accordance with the rules and regulations of the individual divisions. These rules for handling personnel matters shall not conflict with Klawock Municipal Code. Appeals on procedural grounds only, may be made to the director of public safety, then to the city administrator and finally to the mayor.
(Ordinance 96-11, adopted 08-06-96)

2.09.060 Labor. If there are labor needs that can not be handled by the divisions of fire, EMS or search and rescue, the respective deputy directors will discuss those needs with the director, who will, to the extent possible, schedule paid personnel to facilitate the divisions.
(Ordinance 96-11, adopted 08-06-96)

2.09.070 Social Functions/Business Meetings. The divisions may have separate social/business sections apart from the chain of command outlined above.

They may elect a President, Vice-President, Secretary/Treasurer and Sergeant at Arms. These positions are for the carrying out of the social and fund raising activities of the organizations. They shall not have supervisory authority during training or at actual responses. They shall adopt and file with the city council a Constitution and by-laws for their operation. All moneys received will go through the normal city accounting process but available for use by the organizations according to applicable laws and ordinances.

(Ordinance 96-11, adopted 08-06-96)

Title II, Chapter 10
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

Sections:

2.10.010 Department of Public Works and Engineering Established
 2.10.020 Director of Public Works- Duties

2.10.010 Department of Public Works and Engineering Established. There shall be a department in and for the city known as the department of public works and engineering. It shall consist of the director and as many other officers as may be deemed necessary for the effective operation of the department.
 (Ordinance 81-1, adopted 01-08-82)

2.10.020 Director of Public Works- Duties. The duties of the director of public works who shall be accountable to the mayor include, but are not limited to the following:

1. Operate, repair, maintain, improve and extend water and sewage utilities owned or operated by the city;
 (Ordinance 81-1, adopted 01-08-82)
2. Advise and assist the mayor in developing proposals and recommendations to the city council on rate structures to be used in the sale of utility services coming within his area of responsibility including water, sewage, and garbage collection and maintenance of the sanitary landfill;
 (Ordinance 81-1, adopted 01-08-82)
3. Cooperate and coordinate efforts with the fire department in the installation, repair and maintenance of water system adequate for the needs of the firefighting functions of that department;
 (Ordinance 81-1, adopted 01-08-82)
4. Render the necessary services in answer to customers' inquiries arising out of the operation of the utilities under his control;
 (Ordinance 81-1, adopted 01-08-82)
5. Coordinate the engineering and planning activities of the utilities owned and operated by the city;
 (Ordinance 81-1, adopted 01-08-82)
6. Develop and recommend to the mayor policies and procedures for planning, design, construction, maintenance and repair and improvement of all public works, utilities and facilities owned or operated by the city;

(Ordinance 81-1, adopted 01-08-82)

7. Inspect all construction work done by and for the city;
(Ordinance 81-1, adopted 01-08-82)
8. He shall act as superintendent of streets in all matters required by that position;
(Ordinance 81-1, adopted 01-08-82)
9. He shall act in an advisory capacity for the planning commission on all matters of engineering nature affecting the city;
(Ordinance 81-1, adopted 01-08-82)
10. Operate and maintain such equipment as is necessary for the fulfillment of his or her function;
(Ordinance 81-1, adopted 01-08-82)
11. Perform such other duties as may be required by the mayor.
(Ordinance 81-1, adopted 01-08-82)

Title II, Chapter 11
CITY ADMINISTRATOR

Sections:

- 2.11.010 City Administrator
- 2.11.020 Duties of City Administrator
- 2.11.030 Effective Date

2.11.010 City Administrator. There shall be a City Administrator, appointed by the city council for an indefinite term.
(Ordinance 90-9, adopted 08-21-90)

2.11.020 Duties of the City Administrator. The City Administrator shall, under the direction of the mayor and council perform and supervise administrative and staff work of the city including fiscal personnel, supply, training, public information and planning services. To the extent the mayor delegates (in writing) any of the mayor's chief administrative officer functions, the administrator shall perform those delegates functions, and shall make such reports thereon to the mayor as the mayor may require.
(Ordinance 97-06, adopted 07-01-97)

2.11.030 Effective Date. This Ordinance shall go into effect immediately upon adoption.
(Ordinance 90-9, adopted 08-21-90)

Title II, Chapter 13
CITY LIBRARY

- 2.13.010 City of Klawock Public Library
- 2.13.020 Library Commission
- 2.13.030 Librarian
- 2.13.040 Failure to Return Library Property

2.13.010 City of Klawock Public Library. There shall be a public library in the City called City of Klawock Public Library, operated and owned by the City of Klawock.

2.13.020 Library Commission.

- A. There is created the Library Commission consisting of three members:
 - 1. One member shall be the librarian.
 - 2. Two members appointed by the Mayor from the Council or Community at large with the consent of the City Council.
- B. Members shall serve for a term of three years.
- C. Members of the Library Commission shall receive no compensation for their services on the commission.
- D. In addition to such other duties as the Mayor may assign to them the Library Commission shall:
 - 1. Make recommendations to the Mayor on the appointment of library staff;
 - 2. Provide for the acceptance of gifts, endowments, grants and donations to the library;
 - 3. Advise the librarian on protection and preservation of historical documents and donations;
 - 4. Submit with assistance of the librarian, an annual report, and
 - 5. Assist the librarian in making library acquisitions.

2.13.040 Failure to return Library Property.

- A. No person shall willfully keep any library materials for more than thirty days after being notified that it is overdue.
- B. Violation of this section is punishable by:
 - 1. Assessing against the borrower the replacement cost of borrowed materials;
 - 2. Revocation of the borrower's privilege to remove library materials from the library for a period of time not to exceed one year;
 - 3. Prosecution as a criminal violation punishable by a fine of not more than \$300.00; or
 - 4. Any combination of the above.

Title III FINANCE AND BUDGET

Chapters:

- 3.01 Fiscal Policies
- 3.02 Budget Form and Scope
- 3.03 Budget Procedures
- 3.04 Purchasing
- 3.05 Special Assessments / Local Improvement Districts

Title III, Chapter 1 FISCAL POLICIES

Sections:

- 3.01.010 Budget and Capital Improvements Program
- 3.01.020 City Obligations
- 3.01.030 Fiscal Year
- 3.01.040 Statement of Annual Income and Expenditures Audit
- 3.01.050 Check Writing Policy

3.01.010 Budget and Capital Improvements Program.

- A. The City Administrator shall prepare the budget and capital improvements of the program of the city for the council. The budget and capital improvements program shall be submitted as an ordinance.
(Ordinance 81-1, adopted 01-08-82)
- B. After public hearing, the council may approve the budget and capital improvements program with or without amendments and shall appropriate the funds required.
(Ordinance 81-1, adopted 01-08-82)

3.01.020 City Obligations.

- A. A bond, contract, lease or other obligations requiring the payment of funds from the appropriations of a later fiscal year or more than one fiscal year shall be made by Ordinance.
(Ordinance 81-1, adopted 01-08-82)
- B. The council may make supplemental and emergency appropriations. No payment may be authorized or made and no obligation incurred unless an appropriation has been made by Ordinance.
(Ordinance 81-1, adopted 01-08-82)

- C. The council may authorize contracts for capital improvements to be financed wholly or partly by the issuance of bonds.
(Ordinance 81-1, adopted 01-08-82)

3.01.030 Fiscal Year. The fiscal year of the city shall begin on the first day of July and end on, the last day of June in the following calendar year.
(Ordinance 81-1, adopted 01-08-82)

3.01.040 Statement of Annual Income and Expenditures Audit.

- A. The mayor is responsible for directing the preparation of a statement of annual income and expenditures and for delivering the statement to the council before October 1, of each year.
(Ordinance 81-1, adopted 01-08-82)
- B. The council shall require that an audit be conducted in addition to the statement of annual income and expenditures. The audit shall be completed and transmitted to the council on or before January 30, of the year following the year for which the audit has been prepared, unless the council by resolution specifies another date.
(Ordinance 81-1, adopted 01-08-82)

3.01.050 Check Writing Policy. All checks written on city funds shall be prepared by the Clerk. All checks shall have two signatures, the Clerk, the Mayor and council members are authorized to sign checks. If the Clerk is not available to prepare the check, the treasurer may prepare a check for the required signatures.
(Ordinance 95-2, adopted 03-07-95)

Title III, Chapter 2
BUDGET FORM AND SCOPE

Sections:

- 3.02.010 Scope of Budget
3.02.020 Anticipated Revenues
3.02.030 Proposed Expenditures

3.02.010 Scope of Budget

- A. The budget shall be a complete financial plan for all of the operations of the city, showing anticipated revenues, proposed expenditures, and reserves.
(Ordinance 81-1, adopted 01-08-82)
- B. The budget shall include a comparative statement of actual expenditures and actual revenues for the preceding fiscal year.
(Ordinance 81-1, adopted 01-08-82)
- C. Proposed expenditures shall not exceed anticipated revenues and reserves.
(Ordinance 81-1, adopted 01-08-82)

3.02.020 Anticipated Revenues. Anticipated revenues shall be composed of all sources of income to the City, and itemized as to individual source.
(Ordinance 81-1, adopted 01-08-82)

3.02.030 Proposed Expenditures.

- A. Proposed expenditures shall be itemized. Separate provisions shall be included in the budget for at least:
1. Interests, amortization of principal, and redemption charges on the public debt for which the faith and credit of the city is pledged;
(Ordinance 81-1, adopted 01-08-82)

2. Administration, operation, and maintenance of each office, department or agency of the City;
(Ordinance 81-1, adopted 01-08-82)
3. The Council's budgetary reserve;
(Ordinance 81-1, adopted 01-08-82)
4. Expenditures proposed for capital improvements;
(Ordinance 81-1, adopted 01-08-82)
5. Others as required by acceptable accounting procedures and which will fairly and adequately inform the public as to the contents of the budget.
(Ordinance 81-1, adopted 01-08-81)

Title III, Chapter 3 BUDGET PROCEDURES

Sections:

- 3.03.010 Budget Public Record
- 3.03.020 Publication of Notice Public Hearing
- 3.03.030 Public Hearing on Budget
- 3.03.040 Further Consideration of Budget
- 3.03.050 Adoption of Budget- Vote Required
- 3.03.060 Effective Date of Budget Certification

3.03.010 Budget Public Record. The budget, the budget message, the capital improvements program, and all supporting schedules shall be open to the public for inspection. Copies shall be available for distribution to interested persons.
(Ordinance 81-1, adopted 01-08-82)

3.03.020 Publication of Notice of Public Hearing. The Council shall determine the place and time of the public hearing on the budget and shall post such notice in three (3) places in the City at least two (2) weeks prior to the hearing. The Council shall include in the notice a summary of the budget and capital improvements program and a statement setting out the time and place for the public hearing.
(Ordinance 81-1, adopted 01-08-82)

3.03.030 Public Hearing on Budget. At the time and place so advertised, the Council shall hold a public hearing on the budget as submitted, at which time all interested persons shall be given an opportunity to be heard.
(Ordinance 81-1, adopted 01-08-82)

3.03.040 Further Consideration of Budget. After the conclusion of the public hearing on the budget, the Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law. The Council shall then appropriate the funds required after the budget is approved.

3.03.050 Adoption of Budget- Vote Required. The budget shall be adopted by majority vote of the Council by June 30.
(Ordinance 81-1, adopted 01-08-82)

3.03.060 Effective Date of Budget Certification. The adopted budget shall be in effect for the fiscal year. A copy of the adopted budget shall be certified by the Mayor, attested to by the Clerk and filed with the Clerk. The certified budget shall be available to the public.
(Ordinance 81-1, adopted 01-08-82)

Title III, Chapter 4 PURCHASING

Sections:

3.04.010 Purchasing Agent
3.04.020 Scope of Authority
3.04.030 Competitive Bidding Procedure
3.04.040 Open Market Purchases

3.04.010 Purchasing Agent.

- A. There shall be a purchasing agent for the City to make all purchases of supplies, materials, equipment, and contractual services for the offices, departments, and agencies of the city government.
(Ordinance 81-1, adopted 01-08-82)
- B. The Mayor is the purchasing agent for the City. However, the Mayor may designate the clerk or other city employee to be the City purchasing agent, subject to council approval by resolution.
(Ordinance 81-1, adopted 01-08-82)

3.04.020 Scope of Authority.

- A. The purchasing agent shall have the power and duty to purchase or contract for supplies and contractual services needed by and agency of the City and sell surplus personal property of such agencies, in accordance with the ordinances of the City and such rules and regulations as shall be prescribed by the Mayor and approved by the council.
(Ordinance 81-1, adopted 01-08-82)
- B. The purchasing agent shall recommend joint purchases with other units of government when the best interests of the city would be served.
(Ordinance 81-1, adopted 01-08-82)

3.04.030 Competitive Bidding Procedure.

- A. Before any purchase of, or contract for, supplies, materials, equipment or contractual services is made, except as otherwise provided in this chapter, the City purchasing authority shall submit to at least three persons dealing in and able to supply the same, a request for quotation (or invitation to bid) and specifications, to give them opportunity to bid, or publish notice of the proposed purchase in a newspaper of general circulation within the City. Requests for quotations shall be made both inside and outside the City when this may be necessary to secure bids or to create competitive conditions, or when a savings can be made for the City. The City may repeatedly reject all bids, and again may submit to the same or other persons the request for quotation (or invitations to bid), or again publish notice of the proposed purchase.
(Ordinance 90-11, adopted 12-18-90)
- B. The City shall purchase from the supplier whose offer is most advantageous to the City, considering price, quality, date of delivery, etc. a supplier who maintains its principal place of business within the city limits may be given consideration as low bidder where the offer is the lesser of five percent (5%) or ten thousand dollars (\$10,000.00) in excess of the lowest offer received from a bidder having its principal place of business located elsewhere in the state, and the lesser of ten percent (10%) or twenty thousand dollars (20,000.00) in excess of the lowest offer received from a bidder having no principal place of business located within the state. The City may split the award between two or more suppliers, in any manner, the City deems to be in its best interest.
(Ordinance 90-11, adopted 12-18-90)

3.04.040 Open Market Purchases. The following may be purchased without giving an opportunity for competitive bidding:

- A. Supplies, materials, equipment or contractual services whose combined cost does not exceed one thousand dollars in a single transaction.
(Ordinance 90-11, adopted 12-18-90)
- B. Supplies, materials, equipment or contractual services which can only be furnished by a single dealer, or which has a uniform price wherever brought.
(Ordinance 90-11, adopted 12-18-90)
- C. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including war surplus.
(Ordinance 90-11, adopted 12-18-90)
- D. Contractual services of a professional nature, such as engineering, architectural and medical services, and insurance policies whose nature demands immediate action.

(Ordinance 90-11, adopted 12-18-90)

The local supplier preference set forth in section 3.04.030 may be applied by the City to purchases made under this section.

(Ordinance 90-11, adopted 12-18-90)

Title III, Chapter 5

SPECIAL ASSESSMENTS/LOCAL IMPROVEMENTS DISTRICTS

Sections:

- 3.05.010 Special Assessments Authorized
- 3.05.020 Definitions
- 3.05.030 Property to be Assessed
- 3.05.040 Property Owner
- 3.05.050 Amount to be Assessed
- 3.05.060 Cost of Improvements
- 3.05.070 Initiation of Special Assessments
- 3.05.080 Council-Initiated Improvements Districts, Authorized
- 3.05.090 Council-Initiated Improvements Districts, Procedures for Creation
- 3.05.100 Council-Initiated Improvements Districts, Objections and Hearings
- 3.05.110 Petition-Initiated Improvement Districts, Authorized
- 3.05.120 Petition-Initiated Improvement Districts, Notice and Public Hearings
- 3.05.130 Computation of Assessments
- 3.05.140 Levy of Assessments, Notice of Hearing on Objections
- 3.05.150 Hearing on Objections, Signing of Assessment Roll
- 3.05.160 Notice to Property Owners of Assessment
- 3.05.170 Assessments to be Lien on Property
- 3.05.180 Assessments to be Binding
- 3.05.190 Appeal
- 3.05.200 Reassessment
- 3.05.210 Curative Provisions
- 3.05.220 General Limitations

3.05.010 Special Assessments Authorized. The City may assess against real property to be specially benefited by capital improvements all, or a portion of, the costs of acquiring, installing, or constructing the improvements. An area wherein a special assessment is to be levied shall be designated as a local improvement district (LID). LID's may be established for public improvement including, but not limited to:

(Ordinance 91-13, adopted 10-08-91)

- A. Road, street, alley, curb, gutter, driveway, curb cut, and sidewalk construction and upgrade.
(Ordinance 91-13, adopted 10-08-91)
- B. Sewers and drains.
(Ordinance 91-13, adopted 10-08-91)
- C. Water supply systems, including water mains, water connections and fire hydrants.
(Ordinance 91-13, adopted 10-08-91)
- D. Bridges, culverts, bulkheads, embankments, and dikes for streams and watercourses.
(Ordinance 91-13, adopted 10-08-91)

3.05.020 Definitions. In this chapter, the following terms shall have the following meanings, unless a contrary meaning is required by the context or is specifically prescribed:

- A. “Assessment Roll” an apportionment of special assessment among properties within a local improvement district.
(Ordinance 91-13, adopted 10-08-91)
- B. “Council-Initiated Improvement District” a local improvement district initiated by the council.
(Ordinance 91-13, adopted 10-08-91)
- C. “Lien” a claim on the property of another as security for the payment of a just debt.
(Ordinance 91-13, adopted 10-08-91)
- D. “Local Improvement District (LID)” a defined area wherein a special assessment is to be levied to provide municipal improvements.
(Ordinance 91-13, adopted 10-08-91)
- E. “Lot” a continuous tract of land with legally definable boundaries. Same as “parcel”.
(Ordinance 91-13, adopted 10-08-91)
- F. “Parcel” a continuous tract of land with legally definable boundaries. Same as “lot”.
(Ordinance 91-13, adopted 10-08-91)
- G. “Petition-Initiated Improvement District” a LID initiated by a petition signed by the property owner(s) who are seeking improvements.
(Ordinance 91-13, adopted 10-08-91)

- H. “Reassessment” a second assessment, which occurs whenever a court set aside, annuls, declares void, or refuses to enforce the original assessment. (Ordinance 91-13, adopted 10-08-91)
- I. “Special Assessment” a special tax or levy for improvements that benefit particular individuals or property. A special assessment is levied with reference to, and in proportion to, the benefits conferred. (Ordinance 91-13, adopted 10-08-91)
- J. “Specially Benefited” a property, which derives substantially more, benefit from an improvement than does city properties in general. (Ordinance 91-13, adopted 10-08-91)
- 3.05.030 Property to be Assessed.** The council may assess, for an improvement, any real property, or any interest in real property. The property benefited may include abutting, adjoining, adjacent, contiguous, non-contiguous or other property or interest in property. Properties may be directly or indirectly benefited by the improvement. The property to be assessed may include any property, which is otherwise, for any reason, exempt from taxation by law. A benefited property may be included in whole or in part in more than one LID. (Ordinance 91-13, adopted 10-08-91)
- 3.05.040 Property Owner.** The person whose name is listed by the District Recorder as the owner of the property to be assessed is presumed to be the legal owner of the property. If the property owner is unknown, the property may be assessed in the name of the “unknown owner”. No assessment is invalidated by a mistake, omission or error in the name of the owner if the property is correctly described. (Ordinance 91-13, adopted 10-08-91)
- 3.05.050 Amount to be Assessed.** The proportion of the costs of a specific public improvement to be paid for by special assessment shall be established by the council in accordance with the availability of federal, state, and local funding, and short and long-range capital improvement program priorities. The council may set the special assessment at 100 percent or less of the total costs of the improvement. (Ordinance 91-13, adopted 10-08-91)
- 3.05.060 Costs of Improvements.** The costs of an improvement shall be the actual costs resulting from the construction of the improvement. Costs include acquisition of interests in land for the improvement, design, engineering, administration, overhead, professional services, bond costs and interest incurred as a result of the improvement, and any other costs. (Ordinance 91-13, adopted 10-08-91)
- 3.05.070 Initiation of Special Assessments.** Special assessments for local improvements may be proposed by either the council or by petition to the

council by the owners of 50 percent of the properties that are to benefit by the improvement.

(Ordinance 91-13, adopted 10-08-91)

3.05.080

Council-Initiated Improvement Districts, Authorized. The council, when planning to make a public improvement, may establish a local improvement district, and the costs of the improvement shall be assessed against the property included in any such LID. The council shall assess each parcel of property in the LID using any reasonable method of apportionment. The cost per unit of assessment need not be the same for all parcels within the LID, but, insofar as is reasonable, properties similarly situated shall bear the same cost. The council shall also have the power to enlarge or decrease the area of a LID, and to change and revise the boundaries thereof from time to time.

3.05.090

Council-Initiated Improvement Districts, Procedures for Creation.

The Council, preparing to make a public improvement at the expense in whole or in part of the owners of the properties benefited, shall order the preliminary plans and estimates of the cost of the work to be prepared. Before proceeding with the work, the council shall publish notice of its intent at least once a week for two consecutive weeks in a newspaper of general circulation within the city, and shall further post such notice in at least three public places within the City.

(Ordinance 91-13, adopted 10-08-91)

The notice shall state the nature, extent and approximate cost of the improvement, and give the boundaries of the local improvement district against which the costs of the improvement will be assessed. The notice shall contain a date not less than 30 days from the beginning of such publication on or before which time the owners of the properties affected may file their objections to the work in writing with the Clerk.

(Ordinance 91-13, adopted 10-08-91)

The council shall cause a plat of the LID to be made showing the boundaries of the proposed improvement district and the various lots or parcels of land included. The council shall also prepare a statement of the general method of assessment to be used, and the estimated cost of the improvement to be assessed against each lot or parcel.

(Ordinance 91-13, adopted 10-08-91)

The plat, method of assessment and list of parcels with estimated costs shall be available for public inspection during normal working hours of each working day during the period of publication of notice of the proposed assessment.

(Ordinance 91-13, adopted 10-08-91)

Five days or more after the termination of the 30-day publication period above described; the council may proceed with the proposed improvement unless an objection is filed either severally or by petition by the owners of the properties affected.

(Ordinance 91-13, adopted 10-08-91)

3.05.100 Council-Initiated Improvement Districts, Objections and Hearings. In the event an objection is filed by the owner or owners of property affected, the council shall proceed to hold a public hearing. Notice shall be given of the hearing by one publication in a newspaper of general circulation in the City and by posting in at least three places within the City. The notice shall set forth the time and place of the hearing, and that the council will consider the establishment of the LID. Such notice will be given at least one week prior to the time set for the hearing.

(Ordinance 91-13, adopted 10-08-91)

At the hearing, all of those appearing for or against the establishment of the LID may be heard, including any officer or employee of the City. After the hearing, the council shall:

- A. Order the work to proceed if the council determines that the improvements is in the public interest and necessary.
(Ordinance 91-13, adopted 10-08-91)
- B. Modify the plans and set a new public hearing in accordance with this section, or
(Ordinance 91-13, adopted 10-08-91)
- C. Order further proceeding suspended or terminated.
(Ordinance 91-13, adopted 10-08-91)

However, if protests in writing as to the necessity of the local improvement are made by owners of property who will bear 50 percent or more of the estimated costs of the improvement, the council shall not proceed with the improvement until the protests have been reduced to less than 50 percent, except upon the approval of at least five (5) members of the council.

(Ordinance 91-13, adopted 10-08-91)

After the public hearing is closed, the council shall adopt a resolution determining either to proceed or not to proceed with the proposed improvement. The resolution to proceed shall find that the improvement is necessary and will benefit the properties within the local improvement district. The findings of the council are conclusive. The resolution shall require an account to be kept of all costs of the improvements and direct the proper city official to prepare the assessment roll. The council, in the

resolution, shall assess the authorized percentage or rate of the cost of the improvement against the property within the LID.

(Ordinance 91-13, adopted 10-08-91)

3.05.110

Petition-Initiated Improvement Districts, Authorized. In addition to local improvement districts initiated by the city council, LIDs and assessment may be initiated by petition. The petition shall be in a form prescribed by the City, and shall include a description of the improvement sought. The original or copies of the petition shall be signed by the owners of 50 % of the properties, which are to benefit, by the improvement. The petition, when signed, shall be filed with the Clerk, No property owner may withdraw his signature of approval after the petition has been filed unless authorized to do so by the council.

(Ordinance 91-13, adopted 10-08-91)

Upon receipt by the Mayor or designee of the petition from the Clerk, the Mayor shall cause a survey and report to the council to be made concerning the needs for and the estimated cost of the proposed district. The report shall contain a plan defining the LID, outlining the properties to be assessed and showing the desirable extent of the proposed improvement. The LID may be defined by any convenient means, whether by a designation of the property to be assessed, or by a boundary description. The survey and report may be made either before, or at the time of, a public hearing on the necessity for the proposed improvement.

(Ordinance 91-13, adopted 10-08-91)

3.05.120

Petition-Initiated Improvement Districts, Notice and Public Hearing.

Before the council takes action upon a proposed petition-initiated LID, a public hearing shall be held at a time and place set by the council. The public hearing may be continued from time to time as the council may decide. After hearing the interested persons favoring or opposing the proposed improvement, or may decrease the extent or value of the improvement, or may delete from the district properties not benefited in whole or in part by the improvement. No change may be made resulting in an LID containing petitioners owning properties bearing less than 50 percent of the estimated costs, unless sufficient other property owners are added to the petition.

(Ordinance 91-13, adopted 10-08-91)

Notice of the public hearing shall be published in a newspaper of general circulation in the City at least once a week for two consecutive weeks prior to the time fixed for the hearing. The Clerk shall send a written notice by first-class mail to each property owner to be assessed at least 15 days prior to the time of the hearing. The designated properties to be assessed in the local improvement district, the purpose of the hearing, and the time and place fixed for the hearing. The notice by mail shall include a summary of the improvement, the designation of the addressee's property to be assessed, the purpose of the public hearing, the amount of the

estimated or actual assessment against the property, and the time and place for the public hearing. Each notice shall generally inform the property owner of the manner and method of protesting or objecting to the action to be taken at the public hearing.

(Ordinance 91-13, adopted 10-08-91)

After the public hearing is closed, the council shall adopt a resolution determining to proceed or not to proceed with the proposed improvement. The council resolution to proceed shall find that the improvement is necessary and of benefit to the properties to be assessed, and that the petition for the improvement has been signed by sufficient and proper petitioners. The findings of the council are conclusive. The resolution shall require an account to be kept of all costs of the improvement, and direct the proper city officials to prepare the assessment roll. The council, in its resolution, shall state the method of assessment and the rate at which properties are to be assessed. Thereafter, the improvement shall proceed and the cost hereof be assessed in the same manner as assessments are levied for LIDs initiated by council action.

(Ordinance 91-13, adopted 10-08-91)

3.05.130

Computation of Assessments. Except in cases otherwise specifically provided for, and unless otherwise provided in the resolution ordering an improvement, the local improvement district shall include all of the property within the limits of the LID shall be considered and held to be the property, and all of the property, specially benefited by the proportion determined by the assessment method adopted by the council for the particular public improvement.

(Ordinance 91-13, adopted 10-08-91)

A property may be included in more than one assessment district provided it is benefited by the public improvements for which such districts are created.

(Ordinance 91-13, adopted 10-08-91)

3.05.140

Levy of Assessments, Notice of Hearing on Objections. When it has been decided to make a public improvement and levy assessments, a correct account shall be kept of all expenses of the improvements. As soon as the expenses are compiled, the council shall assess the costs against the various tracts of real property in proportion to and consistent with the apportionment method set forth in the resolution authorizing the improvement.

(Ordinance 91-13, adopted 10-08-91)

Such an apportionment of costs shall be designated as the assessment roll. The assessment roll shall contain a brief description or designation of each lot or parcel of property, the name of the owner or reputed owner thereof, and the amount of the assessment. When the assessment roll is completed,

the council shall fix a time to hear objections to the assessment. The Clerk shall then send a written notice by mail to each owner of a lot or assessment against each particular lot or parcel, and the time fixed by the council for hearing objections. Such notice shall be mailed at least 15 days before the date of the hearing.

(Ordinance 91-13, adopted 10-08-91)

3.05.150 Hearing on Objections, Signing of Assessment Roll. At the time of the hearing on objections, all persons concerned shall have the right to present their objections to the assessment or any part thereof, to point out errors and inequalities, and to submit such reasons for amendments and corrections as they may have. Such hearings may be continued from time to time as the council may decide. The council shall have the power to vary the assessments made according to the formula set for the particular improvement in individual cases where, because of peculiar circumstances, the property assessed is not benefited commensurate with the amount of the assessment. After the council has heard all objections and suggestions, it shall correct any errors, which it finds to exist in the original assessment roll. When the assessment roll is finally settled, the Mayor shall sign the roll and provide for the terms of payment of the assessments contained therein.

(Ordinance 91-13, adopted 10-08-91)

3.05.160 Notice to Property Owner of Assessment. Within ten days after final passage of the ordinance levying the assessment, the Clerk shall mail, postage prepaid, a notice to the owner of each property assessed. The notice shall designate the property, the amount of the assessment, the time of delinquency and the amount of penalty, if any. Within five days after notices have been mailed, the Clerk shall file an affidavit verifying the mailing. The affidavit shall be conclusive as to the facts contained therein.

(Ordinance 91-13, adopted 10-08-91)

3.05.170 Assessments to be Lien on Property. Special assessments shall be a lien upon the property assessed from the time the assessment is levied. Such a lien shall be paramount and superior to any other lien previously or thereafter created, whether by mortgage or otherwise, except a lien for prior assessments and for general taxes. The lien shall be payable at such time, and when delinquent shall bear such interest and penalty, as the council may prescribe. Liens may be enforced in the same manner provided for the collection and enforcement of general taxes. For unpaid assessments, properties with liens shall be foreclosed and the properties sold.

(Ordinance 91-13, adopted 10-08-91)

3.05.180 Assessments to be Binding. The regularity or validity of assessments as provided herein may not in any manner be contested or questions, by any

proceeding whatsoever, by any person not filing objections to the assessment roll prior to the confirmation thereof.
(Ordinance 91-13, adopted 10-08-91)

3.05.190 Appeal. The decision of the council upon any objection may be reviewed by the State Superior Court in the manner prescribed by law.
(Ordinance 91-13, adopted 10-08-91)

3.05.200 Reassessment. Whenever an assessment provided for in this article is set aside, annulled, declared void, or its enforcement is refused by a court of the State or of the United States, whether directly or by virtue of a decision of a court, the council may, by ordinance or resolution, make a new assessment, or reassessment, upon the lots or parcels of land benefited by the improvement. The reassessment shall be based on the special benefit of the improvement to the respective parcels of land assessed at the time the original assessment was made.
(Ordinance 91-13, adopted 10-08-91)

The proceedings required by law to be taken before the making of an original assessment are not required to be taken in connection with a reassessment. The reassessment shall be made and become a charge upon the property notwithstanding the omission, failure or neglect of an officer, body, or person to comply with the provisions of law relating to improvement and assessment, and whether or not the proceedings of the council or a person connected with the work may have been irregular or defective, and whether or not an irregularity was jurisdictional.
(Ordinance 91-13, adopted 10-08-91)

3.05.210 Curative Provisions. No improvement assessment shall be invalid by reason of failure to give, in any report on the proposed assessment, in the assessment ordinance, in the lien docket, or elsewhere in the proceedings, the name of the owner of any lot or parcel of land, or part thereof, or the name of any person having a lien upon or interest in such property, or by reason of any error, mistake, delay, omission, irregularity or other act, jurisdictional or otherwise, an any of the proceedings specified in this chapter unless it appears that the assessment as made, insofar as it affects the person complaining, is unfair and unjust. The council shall have the power and authority to remedy and correct all such matters by suitable action and proceedings.
(Ordinance 91-13, adopted 10-08-91)

3.05.220 General Limitations. Notwithstanding any other provisions of this article, the City may:

- A. Refuse to proceed with the construction of any improvements or the creation of any local improvement district, if deemed not in the public interest, whether council or petition initiated.

(Ordinance 91-13, adopted 10-08-91)

- B. Advance or delay the construction of any improvements or the creation of any LID based on city priorities, available funding, need to coordinate with other projects or for any other reason whatsoever.
(Ordinance 91-13, adopted 10-08-91)
- C. Abandon and rescind proceedings for any improvements undertaken under this chapter at any time prior to the final consummation of such proceedings. If liens have been assessed upon any property under this procedure, they shall be canceled, and any payments made thereon shall be refunded to the payer, his assigns, or legal representative.
(Ordinance 91-13, adopted 10-08-91)

3.05.230 Propriety of City assessed lien.

- A. All general LID Assessment's are levied upon real property by the Council shall be a lien upon the property based on the outstanding balance of the LID Assessment as of the date of levy, and such lien shall be prior and paramount to all other liens or encumbrances against the real property assessed.
(Ordinance 99-08, adopted 07-20-99)

3.05.240 Notice of LID Assessment due and payable.

- A. Within thirty days following the levy of general LID Assessment by the council, the Billing Clerk or City Accountant shall cause a notice to be published in a newspaper of general circulation in the City once a week for three successive weeks, specifying:
 1. That the LID Assessment is due and payable at the office of the Billing Clerk or City Accountant, City Hall, during regular office hours;
 2. The date the LID Assessment become delinquent and the penalty and interest chargeable on delinquent LID Assessment;
 3. That the remedy of sale will be exercised to collect the delinquent LID Assessment on real property in accordance with the law, and that the remedy of obtaining a court judgment (for later execution against personal property) will be exercised to collect delinquent LID Assessment;
 4. That certain properties, which shall be listed are assessed to unknown owners. The listing shall contain that same description and information as required on LID Assessment bills.

- B. Within thirty days following the levy of general LID Assessment by the Council, the Billing Clerk or City Accountant shall compute the LID Assessment and bill each owner the amount of LID Assessment due. Such bill shall be mailed to the address shown on the assessment records. The billing shall contain the owner's name, property description, LID Assessment of each property separately, the full amount of LID Assessment due for the year, the delinquent date and penalty and interest chargeable on delinquent LID Assessment.
- C. All general LID Assessment shall become delinquent when the known property owners are in arrears by the equivalent of two (2) months' payments.
 - 1. LID Assessment unpaid after the appropriate due date shall become delinquents. The postmarked date on payments received by mail shall serve to establish date received.
(Ordinance 99-08, adopted 07-20-99)

3.05.250 Delinquent LID Assessment.

- A. The Billing Clerk or City Accountant shall declare LID Assessment delinquent, if not paid for the equivalent of period two (2) months, and shall charge and collect a penalty of \$25.00 late fee of the amount delinquent and an eight percent interest penalty on LID Assessment from the due date until paid in full.
- B. The intention is, if the LID Assessment is not paid or made current after the two-month period, then within fifteen (15) days the City has the right to begin foreclosure action.
- C. Every month, within fifteen days following the date of delinquency for general LID Assessment on real property, or at more frequent intervals as the Council shall be resolution direct, the Billing Clerk or City Accountant shall prepare a delinquent roll and proceed with the collection of such delinquent LID Assessment by remedy or advertisement and sale in accordance with the provisions of state law, and the petition for judgment and foreclosure of liens shall assign and demand payment of seventy-five dollars per parcel as cost and attorney's fees associated with undertaking judicial foreclosure.
(Ordinance 99-08, adopted 07-20-99)

3.05.260 Duties of Billing Clerk or City Accountant.

- A. The Billing Clerk or City Accountant are charged with the duty and authorized to do all necessary to carry out the provisions of this chapter relating to the LID Assessment of property.

- B. The Billing Clerk or City Accountant shall be the collector of the LID Assessment, including penalty and interest as provided herein; and, upon completion of equalization of assessment and levy of the LID Assessment by the Council, is authorized and empowered to do all the things necessary to carry out the provisions of this chapter relating to the collection of LID Assessment. In the performance of this duty, the Billing Clerk or City Accountant shall receive such payments at and during the regular established office hours and issue a receipt for each payment received.
- C. Property owners shall notify the City of any change of ownership or change of address of LID assessed parcels of land, including the address of the new owner and the transfer date of ownership.
(Ordinance 99-08, adopted 07-20-99)

3.05.270 **Penalty for Violation.** It is unlawful for any person to violate any of the provisions of this chapter or knowingly failing to comply with this ordinance or knowingly making a false affidavit to a statement.
(Ordinance 99-08, adopted 07-20-99)

Title IV CITY PROPERTIES

Chapters:

- 4.01 Real Property Acquisition
- 4.02 Eminent Domain and Adverse Possession
- 4.03 Real Property Sales by City
- 4.04 Lease of City Lands
- 4.05 Disposition of City Owned Personal Property
- 4.06 Tide and Submerged Lands
- 4.07 Recreational Vehicle Space Rental

Title IV, Chapter 1 REAL PROPERTY ACQUISITION

Sections:

- 4.01.010 Acquisition and Ownership
- 4.01.020 Real Property Defined
- 4.01.030 Procedural Requirements
- 4.01.040 Ownership
- 4.01.050 Rights and Powers of City
- 4.01.060 Dedication by Plat
- 4.01.070 Sites for Beneficial New Industries
- 4.01.080 Federal and State Aid
- 4.01.090 Real Property as Security

4.01.010 Acquisition and Ownership. The City may acquire, own, and hold real property inside or outside the city boundaries by purchase, gift, devise, grant, dedication, exchange, redemption, purchase of equity of redemption, operation of law, tax or lien foreclosure, adverse possession, condemnation or declaration of taking, annexation, or by any other lawful means or conveyances.
(Ordinance 81-1, adopted 12-15-81)

4.01.020 Real Property Defined. As used in this chapter, “real property” includes any estate in land, easement, right-of-way, lease, permit, license, franchise, franchise, future interest, building, fixture, or any other right, title, or interest in land or a building.
(Ordinance 81-1, adopted 12-15-81)

4.01.030 Procedural Requirements.

- A. The City may acquire, own, and hold real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful means of conveyance or grant. Real property shall be held in the name of “City of Klawock, Alaska.”
(Ordinance 81-1, adopted 12-15-81)
- B. Any instrument requiring execution by the City shall be signed by the Mayor and attested by the Clerk. The form of any conveyance shall be approved by the city attorney.
(Ordinance 81-1, adopted 12-15-81)
- C. Upon a specific resolution of the council, the Mayor may act on its behalf in the acquisition of real property or interest in real property when that property to be acquired is for a valuable consideration or as part of a program of grants under which the City may receive only a limited amount of acreage. The resolution shall set forth the terms, conditions, and manner of acquisition.
(Ordinance 81-1, adopted 12-15-81)
- D. No council approval is necessary to acquire any easement, right-of-way, permit, license, or other interest in real property if necessary for a utility or public improvement where the utility or public improvement has been authorized and approved by the council.
(Ordinance 81-1, adopted 12-15-81)
- E. Prior to approval, the Mayor is to furnish the council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition, but the failure to furnish the council any such materials shall not affect the validity of any acquisition or purchase of real property by the City.
(Ordinance 81-1, adopted 12-15-81)
- F. Unless otherwise provided by the council, the City shall purchase marketable title in real property. Unless otherwise provided by ordinance or resolution, or upon council approval of a purchase, the Mayor is authorized to obtain title insurance, to execute any instruments, and to take all steps necessary to complete and close the purchase and acquisition of the real property.
(Ordinance 81-1, adopted 12-15-81)

4.01.040 Ownership.

- A. The City may acquire and hold real property as sole owner or as tenant in common or other lawful tenancy, with any person or governmental body for any public purpose. The City may hold real property in trust for any public purpose.
(Ordinance 81-1, adopted 12-15-81)

- B. The Council may approve and authorize the purchase of real property by contract of sale, deed of trust, or mortgage.
(Ordinance 81-1, adopted 12-15-81)
- 4.01.050 Rights and Powers of City.** The City shall have and may exercise all rights and powers in the acquisition, ownership, and holding of real property as if the City were a private person.
(Ordinance 81-1, adopted 12-15-81)
- 4.01.060 Dedication by Plat.** The City may not acquire any real property by means of a dedication by plat unless the dedication of the real property is accepted in writing and signed by the Mayor and approved by council motion.
(Ordinance 81-1, adopted 12-15-81)
- 4.01.070 Sites for Beneficial New Industries.** The City may acquire, own, and hold real property, either inside or outside the city boundaries, as sites available for new industries which will benefit the City.
(Ordinance 81-1, adopted 12-15-81)
- 4.01.080 Federal and State Aid.** The City may apply for, contract with, and do all things necessary to cooperate with the United States Government and the State for the acquisition, holding, improvement, or development of real property inside and outside the city boundaries.
(Ordinance 81-1, adopted 12-15-81)
- 4.01.090 Real Property as Security.** The council may pledge, mortgage, or otherwise secure real property of the City for payment of city bonded or other indebtedness when required, as authorized by law.
(Ordinance 81-1, adopted 12-15-81)

Title IV, Chapter 2
EMINENT DOMAIN AND ADVERSE POSSESSION

Sections:

- 4.02.010 Eminent Domain
- 4.02.020 Ordinance
- 4.02.030 Adverse Possession

4.02.010 Eminent Domain. The City may exercise the powers of eminent domain and declaration of taking in the performance of an authorized power of function of the City in accordance with Alaska Statutes 09.55.250 – 09.55.460.
(Ordinance 86, adopted 03-04-86)

4.02.020 Ordinance. The exercise of the power of eminent domain or declaration of taking shall be by ordinance. A public hearing and a majority vote is required for approval of the ordinance.
(Ordinance 86, adopted 03-04-86)

4.02.030 Adverse Possession. The City cannot be divested of title to real property by adverse possession.
(Ordinance 86, adopted 03-04-86)

Title IV, Chapter 3
SALE OR OTHER DISPOSITION OF REAL PROPERTY
OR INTEREST THEREIN

Sections:

- 4.03.010 Declaration as Surplus Property
- 4.03.020 Fair Market Value
- 4.03.030 Public Notice and Competitive Bids Required
- 4.03.040 Exceptions from Competitive Bidding
- 4.03.050 Disposal of Any Interest With Value Greater than \$60,000.00
- 4.03.060 Real Property Conveyed Without Warranty
- 4.03.070 Voter Approval

4.03.010 Declaration as Surplus Property. No real property, or any interest therein, of any value may be sold, exchanged or otherwise disposed of until the council has declared by resolution that the real property, or interest therein, is surplus, or unneeded, or that the transaction is otherwise in the best interest of the city.
 (Ordinance 00-06, adopted 01-18-01)

4.03.020 Fair Market Value. Except as otherwise provided in this chapter, the mayor, or the mayor's designee may sell, exchange or otherwise dispose of real property, or an interest therein, only after appraisal of the fair market value thereof by a qualified appraiser obtained by the city, and the price shall no be less than the fair market value plus the cost of appraisal, survey, platting, recording and other costs to the city attendant to the transaction.
 (Ordinance 00-06, adopted 01-18-01)

4.03.030 Public Notice and Competitive Bids Required.

- A. Except when this chapter exempts the sale, exchange or other disposal of real property, or an interest therein, from the competitive bidding, the proposed disposition of real property, or interest therein, shall be advertised in a newspaper of general circulation in the city and posted in at least three locations within the city to advise prospective buyers of the proposed disposition and to provide an opportunity to submit such bids.
 (Ordinance 00-06, adopted 01-18-01)
- B. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction.
- C. The mayor, or the mayor's designee, may repeatedly reject all bids and advertise or give notice again.

- D. If a responsive bid at the minimum price determined in the manner set forth in section 4.03.020 is not received, the mayor, or the mayor's designee, may, within one year from the date bids were to be opened, dispose of the property, or interest therein, at a price not less than such minimum price without further advertisement, bidding or authorization.

4.03.040 Exceptions from Competitive Bidding. The mayor, or the mayor's designee, after council approval by resolution, may sell, exchange or otherwise dispose of the following real property, or an interest therein, without giving an opportunity for competitive bidding, subject to compliance with the provisions of section 4.03.050.

(Ordinance 00-06, adopted 01-18-01)

1. Real property, or an interest therein, to be exchanged for other real property, or an interest therein, which is determined by an appraisal prepared by a qualified appraiser obtained by the city to be equal in value to the city property or the interest therein that is to be exchanged, or if the values of such properties are different, if the difference is made up in cash. The parties to the transaction shall share the cost of the appraisal, plus survey, platting, recording and all other costs attendant to the transaction in proportion to the value of property, or interest therein, each party gains through the transaction.
2. Sale, donation, exchange or other transfer of real property, or an interest therein, to or with another municipality, the state, of the United States, when and under such terms and conditions as the council, in its sole judgment, deems advantageous to the city.
(Ordinance 00-06, adopted 01-18-01)
3. Parcels of real property that are substandard in size or configuration under existing zoning, which may be disposed of by sale or exchange to the legal owner of adjoining property, with such adjoining parcel to be then re-platted to incorporate therein such substandard parcel sold or exchanged. The sale price or exchange value shall be at least equal to the fair market value of the city property or interest therein transferred, determined in the manner set forth in section 4.03.020 plus survey, platting, recording and other costs to the city attendant to the transaction.
4. Easements may be released to the legal owner of the sub-servient property when and under such terms and conditions as the council, in its sole judgment, deems advantageous to the city.

4.03.050 Disposal of Any Interest with Value Greater than \$60,000.00.

Notwithstanding any other provision herein, a sale, or other disposal of real property, or Interest therein, the value of which is more than sixty

thousand dollars (\$60,000.00), must meet and comply with all of the requirements of section 4.03.070 of this chapter.

4.03.060 Real Property Conveyed without Warranty. Real property sold, traded, or exchanged shall be conveyed by the city without warranty. Title IV, Chapter 3, Ordinance 96-08.

4.03.070 Voter Approval. Notwithstanding any provision, in this chapter, the council may also exempt any particular contract, sale exchange, disposal or other transaction from competitive bidding or other requirements of this chapter.

1. By authority of an ordinance, approved in final passage by an affirmative vote of the council and approved or enacted at an election by an affirmative vote of a majority of the qualified voters of the city who vote on the question of approving or enacting the ordinance being submitted to the voters by the council; or
2. By authority of a non-emergency ordinance passes by the council, which shall be published in full within ten days after its passage, and which shall include a section reading substantially as follows; “ Section_____. If one or more referendum petitions with signatures are properly filed within one month after the passage and publication of this ordinance, this ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient, or, if any such petition is found legal and sufficient, until the ordinance is approved at an election by a majority of the qualified voters voting on the question. If no referendum petition with signatures is filed, this ordinance shall go into effect one month after its passage and publication.”

**Title IV, Chapter 4
LEASE OF CITY LANDS**

Sections:

- 4.04.010 Property Available for Leasing
- 4.04.020 Term of Lease
- 4.04.030 Appraisals
- 4.04.040 Lease Auction
- 4.04.050 Lease Procedures
- 4.04.060 Fair Rental Value
- 4.04.070 Adjustment of Rental
- 4.04.080 Transfer of Lessee's Interest
- 4.04.090 Renewal of Lease
- 4.04.0100 Improvement and Chattels
- 4.04.0110 Inspection of Leased Premises
- 4.04.0120 Easements and Rights-of-Way
- 4.04.0130 Condemnation of Premises- Lease Termination
- 4.04.0140 Lease Rental Credit
- 4.04.0150 Conditional Lease
- 4.04.0160 Mayor Regulations

4.04.010 Property Available for Leasing. All real property, including tide, submerged, or shore lands, which the city owns, or in which the city has right, title, and interest, or to which the city may become entitled, may be leased as provided in this chapter. The term "property" as used in this chapter includes any and all interests in real property.

4.04.020 Term of Lease. No lease shall be for a term of more than twenty one (21) years unless the council shall determine from the purpose, use of the premises, and nature of improvement which, may be placed on the premises that a longer term would benefit the city and would be consistent with city planning. A lease having a term of greater than five (5) years shall first be approved by the council. Any renewal period or option to renew the lease period shall be included in the term of the lease in computing the five (5) year period of time.

4.04.030 Appraisals.

- A. No property shall be leased or a renewal lease issued unless the property to be leased has been appraised by the city within one (1) year prior to the date contemplated for the beginning of the lease.
- B. No appraisal is required if the fair rental value of the property does not exceed two hundred fifty (\$250.00) dollars per year and the term of the

lease is one (1) year or less, or if the property has been assessed by a tax assessor during the year in which the property is to be leased.

- C. An independent appraisal shall not be required unless directed by the council, or otherwise required by this chapter.

4.04.040 Lease Auction. Unless otherwise provided in this chapter, property shall be leased to the highest responsible bidder at a lease auction.

4.04.050 Lease Procedures. The provisions of sections 11 and 12 of chapter 4.3 of this code on the method of disposition of city-owned property shall apply to all leases of city land authorized by this chapter.

4.04.060 Fair Rental Value.

- A. Property shall be leased for a fair rental value. Fair rental value is the rental computed from the appraised fair rental value of the property and means the highest price described in terms of money for which the property would rent, if exposed for rent for a reasonable time in the open market, for the use permitted by the city.
- B. With approval by the council, the lease of property may be made for a rental less than the fair rental value to a state or federal agency, state political subdivision, or nonprofit organization as may be determined by the mayor to be fair and proper. The mayor shall consider the public interest and the nature of the public use or function of the leased premises.
- C. Fair rental value shall not be required where the property interest of the city is subject to any term or condition restriction or limiting the ability of the city to obtain the fair rental value of the property.

4.04.070 Adjustment of Rental. A lease having a term of more than two (2) years shall provide for adjustment of rentals at specified intervals during the term of lease, and the intervals shall be every (2) years unless the lease provides for a longer interval, not to exceed (6) years. This section shall be incorporated in each lease by reference and enforceable as if fully set forth in the lease.

4.04.080 Transfer of Lessee's Interest. A lessee may sublease or assign only upon approval of the transfer by the city in writing.

4.04.090 Renewal of Lease. The renewal or extension of the lease shall be considered as a new lease unless renewal or extension is provided for in the lease. Upon a showing of hardship or for a good cause the mayor, at his or her option, may renew or extend the lease for a period not to exceed one (1) year without notice auction or council approval.

4.04.0100 Improvements and Chattels.

- A. The lease shall provide the terms, conditions, and limitations of the removal or reversion of the improvements of chattels upon the lease premises after termination of the lease.

The retiring lessee may, with the consent of the mayor, sell the improvements to the succeeding lessee. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice to the lessee, be sold at public sale to be provided by regulations of the mayor.

- B. Proceeds of the sale shall be first applied to the city's costs and expenses of maintaining, removing, and selling the improvements and chattels and to rentals for the period of non-removal. The city may bid at the sale and may be credited with the value of the city's costs, expenses, and rentals due resulting from the non-removal of the improvements or chattels. The city shall have all other rights, both legal and equitable, any other purchases would have or acquired by reason of the sale.

4.04.0110 Inspection of Leased Premises. The lessee shall allow an authorized representative of the city to enter the leased premises for inspection at any reasonable time.

4.04.0120 Easements and Rights-of-Way. The city expressly reserves the right, without compensation or adjustment in rentals to the lessee, to grant surface, underground or overhead utility easements or rights-of-way in or upon the lease property, if the exercise of the right will not unreasonably interfere with lessee's improvements placed upon the property and with the lessee's use of the property.

4.04.0130 Condemnation of Premises- Lease Termination. Upon condemnation of the premises or any part of the premises, including inverse condemnation, by any agency of the state, borough, or federal government, the lease shall terminate without any liability to the city. The city shall not be liable in damages or pay any compensation of the lessee as a result of the condemnation termination the lease.

4.04.0140 Lease Rental Credit. When authorized in writing by the mayor, prior to the beginning of any work, the lessee may be granted credit against current or future work, provided the work, accomplished on or off the leased premises, results in increased valuation of the leased premises or of other city-owned property. The authorization may stipulate the type of work, standards of construction, and maximum allowable credit for the specific project.

4.04.0150 Conditional Lease.

- A. The city may issue a conditional lease on property it reasonable expects it will own or will acquire title prior to the actual receipt of title. Leases issued on a conditional basis may be terminated in whole or in part in the event that the city is denied title to the property under lease. Pre-paid lease rentals on property to which title is denied the city shall be refunded.
- B. The city shall not be liable for any claim or damages that may be done to the property by the lessee, or liable for any claims of any third party or the lessee, or for any claims that may arise from ownership. In the event the city does not receive title to the property under lease, the conditional lease shall then have the same standing, force, and effect as a non-conditional lease issued under this chapter.

4.04.0160 Mayor Regulations. The mayor may provide by regulation for the procedures and form as to applications, surveys, appraisals, auction, bidding, form, and substance of lease termination, forfeiture, or any other matter involving the leasing of city property to implement the intent and purpose of this chapter. The absence of a regulation shall not invalidate any auction procedure or lease executed or to be executed by the city, where the requirements of the chapter have been otherwise satisfied.

Title IV, Chapter 5
DISPOSITION OF CITY OWNED PERSONAL PROPERTY

Sections:

- 4.05.010 Personal Property Disposition by Value
- 4.05.020 Sale of Surplus or Obsolete Goods
- 4.05.030 Surplus Stock
- 4.05.040 Declaration of Obsolescence
- 4.05.050 Mayor as Purchasing Agent

4.05.010 Personal Property Disposition by Value

- A. Personal property, other than surplus stock, that is valued at less than one thousand dollars (\$1,000.00) may be disposed of upon such notice and terms considered reasonable by the Mayor. The Mayor shall take into consideration the value of the article, the reason for disposal, and the general preference of disposal by competitive bid. The Mayor shall report disposals to the council if so requested.
(Ordinance 81-1, adopted 12-15-81)
- B. Personal property valued at more than one-thousand dollars, (\$1,000.00) but less than twenty-five thousand dollars, (\$25,000.00) shall be disposed of in the manner provided for land valued under twenty-five thousand (\$25,000.00) in chapter 4.03 of this code.
(Ordinance 81-1, adopted 12-15-81)
- C. Personal property valued at more than twenty-five thousand dollars (\$25,000.00) shall be disposed of in the manner provided for land valued over twenty-five thousand dollars (\$25,000.00) as provided in chapter 4.03 of this code.
(Ordinance 81-1, adopted 12-15-81)

4.05.020 Sale of Surplus or Obsolete Goods. The Mayor may sell the following without giving an opportunity for competitive bidding:

- 1. Surplus or obsolete supplies, materials, or equipment whose total value does not exceed one thousand dollars (\$1,000.00) in a single transaction.
(Ordinance 81-1, adopted 12-15-81)
- 2. Supplies, materials, or equipment when sold at a price at least as great as that paid by the City for the same.
(Ordinance 81-1, adopted 12-15-81)

4.05.030 Surplus Stock.

- A. All agencies shall submit to the Mayor, at such times and in such form as he or she shall prescribe, reports showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.
(Ordinance 81-1, adopted 12-15-81)
- B. The Mayor shall have the authority to transfer surplus stock to other agencies and provide for proper fiscal transfer of such.
(Ordinance 81-1, adopted 12-15-81)
- C. The Mayor with approval of the council shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same for, or trade in, the same on any new supplies or equipment.
(Ordinance 81-1, adopted 12-15-81)
- D. Sales of surplus city supplies or equipment appraised at over one thousand dollars (\$1,000.00) under this section shall be made to the highest responsible bidder.
(Ordinance 81-1, adopted 12-15-81)
- E. The Mayor, or person chosen by the council to act on the cities behalf, shall conduct the sale and issue the certificates of sale to the purchaser of surplus city supplies or equipment.
(Ordinance 81-1, adopted 12-15-81)

4.05.040 Declaration of Obsolescence. No surplus or obsolete supplies, materials, or equipment of a value of more than one thousand dollars (\$1,000.00) may be sold until the council has declared them obsolete or surplus.
(Ordinance 81-1, adopted 12-15-81)

4.05.050 Mayor as Purchasing Agent. The powers and duties of the Mayor in this chapter shall be exercised by the city-purchasing agent if one is designated as provided in chapter 3.04 of this code.
(Ordinance 81-1, adopted 12-15-81)

Title IV, Chapter 6
TIDE AND SUBMERGED LANDS

Sections:

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4.06.010 **Short Title.** This Ordinance shall be known as the “Klawock Tide and Submerged Lands Ordinance.”
(Ordinance 85-4, adopted 11-15-88)

4.06.020 Declaration of Purpose and Intent. The purpose of this Ordinance, and the intent of the council in enacting this Ordinance is as follows:

- A. The purpose of this Ordinance is to carry out the duty of the city as expressed in AS 38.05.320 to AS 38.05.820.
(Ordinance 85-4, adopted 11-15-88)
- B. The intent of the council in enacting this Ordinance is:
 - 1. To expedite granting conveyances to qualified occupants who are entitled to, and who exercise their preference rights in accordance with the provisions of law and of this Ordinance;
(Ordinance 85-4, adopted 11-15-88)
 - 2. To provide due process and sufficient notice to all parties, who qualify as occupants of such lands and who are entitled to exercise preference rights, of applications filed, disputes and confliction claims, and of approved applications;
(Ordinance 85-4, adopted 11-15-88)
 - 3. To provide simple procedures by which occupants may exercise their preference right;
(Ordinance 85-4, adopted 11-15-88)
 - 4. To apportion equitably the costs of administering and processing applications, hearing disputes, costs of appraisal, transfer, and survey among those who will benefit there from;
(Ordinance 85-4, adopted 11-15-88)
 - 5. To limit the issues to be determined by the council in adjudication of disputes to rights conferred by the Alaska Land Act and this Ordinance; and
(Ordinance 85-4, adopted 11-15-88)
 - 6. To safeguard and protect the interests of the city and its citizens in tide and submerged lands conveyed to the city not subject to preference rights, or where preference rights were, or will not be, exercised in the time allowed by law, by providing for rules and regulations for administration of such lands in the best interest of all of the taxpayers of the city.
(Ordinance 85-4, adopted 11-15-88)

4.06.030 Definition. For the purpose of this Ordinance, unless the context requires otherwise, the following terms have the following states meanings:

- A. “Alaska” means the State of Alaska.
(Ordinance 85-4, adopted 11-15-88)

- B. “Appraiser” means as appraiser appointed by the council of Klawock, Alaska, for the purpose of appraising lands claimed under a Class III preference right.
(Ordinance 85-4, adopted 11-15-88)
- C. “City” means the City of Klawock, Alaska.
(Ordinance 85-4, adopted 11-15-88)
- D. “Class I Preference Rights” means the right extended to persons, and their successors in interest, who occupied or developed the tidelands and submerged lands seaward of the surveyed town site on and before September 7, 1957, after executing a waiver to the city and state of all rights the occupant or developer may have acquired under Public Law 85-303 (71 Stat. 623). The cost of acquiring tidelands and submerged lands through the exercise of Class I preference rights shall be the aggregate costs of surveying, transferring and conveying title to the claimant.
(Ordinance 85-4, adopted 11-15-88)
- E. “Class II Preference Right” means the right extended to persons, and their successors in interest, who are unwilling to execute a waiver to the state and the city of all rights the person may have acquired under Public Law 85-303 (71 Stat. 623) to the tidelands and submerged lands which the city must convey, upon proper application, after the Secretary of the Army has submitted to the Secretary of the Interior and the governor of the state, maps indication the pier head line established by the corps of engineers with respect to the tract so granted. The cost of acquiring tidelands and submerged lands through the exercise of Class II preference rights shall be the aggregate costs of surveying, transferring, and conveying title to the claimant.
(Ordinance 85-4, adopted 11-15-88)
- F. “Class III Preference Right” means the right extended to persons, and their successors in interest, who occupies or developed the tidelands and submerged lands seaward of the surveyed town site after September 7, 1957, and before January 3, 1959, and who continued to occupy it on January 3, 1959. The cost of acquiring tidelands and submerged lands through the exercise of Class III Preference Rights shall be the aggregate costs of appraisal, administration, and transfer fees, and the appraised fair market value of property to be conveyed. The appraised fair market value is to be exclusive of value acquiring from improvements or development, such as fill material, buildings or structures placed on the property by the occupant or their predecessor in interest.
(Ordinance 85-4, adopted 11-15-88)

- G. “Clerk” means the clerk of the City.
(Ordinance 85-4, adopted 11-15-88)
- H. “Council” means the City Council of the City of Klawock.
(Ordinance 85-4, adopted 11-15-88)
- I. “Director” means the Director of Lands, State of Alaska.
(Ordinance 85-4, adopted 11-15-88)
- J. “Director’s Line” means a line seaward of the City approved by the Director, with the concurrence of the Commissioner of Natural Resources, State of Alaska, which is also seaward of all tide and submerged lands occupied or suitable for occupation and development without unreasonable interference with navigation.
(Ordinance 85-4, adopted 11-15-88)
- K. “Fill” shall mean earth, gravel, rock, sand, or other similar materials placed upon tide or contiguous submerged lands to a height above the high water line for the purpose of elevating the lands for a specific useful purpose. Earth, gravel, rock, sand, or other similar materials, placed on the tide or contiguous land solely for the purpose of spoils disposal shall not be considered Fill unless such fill was used for useful and beneficial purpose and prior to January 3, 1959.
(Ordinance 85-4, adopted 11-15-88)
- L. “Improvements” means buildings, wharves, pier, dry docks, and other similar types of structures permanently fixed to the tide or contiguous submerged lands that were constructed and/or maintained by the applicant for business, commercial, recreational, residential, or other beneficial uses or purposes. Floats secured by guide piles used as floating wharves, where access is provided to the shore, shall be Improvements within the meaning of this definition. Fill material actually in place to above the line of mean high tide on January 3, 1959, and actually utilized for beneficial purposes on January 3, 1959, by the applicant shall be considered a permanent Improvement, but in no event shall Fill be considered a permanent Improvement when placed on the tidelands solely for the purpose of disposing waste or spoils. Fill material not utilized for a beneficial purpose on and prior to January 3, 1959, and Fill material not actually in place to above the line of mean tide on January 3, 1959, shall not be the basis for an application, nor shall it be included in any application, for the exercise of Preference Rights hereunder.
(Ordinance 85-4, adopted 11-15-88)
- M. “Mayor” means Mayor of the City of Klawock.
(Ordinance 85-4, adopted 11-15-88)

- N. “Mean High Tide” shall be interpreted as the tidal datum plane derived from averaging all the high waters observed at any place subject to tidal influence over a period of nineteen (19) years. “Mean High Water Line” shall be interpreted as the datum place of mean high water with the shore.
(Ordinance 85-4, adopted 11-15-88)
- O. “Mean Low Tide” shall be interpreted to be mean low water which is the mean of the lower of the two low waters of each day for a tidal cycle of nineteen (19) years.
(Ordinance 85-4, adopted 11-15-88)
- P. “Occupant” means any person, or his successor in interest, who, on or prior to January 3, 1959, actually occupied with substantial permanent Improvement, any tide or submerged land located within such land conveyed by the State to the City when such occupancy was for any business, residential, or other beneficial purpose. The holder of a permit of clearance on respect to interference of navigation, or of a special use permit from a government agency will not qualify as an “Occupant” unless such entry on the land had, through exercise of reasonable diligence, resulted in actual occupancy and substantial and permanent Improvements. No person shall be considered an Occupant by reason of having 1) placed a fish trap in position for operation or storage upon the tide, shore, or submerged land, 2) placed a set net or piling therefore, or any other device or facility for taking fish, 3) placed pilings or dolphins for log storage, or other moorage, 4) placed telephone, power, or other transmission facilities, roads, trails, or other Improvements not requiring exclusive use or possession of tide or contiguous submerged lands, or 5) claimed the land by virtue of some form of constructive occupancy. Where land is occupied by a person other than the owner of the Improvements thereon, the owner of the Improvements shall be considered the Occupant of such lands.
(Ordinance 85-4, adopted 11-15-88)
- Q. “Occupied or Developed” means the actual use, control and occupancy, but not necessarily residence, of the tide or submerged land by the establishment thereon of substantial permanent Improvements; v
- R. “Ordinance” means the Klawock Tide and Submerged Lands Ordinance; v
- S. “Person” means any Person, firm, corporation, cooperative association, partnership, or other entity legally capable of owning land, or any interest therein.

(Ordinance 85-4, adopted 11-15-88)

- T. “Preference Right” subject to the classifications stated in Sub-paragraphs d, e, f, and g, of paragraph three (3) of the Article, means the right of an Occupant to acquire by grant, purchase or otherwise limited or prescribed in the Ordinance, any lot, piece, parcel, or submerged land occupied or developed by such Occupant on or prior to January 3, 1959.
(Ordinance 85-4, adopted 11-15-88)
- U. “State” means the State of Alaska.
(Ordinance 85-4, adopted 11-15-88)
- V. “Submerged Lands” means lands covered by tidal waters between the line of mean low water and seaward to a distance of three (3) geographic miles, in their natural state, without being affected by man-made structures, Fill, etc.
(Ordinance 85-4, adopted 11-15-88)
- W. “Substantial Permanent Improvements” shall have the same meanings as improvements, as defined in Sub-paragraph M. of Paragraph three (3) of this article.
(Ordinance 85-4, adopted 11-15-88)
- X. “Tidelands” means lands periodically covered by tidal waters between the elevations of Mean High and Mean Low Tides, without regard to artificial interference with tidal flows caused by man-made structures, breakwaters, Fill, and the like. It shall also include Submerged Lands conveyed by the State to the City; and
(Ordinance 85-4, adopted 11-15-88)
- Y. “Platt” means those two (2) plats of subdivision of Tidelands and Submerged Lands conveyed by the State to the City on 10 of which was prepared by Quadra Engineering Co. dated (), showing all structures and Improvements thereon, and the boundaries of each tract occupied or developed, together with the name of the owner or claimant thereof, including within the boundaries of each tract occupied or developed such surrounding Tide Submerged Lands as are reasonably necessary in the opinion of the Council for the use and enjoyment of the structures and Improvements thereon by the owner or claimant, but which do not include and Tide or Submerged Lands which, if granted to such Occupant, would unjustly deprive any Occupant of adjoining lands from his reasonable use and enjoyment thereof. Tide and Submerged Lands which are not Occupied or developed by the establishment thereon of Substantial Permanent Improvements, but which have been included within the boundaries of subdivided

tracts as being reasonably necessary, in the opinion of the Council, for the use and enjoyment of the structures and Improvements thereon by the owner of the claimant, were so included at the direction of the Council after due consideration.
(Ordinance 85-4, adopted 11-15-88)

- 4.06.100 Approval and acceptance of State Conveyance.** The conveyance by the State to the City, dated the 16th day of July 1985, of Tide and Submerged Lands lying seaward of the City is approved and accepted, and the lands therein are declared incorporated into the limits of the City.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.110 Approval an Adoption of Plat.** The plat is approved and adopted as the official Tidelands Subdivision Plat of the City of Klawock, Alaska, and said Plat shall be recorded in the Ketchikan, Alaska Recording Office.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.120 Time and Places of Posting Plat.** The plat shall be posted for a period of not less than thirty (30) days, commencing with the date following the date of the final passage of this Ordinance, in the Post Office and the office of the Clerk of Klawock, Alaska.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.130 Publication of Notice and Passage of Ordinance.** The Clerk shall cause a notice of posting the Plat to be posted in three (3) public places in the City, one 1) of which shall be the United States Post Office, commencing the day after the date of final passage of this Ordinance. This notice shall contain the following statements: a) time and place of posting, b) day of final passage, and the effective date of this Ordinance, c) that any and all Persons having or claiming Preference Rights provided by the law to any part or parts of the sub-divided land embraced within the boundaries of the Plat, who fail to apply to exercise such rights under the provisions of this Ordinance within one (1) year from and after the 1st day of June 1986, which hereby declared to be the date upon which applications therefore will be first accepted by the City, shall have forfeited the Preference Rights provided by the law, and d) that this Ordinance was enacted to protect Occupants having Preference Rights, to afford due process of law, to provide procedures for applying for exercise of the Occupants holding Preference Rights defines by the law and this Ordinance, and e) that copies of this Ordinance and application forms are available at the office or the Clerk of the City.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.140 Time for Filing Applications.** Preference Right applications shall be entitled to file applications, seeking the exercise of the Preference Rights under this Ordinance on and after the 1st day of June 1986, and through the close of business at 4:00 p.m. the 30th day of June 1991. Applications

received in the Clerk's office or postmarked after June 30, 1991, shall not be accepted.

(Ordinance 85-4, adopted 11-15-88)

4.06.150 Procedure for Filing Applications. Applications seeking to exercise Preference Rights under this Ordinance may neither be filed by an applicant, nor received for filing by the Clerk, except as follows:

- A. The application forms shall be substantially in the form set forth in Article II, Paragraph 19 of this Ordinance.
(Ordinance 85-4, adopted 11-15-88)
- B. Applicants shall be entitled to obtain application forms from the Clerk without charge.
(Ordinance 85-4, adopted 11-15-88)
- C. All applications must be prepared and submitted in triplicate.
(Ordinance 85-4, adopted 11-15-88)
- D. Applications neither clearly legible nor properly completed and certified by the applicant may not be accepted for filing by the Clerk. Willful and deliberate miss-statements of fact shall be deemed equivalent to attempting to valuable public property by misrepresentation, and may, at the option of the City be prosecuted as obtaining property under false pretenses.
(Ordinance 85-4, adopted 11-15-88)
- E. Applications may either be mailed to the Clerk, c/o the Office of the City Clerk, Klawock, Alaska 99925, or hand delivered to the Clerk's Office during the regular business hours of the Clerk.
(Ordinance 85-4, adopted 11-15-88)
- F. The Clerk may not accept any application which:
 - 1. Is not accompanied by the proper deposits for costs; or
(Ordinance 85-4, adopted 11-15-88)
 - 2. Which is based upon more than one (1) class of Preference Right, other than an application for a single sub-divided lot claiming a right based upon more than one (1) class of Preference Right; or
(Ordinance 85-4, adopted 11-15-88)
 - 3. Which claims title to two (2) or more lots which are not contiguous.
(Ordinance 85-4, adopted 11-15-88)
- G. The Clerk shall stamp with the time and date of filing and by signature thereon acknowledge receipt of the deposit, all applications which the

Clerk finds to be properly completed and accompanied with the deposit;
and

(Ordinance 85-4, adopted 11-15-88)

- H. The Clerk shall mail the triplicate copy of application accepted by the Clerk to the address shown in the application.

(Ordinance 85-4, adopted 11-15-88)

4.06.160 Computation of Deposit Costs. Costs, a deposit of which must accompany each application, shall be computed as follows:

- A. Filing Fee: \$50.00 per application.
(Ordinance 85-4, adopted 11-15-88)
- B. Survey Cost: The total survey cost per lot as shown on Subdivision Plat AT268 shall be \$.008 per square foot.
(Ordinance 85-4, adopted 11-15-88)
- C. Transfer Costs: A Title Fee expense of \$50.00 will be charged for each deed to be recorded.
(Ordinance 85-4, adopted 11-15-88)
- D. Appraisal Cost: For Class III Preference Right the Appraisal Fee shall be \$100.00 per lot. The Clerk will act as the appraiser for these Preference Rights.
(Ordinance 85-4, adopted 11-15-88)
- E. Hearing Costs: (required only in connection with an application which conflicts with either the Plat, or with a claim previously filed, \$50.00 per application.
(Ordinance 85-4, adopted 11-15-88)

4.06.170 Computation and Payment of Additional Costs. Additional costs shall be computed by the Clerk, and payment therefore shall be demanded of the applicant as a condition precedent to further action on this application as follows:

(Ordinance 85-4, adopted 11-15-88)

- A. Hearing costs shall be computed by the Clerk and paid by the applicant before the applicant shall be entitled to the hearing on any dispute that may arise under his application.
(Ordinance 85-4, adopted 11-15-88)
- B. Final appraisal costs and the Fair Market Value of the land embraced by a Class III Preference Right Application shall be computed by the Clerk, and paid by the applicant before the applicant shall be entitled to have a deed issued to him for such property; and
(Ordinance 85-4, adopted 11-15-88)

- C. The prevailing party in any dispute adjudicated by hearing before the Council shall be entitled to the refund of any hearing costs paid by him.
(Ordinance 85-4, adopted 11-15-88)
- D. Total Costs in excess of \$500.00 may be negotiated over a period of years with the concurrence of the Mayor and the Council. If a Schedule of payments is approved the deed for the property will not be issued until all payments have been satisfactorily made.
(Ordinance 85-4, adopted 11-15-88)

4.06.180 Procedures for Processing Applications. The Clerk shall cause the following application processing procedures to be followed:

- A. Receiving and Filing: Applications shall be received and filed as follows:
 1. All copies of applications accepted for filing shall be stamped with the time and date of filing, and with an application number designated in chronological order of filing.
(Ordinance 85-4, adopted 11-15-88)
 2. All original applications shall be filed in a permanent register, and the names of the applicants entered in an alphabetical index, which shall be a permanent part of such register.
(Ordinance 85-4, adopted 11-15-88)
 3. The application register shall be available for public inspection during office hours of the Clerk, except when in actual use for filing and indexing.
(Ordinance 85-4, adopted 11-15-88)
 4. Certified copies of all applications shall be prepared for all persons upon request, upon their paying \$4.50 per page for copies of said applications, and any attachments forming a part thereof.
(Ordinance 85-4, adopted 11-15-88)
 5. The third copy of the application shall be mailed to the applicant, and the second copy shall be retained as the working file copy.
(Ordinance 85-4, adopted 11-15-88)
- B. Processing. Applications shall be processed as follows:
 1. Applications to exercise either Class I or Class II Preference Rights which apply for lands which comply with the Plat with respect to area and boundary locations shall be processed by the Clerk as provided in Article II, paragraph II b.
(Ordinance 85-4, adopted 11-15-88)

2. Applications to exercise either Class I or Class II Preference Rights which claim lands which do not comply with the Plat with respect to area and boundary locations shall be processed by the Clerk as provided in Article II, Paragraph II a and further processed by the Council as provided in Article I, Paragraph 14.
(Ordinance 85-4, adopted 11-15-88)
3. Applications for exercise of Class III Preference Rights shall be transmitted to the Clerk for appraisal, as provided in Article II, Paragraph 10. Each lot will be appraised at \$.08 per square foot for the purpose of exercising this Preference Right.
(Ordinance 85-4, adopted 11-15-88)
4. Except as otherwise stated in Article II, Paragraph 6 of 2, the Clerk may not accept any application which combines any combination of Preference Rights. The Clerk shall return to the applicant any such application presented for filing, with the direction that the applicant revise the application into two (2) or more applications, each of which apply for land under only one (1) type of Preference Right; and
(Ordinance 85-4, adopted 11-15-88)
5. Applications to exercise one (1) class of Preference Right which in part comply with the Plat with respect to area and boundary locations, but do not wholly comply with the Plat in all such respects, shall be processed by the Clerk as provided in Article II, Paragraph 11 a, and be further processed by the Council as provided in Article II, Paragraph 14.
(Ordinance 85-4, adopted 11-15-88)

4.06.190 Appraisal for Class III Preference Rights. The Clerk shall determine the Fair Market Value of all Class III Preference Rights at \$.08 per square foot pursuant to the provisions of Article II, Paragraph 9 b.
(Ordinance 85-4, adopted 11-15-88)

4.06.200 Review by the Clerk. Applications which have either been retained by the Clerk for processing pursuant to the provisions of Article II, Paragraph 10, shall be reviewed by the Clerk for the purpose of determining whether or not the application needs to exercise a Preference Right to land which is described in the Plat, whether or not the land applied for complies with the Plat, with respect to the area and the boundaries, and whether or not the City has any interest in these lands. The findings of the Clerk shall be certified in duplicate form, and the applications further processed as follows.
(Ordinance 85-4, adopted 11-15-88)

- A. Applications which do not conform to whole lots on the Plat, or which seek to exercise a Preference Right to land which the City has, or believes it has, and interest in shall be transmitted to the Council for further proceedings under Article II, Paragraph 14; and
(Ordinance 85-4, adopted 11-15-88)
- B. Applications which conform to the Plat with respect to area and boundaries and which do not seek to exercise a Preference Right to land in which the City has an interest in, shall be considered approved, and shall be processed by the Clerk as provided under Article II, Paragraph 12.
(Ordinance 85-4, adopted 11-15-88)

4.06.210 Approved Applications. The Clerk shall process approved applications as follows:

- A. If the deposit costs made with the application is not sufficient to pay all known and estimated costs of survey, transfer, appraisal, and purchase for Class III Preference Right the Clerk shall so notify the applicant, and advised the applicant that no further action will be taken on the application until the balance is either paid in full or a payment schedule is agreed upon.
(Ordinance 85-4, adopted 11-15-88)
- B. As to those applications for which the Clerk has received the required payment of costs, the Clerk shall:
(Ordinance 85-4, adopted 11-15-88)
 - 1. Cause to be posted in three (3) public places, one (1) of which shall be the United States Post Office, for a period of thirty (30) days, a notice setting forth the following information:
(Ordinance 85-4, adopted 11-15-88)
 - a. Names and addresses of applicants.
(Ordinance 85-4, adopted 11-15-88)
 - b. Block and lot numbers of property claimed according to Plat designation.
(Ordinance 85-4, adopted 11-15-88)
 - c. Appraised value, if any.
(Ordinance 85-4, adopted 11-15-88)
 - d. A statement to the effect that the city will issue to the applicant its deed for the property described after the expiration of thirty (30) days of posting the notice, unless the adverse claim, or adverse application, has been filed within that time.
(Ordinance 85-4, adopted 11-15-88)

2. At the end of the posting period, the Clerk shall note on the application included in the notice, whether or not any adverse claims or applications have been filed or the land in question.
(Ordinance 85-4, adopted 11-15-88)
3. If either adverse claims or adverse applications have been filed prior to the expiration of the notice period, the applications shall be delivered to the Council for hearing; and
(Ordinance 85-4, adopted 11-15-88)
4. If no adverse claims or adverse applications have been filed, the Clerk shall further process the respective applications as set forth in Article II, Paragraph 13.
(Ordinance 85-4, adopted 11-15-88)

4.06.220 Deed- Permanent Register. Upon the expiration of the period within which either an adverse claim or an adverse application may be filed against as approved applications, the Clerk shall prepare a deed for each application, conveying the land described therein to the applicant. This deed shall be transmitted to the Mayor for his execution, and thereafter delivered by the Clerk to the applicant.
(Ordinance 85-4, adopted 11-15-88)

4.06.230 Proceedings for Determination by Council of all Disputes. The Adjudication of disputes between claimants of Preference Rights to Tidelands shall be performed by the Council. Upon receipt of the working files in all disputes from the Clerk, the Council shall set the dispute for hearing and determination, and cause notice to be served on all parties. Upon the Council's having heard the dispute, it shall enter its ruling thereon as quickly as possible, but not later than ten (10) days after the matter has been heard. Aggrieved Persons shall have the right of appeal to the Superior Court within thirty (30) days after the ruling of the Council is rendered.
(Ordinance 85-4, adopted 11-15-88)

4.06.240 Settlement by Stipulation. Disputed submitted to the Council for adjudication may be settled by the parties upon stipulation, if such disposition does not adversely affect the interest of either the City, or any third party. If a stipulation in settlement is effected by the parties, the Council shall return the working file on the dispute, together with the stipulation, to the Clerk. The Clerk shall thereafter determine whether or not the interest of the City; or any third party is adversely affected by the stipulation. If the Clerk determines that the interest of either the City or any third party would be adversely affected by the stipulation, the Clerk shall return the working file on the dispute for further proceedings upon notice given. If the Clerk determines that neither the interest of the city, nor the interest of any Third Person would adversely be affected by the

stipulation, the Clerk shall thereafter process the applications of the parties in dispute in accordance with the stipulation in the manner set forth in Article II, Paragraph 12 and if a change in the boundaries as shown on the Plat is required by an approved stipulation; the Council shall direct that the change be made.

(Ordinance 85-4, adopted 11-15-88)

- 4.06.250 Protest.** Only those Persons who have filed an application with the Clerk which has been accepted by the Clerk, and which seeks to exercise a Preference Right under this Ordinance, shall be entitled either to protest the issuance of a deed to an applicant, or to appear and be heard at any hearing or dispute before the Council in opposition to any application.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.260 Handling of Deposit and Purchase Funds.** All funds received as deposits with applications for costs or purchase price for Tidelands shall be deposited by the Clerk in the General Fund.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.270 Forfeiture of Preference Rights.** Preference Right which are not exercised within the time allowed under this Ordinance by the filing of the application therefore with the Clerk in a form which entitles the application to be accepted by the Clerk for processing are declared to be forfeited as of the expiration of the filing period stated. Title to all land subject to the exercise of these Preference Rights upon such forfeiture shall automatically vest in the City free and clear of all adverse claims. All land, title to which has vested in the City by reason of such forfeiture, shall be thereafter subject to administration and disposition by the City pursuant to the provisions of Article III.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.280 Forms.** The Clerk shall cause to be printed application forms and other forms suitable for use in processing the application in substantially the form and style as is more particularly set forth in those forms marked for identification as "Exhibit A" attached to this Ordinance and made part hereof.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.300 Administration of City Owned Tide and Submerged Lands.** All Tide and Submerged Lands within the limits of the City to which the City holds title may be leased or sold in accordance with the provision of the laws of the State of Alaska governing sale and lease of public property by a municipal corporation.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.400 Encroachments.** Encroachments by buildings over property lines, and encroachments by buildings and other structures upon rights of way

established in Tide and Submerged Land areas, as these encroachments may appear on the Plat, shall be permitted to continue for the remaining useful life of the building or other structure, and an easement for any such encroachment shall exist, and continue to exist, for this period of time as a condition of title to the property of rights of way upon which the encroachment appears.

(Ordinance 85-4, adopted 11-15-88)

- 4.06.410 Termination of Easements.** Any easement existing by reason of the provision of Article IV, Paragraph 1, shall terminate at such time as the encroachment is either removed, or is in any way altered from its condition or position as that condition or position exists on the date this Ordinance is approved.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.500 Right-of-Way Encroachment.** A perpetual easement is reserved to the City over and upon property adjacent to rights of way established on the Plat in those instances in which the structure or Improvement existing or under construction as of the date of adoption of this Ordinance or in any such right of way encroaches upon such adjoining land.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.510 Right-of-Way Easements.** A perpetual easement is reserved to the City for general right of way use over those Tide and Submerged Lands as shown on the Plat as being easement located.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.600 Penalties.** Any person, firm, or corporation who, without written authority from the city, removes rock, gravel, or material from the tide and submerged lands owned by the City of Klawock, or who undertakes to occupy any such land, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding three hundred (\$300.00) dollars or be imprisoned in jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.610 Severability Clause.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.
(Ordinance 85-4, adopted 11-15-88)
- 4.06.620 Revealing Clause.** All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.
(Ordinance 85-4, adopted 11-15-88)

4.06.630 Effective Date. This Ordinance shall be posted in the same manner and at the same time as required herein for posting of the approved Tidelands Subdivision Plat and Notice of Posting thereof; and shall become effective thirty (30) days after its final passage and date of first posting.
(Ordinance 85-4, adopted 11-15-88)

4.06.700 Application for Tideland Preference Rights.

Name _____ Application No. _____

Home Address _____

Post Office Address _____

Mark X to designate nature of Preference Right claimed;

Class I _____ Class II _____ Class III _____

Does the Tideland Plat AT-268 correctly show the land applied for? Yes__ No__

If Tideland Plat does not correctly show land applied for, describe it by metes and bounds and attach plat of land applied for (use attachment if more space is required). All claimed improvements were first constructed as used 1) before September 7, 1957 2) between September 7, 1957, and January 3, 1959 3) after January 3, 1959.

Is any part of your claimed based on improvements and/or fill constructed or placed after January 3, 1959? Yes__ No__

If answer is "Yes", describe area improved after January 3, 1959 (use attachment if more space is required), and state nature of improvements.

Have any of these improvements been extended or improved after 1) September 7, 1957, 2) January 3, 1959? Describe

To what beneficial purpose was fill used prior to 1) September 7, 1957, 2) January 2, 1959? Describe.

Was this beneficial use continued through January 3, 1959? Describe.

The Plat is based on apparent use and improvements existing on January 3, 1959, recognized by the Alaska Land Act; state any reason known to you why your claim does not correspond with the Plat. (Use attachment if more space is required.)

I offer Cash____ Money Order____ Cashier's Check____

In the amount of \$_____ as a deposit for the following costs:

Filing Fee \$_____ \$_____

Survey costs (at a rate of \$_____ per sq. ft) \$_____ \$_____

Appraisal costs (Class III application) \$_____ \$_____

Transfer costs (\$_____) \$_____ \$_____

Hearing costs (if claim adverse to prior application a deposit of \$_____ for hearing and service of notice is required) \$_____ \$_____

Total deposit (does not include purchase \$_____ \$_____

price of land in Class III applications) \$_____ \$_____

Deposit received by City by_____

Date of application_____

Date application received by City_____

Time filed_____

CERTIFICATION

I, _____ the above named applicant, or its agent, hereby Certify that all of the statements made in the application and incorporated attachments, if Any, are true and correct.

Print name(s)

Signature(s)

(Ordinance 85-4, adopted 11-15-88)

4.06.710 Waiver of Class II Preference Rights.

I, _____ the applicant, or his authorized agent, in the application for Tideland Preference Rights, Application No. _____ to which this Waiver is attached, do hereby waive any and all Preference Rights, to acquire tide or submerged land lying seaward of the City of Klawock, to which I am now, or may hereafter become, entitled by reason of the Provisions of Public Law 85-303.

Dated at Klawock, Alaska, this _____ day of _____ 19_____.

Printed name(s)

Signature(s)

(Ordinance 85-4, adopted 11-15-88)

4.06.730 City Clerk's Report.

This is to certify the undersigned, City Clerk for the City of Klawock, Alaska, has examined the attached Application No. _____ for _____ and compared the same to the Klawock Tidelands Plat, and under the provisions of Ordinance No. 85-4, do report as follows:

- 1. The land claimed corresponds to the Plat in area and boundaries.
Yes___ No___
- 2. The land claimed does not correspond in the following respects;
- 3. The land claimed is contrary to the interest of the City of Klawock.
- 4. The land claimed has already been claimed in Application No. _____ of _____

Recommendations:

Signed:_____

4.06.720 Appraiser's Appraisal.

The undersigned appraiser does hereby certify that he has duly appraised the tide and/or submerged land described in the attached Application No. _____ of _____ without including the hereafter stated value of any value for valuable improvements constructed or placed herein prior to January 3, 1959, at the fair market value.

Tideland _____ square foot. At \$ _____ per square foot.

Dated at Klawock, Alaska, this _____ day of _____ 19 _____.

Signed: _____

(Ordinance 85-4, adopted 11-15-88)

4.06.740 Determination by Council.

Dispute No. _____

Adverse Claimants.

- 1.
- 2.
- 3.
- 4.

Description of land, according to Plat AT-268 Block _____ Lot _____

Other descriptions:

Date of hearing Notice given _____

Persons appearing

Determination:

Signature

(Ordinance 85-4, adopted 11-15-88)

**Title IV, Chapter 7
RECREATIONAL VEHICLE SPACE RENTAL**

Sections:

- 4.07.010 Location West Quarter of Block 67, Lot 11
- 4.07.020 Fees
- 4.07.030 Rental Season

4.07.010 **Location.** West quarter of Block 67, Lot 11, US Survey 1569, complete with all utilities.

4.07.020 **Fees.**

- Monthly \$350.00 per month (30 days)
- Weekly \$150.00 per week (7 days)
- Daily \$30.00 per day

4.07.030 **Rental Season.** The rental season shall begin on March 15th and terminates on November 15th of each year.

Title V CITY ELECTIONS

Chapters:

- 5.01 City Election Procedures
- 5.02 City Election Administration
- 5.03 Initiative and Referendum
- 5.04 Recall

Title V, Chapter 1 CITY ELECTION PROCEDURES

Sections:

- 5.01.010 Clerk is Supervisor of Elections
- 5.01.020 Voter Qualifications
- 5.01.030 Regular Elections
- 5.01.040 Notice Requirements for General Election
- 5.01.050 Special Elections
- 5.01.060 Notice Requirements for Special Elections
- 5.01.070 40 Percent Requirement
- 5.01.080 Runoff Elections
- 5.01.090 Notice Requirements for Runoff Elections
- 5.01.100 Tie Votes
- 5.01.110 Filing for Office
- 5.01.120 Election Judges
- 5.01.130 Election Place and Hours
- 5.01.140 Prohibited Activity Near the Polls
- 5.01.150 "Questioned Ballots"
- 5.01.160 "Defective Ballots"
- 5.01.170 "Absentee Ballots"
- 5.01.180 Report of Election Results
- 5.01.190 Certificate of Election
- 5.01.200 Contesting an Election
- 5.01.210 Election Materials

5.01.010 Clerk is Supervisor of Elections. The Clerk is the supervisor of elections for the City. The Clerk may establish written regulations for council approval for all additional procedures necessary to carry out the provisions of any election ordinance passed by the council.

(Ordinance 81-1, adopted 01-08-82)

5.01.020 Voter Qualifications. Any person seeking elective office must be a qualified voter. A qualified voter is United States citizen, is a resident of the City at least 30 days before election day, is registered to vote in state

elections at least 30 days before election day, and shall not have been disqualified to vote because of conviction for a felony involving moral turpitude unless civil rights have been restored or who has been judicially determined to be of unsound mind unless the disability has been removed. (Ordinance 81-1, adopted 01-08-82)

5.01.030 Regular Elections.

- A. The regular election for council members or other elected officials shall be held every year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time.
(Ordinance 81-1, adopted 01-08-82)
- B. The date of the regular election may be changed by ordinance.
(Ordinance 81-1, adopted 01-08-82)

5.01.040 Notice Requirements for General Elections. Notice of a general election must be posted in three public places for 30 days before a general election and published in a newspaper of general circulation if there is one in the area.
(Ordinance 81-1, adopted 01-08-82)

5.01.050 Special Elections. The council may pass a resolution to hold a special election on a date different than the regular election.
(Ordinance 81-1, adopted 01-08-82)

5.01.060 Notice Requirements for General Elections. Notice shall be posted in three public places at least 20 days before a special election and published in a newspaper of general circulation if there is one in the area.
(Ordinance 81-1, adopted 01-08-82)

5.01.070 40 Percent Requirements. Every candidate must receive more than 40 percent (40%) of the ballots cast for his or her respective office in order to win the election. A runoff election is required if a candidate does not receive more than 40 percent (40%) of the ballots cast for his or her respective office.
(Ordinance 81-1, adopted 01-08-82)

5.01.080 Runoff Elections.

- A. If no candidate receives more than 40 percent (40%) of the ballots cast for his or her respective office, the council shall hold a runoff election between the two candidates receiving the greatest number of ballots. In a runoff election, the candidate receiving more votes than the other is the winner.
(Ordinance 81-1, adopted 01-08-82)

- B. Runoff elections must be held within two weeks from the date the council certifies the election.
(Ordinance 81-1, adopted 01-08-82)
- C. Write-in votes are not counted for runoff elections.
(Ordinance 81-1, adopted 01-08-82)

5.01.090 Notice Requirements for Runoff Elections. Notice of a runoff election shall be posted in three public places for at least five days before the election is held and published in a newspaper of general circulation if there is one in the area.
(Ordinance 81-1, adopted 01-08-82)

5.01.100 Tie Votes. In the event of a tie vote, the council shall request that the tied candidates appear before the council at the first meeting after the election to draw straws or flip a coin to determine the winner. If one or more of the tied candidates does not appear before the council, the presiding officer shall direct the Clerk or other non-interested person to draw straws or flip a coin to determine the winner.
(Ordinance 81-1, adopted 01-08-82)

5.01.110 Filing for Office. A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the Clerk. Declarations of candidacy must be filed no sooner than 30 days and no later than 10 days before an election.
(Ordinance 81-1, adopted 01-08-82)

5.01.120 Election Judges.

- A. The council shall each year choose three city voters as judges to be the election board at each polling place and select one of those judges to chair the board. The judges shall not be council members or candidates for office.
(Ordinance 81-1, adopted 01-08-82)
- B. Each judge shall sign the oath specified in Chapter 5.02.050 of this Code and file it with the Clerk on or before Election Day.
(Ordinance 81-1, adopted 01-08-82)
- C. If a judge is unable to work on or during Election Day, the remaining judges at the polling place shall choose a qualified voter to fill the vacancy.
(Ordinance 81-1, adopted 01-08-82)

5.01.130 Election Place and Hours.

- A. Elections will be held at the City Hall.
(Ordinance 81-1, adopted 01-08-82)

- B. The polls will be open from 8:00 a.m. until 8:00 p.m. on Election Day.
(Ordinance 81-1, adopted 01-08-82)

5.01.140 Prohibited Activity Near the Polls. During the hours the polls are open, no person who is in the polling place or within 100 feet of any entrance to the polling place may attempt to persuade a person to vote for or against any candidate, question, or proposition on the ballot.

(Ordinance 81-1, adopted 01-08-82)

5.01.150 “Questioned Ballots.” If a voter’s name is not on the “Master Voter Registration List” or there is some other question regarding a voter’s eligibility, and the voter believes that he or she is registered to vote, then the voter shall sign an “Oath and Affidavit of Eligibility” and cast a “Questioned Ballot.”

(Ordinance 81-1, adopted 01-08-82)

5.01.160 “Defective Ballots.” If there are any ballots that are not clearly marked and the judge cannot determine who the voter intended to vote for, they shall be placed in an envelope marked “Defective Ballots.”

(Ordinance 81-1, adopted 01-08-82)

5.01.170 “Absentee Ballots.” Any qualified voter who expects to be absent from the City on Election Day or who is unable to go to the voting polls because of physical disability may cast an “Absentee Ballot.” An “Absentee Ballot” may be obtained from the Clerk.

(Ordinance 81-1, adopted 01-08-82)

5.01.180 Report of Election Results.

- A. Immediately after the polls close and the last ballot has been cast, the election board judges will tally the ballots in public and prepare a report of election results which shall be signed by each judge. The report shall be attached to the tally sheets and submitted to the Clerk along with all other elections materials.

(Ordinance 81-1, adopted 01-08-82)

- B. The Clerk shall post the election results within a day of the time the election results are known.

(Ordinance 81-1, adopted 01-08-82)

5.01.190 Certifying the Election. A council meeting shall be held on Monday following the election at which time the Clerk shall present to the council the report of election results and deliver all “Questioned Ballots,” “Defective Ballots,” and “Absentee Ballots.” A final count shall be made by the council and a “Certificate of Election” shall be issued on a form prescribed by the council to each newly elected official.

(Ordinance 81-1, adopted 01-08-82)

5.01.200 Contesting an Election.

- A. Any qualified city voter who wishes to contest the election may do so in writing or at the council meeting prior to the issuance of the “Certificate of Election.” The name of the voter contesting the election, the reason for the contest, and the council’s decision shall be entered into the minutes of the meeting.
(Ordinance 81-1, adopted 01-08-82)
- B. The council may order an investigation or a recount of the ballots or declare the election invalid and order a new election.
(Ordinance 81-1, adopted 01-08-82)
- C. Any city voter who demands a recount shall pay all costs and expenses of the recount if the recount fails to change the result or if the difference between the winning and losing vote is more than two percent (2%).
(Ordinance 81-1, adopted 01-08-82)
- D. Judicial review in the State Superior Court is available to a qualified city voter if the council’s decision is not favorable to the voter and the request for judicial review is begun within 10 days after the election results are final. Otherwise, the results are conclusive, final and valid in all respects.
(Ordinance 81-1, adopted 01-08-82)

5.01.210 Election Materials. The Clerk shall keep all election materials in the permanent city files.
(Ordinance 81-1, adopted 01-08-82)

Title V, Chapter 2
CITY ELECTION ADMINISTRATION

Sections:

- 5.02.010 Declaration of Candidacy.
 5.02.020 Election Notices.
 5.02.030 Voter Registration Duties of the Clerk.
 5.02.040 Ballots.
 5.02.050 Election Day.
 5.02.060 Voting Procedures.
 5.02.070 Tallying Procedures.
 5.02.080 Certifying the Election.
 5.02.090 "Absentee Ballots."

5.02.010 Declaration of Candidacy.

- A. Declaration of Candidacy shall be prepared by the Clerk at least 30 days before the election. The declaration shall have spaces for the following: The candidate's full name; the office for which the candidate is running; that the candidate is a qualified city voter and a resident of the city for the required length of time for the office sought; the date the declaration is filed; and a statement that if elected, the candidate will serve the full term of office.
 (Ordinance 81-1, adopted 01-08-82)
- B. The Clerk shall keep the completed declarations of candidacy in the city files.
 (Ordinance 81-1, adopted 01-08-82)

5.02.020 Election Notices.

- A. Notice that an election will be held shall be prepared and posted by the Clerk and shall contain the following, as is appropriate:
 (Ordinance 81-1, adopted 01-08-82)
1. Whether the election is general, special, or runoff;
 (Ordinance 81-1, adopted 01-08-82)
 2. Date of the election;
 (Ordinance 81-1, adopted 01-08-82)
 3. Location of each city polling place;
 (Ordinance 81-1, adopted 01-08-82)
 4. Time polling places will open and close;
 (Ordinance 81-1, adopted 01-08-82)

5. Office to be filled;
(Ordinance 81-1, adopted 01-08-82)
6. A statement describing voter qualifications;
(Ordinance 81-1, adopted 01-08-82)
7. Times for filing declarations of candidacy;
(Ordinance 81-1, adopted 01-08-82)
8. A statement of any questions or propositions to be placed on the ballot.
(Ordinance 81-1, adopted 01-08-82)

- B. Notices for a general election must be posted for 30 days prior to the election; for special elections, 20 days notice is required; for runoffs, five days.
(Ordinance 81-1, adopted 01-08-82)

5.02.030 Voter Registration Duties. The Clerk shall post notice 60 days before a general election encouraging residents to register to vote. The Clerk shall obtain a “Master Voter Registration List” from the State Elections Supervisor and shall add to it the names of any persons who registered before the 30-day deadline.
(Ordinance 81-1, adopted 01-08-82)

5.02.040 Ballots. The Clerk shall be responsible for typing or printing ballots 10 days before the date set for a general or special election. Ballots must be prepared three days prior to a runoff election. There shall be at least three ballots with the word “SAMPLE” printed on them to be posted in the Clerk’s office until Election Day and then given to the judges at each polling place. The form for ballots is as follows:
(Ordinance 81-1, adopted 01-08-82)

1. Printed on plain white paper, stating at the top whether it is general, special or runoff election;
(Ordinance 81-1, adopted 01-08-82)
2. Instructions on how to mark the ballots;
(Ordinance 81-1, adopted 01-08-82)
3. The list of candidates and the offices they are running for;
(Ordinance 81-1, adopted 01-08-82)
4. Lines for write-in candidates (except in runoff elections);
(Ordinance 81-1, adopted 01-08-82)
5. A blank, box, or square for making a vote next to each name or blank line for write-in candidates; and

(Ordinance 81-1, adopted 01-08-82)

6. The questions or propositions to be voted on, if any.
(Ordinance 81-1, adopted 01-08-82)

5.02.050 Election Day Preparation.

- A. On Election Day, the Clerk shall furnish the election board judges with a voting booth; ballots; sample ballots; the up-dated “Master Voter Registration List”; a ballot box that can be locked or sealed; a “Blank Register” for the voters to sign their names in; tally sheets; a form for the “Report of election Results”; “Oaths and Affidavits of Eligibility” for the “Questioned Ballots” together with sufficient envelopes, pens, and pencils; and a copy of the cities elections ordinances and elections procedures, if any.

- B. The Clerk shall give the following written oath to all election judges on or before Election Day:

I, _____ do solemnly swear (affirm) that I honestly and faithfully perform the duties of election to the best of my ability and that I am familiar with the cities elections ordinances and election procedures.

Signed _____
Election Judge.

- C. Judges shall report to the polling place 30 minutes before the opening of the polls. Before the first ballot is cast, the judges will inspect the ballot box to make sure it is empty and then seal or lock it and not open it until after the final ballot is cast.

(Ordinance 81-1, adopted 01-08-82)

5.02.060 Voting Procedures.

- A. The voting procedures are listed below:

1. A voter shall give his or her name to one of the judges and then write it in the “Blank Register.”
(Ordinance 81-1, adopted 01-08-82)
2. One of the judges checks for the voter’s name on the “Master Voter Registration List”. If the voter’s name is on the list, then he or she goes to the voting booth and marks a ballot.
(Ordinance 81-1, adopted 01-08-82)

3. If a voter needs help in marking a ballot, then one of the judges shall help. The judge must not reveal to anyone what was marked on the ballot.
(Ordinance 81-1, adopted 01-08-82)
 4. After the ballot is marked, the voter will fold it and deposit it in the ballot box in the presence of the judges.
(Ordinance 81-1, adopted 01-08-82)
- B. If a voter's name is not on the "Master Voter Registration List" and the voter believes that he or she is a registered city voter, than a "Questioned Ballot" is cast. The procedure is listed as follows:
(Ordinance 81-1, adopted 01-08-82)
1. The voter shall sign an "Oath and Affidavit of Eligibility" stating that he or she is a registered state voter, a resident of the city, and is otherwise qualified to vote;
(Ordinance 81-1, adopted 01-08-82)
 2. The voter signs his or her name in the Blank Register;
(Ordinance 81-1, adopted 01-08-82)
 3. After the ballot is marked it shall be placed in an envelope and sealed;
(Ordinance 81-1, adopted 01-08-82)
 4. The sealed ballot and the "Oath and Affidavit of Eligibility" will be placed in another larger envelope marked "Questioned Ballot" which will be sealed and deposited in the ballot box.
(Ordinance 81-1, adopted 01-08-82)

5.02.070 Tallying Procedures.

- A. Before counting ballots, the election board judges shall check to make sure that the number of voter's names signed in the "Blank Register" is equal to the number of ballots in the ballot box. The ballots shall be tallied by one judge announcing what the ballot shows and the other judges marking it down on the tally sheet. "Questioned Ballots" shall not be opened at this time, but the number of "Questioned Ballots" shall be tallied. If there are any ballots that are not clearly marked and the judges cannot determine whom the voter intended to vote for, these ballots shall be placed in an envelope marked "Defective Ballots" and not included on the tally sheets.
(Ordinance 81-1, adopted 01-08-82)
- B. A form shall be furnished to the election board judges by the Clerk which shall provide for a space to mark the total number of ballots cast; the number of votes each candidate received and for which office; the number of "Questioned Ballots", the number of "Defective Ballots", the number of

“Absentee Ballots”, the results of any questions or propositions placed on the ballots; and a space for each election board judge and the Clerk to sign. The Clerk shall instruct the judges to attach the tally sheets to the report.

(Ordinance 81-1, adopted 01-08-82)

- C. At the close of Election Day, the Clerk shall collect all election materials, including the ballots, and keep a file for them together with the declarations of candidacy. It will be the duty of the Clerk prior to the council meeting at which the “Certification of Election” is to be issued to try to determine, if possible, through the state elections office, whether the voters casting “Questioned Ballots” were eligible to vote.

(Ordinance 81-1, adopted 01-08-82)

5.02.080 Certifying the Election.

- A. The Clerk shall post a copy of the report of election results in three public places the day after the election results are known. The notice shall include:

(Ordinance 81-1, adopted 01-08-82)

1. The time and place of the council meeting to be convened to consider the election results;
(Ordinance 81-1, adopted 01-08-82)
2. That the results are not final until the council formally certifies the election;
(Ordinance 81-1, adopted 01-08-82)
3. That anyone has the opportunity to contest the election at the meeting.
(Ordinance 81-1, adopted 01-08-82)

- B. At the council meeting held on the Monday following the election, the Clerk shall hand over a report of election results to the council and inform them of the vote of any “Absentee Ballots” received after Election Day and the vote of any “Questioned Ballots” cast by a voter whom the Clerk has determined was eligible to vote. Council members shall examine any “Defective Ballots” to see if they can determine for whom the voter intended to vote.

(Ordinance 81-1, adopted 01-08-82)

- C. After a final determination is made by the council, the election results shall be read into the minutes.

(Ordinance 81-1, adopted 01-08-82)

- D. The Clerk shall provide a “Certification of Election” form to the council which shall include the winning candidate for each office, the results of

any question or proposition placed on the ballot, and a space for the Mayor and Clerk to sign. The “Certification of Election” shall be given each successful candidate and sponsor of any successful questions or propositions. A copy is kept by the City.
(Ordinance 81-1, adopted 01-08-82)

5.02.090 “Absentee Ballots.”

A. An “Absentee Ballot” is the same as a regular ballot and may be applied for in person or by mail from the Clerk on an application form provided by the Clerk. An “Absentee Ballot” may not be issued sooner than 10 days before the election. The Clerk or designee may deliver an “Absentee Ballot” to a disabled person in the City until the polls close on Election Day. The Clerk mails or gives the absentee voter the materials listed below:

(Ordinance 81-1, adopted 01-08-82)

1. A regular ballot.
(Ordinance 81-1, adopted 01-08-82)
2. An envelope marked “Absentee Ballot”. The envelope should be numbered and the Clerk should keep a list of how many and to whom “Absentee Ballots” are issued.
(Ordinance 81-1, adopted 01-08-82)
3. If the “Absentee Ballot” is going to be returned by mail, then the Clerk must furnish a stamped, return address envelope. The return envelope containing the “Absentee Ballot” must be postmarked no later than Election Day.
(Ordinance 81-1, adopted 01-08-82)
4. The Clerk should check to see if the person requesting the “Absentee Ballot” is on the “Master Voter Registration List”. If not, then the Clerk should have the voter sign an “Oath and Affidavit of Eligibility” and determine if the person is eligible to vote.
(Ordinance 81-1, adopted 01-08-82)

B. All “Absentee Ballots” should be kept sealed until Election Day. At the close of polls on Election Day and before the counting and tallying begins, the Clerk should deposit any completed “Absentee Ballots” in his or her possession into the ballot box and sign the voter’s name in the “Blank Register” if any “Absentee Ballots” are received after Election Day (but postmarked on or before Election Day), the Clerk should enter the voter’s name in the “Blank Register” and then bring the unopened ballots to the council meeting without revealing whose they are.
(Ordinance 81-1, adopted 01-08-82)

Title V, Chapter 3 INITIATIVE AND REFERENDUM

Sections:

5.03.010	Reservation of Powers
5.03.020	Restrictions on Powers
5.03.030	Petition
5.03.040	Contents of Petition
5.03.050	Required Signatures
5.03.060	Sufficiency of Petition
5.03.070	Protest
5.03.080	New Petition
5.03.090	Presentation of Initiative
5.03.100	Presentation of Referendum
5.03.110	Effect

5.03.010 **Reservation of Powers.** The powers of initiative and referendum may be exercised by the city residents as provided by this chapter or otherwise in accordance with state law.
(Ordinance 81-1, adopted 01-08-82)

5.03.020 **Restrictions on Powers.** The powers of initiative and referendum do not extend to matters restricted by Section 7, Article XI of the State Constitution. That section provides: “The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.
(Ordinance 81-1, adopted 01-08-82)

5.03.030 **Petition.** A petition for initiative or referendum is filed with the Clerk. An initiative petition must be filed not less than 90 days before the next regular election.
(Ordinance 81-1, adopted 01-08-82)

5.03.040 **Contents of Petition.** A petition for an initiative or referendum shall:

1. Embrace only a single comprehensive subject;
(Ordinance 81-1, adopted 01-08-82)
2. Set out fully the ordinance or resolution sought by the petition;
(Ordinance 81-1, adopted 01-08-82)
3. State upon the petition, when circulated, the date of first circulation of the petition;

(Ordinance 81-1, adopted 01-08-82)

4. Contain the statement, when circulated, that the signatures on the petition must be secured within 90 days from the date of the first circulation;

(Ordinance 81-1, adopted 01-08-82)

5. Have the required signatures, dates of signatures, and resident addresses of the signers.

(Ordinance 81-1, adopted 01-08-82)

5.03.050 Required Signatures.

- A. The necessary signatures on a petition shall be secured within 90 days from the date of the first circulation of the petition. The petition shall be signed in ink or indelible pencil.
(Ordinance 81-1, adopted 01-08-82)
- B. Every petition for either the initiative or referendum in the city shall be signed by 25 percent of the qualified voters residing within the city who voted in the last general election in the city or who voted in the last special election called for the purpose of electing city officers.
(Ordinance 81-1, adopted 01-08-82)
- C. When signing a petition, each voter shall write or print after his or her signature the date of signing the petition and his or her resident address.
(Ordinance 81-1, adopted 01-08-82)
- D. Illegible signatures, unless accompanied by a legible printed name, may be rejected by the Clerk.
(Ordinance 81-1, adopted 01-08-82)
- E. A petition signer may withdraw his or her signature upon the written application to the Clerk within seven days after the petition has been filed with the Clerk.
(Ordinance 81-1, adopted 01-08-82)

5.03.060 Sufficiency of Petition.

- A. Within 10 days from the filing date, the Clerk shall certify on the petition whether or not the petition is sufficient.
(Ordinance 81-1, adopted 01-08-82)
- B. If the petition is insufficient; it may be amended or supplemented within 10 days after the date on which the petition is rejected as insufficient.
(Ordinance 81-1, adopted 01-08-82)

- C. Within 10 days after supplementary filing, the Clerk shall recertify the petition. If is still insufficient, the petition is rejected and filed as a public record.

(Ordinance 81-1, adopted 01-08-82)

5.03.070 Protest. If the Clerk certifies the petition as being insufficient, a signer of the petition may file a protest with the Mayor within seven days after the certification. The Mayor shall then present the protest at the next regular meeting to the council, which shall hear and decide the protest.

(Ordinance 81-1, adopted 01-08-82)

5.03.080 New Petition. Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition may not be filed sooner than six months after a petition is rejected.

(Ordinance 81-1, adopted 01-08-82)

5.03.090 Presentation of Initiative.

- A. When a petition seeks enactment of an ordinance or resolution within the powers of the council and not otherwise restricted by Section 1 of this Chapter, the Clerk shall present it to the council at its next meeting after certification. The council may reject the petition if the subject matter of the initiative or referendum is within the restriction of Section 1 of this Chapter.

(Ordinance 81-1, adopted 01-08-82)

- B. Unless the petition is granted within 30 days of its submission to the council, the Clerk shall, with the assistance of the city attorney, prepare an ordinance or resolution to implement the petition and shall submit it to the voters at the next regular election. The ordinance or resolution shall be published in full in the notice of election but may be summarized on the ballot to indicate clearly the proposal submitted.

(Ordinance 81-1, adopted 01-08-82)

- C. If a majority of those voting favor the proposal, it becomes effective when the election results are officially declared.

(Ordinance 81-1, adopted 01-08-82)

- D. The council may at any time not less than 10 days from the date of election adopt an ordinance or resolution to implement the petition. In that event an election shall not be held.

(Ordinance 81-1, adopted 01-08-82)

5.03.100 Presentation of Referendum.

- A. When a petition seeks a referendum vote on an ordinance or resolution, the Clerk shall submit the ordinance to the city voters at the next regular or special election. If no regular or special election occurs within 75 days of

the filing of a sufficient petition with the Clerk, the council shall hold a special election within 75 days of filing.

(Ordinance 81-1, adopted 01-08-82)

- B. If a sufficient petition for referendum is filed within 30 days after final passage of the ordinance, or before the effective date of the ordinance, the ordinance against which the petition is filed shall be suspended pending the referendum on the ordinance. During the period of suspension the council may not enact an ordinance substantially similar to the suspended ordinance but may repeal the suspended ordinance.

(Ordinance 81-1, adopted 01-08-82)

- C. If a majority of those voting favor the referendum legislation, it remains in effect. If a majority rejects the legislation, it is repealed.

(Ordinance 81-1, adopted 01-08-82)

5.03.110 Effect.

- A. The council may not, within two years, act in any way to modify or negate the effect of a successful initiative or referendum. If an ordinance against which a referendum is directed has been repealed by the council after a petition has been filed, but before the referendum, the council may not enact substantially similar legislation for a period of one year after repeal.

(Ordinance 81-1, adopted 01-08-82)

- B. An unsuccessful initiative or referendum precludes the filing of a new petition for the same purpose sooner than six months after voter disapproval of the initiative or referendum.

(Ordinance 81-1, adopted 01-08-82)

Title V, Chapter 4 RECALL

Sections:

5.04.010	Recall
5.04.020	Grounds
5.04.030	Petition
5.04.040	Examination for Sufficiency
5.04.050	Supplemental Petition
5.04.060	New Petition
5.04.070	Submission
5.04.080	Election
5.04.090	Form of Recall Ballots
5.04.100	Election Procedure
5.04.110	Majority Required
5.04.120	Effect
5.04.130	Election of Successor

5.04.010 **Recall.** Any elected city official may be recalled by the voters after he or she has served six months in office.
(Ordinance 81-1, adopted 01-08-82)

5.04.020 **Grounds.** Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties.
(Ordinance 81-1, adopted 01-08-82)

5.04.030 **Petition.**

- A. A petition seeking recall of one or more officials is filed with the Clerk. The petition shall contain the following:
(Ordinance 81-1, adopted 01-08-82)
1. The signatures and resident addresses of the number of voters as prescribed in Section 4, Chapter 5.3 of this code or as may otherwise be prescribed by state law, for initiative and referendum;
(Ordinance 81-1, adopted 01-08-82)
 2. The date each voter signed the petition; and
(Ordinance 81-1, adopted 01-08-82)
 3. A statement of the grounds of the recall stated with particularity as to specific instances.
(Ordinance 81-1, adopted 01-08-82)
- B. A petition for recall must be filed with the Clerk within 60 days after the date of the earliest signature on the petition.

(Ordinance 81-1, adopted 01-08-82)

5.04.040 Examination for Sufficiency. The Clerk shall review the petition for content and signatures and shall certify on the petition within 10 days of the filing date whether it is accepted or rejected. Until the petition is accepted, a petition signer may withdraw his or her signature upon written application to the Clerk.

(Ordinance 81-1, adopted 01-08-82)

5.04.050 Supplemental Petition. If the petition is rejected because of insufficient signatures, it may be supplemented by additional signatures within 10 days after the date of rejection. If the petition is insufficient, the petition is rejected and filed as a public record.

(Ordinance 81-1, adopted 01-08-82)

5.04.060 New Petition. Failure to secure sufficient signatures does not preclude the filing of a new recall petition. However, a new petition may not be filed sooner than six months after a petition is rejected.

(Ordinance 81-1, adopted 01-08-82)

5.04.070 Submission. If a recall petition is sufficient, the Clerk shall immediately submit it to the council.

(Ordinance 81-1, adopted 01-08-82)

5.04.080 Election.

A. If a regular election occurs within 75 days of the submission, the council shall submit the recall at that election.

(Ordinance 81-1, adopted 01-08-82)

B. If no regular election will occur within 75 days, the council shall hold a special election within 75 days of submission.

(Ordinance 81-1, adopted 01-08-82)

C. If a vacancy occurs in the office for which a recall petition has been filed, the petition shall not be submitted to the voters.

(Ordinance 81-1, adopted 01-08-82)

5.04.090 Form of Recall Ballots. A recall ballot contains:

1. The grounds as stated in the recall petition;

(Ordinance 81-1, adopted 01-08-82)

2. The officer's statement of 200 words or less, if the statement is filed with the Clerk for publication and public inspection within 20 days before the election;

(Ordinance 81-1, adopted 01-08-82)

3. The following question: “Shall (name of person) be recalled from the office of (office)? Yes No “
(Ordinance 81-1, adopted 01-08-82)

5.04.100 Election Procedure. Procedures for conducting a recall election are those of a regular election.
(Ordinance 81-1, adopted 01-08-82)

5.04.110 Majority Required. A majority vote on the question is required to recall an officer.
(Ordinance 81-1, adopted 01-08-82)

5.04.120 Effect. If an incumbent is not recalled at the recall election, a petition to recall the same incumbent may not be filed sooner than six months after the recall election.
(Ordinance 81-1, adopted 01-08-82)

5.04.130 Election of Successor. If the voters recall an officer, the Clerk shall conduct an election for a successor to fill the unexpired term. The election shall be held at least 10 but not more than 45 days from the date of the recall election, the successor to the recalled official shall be chosen at that regular or special election. The procedures and requirements for the regular election for the office from which the incumbent is recalled apply to the election conducted under this section.
(Ordinance 81-1, adopted 01-08-82)

Title VI
CITY PERSONNEL RULES

Chapters:

- 6.01 Purpose and Scope (*Repealed*)
- 6.02 Hiring Policies (*Repealed*)
- 6.03 Conditions of City Employment (*Repealed*)
- 6.04 Travel and Per Diem Allowances (*Repealed*)
- 6.05 Suspensions, Demotion and Dismissal (*Repealed*)
- 6.06 Vacations Time (*Repealed*)
- 6.07 Sick Leave (*Repealed*)
- 6.08 Grievances (*Repealed*)
- 6.09 Compensation – Grade/Step Plan (*Repealed*)

Title VII EDUCATION

Chapters:

7.01 City School District

Title VII, Chapter 1 CITY SCHOOL DISTRICT

Sections:

7.01.010 City School District Established
 7.01.020 School Board Established
 7.01.030 Duties and Powers of School Board
 7.01.040 Relationship Between School District and City of Klawock

7.01.010 City School District Established. The first class City of Klawock, Alaska is a city school district which is required to establish, maintain and operate a system of public schools as provided in AS 29.43.030, AS 14.12. The provisions of the Alaska Statutes on education as they apply to first class cities apply to the City of Klawock School District. The city school district established in Klawock, Alaska may be referred to as the Klawock School District and, in the Ordinances and resolutions of the City of Klawock, as the “city school district” or “school district.”
 (Ordinance 81-1, adopted 01-08-82)

7.01.020 School Board Established. The school board shall be elected and shall serve terms as provided in AS 14.12.030 through AS 14.12.120 and AS 14.14.070 through AS 14.14.080. Provisions on taking oaths and limitation of liability of school board members are as set forth in AS 14.12.
 (Ordinance 81-1, adopted 01-08-82)

7.01.030 Duties and Powers of School Board. The city school district shall be operated on a district-wide basis under the management and control of the school board as provided by AS 14.12.020(b) and other provisions of AS 14.12. In addition to other duties, the school board shall:
 (Ordinance 8-1, adopted 01-08-82)

- A. Determine and disburse the total amount to be made available for compensation of all school employees and administrative officers;
 (Ordinance 81-1, adopted 01-08-82)
- B. Provide for, during the school term of each year, an educational program for each school age child who is a resident of the district;
 (Ordinance 81-1, adopted 01-08-82)

- C. Withhold the salary for the last month of service of a teacher or administrator until the teacher or administrator has submitted all summaries, statistics and reports which the school board may require by law;
(Ordinance 81-1, adopted 01-08-82)
- D. Transmit, when required by the council, but not more often than once a month, a summary report and statement of money expended;
(Ordinance 81-1, adopted 01-08-82)
- E. Keep the minutes of meetings and records of all proceedings of the school board in a pertinent form;
(Ordinance 81-1, adopted 01-08-82)
- F. Keep the records and files of the school board open to inspection by the public at the principal administrative office of the district during reasonable business hour.
(Ordinance 81-1, adopted 01-08-82)
- G. Adopt bylaw and administrative rules. The school board policies relating to management and control of the district shall be expressed in written bylaws formally adopted at regular school board meetings. Administrative rules which do not embody school district policy need not to be promulgated as bylaws; however, the rules shall be in written form and readily available to all school personnel.
(Ordinance 81-1, adopted 01-08-82)

7.01.040 Relationship Between School District and City.

- A. School District Treasury. All school money shall be deposited in a centralized school district treasury with all other school funds. The city school board shall have the custody of, invest and manage all such money in the treasury. The treasury is delegated to the city school board pursuant to AS 14.12.050(a).
(Ordinance 81-1, adopted 01-08-82)
- B. School District Accounting. The responsibilities of the school accounting system is delegated to the city school board pursuant to AS 14.14.060(b), except where otherwise agreed upon with respect to the design and construction of school facilities.
(Ordinance 81-1, adopted 01-08-82)
- C. School District Budget. The school board shall submit the school budget for the following school year to the city council by April 1 for approval of the total amount. Within 30 days following the receipt of the budget, the council shall determine the total amount of money to be made available from local sources for school purposes and shall furnish the school board

with a statement of the sum to be made available. If the council does not, within 30 days, furnish the school board with a statement of the sum to be made available, the amount requested in the budget is automatically approved. By May 31, the council shall appropriate the amount to be made available from local sources from money available for the purpose.
(Ordinance 81-1, adopted 01-08-82)

- D. **Location of School Buildings.** The city council shall determine the location of school buildings with due consideration to the recommendations of the school board.
(Ordinance 81-1, adopted 01-08-82)
- E. **School Design.** The school board is responsible for the design criteria for school buildings. To the maximum extent consistent with the education needs, a design of a school building shall provide for multiple use of the building for community purposes. Subject to the approval of the council, the school board shall select the appropriate professional personnel to develop the designs. The school board shall submit preliminary and subsequent designs for a school building to the council for approval or disapproval. If the design is disapproved, a revised design shall be prepared and presented to the council.
(Ordinance 81-1, adopted 01-08-82)
- F. **Maintenance.** The school board shall provide custodial services and routine maintenance for school buildings and shall appoint, compensate and otherwise control personnel for these purposes. The city council through the city manager, shall provide for all major rehabilitation, all construction and major repair of school buildings. The recommendations of the school board shall be considered in carrying out the provisions of this section.
(Ordinance 81-1, adopted 01-08-82)
- G. **Salaries and Personnel.** State law relating to teacher salaries and tenure, to financial support, to supervision by the Department of Education and other general laws relating to schools, governs the exercise of the functions by the city. The school board shall appoint, compensate and otherwise control all school employees and administrative officers in accordance with this title. The school board has the right to hire independent counsel when, in its judgment, independent counsel is needed.
(Ordinance 81-1, adopted 01-08-82)
- H. **Supplies and Equipment.** The school board may determine its own policy separate from the city for the purchase of supplies and equipment.
(Ordinance 81-1, adopted 01-08-82)

Title VIII

PLANNING AND ZONING

Chapters:

- 8.01 *Reserved*
- 8.02 *Reserved*
- 8.03 *Reserved*
- 8.04 Planning Commission
- 8.05 *Reserved*
- 8.06 *Reserved*
- 8.07 *Reserved*
- 8.08 Board of Adjustment
- 8.09 *Reserved*
- 8.10 *Reserved*
- 8.11 *Reserved*
- 8.12 Preliminary Plat Procedures
- 8.13 *Reserved*
- 8.14 *Reserved*
- 8.15 *Reserved*
- 8.16 Final Plat Procedures
- 8.17 *Reserved*
- 8.18 *Reserved*
- 8.19 *Reserved*
- 8.20 Building Permits
- 8.21 *Reserved*
- 8.22 *Reserved*
- 8.23 *Reserved*
- 8.24 Land Management
- 8.25 *Reserved*

Title VIII, Chapter 4 PLANNING COMMISSION

Sections:

- 8.04.010 Established
- 8.04.020 Planning and Zoning Duties
- 8.04.030 Platting Duties
- 8.04.040 Membership
- 8.04.050 Appointment
- 8.04.060 Term of Office
- 8.04.070 Officers
- 8.04.080 Vacancies
- 8.04.090 Quorum

- 8.04.100 Meetings
- 8.04.110 Record of Meetings
- 8.04.120 Rules of Proceedings
- 8.04.130 Order of Business
- 8.04.140 Office and Staff
- 8.04.150 Resolutions
- 8.04.160 Funds
- 8.04.170 Compensation
- 8.04.180 Planning Functions
- 8.04.190 Comprehensive Plan—Compositions—Review
- 8.04.195 Comprehensive Plan—Designated

- 8.04.010** **Established.** There is established the planning commission for the city to perform the functions of planning, platting and zoning for the city.

- 8.04.020** **Planning and Zoning Duties.** It shall be the duty of the commission to hold public hearings where necessary and make recommendations to the council on matters concerning or relating to planning and zoning, the enforcement of appropriate regulations and amendments to ordinances or other matters within the scope of the planning and zoning power.

- 8.04.030** **Platting Duties.** The function of platting shall be performed from time to time by the commission, convened as the platting authority for the city and completed upon it having approved or rejected proposed plats, re-plats and vacations of public ways according to law.

- 8.04.040** **Membership.** The voting members of the planning commission shall be five citizens who are residents of the city. The mayor shall be an ex officio member but may not vote.

- 8.04.050** **Appointment.** Members shall be appointed by the Mayor and confirmed by the Council. Appointments to fill vacancies shall be for the unexpired term only.

- 8.04.060** **Term of Office.** Member shall be appointed for a term of three years, except of those first appointed, two shall be appointed for three years, two for two years and one for one year. Such members first appointed shall draw lots for the foregoing terms.

- 8.04.070** **Officers.** The commission shall designate a member of its presiding officers to conduct the affairs of the commission, a deputy presiding officer to serve in the absence of the presiding officer and a secretary. The Commission secretary shall prepare the journal of the Commission's proceedings.

- 8.04.080** **Vacancies.**

- A. A vacancy shall be declared, and filled as provided, when a member:
1. Fails to qualify and take his office within thirty days after his confirmation by the Council.
 2. Departs from the City with the intent to remain away for a period of ninety or more days or is physically absent from the area he was appointed to represent for a period of ninety or more days.
 3. Submits his resignation and his resignation is accepted by the Mayor.
 4. Is physically or mentally unable to attend Commission meetings for a period of more than ninety days.
 5. Misses three or more consecutive regular meetings, unless excused by the Commission.
 6. Is convicted of a felony or of an offense involving or in violation of his oath of office.
- B. The secretary of the Planning Commission shall keep attendance records and notify the Mayor when vacancies occur.

8.04.090 Quorum. A majority of voting membership constitutes a quorum. Any act of the Commission requires a majority affirmative vote of the total membership.

8.04.100 Meetings. Regular meetings shall be held on the second Tuesday of each month. Special meetings may be called by the presiding officer or shall be called by him at the request of three members, including nonvoting members.

8.04.110 Record of Meetings. Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the City Clerk and retained as public records.

8.04.120 Rules of Proceedings. Meetings shall be under Robert's Rules of Order, and such modified or amended rules as may be adopted by the Commission.

8.04.130 Order of Business.

- A. The order of business at regular meetings shall be:

1. Approval of minutes of previous meetings, as amended or corrected;
 2. Reading and disposition of correspondence;
 3. Unfinished business;
 4. New business;
 5. Miscellaneous business.
- B. The order of business at special meetings shall be prescribed by the presiding officer.

8.04.140 Office and Staff.

- A. The commission shall be provided office space suitable for its needs and adequate to file its journals, resolutions, records, reference materials, correspondence and maps, plats and charts, all of such shall constitute public records of the City.
- B. The commission shall be furnished secretarial assistance at each meeting to assist in preparing its minutes, journals and resolutions, and as required to prepare its correspondence under the direction of the commissions presiding officer.

8.04.150 Resolutions.

- A. All formal actions of the commission shall be by resolution bearing:
1. The heading, "City of Klawock Planning Commission";
 2. The space for the serial number to be assigned, "Resolution, Serial No. ____";
 3. A short and concise title descriptive of its subject and purposes;
 4. A short premise or whereas clause descriptive of the reasons for the resolution, if necessary;
 5. The resolving clause, "Be it Resolved;" and
 6. Provision for signature after the test, "adopted (date), "and designated lines for the signatures of the commission presiding officer and the city clerk.

- B. All resolutions adopted by the commission, whether at the instance of and presented by third parties, or on the motion of the instance of the commission, shall conform to that set forth in subsection A above and shall be on white eight and one-half by eleven inch paper with one and one-half inch left margin suitable for permanent filing.

8.04.160 Funds. All funds of the commission received as fees and charges or otherwise, shall be deposited in the general fund of the city as receipts of the activities of the commission.

8.04.170 Compensation. Compensation and expenses of the planning commission and its staff are paid as directed by the council.

8.04.180 Planning Functions.

- A. The planning commission shall prepare and recommend to the council;
1. A comprehensive plan consisting of maps and related text for the systematic development of the borough;
 2. A zoning ordinance to implement the comprehensive plan;
 3. A subdivision ordinance;
 4. The official map of the city. Said map shall include reference to zoning and other applicable restrictions prescribed by the commissions; and
 5. Modifications to the documents specified in 1 through 4 of this subsection.
- B. The commission shall publish notice of, and hold at least one public hearing before submitting its recommendations under subsection A to the council. Notice shall be published in the same manner as in the case of the ordinances.
- C. The planning commission shall:
1. Act as the platting board;
 2. Act upon requests for variances; and
 3. Act upon requests for conditional uses.
- D. Subject to any ordinance adopted pursuant to AS 29.33.245, no platting request, variance or conditional use may be granted upon an affirmative vote of a majority of the voting members of the commission.

8.04.190 Comprehensive Plan—Composition—Review.

- A. The comprehensive plan provided for in subsection A (1) of Section 8.04.080 shall be a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the city; and the plan may include, but is not limited, to the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations based on the review to the council.

**Title VIII, Chapter 8
BOARD OF ADJUSTMENT**

Sections:

8.08.010	Purpose of Zoning Regulations
8.08.020	Board Designated and Duties
8.08.030	Appeal Procedure
8.08.040	Judicial Review

8.08.010 Purpose of Zoning Regulations.

- A. In accordance with the comprehensive plan, the council shall regulate and restrict the use of land and improvements by districts. Regulations shall be uniform for each class or kind of building, structure, land or water area within each district but the regulations may differ among districts and exceptions may be made in order to provide for the preservation, maintenance and protection of historic sites, buildings, and monuments.
- B. Zoning regulations adopted under Subsection A of this section may include, but are not limited to restrictions of the following:
1. Land use;
 2. Building location and use;
 3. The height and size of the structures;
 4. The number of stories in the buildings;
 5. The percentage of lot which may be covered;
 6. The size of open spaces; and
 7. Population density and distribution.
- C. Zoning regulations are designated to do the following:
1. Provide for orderly development;
 2. Lessen street congestion;
 3. Promote fire safety and public order;
 4. Protect the public health and general welfare;

5. Prevent overcrowding;
6. Stimulate systematic development of transportation, water, sewer, school, park, and other public facilities.

8.08.020 Board Designated and Duties.

- A. The council is the board of adjustment. Meetings of the board are held at the call of the mayor. The mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public. The City Clerk shall keep minutes of the proceedings of the board of adjustment as a public record.
- B. The board of adjustment shall hear and decide:
 1. Appeals regarding alleged errors in enforcement of zoning ordinances and building codes;
 2. Appeals from the decisions of the planning commission on requests for conditional uses; and
 3. Appeals from the decisions of the planning commission on request for variances from the terms of zoning ordinances which are not contrary to the public interest, when a literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the same district.
- C. A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a district which that use is prohibited.

8.08.030 Appeal Procedure.

- A. An interested party, including but not limited to a city official, may file with the board of adjustment an appeal specifying in write his objections and his address. Copies are filed with the clerk within thirty days from the date of decision of enforcement involved. The officer shall provide the board with all pertinent records including his written decision. Such material shall become part of the reading of the appeal. An appeal to the board stays enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the enforcement officer.
- B. The mayor shall act as the presiding officer of the board of adjustment, and shall exercise such control over the board's proceedings as is

reasonable and necessary. In addition to his other duties, he shall rule upon the admissibility of evidence before the board and may limit presentations before the board to a reasonable period of time.

- C. A quorum of the board of adjustment shall consist of a majority of its voting members. Decisions by the board may be made and rendered by the majority of a quorum. Only those members of the board of adjustment who have been present throughout the hearings on an appeal, may vote on that appeal.
- D. The following procedure shall be followed at any hearing on an appeal before the board of adjustment:
 - 1. The appeal number and the name of the party appealing shall be read into the record;
 - 2. The mayor shall then determine if the appellant or his agent is present. If no such person is present, the board will proceed with the hearing in such person's absence, unless the presiding officer rules that there were extenuating circumstances which prevented the appellant or his agent from appearing;
 - 3. The presiding officer shall require the appellant to give his presentation first;
 - 4. After the conclusion of the appellant's presentation, the official involved shall by any member of the board concerning his comments or appellant's comments;
 - 5. The appellant shall then have the right to respond to the official's presentation;
 - 6. All comments made by the official or the appellant shall be directed to the Mayor. All questions directed toward the appellant shall then have the right to respond to the official's presentation;
 - 7. All testimony before the board shall be under oath, to be administered by the city clerk.
- E. An appellant may in lieu of a personal appearance before the board of adjustment present his appeal in writing supported by any affidavits appellant considers necessary. Such affidavits shall be filed by appellant at the time of filing the notice of appeal.
- F. Appellant, other interested persons and any official may be represented by legal counsel at the board of adjustment.

- G. The burden of proof is upon the appellant to prove his case by a preponderance of the evidence.
- H. The formal rules of evidence applicable to an action at law do not apply hearings before the board of adjustment. Evidence and testimony shall be relative to the appeal.
- I. The decision of the board of adjustment on an appeal shall be by affirmative motion.

8.08.040 **Judicial Review.** The council shall provide for appeals from the board of adjustment to the Superior Court as specified in AS 29.33.130.

Title VIII, Chapter 12
PRELIMINARY PLAT PROCEDURE

Sections:

8.12.010	Platting Board Jurisdiction
8.12.020	Approval or Disapproval
8.12.030	Waiver in Certain Cases
8.12.040	Contents
8.12.050	Penalty For Selling or Recording Without Approval
8.12.060	Alternation or Re-Plat
8.12.070	Notice of Re-Plat Hearing
8.12.080	Re-Plat Determination
8.12.090	Recording Re-Plat
8.12.100	Title to Vacated Area

8.12.010 Platting Board Jurisdiction. The planning commission acting as the platting board has jurisdiction over platting and shall adopt and publish rules and regulations to implement this power. Jurisdiction includes, but is not limited to, the control of:

- A. Form, size and other aspects of subdivision, dedications and vacations of land;
- B. Dimensions of lots or tracts;
- C. Street width, arrangement, and right of way, includes allowances for access to lots and installation of street paving, curbs, gutters, sidewalks sewers, water lines, drainage and other public utility facilities and improvements.

8.12.020 Approval or Disapproval.

- A. The platting board shall within sixty days of filing approval or disapproval; the plat shall return it to the applicant for modification or correction. If the board fails to act, the plat is considered by the board on demand. The applicant for plat approval may consent to the extension of the period for action by the board. The board shall state on its record and in writing to the applicant its reasons for disapproval of the plat.
- B. The platting board shall submit an approved plat to the district recorder in compliance with AS 40.15.010 through 40.15.020.
- C. The platting board shall approve or disapprove the plat of subdivision or dedication within sixty days after it is filed or shall return the plat to the applicant for modification or correction within sixty days from the date of

filing. If the platting board does not approve, disapprove or return the plat to the applicant, the plat is considered approved and a certificate of approval shall be issued by the platting board upon demand. The applicant for plat approval may consent to the extension of the period for action by the platting board. The reason for disapproval of a plat shall be stated upon the records of the platting board.

- 8.12.030 Waiver in Certain Cases.** A plat shall show initial point of survey, original or reestablished corners and their descriptions, and actually traverse showing area of closure and all distances, angles and calculations required to determine initial point, corners and distances of the plat, as well as other information which may be required by ordinance.
- 8.12.040 Contents.** A plat shall show initial point of survey, original or reestablished corners and their descriptions, and actual traverse showing area of closure and all distances, angles and calculation required to determine initial point, corners and distances of the plat, as well as other information which may be required by ordinance.
- 8.12.050 Penalty For Selling or Recording Without Approval.** The owner or the agent of the owner of land located within a subdivision who transfers, sells or enters into a contract to sell land in a subdivision that has been prepared, approved and recorded is guilty of a misdemeanor and upon conviction is subject to punishment as approved in section 1.16.010. The platting board may enjoin a transfer, sale or contract to sell, and may recover the penalty by appropriate legal action.
- 8.12.060 Alternation or Re-Plat.** No recorded plat may be altered or re-platted except upon petition of the owners of majority of the land affected by the alteration or re-plat or by the platting board. No platted street may be of the majority of the front feet of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting board. It shall accompanied by a copy of the existing plat showing the proposed alternation or re-plat.
- 8.12.070 Notice of Re-Plat Hearing.** The platting board shall fix a time for a hearing on the petition which shall not be more than sixty days after the filing. The board shall publish a notice stating when and by whom the petition was filed, its purpose and the time and place of the hearing. The notice shall generally describe the alternation or re-plat sought. The notice shall also mail a copy of the notice to each affected property owners not signing the petition.
- 8.12.080 Re-Plat Determination.**

- A. At the hearing, the platting board shall consider the alternation or re-plat and make its decision on the merits of the proposal. No vacation of the city street may be made without the consent of the council.
- B. A quorum of the platting board shall consist of a majority of its voting members. The board may act only upon a majority vote of its entire voting membership. Only those members of the platting board who have been present at the hearing may vote upon the question presented.
- C. The council shall have thirty days from the decision in which to veto the board decision. If no veto is received by the board within the thirty day period, the consent of the city shall be considered to have to the vacation.

8.12.090 Recording Re-Plat. If the alteration or re-plat is approved, the revised plat must be recorded by the platting board and is thereafter the lawful plat.

8.12.100 Title to Vacated Area.

- A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the are was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of the vacated street which lies within the limits of platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city. If the property vacated is a lot or tract, title vests in the rightful owner.
- B. If the city acquired the street or other public area vacated for legal consideration or by express dedication to and acceptance by the city other than required subdivision platting, before the final act of vacation the fair market value of the street or public areas shall be deposited with the platting authority to be paid over top the city on final vacation.

Title VIII, Chapter 16 FINAL PLAT PROCEDURES

Sections:

- 8.16.010 Record of Approval
- 8.16.020 Deed Acknowledgment and Taxes Paid
- 8.16.030 Dedication on Public Use Areas
- 8.16.040 Plat Copy Evidences Original
- 8.16.050 Recorded Plats Legalized
- 8.16.060 Missing Plats

8.16.010 Record of Approval. Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be submitted for approval to the authority having jurisdiction. The regular approval of the authority shall be shown on it or attached to it and the subdivision or dedication shall be filed for record in the office of the recorder.

8.16.020 Deed Acknowledgment and Taxes Paid. Every plat shall be acknowledgment of deeds. A certificate of acknowledgment shall be endorsed on or annexed to the plat and recorded with it. A person filing a plat, map, subdivision or re-plat of property, or vacating the whole or any portion of an existing plat, map, subdivision or filing it for the record of filing the petition to vacate, file with a certificate from the tax-collection official or officials of the area in which the land is located that all taxes levied against the property at that date are paid.

8.16.030 Dedication of Public Use Areas. When an area subdivision is approved and recorded all streets, alleys, thoroughfares, parks and other public areas shown on the plat are deemed to have been dedicated to public use.

8.16.040 Plat Copy Evidences Original. A copy of a plat certified by the recorder of the recording district in which it is recorded as a true and complete copy of the original on file in his office is admissible in evidence in all courts in the state with the same effect as the original.

8.16.050 Recorded Plats Legalized. All plats recorded before June 23, 1973, whether executed and acknowledged in accordance with AS 40.15.050 or not, are validated and all streets, alleys or public thoroughfares shown on these plats are considered as having been dedicated to public use. This section does not prohibit the abandonment of a plat recorded before June 25, 1973, if a subsequent plat is filed indicating abandonment. The last plat of the area of record on June 27, 1973, is the official plat of the area, and the streets, alleys or thoroughfares shown on it are deemed to use. The streets, alleys or thoroughfares shown on an earlier plat of the same area or

any part of it which is in conflict with those shown on the official plat is deemed to have been abandoned and vacated.

8.12.060 **Missing Plats.** Where a recorded plat is missing and no present record is available except by reference to the missing plat and after recordation has the same legal effect and notice as the original missing plat.

Title VIII, Chapter 20 BUILDING PERMITS

Sections:

8.20.010	Purpose
8.20.020	Definitions
8.20.030	Powers and Duties of the Building Official
8.20.040	Permits Required
8.20.050	Validation of permits, Suspension or Revocation, Expiration
8.20.060	Application
8.20.070	Fees
8.20.080	Verification to be Made Prior to Utility Hookups
8.20.090	Inspections
8.20.100	Permits required Prior to Utility Hookups
8.20.110	Enforcement

8.20.010 **Purpose.** The purpose of the Building Permit procedure is to upgrade the quality of the housing stock and neighborhoods in Klawock, to insure that buildings are structurally sound, that site preparation is adequate, and that uses and buildings conform to the Klawock Land Management Code.

8.20.020 **Definitions.** In this chapter, the following terms shall have the following meanings, unless a contrary meaning is required by the context or is specifically prescribed:

- A. “Abandoned” Work or use authorized, but not begun within a specified time.
- B. “Abated” Diminished or terminated.
- C. “Building Official” The Mayor of Klawock or a qualified designee appointed by the Mayor with the approval of the City Council.
- D. “Building Permit” A document issued under the provisions of this code which authorizes construction to proceed.
- E. “Converted” Changed from one form or use to another.
- F. “Easement” A right to use land owned by another, created by an express or implied agreement-usually applied to utility rights-of-way.
- G. “Hazards” Uses that create danger due to explosion, fire, visual obstruction, or other causes.
- H. “Inspection” Official examination.

- I. “Lot” A parcel of land with legally definable boundaries.
- J. “Plot Plan” A map or diagram of a property showing lot boundaries, structure locations, utilities, roads, and all other information specified by code.
- K. “Public Nuisance” A thing or condition causing danger or annoyance to the general public.
- L. “Revoke” To permanently withdraw, repeal or cancel authorization to proceed.
- M. “Stop Order” A written instruction from the Building Official to cease construction work.
- N. “Structure” Any manmade thing constructed or erected, the use of which requires fixed location on the ground or attachment to something located on the ground. Structures include, but are not limited to, buildings, mobile homes, signs, buildings, or tanks. Structures do not include paving, usual lawn accessories, fences or retaining walls.
- O. “Suspend” To temporarily withdraw or cancel authorization to proceed.
- P. “Unsafe” Dangerous, involving risk or hazard.
- Q. “Upgrade” Increase in value, worth, or esteem.
- R. “Vacated” Left uninhabited or untenanted.

8.20.030 Powers and Duties of the Building Official. The Building Official shall be the Mayor of Klawock or a qualified designee appointed by the Mayor with the approval of the City Council. The Building Official is authorized and directed to enforce all of the provisions of applicable adopted codes. The duties of the Building Official are as follows:

- A. Stop Orders. Whenever any building work being done is contrary to the provisions of a code, the Building Official, or the coordinating Fire Chief if appropriate, may order the work stopped. Notice in writing shall be posted in a conspicuous place on the site and shall be served on any persons engaged in doing such work or causing such work to be done. Any such person shall forthwith stop such work until authorized by the Building Official to proceed.

No person may do, or cause any such work to be done, at a site so posted until authorized by the Building Official to proceed.

- B. **Occupancy Violations.** Whenever any structure is being used contrary to the provisions of the code, the Building Official may order such use disconnected and the structure, or any portion thereof, vacated by noticed served on the occupant or owner.
- C. **Liability.** The Building Official, or any employee charged with the enforcement of the codes, who acts in good faith and without malice in the discharge of his duties for the City shall not thereby render himself personally liable. He is relived from all personal liability for any damage he may cause to persons or property as a result of any act or omission in the discharge of his duties. Any suit brought against the Building Official because of such act or omission performed by him in the enforcement of any of the provisions of the codes shall be defended by the City until final termination of the proceedings.
- D. **Unsafe Buildings.** The Building Official may condemn unsafe buildings and structures. All buildings or structures that are structurally unsafe or not provided with adequate egress, or that constitutes a fire hazard or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety, health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment, as specified in the codes or any other effective ordinance, are for the purpose of this section unsafe buildings. All such unsafe buildings are declared to be public nuisances, and may be abated by repair, rehabilitation, demolition, or removal.
- E. **Conditions of Approval.** The building official may require conditions of approval which insure the safety or welfare of person or property, including, but not limited to, the following:
1. Landscaping or view-obscuring screening may be required for commercial or industrial uses along major streets or adjacent to public or residential areas in order to promote the compatibility of land uses and to improve the appearance of the City.
 2. All new or relocated residential structures must show plans and financial responsibility for connecting to the City sewer system.
 3. Assurance that the proposed building complies with the 1991 Uniform Building Code.
- F. **Plans signed by a registered engineer.** The building official may require the submission of plans signed by an engineer and/or architect registered and/or licensed by the State of Alaska if the safety or welfare of persons or property may be threatened.

8.20.040 Permits Required. No structure shall be erected, constructed, converted, relocated, extended, or internally or externally structurally altered without a building permit issued by the City.

- A. Plot Plan. A plot plan is required to insure that setbacks are met.
- B. Exemptions from building permits. If setback requirements are met, the following uses do not require a building permit:
 - 1. One-store detached accessory buildings used for such purposes as tool and storage sheds, playhouses, smokehouses, and similar uses, provided that the projected roof area does not exceed 120 square feet.
 - 2. Fences not over six feet in height placed on or within the property line.
 - 3. Retaining walls not over four feet in height measured from the bottom of the footing to the top of the wall, unless impounding flammable liquids may be replaced on or within the property line.
 - 4. Platforms, walls and driveways not over 30 inches above grade that are not over any basement or story below.
 - 5. Temporary stage and movie sets, booths, or similar structures.
 - 6. Mobile homes placed in an approved RV park.

8.20.050 Validity of Permit, Suspension or Revocation, Expiration.

- A. Validity of Permit. The issuance or granting of a permit, or approval of plans, specifications, and computations, shall not be construed to be a permit for, or approval of, any violation of this code or of any other ordinance of the jurisdiction.
- B. Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error, or incorrect information is supplied, or when any ordinance, regulation, or provision of this code is violated.
- C. Expiration. Each permit issued under the provisions of this section shall expire if the building, work or use authorized is not begun within 180 days of the date the permit was issued or if the building or work authorized is suspended or abandoned for 180 days, or if the property is sold or exchanged.

8.20.060 Application.

A. Forms. Applications for building permits shall be made on forms provided by the City. Each application shall be accompanied by a plot plan which includes:

1. Existing and proposed use.
2. Exterior property boundaries and approximate lot dimensions.
3. All existing and proposed structures and their dimensions.
4. Distances of structures from all lot lines.
5. Easements, streets, and alleys on or adjacent to the lot.
6. Water and sewer line locations and sizes, and electrical pole locations.
7. Parking spaces and dimensions.
8. Access and driveways.
9. Major topographic features which may affect the development of the property, if applicable.
10. Buffers and landscaping, if applicable.
11. Other information the city building official considers necessary for review of the permit application.

B. Documentation. All applications shall be accompanied by construction drawings or other documentation that provides evidence of compliance with adopted building codes as set forth in 8.20.080 (H), housing codes, plumbing codes, electrical codes, fire codes, and other applicable codes and ordinances.

C. Signatures. All applications shall be signed by the permittee or his authorized agent. An authorized agent may be required to submit evidence to indicate his authority.

8.20.070 Fees. Fees for all permits shall be set by resolution of the City Council.

8.20.080 Verifications to be Made Prior to Permit Issuance. Prior to permit issuance, verifications shall be made that:

- A. The property has adequate access best located to promote safety considerations and traffic flow.
- B. Adequate off-street parking is provided.
- C. Appropriate lot size, dimension, and setback requirements are met.
- D. Buildings are not located within existing easements.
- E. Appropriate utilities are available to the site.
- F. The proposed use is allowed in the zone.
- G. Plans have been submitted to the State Marshal for review, if required.
- H. Plans conform to all applicable codes adopted by the State of Alaska including but not limited to the Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, National Electrical Code, the National Fire Protection Standards, only as they relate to fire safety, electrical and sewage disposal.
- I. Adequate site preparations for excavation, support, fill, drainage, etc., have been planned.
- J. Building height requirements are not exceeded.
- K. Buildings or structures moved into or within the jurisdiction comply with the provisions of the codes for new buildings or structures.

8.20.090 Inspections. All construction or work for which a building permit is required shall be subject to inspection by the building official or his designee, unless this requirement is waived by the building official.

The building official may require a capped property corner to assure that the location of the structure in relation to the lot lines complies with zoning and code requirements.

8.20.100 Permit Required Prior to Utility Hookups. No hookups for sewer, water, or electricity shall be made for any structure, use, mobile home, or trailer within the City of Klawock until a building permit is issued and posted in a conspicuous place on the site.

No person shall engage in, or procure, aid, or abet any other person to engage in, any conduct or activity for which a permit is required under this section without a building permit having first been obtained.

8.20.110 **Enforcement.** The procedures and penalties of Title 1, Section 1.01.050, General Penalty, shall apply.

Title VIII, Chapter 24 LAND MANAGEMENT

Sections:

8.24.010	Purpose
8.24.020	Definitions
8.24.030	Residential Low Density (RL) Zone
8.24.035	Home Based Occupation of Offices
8.24.040	Residential Medium Density (RM) Zone
8.24.050	Residential High Density (RH) Zone
8.24.060	Commercial (C) Zone
8.24.070	Industrial (I) Zone
8.24.075	Parking
8.24.080	Tidelands
8.24.090	Preservation and Recreation (P/R) Zone
8.24.100	Non-conforming Uses
8.24.110	Variances and Conditional Uses
8.24.120	Denial of Variance
8.24.130	Appeals Procedure
8.24.140	Appeals Procedure – Board Decisions
8.24.150	Filing of Appeal
8.24.160	Notice of Appeal from the Board of Adjustment
8.24.170	Amendments
8.24.180	Greater Restrictions to Apply
8.24.190	Violation – Penalty

8.24.010 **Purpose.** The purpose of this chapter shall be to promote the health, safety, convenience and general welfare of the inhabitants of the City; to preserve and enhance the natural, scenic, historic and rural character of the City; to provide adequate space and arrangement for growth, economic stimulation and environmental protection; to encourage suitable uses of land; to ensure flexibility in land use control; and to encourage land use activities which enable municipal services to locate within existing service area.

(Ordinance 91-08, adopted 09-03-91)

8.24.020 **Definitions.** In this chapter, the following terms shall have the following meanings, unless a contrary meaning is required by the context or is specifically prescribed:

- A. “Building Official” means the Mayor of Klawock or a qualified designee appointed by the Mayor and approved by the City Council.
(Ordinance 91-08, adopted 09-03-91)

- B. “Camper” means a portable dwelling less than eight (8) feet by thirty (30) feet eligible to be registered and insured for highway use. A camper is designed to be used for travel, recreational and vacation uses, but not for permanent residence. The term includes equipment commonly called travel trailers, pick-up coaches or campers, motorized campers, and tent trailers, but does not include mobile homes.
(Ordinance 91-08, adopted 09-09-91)
- C. “Conditional Use” means a land use not specifically permitted in a district, that may be allowed under certain conditions when compatible with existing uses.
(Ordinance 91-08, adopted 09-03-91)
- D. “Dwelling” means any structure, containing one or more units, which provides living quarters for a single family.
(Ordinance 91-08, adopted 09-03-91)
- E. “East Klawock” refers to all City land east of the divide between Klawock Lagoon and Klawock Inlet.
(Ordinance 91-08, adopted 09-03-91)
- F. “Family” means any number of individuals related by blood or marriage, or not more than four (4) persons not so related, living and cooking together in a single housekeeping unit.
(Ordinance 91-08, adopted 09-03-91)
- G. “Float house” means a dwelling constructed on a floating structure and anchored below the high water mark.
(Ordinance 91-08, adopted 09-03-91)
- H. “Floor Area” means the total square footage of the interior floor space on all stories of a building, excluding basements 50 percent or more below grade or areas with ceilings less than six (6) feet in height.
(Ordinance 91-08, adopted 09-03-91)
- I. “Grandfather Rights” apply to structures and improvements made prior to the adoption of Title 8 and the Comprehensive plan.
(Ordinance 91-08, adopted 09-03-91)
- J. “Greenbelt” means any area of natural vegetation used as a buffer between areas.
(Ordinance 91-08, adopted 09-03-91)
- K. “Klawock Coastal Management Plan” means that planning document approval on June 19, 1984 and amendments.
(Ordinance 91-08, adopted 09-03-91)

- L. “Klawock Comprehensive Plan” means that planning document approved on March 18, 1984, and amendments.
(Ordinance 91-08, adopted 09-03-91)
- M. “Lodge” means a seasonal motel or hotel that rents rooms to paying guest.
(Ordinance 91-08, adopted 09-03-91)
- N. “Lot” means a continuous parcel of land, in single ownership, with legally definable boundaries.
(Ordinance 91-08, adopted 09-03-91)
- O. “Mobile Home” means a dwelling ten (10) feet by thirty (30) feet or more, built on a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without a permanent foundation for year round living.
(Ordinance 91-08, adopted 09-03-91)
- P. “Mobile Home Park” means three or more mobile homes on a permanent foundation on one lot or parcel.
(Ordinance 91-08, adopted 09-03-91)
- Q. “Non-conforming Use” means any use, lawfully existing at the time the Ordinance codified in this chapter became effective, which does not conform to the regulations of the district in which it is located.
(Ordinance 91-08, adopted 09-03-91)
- R. “Premises” means a lot plus any building thereon.
(Ordinance 91-08, adopted 09-03-91)
- S. “Published” means appearing at least once in a newspaper of general circulation distributed within the City or posted in three public places for at least five days.
(Ordinance 91-08, adopted 09-03-91)
- T. “Recreational Vehicle” means a special mobile vehicle which is not permanently attached to a foundation and is not designed for year round living. It is a type of “camper”.
(Ordinance 91-08, adopted 09-03-91)
- U. “Road Frontage” means the lot width measured along the property line adjacent to the street right-of-way.
(Ordinance 91-08, adopted 09-03-91)
- V. “Setback” means the minimum distance between the lot line or street line and the building line.
(Ordinance 91-08, adopted 09-03-91)
- W. “Street” includes streets, avenues, roads, lanes, alleys and other ways.

(Ordinance 91-08, adopted 09-03-91)

- X. “Structure” means any manmade thing constructed or erected, the use of which requires fixed location on the ground or attachment to something located on the ground. Structures include, but are not limited to, buildings, mobile homes, signs, billboards, or tanks. Structures do not include paving, usual lawn accessories, fences or retaining walls.
(Ordinance 91-08, adopted 09-03-91)

- Y. “Tidelands” means any water bounded by uplands which are seaward of Klawock or east Klawock. All tidelands are identified on a Tideland Subdivision Plat.
(Ordinance 91-08, adopted 09-03-91)

- Z. “Variance” means an exception to the standards of a district, but not to the use restriction of that district. A variance is to be granted only when unusual physical characteristics make application of the standards an undue hardship.
(Ordinance 91-08, adopted 09-03-91)

- AA. “Zero Lot Line Development” means development on adjoining lots where units abut one property line with no setbacks. Such developments may have common walls.
(Ordinance 91-08, adopted 09-03-91)

- BB. “Home Based Occupation or Offices” means a profession or use conducted entirely within a dwelling or premises by the residents with no other employees, when such use is clearly incidental and secondary to the home for dwelling purposes, and where there is no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home based occupation or offices other than any permitted sign; and where such use does not manifest any characteristics which are essentially different than the use of the building for permitted purposes, such as increased traffic volumes, noise, vibration, glare, fumes, odors, or electrical interference which create visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltages off the premises.
(Ordinance 99-09, adopted 07-20-99)

8.24.030 Residential Low Density (RL) Zone. The purpose of the RL zone is to provide for aesthetically pleasing neighborhoods by permitting only single family dwellings, modular homes, mobile homes and a limited range of compatible uses.
(Ordinance 99-10, adopted 08-24-99)

- A. Permitted Uses:
1. Single family houses or duplexes.

(Ordinance 91-08, adopted 09-03-91)

2. Modular homes or mobile homes.
(Ordinance 99-10, adopted 08-24-99)
3. Cottage businesses or offices in residential areas.
(Ordinance 99-10-99, adopted 08-24-99)
4. Accessory buildings for private residential uses such as garages, sheds or smokers.
(Ordinance 99-10, adopted 08-24-99)
5. Private storage of recreational vehicles, travel trailers, recreational boats, and trucks up to two tons.
(Ordinance 99-10, adopted 08-24-99)
6. Travel trailers or motor homes accessory to a residence may be occupied by non-paying guests for up to 90 days.
(Ordinance 91-08, adopted 09-03-91)

B. Property Development Standards:

1. Minimum lot width is 50 feet, to include corner lots.
(Ordinance 99-10, adopted 08-24-99)
2. Density.
 - a. Density-8,000 square feet per family dwelling unit and 8,000 square feet for an additional dwelling unit.
(Ordinance 99-10, adopted 08-24-99)
 - b. Lodges- May be permitted with a conditional use permit provided they are situated to take advantage of the natural and pastoral atmosphere of the area.
(Ordinance 99-10, adopted 08-24-99)
3. Parking.
 - a. All parking must be accommodated off-street and on the premises. There must be at least one parking space per residential unit.
(Ordinance 99-10, adopted 08-24-99)
4. Setbacks.
 - a. Ten (10) feet from all lot lines. In addition, development of corner lots shall not impede visibility.
(Ordinance 99-10, adopted 08-24-99)

- b. Interior Setbacks- Six (6) feet between structures unless firewall is approved and built according to adopted building and fire codes.

(Ordinance 91-08, adopted 09-03-91)

- 5. Building Heights. Maximum of thirty feet for homes and sixteen for accessory buildings, measured to the top of the building structure from finished grade.

(Ordinance 99-10, adopted 08-24-99)

- C. Fences, Walls and Hedges.

Property line fences, walls, and hedges, not exceeding six feet in height, may occupy any portion of a yard in residential districts except as provided in subsection D (visibility at intersections).

Such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

(Ordinance 91-08, adopted 09-03-91)

- D. Visibility at Intersections. On corner lots, no fence, wall, hedge or other planting or structure that will impede visibility between a height of two feet six inches and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

(Ordinance 91-08, adopted 09-03-91)

If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within twenty (20) feet of the intersection.

(Ordinance 91-08, adopted 09-03-91)

8.24.035

Home Based Occupation or Offices. The purpose of the home based occupation or offices is intended to promote a local economic base consistent with the character of the city and lifestyles of its people. Allowable uses include crafts, small scale services and other activities which have little impact upon neighborhoods in which they are located in terms of appearance, operating hours and other factors.

(Ordinance 99-09, adopted 07-20-99)

- A. Home based occupation or offices shall be allowed only upon a conditional use basis upon the issuance of a permit by the planning and zoning commission.
- B. Home based occupation of offices are not intended as family businesses with no other employees.
- C. Standards of the district in which the use occurs shall apply to home based occupation or offices. In addition, the following specific standards shall apply:

1. Signs shall be no larger than six square feet and shall be of a height not greater than four feet from the ground level and shall otherwise.
 2. The use shall be carried out completely in the dwelling or in an enclosed structure.
 3. The facilities shall be architecturally and aesthetically compatible with the surrounding residential area and with other structures on the site.
 4. Recreation vehicle or trailer parks, amusement or gaming operations are not to be allowed as a home based occupation or offices.
 5. Those proposed home based occupation or offices that may generate unreasonable amounts of traffic or create a nuisance, as determined by the planning and zoning commission, may be denied.
 6. Those proposed home based occupation or offices that may result in storage or home based occupation or offices activities outside an enclosed area, as to be determined by the planning and zoning commission, may be denied.
 7. All loading or off loading of inventory, supplies or items of commerce shall occur 10 feet away from all right of ways.
- D. Parking space requirements, for each home based occupation or offices permitted upon a particular site. Additional parking spaces may be required by the planning and zoning commission as warranted.
- E. Home based occupation or offices shall not include businesses of the following or similar character:
1. Animal hospitals;
 2. Commercial kennels;
 3. Funeral parlors;
 4. Automobile repair shops;
 5. Restaurants;
 6. Boat or RV storage;
 7. Junkyards; and
 8. Flea markets.
- F. Standards of the district in which the use occurs shall apply to home based occupation or offices.

- G. The planning and zoning commission shall review a home based occupation or offices use upon receipt of written complaints from three separate households affected by the home based occupation or offices or upon any written complaint from the zoning administrator, member or the commission , or city council. The zoning administrator shall schedule a public hearing to review such complaints upon adequate notice to the owner of the property upon which the home based occupation or offices is conducted.
- H. In any hearing held under authority of the planning and zoning commission, the commission shall hear the evidence presented and upon adequate findings of fact may;
1. Approve continuation of the use as it exists;
 2. Require that it be terminated; or
 3. Impose mitigating restrictions, such as limitations upon hours of operation, or the construction of fences. Decisions of the planning and zoning commission upon the evidence presented at such hearings may be appealed to the city council.

8.24.040 Residential Medium Density (RM) Zone. The purpose of the RM zone is to provide the aesthetically pleasing neighborhoods while providing for a variety of housing types and a limited range of compatible uses.
(Ordinance 99-10, adopted 08-24-99)

- A. Permitted Uses:
1. Single family houses or duplexes.
(Ordinance 99-10, adopted 08-24-99)
 2. Duplexes or triplexes.
(Ordinance 99-08, adopted 09-03-91)
 3. Modular Homes or Mobile Homes as described in definitions.
(Ordinance 99-10, adopted 08-24-99)
 4. Cottage businesses or offices in residential areas.
(Ordinance 99-10, adopted 08-24-99)
 5. Accessory building for private residential uses such as garages, sheds, smokers.
(Ordinance 99-10, adopted 08-24-99)
 6. Private storage of a travel trailer, RV vehicle, recreational boat, or trucks two tons.
(Ordinance 99-10, adopted 08-24-99)

7. Zero lot line development of three dwelling units or less.
(Ordinance 91-08, adopted 09-03-91)
8. Travel trailers or motor homes accessory to a residence may be occupied by non-paying guests for up to 90 days.

B. Property Development Standards:

1. Minimum Lot Width is 50 feet, Corner lots are 60 feet.
(Ordinance 99-10, adopted 08-24-99)
2. Density.
 - a. Density, 8,000 square feet per family dwelling structure and an additional 8,000 square feet required for an additional dwelling structure.
 - b. Maximum density of one each dwelling unit per 1,000 square feet of lot area. Maximum density not permitted unless all other applicable standards of the Code are met.
(Ordinance 99-10, adopted 08-24-99)
3. Parking.
 - a. All parking demand must be accommodated off-street and on the premises. There must be at least one parking space per residential unit.
(Ordinance 99-10, adopted 08-24-99)
4. Setbacks.
 - a. Ten feet from all lot lines. In addition, development on corner lots shall not impede visibility.
 - b. Interior Setbacks. Six feet between structures unless firewall is approved and built according to adopted building and fire codes.
(Ordinance 99-10, adopted 08-24-99)
5. Building Heights.
 - a. Maximum of thirty feet for homes and sixteen feet for accessory buildings, measured to the top of the building structure from the finished grade.
(Ordinance 99-10, adopted 08-24-99)

C. Fences, Walls and Hedges

Property line fences, walls, and hedges, not exceeding six feet in height, may occupy any portion of a yard in residential districts except as provided in Subsection D (Visibility at Intersections). Such fence, wall or hedge projecting forward of the front yard set back line shall not obstruct visibility.

D. Visibility at Intersections

On corner lots, no fence, wall, hedge or other planting, or structure that will impede visibility between a height of two feet six inches and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within twenty feet of the intersection.

8.24.050 Residential High Density (RH) Zone. The purpose of the RH zone is to provide for aesthetically pleasing neighborhoods while providing for a variety of housing types, income levels, and limited range of compatible uses.

(Ordinance 99-10, adopted 08-24-99)

A. Permitted Uses.

1. Single Family Houses or duplexes.
(Ordinance 99-10, adopted 08-24-99)
2. Duplexes or Triplexes.
(Ordinance 99-10, adopted 08-24-99)
3. Modular Homes or mobile homes as described in definitions.
(Ordinance 99-10, adopted 08-24-99)
4. Fourplexes or other multi-family units.
5. Cottage businesses or offices in residential areas.
(Ordinance 99-10, adopted 08-24-99)
6. Accessory buildings for private residential uses such as garages, sheds, smokers.
(Ordinance 99-10, adopted 08-24-99)
7. Private storage of a travel trailer, recreational vehicle, recreational boats, trucks up to two tons.
(Ordinance 99-10, adopted 08-24-99)

8. Travel trailers or motors homes accessory to a residence may be occupied by non paying guests for up to 90 days.
 9. Zero lot line development.
- B. Property Development Standards.
1. Minimum lot width is 50 feet, corner lots are 60 feet.
 2. Density.
 - a. For single family dwellings: 6,000 square feet per family dwelling unit and 3,500 feet required for an additional family unit.
 - b. For multi-family dwelling: 6,000 square feet for each multi-family dwelling structure and 3,500 square feet for one additional single family structure.
 - c. Maximum density of one dwelling unit per 1,000 square feet of lot area. Maximum density is not permitted unless all other applicable standards of the Code are met.
 3. Parking.
 - a. All parking must be accommodated off-street and on the premises. There must be at least one parking space per residential unit.
 4. Setbacks.
 - a. Ten foot from all lot lines. In addition, development of corner lots shall not impede visibility.
 - b. Interior Setbacks-Six feet between structures unless fire wall is approved and built according to adopted building and fire codes.
 5. Building Heights.
 - a. Maximum of thirty feet for homes and sixteen for accessory buildings measured to the top of the structure from finished grade.
- C. Fences, Walls and Hedges.

Property line fences, walls, and hedges, not exceeding six feet in height, may occupy any portion of a yard in residential districts except as provided in Subsection D (Visibility at Intersections). Such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

D. Visibility at Intersections.

On corner lots, no fence, wall, hedge, or other planting, or structure that will impede visibility between a height of two feet six inches and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within twenty feet of the intersection.

8.24.060 Commercial © Zone. The purpose of the Commercial zone is to accommodate a wide range of commercial and compatible light industrial uses in appropriate areas.

A. Permitted Uses.

The following uses are permitted when the City Planning Commission determines that the design and operation of proposed uses will not interfere with the efficiency of, proposed expansion of, or access to water-dependent or water-related uses, unless 1) there is a documented public need for the proposed use, 2) there are no reasonable alternative sites, or 3) the public good will be served better by the proposed use than by a water-dependent or water-related use.

1. All forms of commercial structures such as stores, repair shops, offices, food service establishments, auto service stations, hotels, motels, mobile home parks, and RV parks.
2. Any form of light industrial use whose impacts can be wholly contained within an enclosed building without causing harm to occupants of the building.
3. Institutional uses and structures such as schools, government offices, clinics, hospitals and religious meeting places.
4. Multi-family residential structures and residential uses accessory to permitted uses.

B. Prohibited Uses.

Include but are not limited to:

1. Subdivision for residential purposes.
2. Uses which degrade air, water, or land resources quality without mitigative measures which alleviate negative impacts.
3. Disturbances and/or hazards.

C. Property Development Standards.

1. Minimum Lot Width.
 - a. Fifty (50) feet.
 - b. Corner lots- sixty (60) feet.
2. Density and Minimum Lot Size.
 - a. Minimum lot size – 6,000 square feet.
 - b. Density for permitted residential uses is determined indirectly by height restrictions, setbacks, number of apartments permitted per commercial building, parking standards, etc.
3. Parking- See Section 8.24.075
4. Setbacks.

Front, rear, interior and side yard setbacks must conform to the requirements of the Uniform Building Code and State Fire Marshal. In addition:

- a. When abutting a residential or public zone, setbacks shall be (10) feet from all adjacent yards.
- b. Common wall development may be allowed.
- c. Setbacks shall be ten (10) feet from State and Federal highways.
- d. When structures are placed or built in this zone which are not reviewed by the State Fire Marshal, setbacks shall be ten (10) feet.

5. Building Height.

Maximum of thirty (30) feet.

6. Landscaping or View Obscuring Screening.

May be required by the building official for commercial uses along major public streets or adjacent to public or residential areas in order to promote the compatibility of land uses and improve the looks of the City.

7. Signs.

- a. A maximum of 200 square feet of sign is allowed per business. Additionally, no sign or group of signs may be of a total combined size larger than 10% of the area of the wall on which they are mounted or front.
- b. Signs that flash, move, or cause glare on any public way or surrounding residential property shall be approved by the Planning Commission prior to purchase or use.

D. Fences, Walls and Hedges.

Property line fences, walls, and hedges, not exceeding six (6) feet in height, may occupy any portion of a yard except as provided in Subsection E. (Visibility at Intersections). Such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

E. Visibility at Intersections.

On corner lots, no fence, wall, hedge, other planting or structure that will impede visibility between a height of two (2) feet six (6) inches and eight (8) feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within twenty (20) feet of the intersection.

8.24.070 Industrial (I) Zone. The purpose of the Industrial Zone is to provide an area for heavy industrial use, which may have large machines, noise, odors, dust and other effects that would adversely impact non-industrial uses.

A. Permitted Uses.

The following uses are permitted when the City Planning Commission determines that design and operation of proposed uses will not interfere with the efficiency of, proposed expansion of, or access to water-dependent or water-related uses, unless 1) there is a documented public need for the proposed use, 2) there are no reasonable alternative sites, or, 3) the public good will be served better by the proposed use than by a water-dependent/water-related use.

1. Any form of timber transfer, handling, sorting, milling or other customary activity associated with the timber and lumber industry.
2. Equipment maintenance, repair, manufacture, or storage.
3. Any form of manufacture, the impacts of which cannot conveniently be contained within any enclosed structure.
4. Fish and seafood processing and handling.
5. The generation and handling of electrical energy.
6. Fuel storage and handling facilities.
7. Marine construction, refitting and repair.
8. Auxiliary uses such as offices, dormitories, parking lots, food service and other activities which are on-premise to a permitted use, and must be located on-premise for efficient function of the use. This type of auxiliary use will not be allowed in the industrial district without a showing that close proximity is essential to efficiency.

Additional Restrictions: Industrial districts on Bayview Island are further restricted as follows: The only permitted use are: Seafood processing and handling, generation of electrical power, and storage of fuel. Auxiliary uses as defined in eight (8) above are allowed for permitted uses.

B. Prohibited Uses.

Include but are not limited to:

1. Subdivision for residential purposes.
2. Uses which degrade air, water, or land resources quality without mitigative measures which alleviate negative impacts.

3. Disturbances and/or hazards.
- C. Property Development Standards.

1. Minimum Lot Width.
 - a. Fifty (50) feet.
 - b. Sixty (60) feet for corner lots.
2. Density and Minimum Lot Size.
 - a. Minimum lot size-6,000 square feet.
 - b. Density for permitted residential uses is determined indirectly by building height, restrictions, setback requirements, parking standards, etc.
3. Parking – See Section 8.24.075.
4. Setbacks.

Front, rear, interior, and side yard setbacks must conform to the requirements of the Uniform Building Code and State Fire Marshal. In addition:

- a. When abutting a residential or public zone, setbacks shall be ten (10) feet from adjacent yards.
 - b. Common wall development may be allowed.
 - c. Setbacks shall be ten (10) feet from State and Federal highways.
 - d. When structures are placed or built in this zone which are not reviewed by the State Fire Marshal, setbacks shall be ten (10) feet from all property lines. Interior setbacks shall be six (6) feet between structures, unless both structures are mobile homes, in which case the interior setback shall be ten (10) feet.
5. Building Height.

Maximum of thirty (30) feet.
 6. Landscaping or View Obscuring Screening.

May be required by building official for industrial uses along major public streets or adjacent to public or residential areas in order to promote the compatibility of land uses and improve the looks of the City. Junk, trash, and debris shall be removed.

7. Signs.

- a. A maximum of 200 square feet of sign is allowed per business. Additionally, no sign or group of signs may be of a total combined size larger than 10% of the area of the wall on which they are mounted or front.
- b. No signs shall flash, move, cause glare on any public way or surrounding residential property, or be illuminated between the hours of 11 p.m. and 7 a.m. unless relating to an establishment open during those hours.

D. Fences, Walls and Hedges.

1. Property line fences, walls, and hedges, not exceeding six (6) feet in height, may occupy any portion of a yard except as provided in Subsection E, (Visibility at Intersections). Such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.
2. Owners of junk yards or other uses which are unsightly shall submit to the Planning Commission on a plan showing mitigation of the visual impacts to the surrounding property owners.

E. Visibility at Intersections.

On corner lots, no fence, wall, hedge, or other planting, or structure that will impede visibility between a height of two (2) feet six (6) inches and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within twenty (20) feet of the intersection.

8.24.075 Parking. All parking demand created by new structures or uses, additions to existing structures or uses, and changes of use in existing structures shall be accommodated on the premises entirely off-street. This will require at least:

- A. One parking space per dwelling unit.

- B. One-half parking space per guest unit for accommodations.
- C. One-half parking space per employee for offices and professional buildings.
- D. One parking space per 300 square feet of public floor space for commercial or industrial uses including public buildings.
- E. If more than one of the above requirements apply, the number of parking spaces shall be cumulative.

No vehicle shall be parked within twenty (20) feet of any intersection.

8.24.080 Tideland. Tidelands are administered under ordinance, and are covered by restrictions in the Costal Management Plan, the Comprehensive Plan, and State and Federal Regulations.

8.24.090 Preservation and Recreation (P/R) Zone. The purpose of the Preservation and Recreation zone is to preserve natural and historical areas, and to provide areas for recreational opportunities. Land designated to be in this zone may be in this zone may be more specifically identified as Preservation or Recreation areas.

A. Preservation (P) Areas.

Preservation areas are to be left in their natural or existent states with no development other than walking trails. All of the land in this category will be City-owned property set aside by Council Ordinance. Preservation areas may include, but are not limited to:

1. Totem Park.
2. Historical buildings or districts that have been appointed to the State or National Historical Registers.
3. Greenbelts and other natural buffers.
4. Forest preserves.
5. Water bodies of significant merit.

B. Recreation ® Areas.

Recreation areas are intended to actively encourage public use. Such areas include, but are not limited to:

1. Parks.
2. Playgrounds.
3. Baseball, football, soccer, and other playing fields.
4. Picnic areas.
5. Fairgrounds and exhibition buildings.
6. Outdoor sports areas (skiing, skating, swimming, fishing, etc.).
7. Indoor sports areas (recreation centers, pools, rinks, etc.).

8.24.100 Nonconforming Uses. Any use or structure not conforming with this chapter may be continued if the use or structure was lawfully existing at the time it became nonconforming. Nonconforming uses are subject to the following requirements:

A. Alterations.

A nonconforming structure may be altered as directed by the Building Official to make it safe, and may be altered during any twelve (12) month period to the extent that the cost of such alterations does not exceed 50% off the assessed value of the structure.

B. Extension.

No increase in area or extent of the nonconforming use of a structure or land may be made.

C. Abandonment or destruction.

A nonconforming use which has been abandoned or destroyed either intentionally or by accidental or natural causes shall not be re-established. Any future use of the premises must conform with this chapter.

D. Changes.

A nonconforming use may be changed to a conforming use and once changed may not revert to a nonconforming use.

8.24.110 Variances and Conditional Uses.

- A. The Planning Commission shall act within sixty (60) days upon requests for variances or conditional uses. No variance or conditional use may be granted except upon an affirmative vote of a majority of the Commission.
- B. If the Planning Commission, for any reason, fails to act within sixty (60) days of the receipt of the properly filed and completed requests, the request will be automatically appealed to the Council for action at the Council's next meeting.

8.24.120 Denial of Variance. A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a district in which that use is prohibited.

8.24.130 Appeals Procedure. The Council shall serve as the Board of Adjustment. Meetings of the Board shall be held at the call of the Mayor. The Mayor may administer oaths and require attendance of witnesses. Meetings and hearings of the Board shall be open to the public and the Board shall keep minutes of its proceedings as a public record.

8.24.140 Appeals Procedure – Board Decisions. The Board of Adjustment shall hear and decide:

- A. Appeals regarding alleged errors in enforcement of the Land Management ordinance codified in this chapter;
- B. Appeals from the decisions of the Planning Commission on requests for conditional uses;
- C. Appeals from the decisions for the Planning Commission on requests for variances from the terms of the Land Management Ordinance codified in this chapter which are not contrary to the public interest, when a literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the same district.

8.24.150 Filing of Appeal. An interested party, including but not limited to City official, may file with the Board of Adjustment an appeal specifying objections. The Building Official shall provide the written decision. An appeal to the Board of Adjustment stays enforcement proceedings unless the Board or a Court issues an enforcement order based on a certificate of imminent peril to life or property made by the building official.

8.24.160 Notice of Appeal From the Board of Adjustment.

- A. A municipal officer, a taxpayer, or other persons, jointly or severally aggrieved, may appeal an action of the Board to the Superior Court by

filing with the Clerk within thirty (30) days a notice of appeal specifying grounds. When the notice of appeal is filed, the Board of Adjustment shall at once transmit to the Superior Court Clerk copies of all the papers constituting the record in the case.

- B. An appeal from the Board of Adjustment stays enforcement proceedings unless the Court issues an enforcement order based on a certificate of imminent peril to life or property made by the Board.
- C. The appeal is heard upon the record by the Superior Court, and the Court may reverse or affirm, wholly or partly, the decision appealed.
- D. Issues in proceedings under Section 8.24.120 have preference over all other civil actions and proceedings. An appeal lies from the decision of the Superior Court as in other civil cases.

8.24.170 **Amendments.** The Planning Commission may prepare and recommend to the Council modifications to the Land Management Ordinance codified in this chapter only after publishing notice of changes and holding at least one public hearing.

8.24.180 **Greater Restrictions to Apply.** Where the application of this chapter imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this chapter shall control.

8.24.190 **Violation – Penalty.** Any person violating any of the provisions of this chapter shall be fined \$300.00 dollars for each offense. Each day that a violation continues shall constitute a separate offense.

Title IX TAXATION AND BUSINESS

Chapters:

- 9.01 Sales Tax
- 9.02 Business Licenses
- 9.03 Regulation of Electrical Rates
- 9.04 Transient Occupancy Tax

Title IX, Chapter 1 SALES TAX

Sections:

- 9.01.010 Sales Tax
- 9.01.020 Sales Tax Collection
- 9.01.030 Sales Price Computation
- 9.01.040 Multi-Jurisdictional Service and Sales
- 9.01.050 Sales Tax Schedule
- 9.01.060 Failure to Collect Sales Tax
- 9.01.070 Sales Tax Remittance
- 9.01.080 Sales Tax Exemptions
- 9.01.090 Interest Penalty
- 9.01.091 Lien for Tax, Interest and Penalty
- 9.01.092 Protest of Tax
- 9.01.093 Collection Remedies
- 9.01.095 Audits
- 9.01.100 Definitions

9.01.010 Sales Tax. There is hereby levied, and there shall be collected, a sales tax upon all rents, retail sales and services in the City, except those hereinafter specifically exempted from the tax.
(Ordinance 96-02, adopted 01-16-96)

9.01.020 Sales Tax Collection.

- A. The tax levied under the provisions of this Chapter is upon the sale of the personal property, rentals, or services, but the tax is payable to the City by the seller regardless of whether the seller has collected the same from the buyer. It is the duty of each seller to collect from the buyer the full amount of the sales tax payable on each taxable sale, service or rental, at the time the property sold is delivered, the service provided, or when the rentals are collected. Every sale which is made within the City, unless explicitly exempted by this Chapter, or a subsequent Ordinance, shall be presumed

to be subject to the tax imposed under this Chapter in any action to enforce the provisions of this Chapter.
(Ordinance 00-01, adopted 02-15-00)

- B. The sales tax is levied in the amount of 5-1/2%.
(Ordinance 00-01, adopted 02-15-00)

9.01.030 Sale Price Computation. The seller shall add the sales tax herein imposed to the sale price, rental, or charge for service, and such tax shall be a debt from the buyer to the seller and to the City until paid, and shall be recovered at law in the same manner as other debts.
(Ordinance 96-02, adopted 01-16-96)

9.01.040 Multi-Jurisdictional Services and Sales. All sales and services which either commence, originate, are received or are consummated within the City, or which are in any part rendered, supplied or provided within the City shall be subject to the sales tax imposed under this Chapter.
(Ordinance 96-02, adopted 01-16-96)

9.01.050 Sales Tax Schedule. The seller, who is required to collect sales tax for the City by reason of either the location of the seller or the incident of the sale having occurred within the corporate limits of the City, shall add the tax herein imposed to the rental, sale price, or service charge collected in strict accordance with the following scale:

- A. For sales less than \$1.00, the following shall apply:
(Ordinance 99-01, adopted 01-19-99)

1. Sale	Tax
.00-.20	no tax
.21-.39	.02
.40-.59	.03
.60-.79	.04
.80-.99	.05

- B. All sales in excess of one dollar (\$1.00) shall have a sales tax imposed of five and one half percent (5-1/2%) on the amount of the sale rounded off to the next highest cent. The half percent increase shall be allocated for the Klawock City School District and will be transferred quarterly.
(Ordinance 99-01, adopted 01-19-99)

9.01.060 Failure to Collect Sales Tax. Any seller who willfully or intentionally fails, neglects or refuses to comply with the provision of this Sales Tax Chapter, or emits or rebates to a buyer, whether directly or indirectly, and by whatsoever means, all or any part of the tax levied hereunder, or makes in any form of advertising, verbally or otherwise any statement which infers that he is absorbing the tax, or paying the tax for the buyer by an

adjustment of prices or at a price including the tax, or in any manner shall be subject to penalties provided by Klawock City Ordinance.
(Ordinance 96-02, adopted 01-16-96)

9.01.070 Sales Tax Remittance.

- A. The sales tax levied hereunder shall be due and payable at the extension of each quarter of the calendar year, and it shall be the duty and responsibility of every seller liable for the collection of sales tax, unless otherwise provided therein to file with the City a written statement, prepared under oath, or before two witnesses, which;
1. Sets forth the full name and complete mailing address of the seller.
 2. The amount of all retail sales.
 3. The amount of retail sales subject to sales tax.
 4. Amount of exemptions.
 5. The amount of sales tax due.

This prepared return, together with remittance and payment in full of the amount of tax due shall be received by the City on or before the last day of the month following the end of each quarter, and shall be delinquent unless then paid. Every seller who files a sales tax return being obligated to file continued and successive sales tax returns regardless of taxes due unless the seller notifies the City in writing as to the termination of sale of seller's business, in with case seller must furnish the full name and complete mailing address of the successor, if any, to such business.
(Ordinance 00-01, adopted 02-15-00)

- B. Return Forms. The City Clerk shall provide appropriate forms for the use of taxpayers in making returns of the taxes payable under this chapter. Every person, firm or corporation making such sales, renting property or supplying such services as are taxable hereunder shall furnish the City Clerk with a return containing such information as is necessary to complete all spaces on the form, including the total sales, rents and charges for services during each quarter for which the return is made, the amount exempt hereunder, and the tax due and payable for such quarters. Such return shall be made on or before the last day of the month next succeeding the end of each calendar quarter year for the sales made, rentals or services are furnished on credit for the purpose of making a return and paying the tax, such sales shall be considered made, the rentals furnished or the services furnished during the quarter in which payment is received for such sales or services unless the taxpayer elects to make his returns on an accrual basis. The taxes payable for sales in each quarter

year shall be paid on or before the close of the calendar month following the close of such calendar quarter year and shall be delinquent unless then paid.

(Ordinance 00-01, adopted 02-15-00)

- C. **Delinquent Taxes- Assessment.** If any person obligated to collect and remit taxes under this chapter fails to make a return as provided by the chapter, or makes a grossly incorrect return, or a return that is false or fraudulent, the city accountant shall make an estimate of the taxable transaction during the taxable period based upon the highest quarter in the proceeding two years and assess the tax, plus penalties. The city accountant may give the taxpayer ten days' notice in writing concerning the proposed assessment and may ask the taxpayer to appear before him with such books, records and papers as he requires relating to the business for the taxable period. If any taxpayer fails to make a return or refuses to appear and answer questions within the scope of an investigation relating to his legal duties under this chapter, the city accountant may make the assessment based upon information available to him. The assessment shall be presumed to be correct unless set aside by a court of law.
(Ordinance 00-01, adopted 02-15-00)
- D. When taxes become delinquent, the city clerk shall mail a notice of such delinquency assessment to the person owing the tax at the address shown on the records and demand immediate payment of said delinquent taxes, penalty, and interest.
(Ordinance 00-01, adopted 02-15-00)
- E. Within ten days (10) following the date of delinquency for sales taxes, the city clerk shall prepare a delinquent tax roll and proceed with collection of such delinquent taxes.
(Ordinance 00-01, adopted 02-15-00)

9.01.080 Exemptions.

- A. The following sales and services shall be exempt from taxation under the terms of this Chapter:
1. Businesses which have gross retail sales or remuneration for services amounting to less than \$100.00 in any calendar quarter, however, a quarterly tax report must still be submitted.
(Ordinance 96-02, adopted 01-16-96)
 2. Sales of insurance and bonds of guaranty and fidelity.
(Ordinance 96-02, adopted 01-16-96)
 3. Gross receipts or proceeds derived from funeral charges and services rendered, and hospital services.
(Ordinance 96-02, adopted 01-16-96)

4. The gross receipts or gross proceeds derived from the sale of tangible personal property or services by churches or other non-profit organizations (proof of non-profit status must be provided), except where such organizations may be engaged in business for profit or savings in competition with other persons engaged in the same or similar business.
(Ordinance 96-02, adopted 01-16-96)
5. Gross receipts or proceeds derived from the transportation of students to and from grade or high schools in motor or other vehicles.
(Ordinance 96-02, adopted 01-16-96)
6. Gross receipts or proceeds derived from the sale of food in grade school or high school cafeterias or lunch rooms operated primarily for the public and not operated for profit.
(Ordinance 96-02, adopted 01-16-96)
7. Gross receipts or proceeds derived from carrier sales made directly to consumers or users of newspapers or any other periodicals.
(Ordinance 96-02, adopted 01-16-96)
8. Gross receipts or proceeds derived from sales or services with the City is prohibited from taxing under the law of the State of Alaska of the laws or Constitution of the United States; gross receipts or proceeds from sales or services derived for the transportation, loading, or from goods in transit or awaiting or being processed for shipment in such commerce.
(Ordinance 96-02, adopted 01-16-96)
9. Gross receipts or proceeds derived from sales to the United States Government, the State of Alaska, the City, or any other political subdivision.
(Ordinance 96-02, adopted 01-16-96)
10. Water, sewer, garbage disposal services, and all other services furnished by the City.
(Ordinance 96-02, adopted 01-16-96)
11. Dues or fees to clubs, labor unions, or fraternal organizations.
(Ordinance 96-02, adopted 01-16-96)
12. The amount in excess of (\$4,000.00) for any single unit sale, periodical rental price or monthly utility charge.
(Ordinance 96-02, adopted 01-16-96)

13. Sales of or leases for equipment used in a business for the purpose of producing sales which are subject to sales tax.
(Ordinance 96-12, adopted 09-17-96)
 14. Sales of goods and associate shipping and handling charges resulting from orders received from outside the city limits where delivery is made outside the city limits. Delivery outside the city limits must be verified by postal documents or shipping documents.
(Ordinance 97-13, adopted 11-04-97)
- B. The following buyers shall be exempt from paying sales tax provided they have valid tax exempt card issued by the City and sign their name on the sheet provided at the time of purchase.
1. Alaska Residents 60 years of age or older purchasing items for personal use only. No person who has not duly applied for and received such an exemption card may use it to obtain such tax exemption. However, in the case where a person is an invalid or otherwise physically unable to leave their home or dwelling to use the card, the city may issues a special card authorizing another person to use the special card for the benefit of the invalid or otherwise physically unable person to use the card.
(Ordinance 99-04, adopted 05-04-99)
 2. Not for profit corporations and charitable organizations.
(Ordinance 96-02, adopted 01-16-96)
 3. Licensed businesses when purchasing wholesale items.
(Ordinance 96-02, adopted 01-16-96)

9.01.090 Interest and Penalty. The collection of penalty and interest on delinquent taxes shall be as follows:

- A. The City shall charge and collect a penalty of ten percent (10%) and interest, at the rate of fifteen percent (15%) per annum (.00041) on all delinquent taxes. Such penalty and interest shall be collected in the same manner as the tax.
(Ordinance 00-04, adopted 04-11-00)

9.01.091 Lien for Tax, Interest and Penalty. (Ordinance 00-01, adopted 02-15-00)

- A. The tax and penalty imposed under this chapter, in addition to the lien-filing fee and lien release fee under subsection B of this section shall constitute a lien in favor of the city. Upon the assets, including all real and personal property, of every person making taxable sales citywide. The lien arises upon delinquency and continues until liability for the amount is

satisfied or the property of the delinquent person is sold at foreclosure sales. The lien is not valid as against a prior mortgagee, pledge, purchaser, or judgment creditor until notice of the lien is filed in the office of the recorder for the Ketchikan recording district.

B. Fees for the filing and releasing of liens shall be:

1. Filing of lien; twenty-five dollars plus recorder's office filing fee;
2. Release of lien, twenty-five dollars plus recorder's office filing fee.

The above rates may be changed by the council by resolution from time to time to reflect the costs of providing municipal services generally.

9.01.092 Protest of tax. (Ordinance 00-01, adopted 02-15-00)

- A. A buyer who protests the payment of the tax levied under this chapter shall pay the tax and provide the seller and the city clerk with a written statement of protest within five working days of the sale that identifies the sale, rental or service that is the subject of the tax protested, the amount of tax paid, the buyer's and seller's name, mailing address, telephone number and the basis for the protest.
- B. If the seller protest his or her liability on an assessment under Sections 9.01.070 and 9.01.090 which has become final, he or she shall pay the tax under written protest setting forth the basis for the protest. No action for a refund may be maintained nor may a defense to nonpayment be maintained in a civil action unless the amount in dispute has been paid by the seller under written protest filed at or before the time of payment.

9.01.093 Collection Remedies. Any special remedies for the recovery of sales tax shall not be deemed of exclusive of any other remedy, civil or criminal or both, now provide by law for the recovery of moneys due and owing the City of Klawock.
(Ordinance 00-01, adopted 02-15-00)

9.01.095 Audits. The City hereby declares the right to audit business records to verify the accuracy of quarterly reports returned to the City or to audit any business who fails to return a report. If no reports are filed a desk audit may be done by the city accountant.
(Ordinance 00-01, adopted 02-15-00)

Failure to provide all pertinent information needed to verify the accuracy of the return will subject the business owner to the penalties provided by Klawock City Ordinance.

9.01.100 Definitions. For the purposes of this Chapter, the following words and phrases have the meanings respectively described to them:

- A. “Buyer” means and includes every individual, receiver, assignee, trustee, in bankruptcy, trust estate, firm, co-partnership, joint venture, club, company, business, trust, corporation, association, society, or any group of individuals acting as a unit, cooperative, fraternal, non-profit.
(Ordinance 96-02, adopted 01-16-96)
- B. “Charge for Services” means and includes the gross amount charged for furnishing labor and materials for accomplishing a specified result, and rentals of all types, including but not limited to rentals of equipment, buildings, land, and materials. It shall not be contrasted to include salaries or wages paid by an employer to an employee.
(Ordinance 96-02, adopted 01-16-96)
- C. “Periodical Rental Price” means the amount owned on a monthly or more frequent period for rentals of all types of property. Rentals exceeding a payment period of one month are computed for sales tax purposes as though payment were to be made on a monthly basis.
(Ordinance 96-02, adopted 01-16-96)
- D. “Retail Sale” means any non-exempt sale of services, rental, or tangible personal property made to a buyer who intends to use the item purchased as the ultimate consumer and not in contemplation of a resale in the regular course of business.
(Ordinance 96-02, adopted 01-16-96)
- E. “Sale Price” means and includes the consideration, whether money, credit, rights, or other property paid, exchanged or delivered by a buyer to a seller, all without any deduction on account of the cost of property sold, the cost of materials used, labor costs, discount, delivery costs, or any other expenses whatsoever paid or accrued, and without any deduction on account of losses.
(Ordinance 96-02, adopted 01-16-96)
- F. “Seller” means and includes every person making sales at retail to a buyer whether as agent, broker or principal, and the term also means and included persons performing services from which remuneration is charged as well as persons receiving revenues derived from rents.
(Ordinance 96-02, adopted 01-16-96)
- G. “Wholesale” means that the purchases is not the final user intends to produce income by selling the item in the same or altered form.
(Ordinance 96-02, adopted 01-16-96)

- H. “Received” for the purpose of sales tax returns and remittance of sales tax payments, means received in the offices of the city, or deposited in US Mail, and postmarked by the US Post Office.
(Ordinance 96-02, adopted 01-16-96)

**Title IX, Chapter 2
BUSINESS LICENSES**

Sections:

- 9.02.010 License Required
 9.02.020 Renewal and Duration
 9.02.030 Regulatory Provisions
 9.02.040 Fee

9.02.010 License Required. For the privilege of engaging in business in the City of Klawock, a person shall first apply to do so, and pay the license fee provided in section 4 of this chapter. A license is used issued to a firm for a particular line of business covers all its operations in the City of Klawock in the line of business regardless of the number of its establishments.

(Ordinance 90-10, adopted 11-20-90)

9.02.020 Renewal and Duration.

A. Application for renewal of a license and payment of the initial fee shall be made before February 1 of each year.

(Ordinance 90-10, adopted 11-20-90)

B. No license may be issued for a period extending beyond the end of the calendar year in which it is issued.

(Ordinance 90-10, adopted 11-20-90)

9.02.030 Sale Price Computation. A person engaging in a business subject to licensing provisions of a regulatory nature must, in addition to filing a regular application required by this chapter, comply with any other or additional regulatory provisions before entitled to a license.

(Ordinance 90-10, adopted 11-20-90)

9.02.040 Fee. Effective January 1, 1991, the license fee for each business shall be Fifteen Dollars (\$15.00) for the calendar year or any part thereof.

(Ordinance 90-10, adopted 11-20-90)

Title IX, Chapter 3 REGULATION OF ELECTRICAL RATES

Sections:

9.03.010	Purpose
9.03.020	Legal Authority
9.03.030	Definitions
9.03.040	Determining Rates
9.03.050	Billing Procedure
9.03.060	Penalties
9.03.070	Rate Schedule
9.03.080	Enforcement
9.03.090	Severability
9.03.095	Effective Date

9.03.010 Purpose. The elected officials of the City of Klawock, Alaska, find that the city has an interest in regulating the charges for electricity provided to the city by a utility that is not regulated by the Alaska Public Utilities Commission (“APUC”) under the provisions set forth in AS 29.35.070 (a) and AS 42.05.711 (b). The purpose of this ordinance is to ensure that such charges are fair and reasonable considering the cost of providing the service and a reasonable return. This ordinance will become part of Title X of the Code of Ordinances for the City of Klawock, and titled as Chapter 10.03.
(Ordinance 93-11, adopted 09-07-93)

9.03.020 Legal Authority. Pursuant to AS 29.35.070, Klawock may regulate the services provided to it form a utility not regulated by the APUC, and not exempt from regulation under certain provision set forth in that statue. The present Regional Electric Authority (“THREA”), which is exempt from APUC regulation under AS 42.05.711 (b), and is therefore subject to regulation by Klawock. When setting any rates under AS 29.35.070. Klawock must only provide the utility a reasonable return on is invested capital.
(Ordinance 93-11, adopted 09-07-93)

9.03.030 Definitions. For purposes of this chapter, the following terms shall have the meaning ascribed to them as stated below:

- A. “City” means the City of Klawock, Alaska.
(Ordinance 93-11, adopted 09-07-93)
- B. “Council: mean the City Council for the City of Klawock.
(Ordinance 93-11, adopted 09-07-93)
- C. “APUC” means the Alaska Public Utilities Commission.

(Ordinance 93-11, adopted 09-07-93)

- D. “THREA” means the Tlingit and Haida Regional Electric Authority.
(Ordinance 93-11, adopted 09-07-93)
- E. “Reasonable Return on Invested Capital” shall have the same meaning as ascribed to that phrase in AS 29.35.070.
(Ordinance 93-11, adopted 09-07-93)
- F. “Occurrence” means an event, incident, or circumstance that happens or takes place with or without intent. Each individual billing to a customer which is in violation of this Ordinance is one occurrence.
(Ordinance 93-1, adopted 09-07-93)
- G. “Utility” shall include a cooperative, regional energy authority, and non-profit corporations which provide public or private utility services.
(Ordinance 93-11, adopted 09-07-93)

9.03.040 Determining Rates. When setting any electricity rates under this section, Klawock will determine whether the rates proposed represent the actual cost of providing the electricity to the end user, and also provide the utility a reasonable return on its invested capital. In making such a determination, Klawock will conduct a study, either on its own or through a consultant, to ascertain the actual cost of providing service and whether a reasonable return on invested capital is provided. This study will be completed annually, or at another time interval determined by the council. The utility shall make available the city or its consultant, and provide access to, its books, accounts, and other information necessary to conduct the study.
(Ordinance 93-11, adopted 09-07-93)

9.03.050 Billing Procedure. THREA currently provides meter reading services through its own employees, and directly bill the end user of the electricity metered. This practice will continue, and Klawock does not intend to assume this obligation through the enactment of this Ordinance. Other providers of electricity subject to this chapter will also be responsible for metering and billing, directly to the customer, the charges set forth in this chapter.
(Ordinance 93-11, adopted 09-07-93)

9.03.060 Penalties. A violation of any section of this Ordinance is unlawful, and punishable by a fine of \$300.00 per occurrence.
(Ordinance 93-11, adopted 09-07-93)

9.03.070 Rate Schedule. The following rates for electrical service provided within the City of Klawock by a utility subject to this chapter are hereby established as follows:

Residential (Ordinance 93-11, adopted 09-07-93)

First 300 kwh	\$0.2865/kwh
Over 300 kwh	\$0.2465/kwh
Base Charge	\$5.00/month
Fuel Charge	Set by THREA Tariff Sheet 46
PCE	Set by THREA Tariff Sheet 47

Small Commercial (1-3 Phase, 10 kw Demand)
(Ordinance 93-11, adopted 09-07-93)

First 300 kwh	\$0.2765/kwh
Over 300 kwh	\$0.2265/kwh
Base Charge	\$10.00/month
Fuel Charge	Set by THREA Tariff Sheet 46
PCE	Set by THREA Tariff Sheet 47

Large Commercial (3 Phase, .10 kw Demand)
(Ordinance 93-11, adopted 09-07-93)

All	\$0.1865/kwh
Base	\$50.00/month
Demand	\$8.00/kw
Fuel Surcharge	Set by THREA Tariff Sheet 46
PCE	Set by THREA Tariff Sheet 47

Large Commercial Interruptible (Alternate Generation Required)
(Ordinance 93-11, adopted 09-07-93)

Large Commercial Interruptible (Alternate Generation Required)
(Ordinance 93-11, adopted 09-07-93)

Base Charge	\$175.00/month
First 30,000 kwh	\$0.0585/kwh over wholesale cost
30,000-60,000 kwh	\$0.0335/kwh over wholesale cost
60,000-99,999,999	\$0.0185/kwh over wholesale cost

Wholesale rate is based upon a rate of \$0.12/kwh, and is adjusted monthly for the cost of fuel.
(Ordinance 93-11, adopted 09-07-93)

9.03.080 Enforcement. The city administrator and/or his/her designee is authorized to ensure compliance with this chapter and may enforce its provisions through any means lawfully available.
(Ordinance 93-11, adopted 09-07-93)

9.03.090 Severability. If any section, clause, phrase, or sentence contained in this Ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions.

(Ordinance 93-11, adopted 09-07-93)

9.03.100 **Effective Date.** This Ordinance becomes effective upon its adoption by the Klawock City Council.
(Ordinance 93-11, adopted 09-07-93)

HEALTH, SEWER, WATER AND REFUSE

Chapters:

- 10.01 Regulation of Water and Sewer Facilities
- 10.02 Garbage Collection and Sanitary Landfill
- 10.03 Regulation of Electrical Rates
- 10.04 Smoke Free Air Act
Non-code Ordinance 99-05, Establishing water, sewer garbage and landfill rates

Title X, Chapter 1 REGULATION OF WATER AND SEWER FACILITES

Sections:

- 10.01.010 Use of Water Sources Other than City Water Systems.
- 10.01.020 Disposal of Wastewater.
- 10.01.030 Construction Permits for Individual Water and Wastewater Systems.
- 10.01.040 Illegal Discharges.
- 10.01.060 Cold Weather Maintenance.
- 10.01.070 Connection to City Water and Wastewater System.
- 10.01.075 Service Connection.
- 10.01.080 Application for Water and Wastewater Connection.
- 10.01.090 Approval of Application Appeal.
- 10.01.100 Installation of Service Lines.
- 10.01.110 Maintenance of Plumbing System/Responsibility of Consumer.
- 10.01.120 Misuse of Water and Wastewater Facilities.
- 10.01.130 Authorized Inspection.
- 10.01.140 Administration and Enforcement.
- 10.01.150 Public Inspection of Rates.
- 10.01.160 Use of Moneys Collected.
- 10.01.170 Accounting and Disbursement of Funds.
- 10.01.180 Additional Regulations.
- 10.01.190 Utility Operator.
- 10.01.200 Quarterly Report.
- 10.01.210 Turning on Service.
- 10.01.215 Discontinue Service.
- 10.01.220 Application for Service.
- 10.01.230 Water and Wastewater Service Rate Structure.
- 10.01.240 Consequence of non-payment of Service Charges.
- 10.01.250 Payment of Fees by Transients in Mobile Homes and/or Camper Courts.
- 10.01.260 Owners of Rental Property.
- 10.01.270 Exemption to Elders.
- 10.01.300 Definitions.

10.01.010 Use of Water Source Other than City Water System. It shall be unlawful for any person to construct, maintain or utilize a source of water supply other than the city water system for drinking and sanitary purposes at any building which is located within 200 feet of lines of the city water system; unless an application for individual water system is submitted and approved by the City Council.
(Ordinance 96-3, adopted 01-16-96)

10.01.020 Disposal of Wastewater. It shall be unlawful for any person to dispose of wastewater, liquid wastes, or human excreta from any building located within the city by any method other than through the utilization of the city wastewater disposal system, if the building is located within 200 feet of any city wastewater line, provided that the building is at a higher elevation than the wastewater line.
(Ordinance 96-3, adopted 01-16-96)

10.01.030 Construction Permits for Individual Water and Wastewater Systems. An application for a permit for the construction, alteration, or extension of an individual water system or wastewater disposal system shall be made in writing to the city and shall include the following:

1. Legal name and address of the applicant.
2. Legal description and drawing of the property on which the construction, alteration, or extension is proposed.
3. Letter of approval from ADEC.
4. Explanation of need as stated in section 10.01.020.

If the city is satisfied that the proposed plans will comply with this ordinance and with the State Health Regulations, it shall approve the application and issue a permit for the work. Any person whose application for a permit has been denied may appeal at the City Council's next regular meeting.

(Ordinance 96-3, adopted 01-16-96)

10.01.040 Illegal Discharges. It shall be unlawful for any person to discharge wastewater or other domestic wastes on the surface of the ground within the city.
(Ordinance 96-3, adopted 01-16-96)

10.01.060 Cold Weather Maintenance. It shall be unlawful for any person using the city water service to fail to have his use protected from cold weather. All users of city water shall protect their water service lines with insulation to protect them from cold weather.
(Ordinance 96-3, adopted 01-16-96)

10.01.070 Connection to City Water and Wastewater System. All connections to the city water and wastewater system shall be made and/or inspected by the City of Klawock employees. Costs of the connection and all appropriate regulations including the use of self-help and use of the city equipment shall be established by the City Council.

All individual water service and wastewater connections and repairs, modifications, or disconnection's shall be made only under the terms and conditions as set forth by the Uniform Plumbing Code adopted by the State of Alaska and such further regulations as the City may make.
(Ordinance 96-3, adopted 01-16-96)

10.01.075 Service Connection. All service connections shall have a curb stop on the street or utility easement and shall be accessible to the Utility Operator. In cases where the curb stop was incorrectly placed on private property the city shall have the right to locate and operate the curb after notifying the property owner in writing 48 hours in advance.
(Ordinance 96-3, adopted 01-16-96)

10.01.080 Application for Water and Wastewater Connection. An application for a new water and/or wastewater service connection will be a part of the Building Permit and shall include the following:

1. Legal name and address of the applicant.
2. Legal description and sketch of the property and building for which the water service is required.
3. The name and address of the person who will install the service lines from the building to be served to the city water and/or wastewater systems.
4. A description of the fixtures to be used in the structure or building.
5. An agreement to be responsible for and pay promptly all charges for the service in accordance with this ordinance.
6. A connection fee of one hundred fifty dollars (\$150.00) shall accompany the application.
7. Such additional information as the city may require to demonstrate that the proposed connection complies with this ordinance and any applicable regulations developed by the City Council.

The City may require installation of a water meter at the consumer's expense on any consumer line and to charge for such services at a

similarly established meter rate, as set forth by the City Council. The city may specify the brand of meter and will be responsible for maintenance. (Ordinance 97-12, adopted 09-02-97)

10.01.090 Approval of Application Appeal. If the city is satisfied that the application and the proposed connection complies with this ordinance and applicable regulations hereunder relating to the utilization of the city water and wastewater system, it shall approve the application and provide for the connection, upon receipt of the established fees. Any person whose application for connection has been denied or conditionally approved may appeal to the (City Council) Mayor. (Ordinance 96-3, adopted 01-16-96)

10.01.100 Installation of Service Lines. All consumer lines to the point of connection to the city water and wastewater lines shall be installed by the consumer, at his/her own expense, and remain his/her responsibility for maintenance and repair.

The point of connection shall be the property line. Where point of connection is greater than 100 feet from an existing main, the case shall be considered separately by the City Council.

Standards for the installation of domestic fixtures to be served by the city water and wastewater system, water and wastewater lines, and all related appurtenances as needed to ensure the safe utilization of the city water and wastewater systems shall conform to the Uniform Plumbing Code adopted by the State of Alaska and any other regulations as adopted by the city. (Ordinance 96-3, adopted 01-16-96)

10.01.110 Maintenance of Plumbing System/Responsibility of Consumer. Each consumer of city water and wastewater service shall maintain his/her individual water and wastewater facilities in good repair at his/her own expense. The consumer's responsibility for water and wastewater lines and shall include all facilities from that point throughout the building. (Ordinance 96-3, adopted 01-16-96)

10.01.120 Misuse of Water and Wastewater Facilities. Water and wastewater facilities may be discontinued by the city where defective fixtures or misuse may affect the safe and proper operation of the city water and wastewater system, where there is a willful waste of water or where there is a refusal to permit an inspection by the city. (Ordinance 96-3, adopted 01-16-96)

10.01.130 Authorized Inspection. The city through its designated representative is hereby authorized to make inspection at reasonable times during daylight hours to determine satisfactory compliance with this ordinance and regulations promulgated there under.

(Ordinance 96-3, adopted 01-16-96)

10.01.140 Administration and enforcement. This ordinance shall be administered and enforced by the city personnel. The City Council shall have the authority to establish and regulate monthly utility rates for water supply and wastewater collection services and connection fees, for all domestic and commercial consumers; but no person shall be bound by any such rate unless it shall have been posted for public inspection for five (5) consecutive days after its adoption in the office of the United States Post Office Building in this city.

(Ordinance 96-3, adopted 01-16-96)

10.01.150 Public Inspection on Rates. A current file of all rates adopted by the City Council under this ordinance shall be available for public inspection during regular business hours at the city office.

(Ordinance 96-3, adopted 01-16-96)

10.01.160 Use of Moneys Collected. All moneys collected for water and wastewater utilities will be used strictly for maintenance, extension, repair, capital improvement, and operation of the system.

(Ordinance 96-3, adopted 01-16-96)

10.01.170 Accounting and Disbursement of Funds. All moneys collected for water and wastewater utilities will be separately accounted for by the City Treasurer and disbursed by action of the City Council.

(Ordinance 96-3, adopted 01-16-96)

10.01.180 Additional Regulations. The City Council shall adopt such additional regulations, provisions and procedures pertaining to water supply and wastewater collection services (utility services) as it deems proper.

(Ordinance 96-3, adopted 01-16-96)

10.01.190 Utility Operator. The utility system shall be operated and maintained by a Utility Operator. The Treasurer shall act as the Utility System Treasurer.

(Ordinance 97-12, adopted 09-02-97)

10.01.200 Quarterly Report. The Treasurer and Utility System Operator shall develop a written quarterly report for the City Council. This report shall itemize all income sources and disbursement from the operation and maintenance of the utility system. This report shall be approved and filed in the city records.

(Ordinance 97-12, adopted 09-02-97)

10.01.210 Turning on Service. No water from the city water supply shall be turned on for service into any premises by a person except such person or persons as the city shall authorize to perform this service. General penalties as outlined in City Code 1.01.050 shall apply to those consumers in violation of this section.

(Ordinance 96-3, adopted 01-16-96)

- 10.01.215 Discontinue Service.** Service will be discontinued for non-payment or at the written request of the property owner. Provided that the owners request shall be in writing to the Billing Clerk at least two weeks prior to the first of the month when service is to be discontinued. Service will be reinstated only upon receipt of application noted in section 10.01.220.
(Ordinance 96-3, adopted 01-16-96)
- 10.01.220 Application for Service.** A Utility Service Application will be completed by the consumer and submitted to the Billing Clerk. The utility service application shall contain an agreement to abide by and accept all of the provisions of this ordinance and of any regulations adopted pursuant to this ordinance as conditions governing the use to the city water supply and wastewater disposal facilities by the applicant. A fee of fifty dollars (\$50.00) shall be charged for each application.
(Ordinance 96-3, adopted 01-16-96)
- 10.01.230 Water and Wastewater Service Rate Structure.** All utility rate structures will be established by non-code ordinance and shall be reviewed annually at the end of each fiscal year.
(Ordinance 97-03, adopted 05-20-97)
- 10.01.240 Consequences of Non-payment of Service Charges.** Any customer more than 60 days past due, at the discretion of the city either may be turned over for collection or the water will be disconnected from service. When disconnected, water will not be reconnected except by properly authorized representatives of the city. The fees in 10.01.220 will apply to reconnect under this section. The utility customer will be responsible for payment of applicable collection agency fees. In addition to all other charges past due accounts will be charged interest at a rate of 8% per annum. (1.0033 % per day.)
(Ordinance 02-10, adopted 12-13-02)
- 10.01.250 Payment of Fees by Transients in Mobile Home and/or Camper Courts.**
- A. Individual residences in a mobile home and/or camper court, who reside in the park on a “year around” basis shall be charged utility rates as provided in 10.01.260.
(Ordinance 96-3, adopted 01-16-96)
 - B. Camper courts which operate on a part-time or seasonal basis shall be charged as follows:
 - 1. Where practical a water meter shall be installed.
(Ordinance 96-3, adopted 01-16-96)

2. The camper court may be disconnected as provided in 10.01.215 provided that there is a curb stop valve at the property line available to the Utility Operator.
(Ordinance 96-3, adopted 01-16-96)

10.01.260 Owners of Rental Property. All owners of rental property will be responsible for water and wastewater utility fees of their tenants.
(Ordinance 96-3, adopted 01-16-96)

10.01.270 Exemption of Elders.

- A. Any person sixty-five years of age or older having an existing wastewater utility account or establishing a wastewater utility account may apply for an exemption from the payment of City water and wastewater service fees (including disconnection or reconnection fees). The City Administrator shall approve an application for exemption upon satisfactory showing that the following criteria 1 through 4 below are met:
(Ordinance 02-11, adopted 12-17-02)

1. The applicant is sixty-five years or older evidenced by original or certified copy of birth certificate or equivalent document.
2. The applicant has been a resident of the City of Klawock at least thirty days evidenced by voter registration certificate or State or Alaska Permanent Fund Dividend Registration.
3. The applicant's existing water and wastewater account is paid in full.
4. The physical address of applicant's residence.

- B. Non-transferability. An exemption from the payment of water and wastewater utility fees is non transferable to any person.
(Ordinance 02-11, adopted 12-17-02)

- C. Term of Exemption.

1. Once granted, the exemption is valid for the natural life of the applicant.
(Ordinance 02-11, adopted 12-17-02)
2. An exemption may be terminated only be action of the Klawock City Council after a public hearing of which the applicant is given at least thirty days notice and an opportunity to be heard.
(Ordinance 02-11, adopted 12-17-02)

10.01.300 Definitions.

1. “Service Connection”. The point at which a customer connects their private to city service.
(Ordinance 96-3, adopted 12-17-02)

2. “Service Unit”. Each service connection shall be one service unit. There shall be no more than one service unit per lot, trailer park, apartment complex, etc.
(Ordinance 96-3, adopted 01-16-96)

Title X, Chapter 2
GARBAGE COLLECTION AND LANDFILL

Sections:

- 10.02.010 Purpose of Chapter-liberal Construance of Code.
 10.02.020 Authority.
 10.02.030 Definitions.
 10.02.040 System of Disposal.
 10.02.050 Solid Waste Collection
 10.02.060 Use of City Disposal Sites.
 10.02.070 Dangerous, Hazardous and Medical Waste.
 10.02.080 Unlawful Deposits of Refuse and Litter.
 10.02.090 Garbage Cans Required.
 10.02.100 Collection Rates and Charges.
 10.02.110 Disposal Site Use Charges.
 10.02.120 Penalties.
 10.02.130 Enforcement.
 10.02.140 Severability.
 10.02.150 Repealer.
 10.02.160 Effective Date.

10.02.010 Purpose of Chapter-liberal Construance of Code. This chapter shall be known as Klawock’s Regulation of Solid Waste, and shall be operative in the City of Klawock. This chapter shall be for the preservation and protection of public health, peace, and safety. The terms, provisions, rules and regulation incorporated herein shall be liberally construed for the aforementioned purpose.

(Ordinance 96-3, adopted 01-16-96)

10.02.020 Authority. The provisions of this chapter have been proposed and enacted pursuant to the authority granted in AS 29.35.050, and any successor statutes.

(Ordinance 96-3, adopted 01-16-96)

10.02.030 Definitions. The following terms shall have the definitions ascribed to them in this chapter:

1. “City”. This is the City of Klawock municipality.
(Ordinance 96-3, adopted 01-16-96)
2. “Dangerous Wastes”. This includes, but is not limited to, highly flammable explosives.
(Ordinance 96-3, adopted 01-16-96)

3. “Refuse”. This includes all discarded putrescible waste material, but not including any wastewater, human or animal excrement, hazardous wastes, or medical wastes.
(Ordinance 96-3, adopted 01-16-96)
4. “Garbage Can”. Is a watertight container not exceeding thirty-two (32) gallons in capacity, not weighing over twenty-six (26) pounds when empty, fitted with two (2) sturdy handles with one (1) on each side, and a tight cover fitted with a handle.
(Ordinance 96-3, adopted 01-16-96)
5. “Hazardous Wastes” includes, but is not limited to explosives, radioactive wastes, pesticides and chemicals which are potentially harmful to the public health or the environment. Unless otherwise defined by the state, such waste shall mean a hazardous waste as identified by the Environment Protection Agency under 40 CFR 261.
(Ordinance 96-3, adopted 01-16-96)
6. “Medical Waste” is any dressing, bedding, instrument, or other refuse from residences or other places where highly infectious or contagious diseases have prevailed.
(Ordinance 96-3, adopted 01-16-96)
7. “Person” is any individual, person, firm, corporation, co-partnership, or any group of individuals acting as a unit.
(Ordinance 96-3, adopted 01-16-96)
8. “Public Place” is and includes streets, avenues, way, drives, places, alleys, and planting, parking strips, squares, triangles, and right-of-way, whether open to the use of the public or not, and the space above or beneath the surface of the same.
(Ordinance 96-3, adopted 01-16-96)
9. “Service Unit” is two garbage cans, or two thirty-two gallon equivalent thereof, to be kept in a suitable container acceptable to protect the city personnel’s health, safety, and sanitary well-being.
(Ordinance 96-3, adopted 01-16-96)

10.02.040 System of Disposal. The city shall have the authority to operate a suitable solid waste disposal site. The city shall also have the authority to further establish by rule or regulation the hours of operation of disposal sites, disposal fees charges, and types of waste that the site is intended. The city shall further prepare operating regulations for the solid waste disposal site, which shall govern all other matters necessary to assure compliance with federal, state, and local regulations applicable to such sites. The city reserves the right to provide in said operating rules that certain solid

wastes, based on source, type, or volume, shall not be accepted, or only conditionally accepted at disposal sites owned or operated by the city.
(Ordinance 96-3, adopted 01-16-96)

10.02.050 Solid Waste Collection.

1. Refuse collection shall be twice weekly unless otherwise regulated by ordinance.
(Ordinance 96-3, adopted 01-16-96)
2. Excess accumulation. Where necessary for the protection and preservation of public health, peace, and safety, the city may require any resident to remove any excess refuse. If the resident fails to promptly comply with a request to remove, the city shall remove the refuse at the expense of the resident.
(Ordinance 96-3, adopted 01-16-96)
3. All refuse to be collected shall be placed at ground level, at the side of the street from which collection is made.
(Ordinance 96-3, adopted 01-16-96)

10.03.060 Use of City Disposal Sites. Solid waste disposal sites owned or operated by the city shall be available to accept solid wastes generated and collected in the city.

Any commercial hauler who intends to use a solid waste disposal site owned or operated by the city shall apply to the city for a use permit. This permit shall be issued by the city only after proper application and payment of the required fee. Fees and regulations regarding use by commercial haulers and non-residents of solid waste disposal sites owned or operated by the city shall be established by the city.

Any resident of the city may use the solid waste disposal sites owned or operated by the city for individual use in compliance with any applicable rules and regulations.

(Ordinance 96-3, adopted 01-16-96)

10.03.070 Dangerous, Hazardous and Medical Waste.

1. Dangerous Waste. Under no circumstances shall any person deliver to any solid waste disposal site any waste which is defined as dangerous under this chapter. Dangerous waste shall only be disposed upon the direction of the Department of Public Safety.
(Ordinance 96-3, adopted 01-16-96)
2. Hazardous Waste. The city will provide a guide which will show the circumstances by which a person may deliver to any solid waste disposal

site any waste which is defined as “hazardous” under this chapter. Hazardous waste shall only be disposed of upon the direction of the landfill operator or personnel at the landfill contracted to receive hazardous waste.

(Ordinance 96-3, adopted 01-16-96)

3. **Medical Waste.** Removal of medical waste shall only be done under the supervision and direction of the Public Health Nurse at the expense of the owner. Under no circumstances shall medical waste be placed in containers for regular collection.

(Ordinance 96-3, adopted 01-16-96)

10.02.080 Unlawful Deposits of Refuse and Litter. It is unlawful for anyone to deposit, throw, keep, or place any refuse or litter on any property, public or private, or in any public place except in garbage cans, or detachable containers where authorized, placed on private property or place on the street or alley for collection when necessary, authorized or required, or upon or at a solid waste disposal site.

The owner, tenant, or other person responsible for the condition of private property shall be responsible for removing any unlawful refuse and litter.

(Ordinance 96-3, adopted 01-16-96)

10.02.090 Receptacle Requirements. All occupants or residences shall have and use garbage receptacles which are acceptable to the City. The City may require additional receptacles and charge additional fees when garbage overflows existing receptacles. Individual receptacles shall be lined with plastic bag liners. The City may properly refuse to collect any refuse not placed in an acceptably lined receptacle.

(Ordinance 97-12, adopted 09-02-97)

10.02.100 Collection Rates and Charges. All utility rate structures will be established by non-code ordinance and shall be reviewed at the end of each fiscal year.

(Ordinance 97-03, adopted 05-20-97)

Refuse collection charges shall be against the owner of the premises served and when such charges have not been paid within ninety (90) days after billing, they shall be delinquent and constitute a lien against the owner of the residence or commercial site served. Notice of the city’s lien specifying the amount due, the period covered and giving the legal description of the premises sought to be charged may be recorded within the time required and may be foreclosed in the manner and within the time prescribed for liens for labor and materials as authorized by AS 34.35.010 et. seq.

(Ordinance 96-3, adopted 01-16-96)

10.02.110 Disposal Site Use Charges. All utility rate structures will be established by non-code ordinance and shall be reviewed annually at the end of every fiscal year.

(Ordinance 97-03, adopted 05-20-97)

1. There is imposed upon all residents and non-residents a users fee for the disposal of all solid waste disposed of at all solid waste disposal sites owned and/or operated by the city in accordance with the following schedule:

The above schedule of rates shall be posted in a public place and maybe amended from time to time by order of the City Council.

(Ordinance 96-3, adopted 0116-96)

2. Waste delivered to the disposal site shall be sorted and delivered according to the following categories:
 - a. Automobile-fluids drained, and ready for compacting.
 - b. Batteries.
 - c. Appliances-Freon removed.
 - d. Burnable-wood or paper, non-toxic.
 - e. Hazardous waste-after consultation with officials of the city or during a scheduled collection event.
 - f. Tires.
 - g. General household waste-foodstuff, cans, cartons, glass, etc.
 - h. Other-such as construction waste must be confirmed with the city before delivery.

Mixed loads will have a \$10.00 per load penalty added to the fees in part one of this section.

(Ordinance 96-3, adopted 01-16-96)

10.02.120 Penalties.

1. Criminal. Any person, firm, or corporation which violates or refuses to or fails to comply with any of the provision of this chapter or regulations promulgates hereunder and orders issued pursuant thereto or who files or supplies any false, incomplete or inaccurate information in conjunction with any permit application or permit renewal or in supplying any other information requested by this chapter shall be deemed guilty and be punished by a fine in the amount fixed by the court of not more than three hundred dollars(\$300.00). Nothing contained herein shall be construed to exempt an offender from any other suit, prosecution or penalty provided in the city code or by any other laws.

(Ordinance 96-3, adopted 01-16-96)

2. **Civil.** In addition to any other sanction re remedial procedure which may be available, any person failing to comply with a notice of violation shall be subject to a penalty in the amount of fifty dollars (\$50.00) per day for each violation, from the date set for compliance until the notice of violation is complied with; provided further that the penalty for failure to comply with the notice of violation where the city has removed the refuse shall be increased to include the actual cost of such removal plus fifteen percent (15%).

The penalty imposed by this section shall be collected by civil action brought in the name of the city. The city attorney shall take appropriate action to collect the penalty.

Whenever refuse is deposited, thrown or placed in violation of any provision of this chapter contains three or more items bearing the name of one individual, or wherever a vehicle or trailer used in the activity is identified by its license plate, it shall be presumed that the individual whose name appears on the items or to whom the vehicle or trailer is registered committed the unlawful act. The defendant shall have an opportunity to rebut the presumption and may show as full or partial mitigation of liability.

(Ordinance 96-3, adopted 01-16-96)

1. That the violation giving raise to the action was caused by the willful act, neglect, or abuse of another; or
(Ordinance 96-3, adopted 01-16-96)
2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but full compliance within the time specified was prevented by inability to obtain necessary labor, inability to gain access to the subject property, or other condition or circumstances beyond the control of the defendant.
(Ordinance 96-3, adopted 01-16-96)

10.02.130 Enforcement. The landfill operator or his/her designated representative, is authorized to enforce the provisions of this chapter, and any rules and regulation promulgates there under.
(Ordinance 96-3, adopted 01-16-96)

10.02.140 Severability. If any section, subsection, sentence, clause, or phrase of this chapter is, for any reason, found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.
(Ordinance 96-3, adopted 01-16-96)

10.02.150 Repealer. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

(Ordinance 96-3, adopted 01-16-96)

10.02.160 **Effective Date.** This ordinance shall take effect and be enforced from and after its passage and publication according to law.
(Ordinance 96-3, adopted 01-16-96)

Title X, Chapter 4
SMOKE FREE AIR ACT

SECTION 10.40.010 Findings and Intent

The Klawock City Council does hereby find that:

Numerous studies have found that tobacco is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers.

The smoking of tobacco is a form of air pollution, a positive danger to health, and a material public nuisance.

Accordingly, the Klawock City Council finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places of employment; and (2) to guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

SECTION 10.40.020 Definitions

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

- A. "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- B. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- C. "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.
- D. "Employer" means a person, business, partnership, association, corporation, including a municipal

corporation, trust, or non-profit entity that employs the services of one or more individual persons.

- E. "Enclosed Area" means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend for floor to the ceiling.
- F. "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- G. "Place of Employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work area, private offices, employee lounges, restrooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.
- H. "Private Club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all time, which is operated solely for a recreational, fraternal, social, patriotic, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.
- I. "Public Place" means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels,

Laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail store, shopping malls, sports arenas, theaters, and waiting rooms. A private club is a “public place” when being used for a function to which the general public is invited. A private residence is not a “public place” unless it is used as a child care, adult day care, or health care facility.

- J. “Restaurant” means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the restaurant.
- K. “Service Line” means an indoor line in which (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.
- L. “Shopping Mall” means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- M. “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.
- N. “Sports Arena” means sports pavilions, stadiums, gymnasiums, health spas, boxing arena, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

SECTION 10.40.030 Application of Article to City Owned Facilities and Vehicles.

All enclosed facilities, including buildings and vehicles owned, leased, or operated by the City of Klawock, shall be subject to the provisions of this Article.

SECTION 10.40.040 Prohibition of Smoking in Enclosed Public Places.

Smoking shall be prohibited in all enclosed public places within the City of Klawock, including but not limited to, the following places:

- A. Galleries, libraries, and museums.
- B. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, Laundromats, professional offices, and retail service establishments.
- C. Bars.
- D. Bingo Facilities.
- E. Child care and adult day care facilities.
- F. Convention facilities.
- G. Educational facilities, both public and private.
- H. Elevators.
- I. Gaming facilities.
- J. Health care facilities.
- K. Hotels and motels, including at least eighty percent (80%) of rooms that are rented to guests.
- L. Lobbies, hallways, and other common areas in apartment building, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- M. Polling places.
- N. Private clubs when being used for a function to which the general public is invited.
- O. Public transportation facilities, including buses and taxicabs, under the authority of the City of Klawock and ticket, boarding, and waiting areas of public transit depots.
- P. Restaurants.

- Q. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- R. Retail stores.
- S. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of Klawock or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City of Klawock.
- T. Service lines.
- U. Shopping malls.
- V. Sports arenas, including enclosed places in outdoor arenas.
- W. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

SECTION 10.40.050 Prohibition of Smoking in Places of Employment

- A. Smoking shall be prohibited in all enclosed in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- B. This prohibition on smoking shall be communicated to all existing employees by the effective date of the Article and to all prospective employees upon their application for employment.

SECTION 10.40.060 Prohibition of Smoking in Outdoor Areas

Smoking shall be prohibited in the following outdoor places:

- A. Within a reasonable distance of 25 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.

- B. In outdoor seating or serving areas of restaurants and within 25 feet thereof.
- C. In all outdoor arenas, stadiums, and amphitheaters, except in designated smoking areas, which may be established only in perimeter areas at least 50 feet from any seating areas or concession stands. Smoking shall also be prohibited in, and within 25 feet of, bleachers and grandstands for use by spectators at sporting and other public events.
- C. In all public transit stations, platforms, and shelters under the authority of the City of Klawock.

SECTION 10.40.070 Where Smoking Not Regulated

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 10.40.040 and 10.40.050:

- A. Private residences, except when used as a childcare, adult day care, or health care facility.
- B. Not more than twenty percent (20%) of hotel and motel rooms rented to guests and designated as smoking rooms. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- C. Private clubs that have no employees, except when being used for a function to which the general public is invited; provided that smoke from such clubs does not infiltrate into areas where smoking is prohibited under the provisions of this Article. This exemption shall not apply to any organization that is established for the purpose of avoiding compliance with this Article.
- D. Outdoor areas of places of employment except those covered by the provision of Sections 10.40.040 and 10.40.050.

SECTION 10.40.080 Declaration of Establishment as Nonsmoking

Notwithstanding any other provisions of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking

place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 10.40.090 (A) is posted.

SECTION 10.40.090 Posting of Signs

- A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place.
- B. Every public place and place of employment where smoking is prohibited by this Article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment under this Article shall have at least one conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.
- C. All ashtrays shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.

Section 10.40.100 Nonretaliation; Nonwaiver of Rights

- A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by the Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Section 10.40.070, violation of this Subsection shall be a misdemeanor, punishable by a fine not to exceed \$1,000. for each violation.
- B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Section 10.40.110 Enforcement

- 1. This Article shall be enforced by the City Administrator or an authorized designee.

- a. Notice of the provisions of this Article shall be given to all applicants for a business license in the City of Klawock.
2. Any citizen who desires to register a complaint under this Article may initiate enforcement with the City Administrator or an authorized designee.
3. The Health Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.
4. An owner, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof.
5. Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.
6. In addition to the remedies provided by the provisions of this Section, the City Administrator or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Section 10.40.120 Violations and Penalties

- A. A person who smokes in an area where smoking is prohibited by the provisions of this Article shall be guilty of an infraction, punishable by a fine not exceeding Two Hundred fifty dollars (\$250.00).
- B. Except as otherwise provided in Section 10.40.070, a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:
 - a. A fine not exceeding Two Hundred fifty dollars (\$250.00) for first violation.
 - b. A fine not exceeding Three Hundred dollars (\$300.00) for a second violation within one (1)

- year.
- c. A fine not exceeding five hundred dollars (\$500.00) for each additional violation within on (1) year.
- C. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- D. Violation of this Article is hereby declared to be a public nuisance, which may be abated by the City Administrator by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City of Klawock may take action to recover the costs of the nuisance abatement.
- E. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Section 10.40.130 Public Education.

The City Administrator shall engage in a continuing education program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Section 10.40.140 Governmental Agency Cooperation.

The City Administrator shall annually request other governmental and educational agencies having facilities within the City of Klawock to establish local operating procedures in cooperation with this Article. This includes urging all Federal, State, City of Klawock, and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

Section 10.40.150 Other Applicable Laws

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 10.40.160 Liberal Construction

This Article shall be liberally construed so as to further its purposes.

Section 10.40.170 Severability

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Section 10.40.180 Effective Date.

This Article shall be effective sixty (60) days from and after the date of its adoption.

Title XI BOAT HAROR FACILITIES

Chapters:

- 11.10 Boat Harbor
- 11.20 Harbor Management
- 11.30 Classification of Harbor Areas
- 11.40 Fees and Payment
- 11.50 Registration and Stall Assignment
- 11.60 Duties of Boat Owners
- 11.70 Defective Conditions
- 11.80 Prohibited Acts
- 11.90 *Reserved*
Authorizing the Creation of a Port Authority non-code

Title XI, Chapter 10 BOAT HARBOR

Sections:

- 11.10.010 Definitions
- 11.10.020 Purpose and Construction
- 11.10.025 *Reserved*
- 11.10.030 Policy and Intent- Use of Boat Harbor
- 11.10.040 Live-a-Board Policy

11.10.010 Definitions. In construing the provisions of this title, except when otherwise stated or when another meaning is apparent from the context, the following words shall have the meanings indicated.

1. "Aircraft" means aircraft of every kind or description which are capable of being landed upon or taking off from water.
(Ordinance 93-12, adopted 11-16-93)
2. "Boat" means all vessels, ships, boats, skiffs, and watercraft of every kind and description.
(Ordinance 93-12, adopted 11-16-93)
3. "Billing Clerk" means duly appointed, qualified and acting council of the city.
(Ordinance 93-12, adopted 11-16-93)
4. "Council" means the duly elected, qualified, and acting council of the city.
(Ordinance 93-12, adopted 11-16-93)

5. “Klawock Small Boat Harbor Facilities” means all facilities and appurtenances of the Klawock Small Boat Harbor, and all additions and improvements thereto.
(Ordinance 93-12, adopted 11-16-93)
6. “Derelict” means any boat moored or otherwise located within the boundaries of the Klawock Small Boat Harbor facilities which is forsaken, abandoned, deserted, or cast away, or which is left in a sunken condition which will not rise and fall with the tide or has suffered such neglect as to be unfit for navigation on the seas.
(Ordinance 93-12, adopted 11-16-93)
7. “Finger Floats” means numbered floats attached and connected to the master float.
(Ordinance 93-12, adopted 11-16-93)
8. “Harbormaster” means the duly appointed harbormaster of the city.
(Ordinance 93-12, adopted 11-16-93)
9. “Master Float” means the main or master float reached by ramp from the dock approach.
(Ordinance 93-12, adopted 11-16-93)
10. “Transient Vessel” means boats which do not home port in Klawock but use the harbor for moorage while visiting, shopping, etc.
(Ordinance 93-12, adopted 11-16-93)
11. “Temporary Vessel” means boats which may or may not home port in Klawock but which do not have a permanent stall and which intend to stay in the harbor for more than one (1) week.
(Ordinance 93-12, adopted 11-16-93)

11.10.020 Purpose and Construction. The purpose of this title is to protect the lives, health, safety, and well being of the residents of the city and those persons who have property in, use or work upon the boats using the facilities of the Klawock Boat Harbor, or who make sales and deliveries of goods and merchandise to boat therein, or who use said facilities for mooring commercial or pleasure boats; to protect the property of such boat owners by regulating the harbor and its facilities to insure the widest possible public use thereof; to prevent nuisances and fire and health hazards; and to make reasonable charges for the use of certain facilities, to enable the city, in so far as possible to pay the costs of maintenance, operation and supervision of the Klawock Small Boat Harbor facilities from the revenues there from for the accomplishment of the purposes of promoting the general welfare, and operating such facility.
(Ordinance 93-12, adopted 11-16-93)

11.10.025 *Reserved*

11.10.030 Policy and Intent-Use of Boat Harbor. It is declared to be the intent of this title to favor the use of the facilities of the boat harbor by commercial fishermen and their boats, and by the general public and its boats. It is further the intent of this title to prevent and discourage the use of the facilities of the boat harbor by boats which have become derelicts, or a nuisance to the city, the harbormaster and the general public. It is additionally the intent of this Ordinance to supply one free moorage space for any Klawock Resident boat owner who is 65 years and over.
(Ordinance 05-03, adopted 11-01-05)

11.10.040 Live-a-Board Policy.

- A. A person living aboard his/her own or another person's vessel for fifteen days within any thirty-day period is considered a live-a-board for purposes of this title.
- B. Pets may be kept on a live-a-board vessel at the discretion of the harbormaster.
- C. Vessels being used for live-a-board purposes must meet all sanitary requirements as established by the United States Coast Guard.
- D. Oil, gas, electric or wood heating units must be installed and utilized in conformance with manufacture's specifications and approved by the harbormaster as a matter of public safety.
- E. Water and refuse will be charged at the residential rate.

Title XI, Chapter 20
HARBOR MANAGEMENT

Sections:

- 10.20.010 Government of the Klawock Small Boat Harbor Facilities
 10.20.020 Harbormaster-Appointment
 10.20.030 Powers and Duties of the Harbormaster

10.20.010 Government of the Klawock Small Boat Harbor Facilities.

- A. The government of the Klawock Small Boat Harbor Facilities and all additions and improvements thereto whether or not contiguous to the present facilities, shall be under the exclusive jurisdiction of the council. (Ordinance 93-12, adopted 11-16-93)
- B. The mayor, with the approval of the council, shall appoint a boat harbor advisory committee comprised of two members of the council, two commercial boat owners and one non-commercial boat owner. Such appointment shall be made after the general municipal election each year and the members appointed shall serve until the next general municipal election. (Ordinance 93-12, adopted 11-16-93)
- C. The boat harbor advisory committee shall have the power and authority to initiate studies, investigate complaints and make recommendations relating to improvements, maintenance, and operation of the boat harbor. Committee recommendations will be forwarded to the council for final action and/or decision. (Ordinance 93-12, adopted 11-16-93)

11.20.020 Harbormaster-Appointment. There is created the office of harbormaster for the city. The harbormaster, under the direction of the mayor, shall supervise and manage all Klawock Small Boat Harbor facilities and shall be appointed, paid, and succeeded in office as other appointed officers of the city. (Ordinance 93-12, adopted 11-16-93)

11.20.030 Powers and Duties of Harbormaster.

- A. Enforcement of Ordinance. The harbormaster is charged with the duty of enforcing all of the provisions of this title, and any rules and regulations adopted hereunder, and is empowered to do so. In the performance of such duties he is conferred broad ministerial discretion respecting harbor management, operations and fees. (Ordinance 93-12, adopted 11-16-93)

- B. **Rules and Regulations.** The harbormaster shall, from time to time, bring to the attention of the council such rules and regulations as should be adopted to supplement the provisions of this title. The harbormaster shall be knowledgeable concerning the lease between the City and the State for the facilities of the Klawock Small Boat Harbor and the State's regulations as set forth in Title 14, Chapter 5 of Alaska Administrative Code.
(Ordinance 93-12, adopted 11-16-93)
- C. **Refusal of Moorage Facilities.** The harbormaster may, in his discretion, refuse mooring facilities to boathouses, floats, scows, rafts, pile drivers, and other cumbersome floating structures, or to any boat, vessel, or floating structure which is or may become a menace to the safety or welfare to other boats and their occupants.
(Ordinance 93-12, adopted 11-16-93)
- D. **Assignment of Mooring Numbers.** The harbormaster shall supervise and manage the assignment of all mooring spaces in Klawock Small Boat Harbor and he may, from time to time, in his discretion, in the interests of safety, order, convenience, and health, require the owner or operator of any boat, vessel, or floating structure to change from one mooring to another.
(Ordinance 93-12, adopted 11-16-93)
- E. **Posting of Signs and Mooring Numbers.** The harbormaster shall have the duty to post signs designating harbor speed and other signs and notices to inform the public at large and all boat owners and operators of authorized and prohibited use of the Klawock Small Boat Harbor facilities. The harbormaster shall have the power to order the making of appropriate signs giving notice of all orders and decisions of the council and rules and regulations relating to the use of such facilities.
(Ordinance 93-12, adopted 11-16-93)
- F. **Identification of Finger Floats.** The harbormaster shall identify the finger floats by number and/or letters advising the billing clerk of the same.
(Ordinance 93-12, adopted 11-16-93)
- G. **Loading and Unloading of Cargo Carried or Hire.** No cargo to be carried for hire shall be loaded or unloaded at any point or part of the harbor without approval of the harbormaster.
(Ordinance 93-12, adopted 11-16-93)

Title XI, Chapter 30

CLASSIFICATION OF HARBOR AREAS

Sections:

11.30.010 Classification

11.30.010 Classification. The Klawock Boat Harbor areas are classified as follows:

- A. Dock and Warehouse Area. Dock and warehouse areas include the area sitting on piling and decked for use of loading and unloading supplies, equipment and stores. No vehicle, cart, conveyance or any other form of transportation shall remain in such designated area for any period longer than is reasonable necessary for loading and unloading, and then only with the permission of the harbormaster.
(Ordinance 93-12, adopted 11-16-93)
- B. Special Areas. Special areas are all of the approaches, and designated areas of any float when suitably posted and marked, that are to be used by the general public without charge, for the purposes of loading and unloading of supplies, equipment and stores. No boat shall be moored in such designated areas for any period longer than a reasonable time required for such loading and unloading.
(Ordinance 93-12, adopted 11-16-93)
- C. Stalls. Numbered areas include the finger floats and designated stalls for the exclusive use of privately owned boats, both commercial and pleasure. The harbormaster shall number the stalls in such a manner that its location can be readily determined.
(Ordinance 93-12, adopted 11-16-93)
- D. Open Mooring. Stalls not otherwise occupied or restricted shall be designated for open mooring. These include stalls leased annually but not in use. Such areas shall be assigned by the Harbormaster to members of the public primarily for temporary moorage.
(Ordinance 93-12, adopted 11-16-93)
- E. Gridiron. The gird shall be available at all times to boat owners to facilitate repairs. No owner or operator shall occupy gridiron space except for such reasonable times as are required to accomplish bottom painting, repairs, and other customary gridiron uses.
(Ordinance 93-12, adopted 11-16-93)

FEES AND PAYMENT

Sections:

11.40.010	Mooring and Stall Rental
11.40.020	Gridiron Use Fee
11.40.030	Reserved
11.40.040	Dockage
11.40.050	Float Plane Landing Fee
11.40.060	Harbormaster's Service Fees
11.40.070	Electricity Usage
11.40.080	Time for Payment

11.40.010 Mooring and Stall Rental. The rental shall be predicated upon boat length; for purposes of determining the appropriate fees, boat length shall be that distance measured by the registration of the boat.
(Ordinance 96-09, adopted 06-25-96)

- A. Annual Moorage Fee. The rate for annual moorage shall be calculated by multiplying the boat length by \$11.00 per foot.
(Ordinance 02-07, adopted 08-20-02)
- B. Transient Moorage Fee. Transient boats are not allowed free moorage. The transient moorage shall be \$11.45 per day.
(Ordinance 02-07, adopted 08-20-08)
- C. Temporary Moorage. The rate for temporary moorage shall be calculated by multiplying the boat length by \$1.12 per foot per month.
(Ordinance 99-02, adopted 03-16-99)
- D. Live-a-board fee shall be \$50.00 per month.
(Ordinance 02-07, adopted 08-20-02)

11.40.020 Gridiron Use Fee. Boats shall be allowed forty-eight hours of free use of the gridiron. For use of the gridiron in excess of forty-eight hours, the gridiron use fee shall be calculated by multiplying \$0.40 per foot per twenty-four hour day or any portion thereof.
(Ordinance 99-02, adopted 03-16-99)

11.40.030 *Reserved.*

11.40.040 Dockage. There shall be no dockage fee assessed against vessels using the city dock for loading and unloading purposes. Dockage operations shall be subjected to harbormaster's regulation.
(Ordinance 93-12, adopted 11-16-93)

11.40.050 Float Plane Landing Fee. Each floatplane docking at the Klawock Small Boat Harbor Facilities Seaplane Float shall be assessed a \$2.90 docking fee.

(Ordinance 99-02, adopted 03-16-99)

- A. Exemptions. Seaplane landing for emergency purposes will not be charged a landing fee.
(Ordinance 93-12, adopted 11-16-93)
- B. Penalties. Failure to make payments within ten (10) days from receipt of billing will result in a penalty of 5% per month or fraction thereof.
(Ordinance 93-12, adopted 11-16-93)
- C. Overnight Mooring. No floatplane shall moor at the floatplane dock overnight without prior approval by the harbormaster.
(Ordinance 93-12, adopted 11-16-93)

11.40.060 Harbormaster's Service Fees. The harbormaster is granted the power and authority to, from time to time, but without any liability, obligation, or duty to do so, may at his discretion, replace defective mooring lines, pump boats which are swamped or in a dangerous condition, and move any boat which is in the boat harbor for the purposes of protecting such boat or other boats from fire or other hazards when it appears that such action is necessary to prevent imminent damage. Whenever the harbormaster shall perform any of the acts mentioned and authorized in this section, the owner, master, or managing agent of the vessel is liable to pay to the city the following fees:

(Ordinance 93-12, adopted 11-16-93)

- A. Replacing or securing with additional moorage lines, \$38.90 plus cost of line;
(Ordinance 99-02, adopted 03-16-99)
- B. Pumping, \$38.90 per hour, one (1) hour minimum;
(Ordinance 99-02, adopted 03-16-99)
- C. Moving vessel, \$38.90 per hour, one (1) hour minimum;
(Ordinance 99-02, adopted 03-16-99)

11.40.070 Electricity Usage. Vessel owners shall make all arrangements for power consumption directly with the electrical authority, which is T.H.R.E.A. (Tlingit & Haida Regional Electrical Authority).

(Ordinance 93-12, adopted 11-16-93)

11.40.080 Time for Payment.

- A. Vessel owners having applied for and been granted a reserved annual mooring space shall be required to pay the annual charge in advance of the

billing period from July 1st through June 30th of the following year. The fees on an annual basis which are paid during the year are to be on a pro rate basis. Individuals who which to terminate their mooring stall may do so upon notification to the harbormaster of such intention and thereafter be allowed a rebate of the advanced fee paid, said rebate to be based upon the number of full month remaining in the year.

(Ordinance 93-12, adopted 11-16-93)

- B. Transient or temporary moorage fees shall be paid in advance upon registration with the harbormaster, payable to the order of the city and delivered in advance to the harbormaster or to the billing clerk at the city hall.

(Ordinance 93-12, adopted 11-16-93)

- C. The harbormaster may impound any boat for the failure of the boat owner to pay any fees or charges as set forth in this chapter. If said fees remain unpaid for a period of thirty days, in addition to the normal fees there will be a redemption fee of \$25.00 per day on impoundment. In addition or in the alternative, the city may institute suit in the District Court for collection of all delinquencies plus costs and attorney fees.

(Ordinance 93-12, adopted 11-16-93)

Title XI, Chapter 50
REGISTRATION AND STALL ASSIGNMENT

Sections:

- 11.50.010 Registration
 11.50.020 *Reserved*
 11.50.030 Designation of Moorage Space
 11.50.040 Transfer and Assignment Prohibited
 11.50.050 Trespassing Vessels

11.50.010 Registration.

- A. Every owner, master, or managing agent of any boat using the mooring facilities of the Klawock Harbor is required to register his name, telephone number, post office, and street address and the name and number of the boat, its length, its breadth, registered tonnage, if any, with the harbormaster on forms to be provided by him for that purpose, within one day after such boat enters and moors at any float in the Klawock Harbor.
 (Ordinance 02-08, adopted 08-20-02)
- B. Every such owner, master, or managing agent desiring to moor at a stall or numbered mooring space shall apply to the harbormaster or billing clerk. No such stall or space shall be used until so assigned and the rental therefore is paid in advance.
 (Ordinance 93-12, adopted 11-16-93)
- C. A waiting list shall be established for persons requesting moorage space. No fee shall be charged, and a vessel ownership shall not be a condition precedent to enrollment on the waiting list. In order to remain on the waiting list, you must report your intent every six months to the harbormaster.
 (Ordinance 93-12, adopted 11-16-93)

11.50.040 Transfer and Assignment Prohibited. The right to the moorage space inures to the owner, not the vessel. Assignment and subleasing of stalls and mooring space is prohibited. Persons may trade or swap assigned moorage space of different size only after securing the advance permission of the harbormaster and upon whatever terms and conditions he may prescribe.
 (Ordinance 93-12, adopted 11-16-93)

11.50.050 Trespassing Vessels.

- A. Both the owner and operator of a boat or vessel which moors in a space without permission shall be guilty of a violation and the vessel shall be deemed to trespass.

(Ordinance 93-12, 11-16-93)

- B. The assigned owner, upon finding a trespassing vessel in his assigned stall or space shall notify the harbormaster of the occurrence and notify the owner of the trespassing vessel if known. The harbormaster shall have the authority to move or cause the trespassing vessel to be moved.
(Ordinance 93-12, adopted 11-16-93)

- C. If the trespassing vessel is too large to undertake removal in an ordinary and safe manner, the harbormaster shall chain and lock a trespassing vessel to the dock until redeemed by the owner or operator.
(Ordinance 93-12, adopted 11-16-93)

- D. A trespassing vessel may be redeemed by the immediate payment of a fine in the amount of \$27.75 for each day or part of a day which the vessel has been chained. An owner or operator wishing to contest the violation shall pay the redemption fee to be held by the city as bond pending final determination of the action.
(Ordinance 99-02, adopted 03-16-99)

Title XI, Chapter 60
DUTIES OF BOAT OWNERS

Sections:

- 11.60.010 Location and Securing Regulations
- 11.60.020 Miscellaneous Rules and Regulations
- 11.60.030 Conducting Business in the Harbor from any Vessel
- 11.60.040 Dead Storage Prohibited
- 11.60.050 Harbor Electrical Connection Regulations
- 11.60.060 Traffic Lanes and Parking

11.60.010 Location and Securing Regulations. Every owner, master or managing agent of any boat using the mooring or other facilities of the Klawock Small Boat Harbor shall comply with the following regulations, at all times.

(Ordinance 02-07, adopted 08-20-02)

- A. No rowboats or skiffs shall be pulled up and left on any part of the city floats.
(Ordinance 93-12, adopted 11-16-93)
- B. Floats must be kept clear at all times.
(Ordinance 93-12, adopted 11-16-93)
- C. Each boat must have proper spring lines to keep the boat from surging.
(Ordinance 93-12, adopted 11-16-93)
- D. Each boat must have at least one line to the float, on alternating ends.
(Ordinance 93-12, adopted 11-16-93)
- E. All rowboats and skiffs shall be on board or tied in a space allotted for the purpose and not tied alongside or behind larger boats.
(Ordinance 93-12, adopted 11-16-93)
- F. No boat shall be tied so it can touch other boats fore and aft, and said persons shall supply and use adequate fenders to safeguard floats and vessels from chafing and other damages.
(Ordinance 93-12, adopted 11-16-93)
- G. Floats must be kept clean and free of discarded boat debris.
(Ordinance 93-12, adopted 11-16-93)
- H. All boats must be tied in area designated for that size boat.
(Ordinance 93-12, adopted 11-16-93)

- I. All boats and vessels may moor at designated stall spaces only; it shall be unlawful to anchor in Klawock Small Boat Harbor or to moor in the stall or space assigned to another.
(Ordinance 93-12, adopted 11-16-93)
- 11.60.020 Miscellaneous Rules and Regulations.** Every owner, master and managing agent of any boat using the mooring or other facilities of the Klawock Harbor shall be obliged to use diligence in performing the following requirements:
- A. Use all reasonable precautions in keeping the boat in his charge in a reasonably clean and sanitary condition, with special attention to pure water and sanitary toilets.
(Ordinance 93-12, adopted 11-16-93)
- B. Use all reasonable precautions in keeping the boat in his charge free from fire hazards of any type or nature. No open fires shall be permitted.
(Ordinance 93-12, adopted 11-16-93)
- C. Use all reasonable effort and precautions in keeping the boat in his charge well secured, securely moored with lines in reasonable fit condition, sufficiently pumped out at all times to keep the boat afloat and to otherwise attend the needs of the boat to avoid attention by the harbormaster.
(Ordinance 93-12, adopted 11-16-93)
- D. Use adequate precautions to lock up and stow and otherwise safeguard all moveable gear and tackle.
(Ordinance 93-12, adopted 11-16-93)
- E. Promptly pay all charges and taxes assessed or levied according to law upon or against the boat or its owner, and all rentals and charges for utilities requested and ordered by the boat or its owner.
(Ordinance 93-12, adopted 11-16-93)
- 11.60.030 Conducting Business in Harbor from any Vessel.** Any transient vessel owner or agent desiring a mooring space within the harbor facilities for the purpose of providing moorage for boats in dead storage. Violators must remove offending vessels within 48 hours of written notice.
(Ordinance 99-02, adopted 03-16-99)
- 11.60.040 Dead Storage Prohibited.**
- A. It is declared that the Klawock Small Boat Harbor facilities are installed and have been installed for the convenience of owners of boats who use them for navigation and not for the purpose of providing moorage for boats in dead storage. Violators must remove offending vessels within 48 hours of written notice.

(Ordinance 02-07, adopted 08-20-02)

11.60.050 Harbor Electrical Connection Regulations.

- A. Electrical connections to any vessel are under the direction of the harbormaster and must comply with the following regulations:
(Ordinance 93-12, adopted 11-16-93)
1. Cords with current carrying capacity of less than fifteen amps shall not be used.
(Ordinance 93-12, adopted 11-16-93)
 2. Flexible cords shall be used only in continuous lengths without splice or tape.
(Ordinance 93-12, adopted 11-16-93)
 3. Cords shall not be smaller than required for rated current of the connected equipment.
(Ordinance 93-12, adopted 11-16-93)
 4. Attachment plugs and connector bodies shall not be smaller than that required for rated current of the attached cord.
(Ordinance 93-12, adopted 11-16-93)
 5. Infrared heating lamps may be used with porcelain type sockets only.
(Ordinance 93-12, adopted 11-16-93)
 6. Any heater capable of causing a fire if overturned must be equipped with a safety switch that will automatically disconnect electrical current if the heater is overturned.
(Ordinance 93-12, adopted 11-16-93)
 7. Attachment plugs shall be of the weatherproof type.
(Ordinance 93-12, adopted 11-16-93)
- B. Only cords approved by the latest edition of the uniform electrical code for outdoor use may be used on the dock. It is the owner's responsibility to use safe and approved electrical cords.
(Ordinance 93-12, adopted 11-16-93)
- C. The following cords are not approved and must not be used; SP-3, SPT-3, TY, TPT, TST, AFC, AFPO, AFPD, CFC, DEPO, PO-1, PO-2, SPT-3, SP-1, C, PD, P-1, P-2, SV, SVT, SJT, SJTO.
(Ordinance 93-12, adopted 11-16-93)
- D. Current carrying capacity as shown below is the minimum required for flexible cords:

(Ordinance 93-12, adopted 11-16-93)

Size, AWG	AMPS	Size, AWG	AMPS
14	15	8	36
12	20	6	45
10	25	4	60

- E. No electric cord from receptacles or meters shall be installed so that it lies on top of any walkway or in such manner that the cord hinders snow removal or any other purpose on the float. Such installation shall be protected from mechanical damage at all times.

(Ordinance 93-12, adopted 11-16-93)

11.60.060 Traffic Lanes and Parking.

- A. Double parking is allowed only at the discretion of the harbormaster and with the permission of the inboard vessel owner. A fee of \$30.00 per week shall be assessed for double-parked vessels. Offending vessels without permission must be removed within 25 hours of written notice.

(Ordinance 02-07, adopted 08-20-02)

- B. No vehicles shall be allowed or permitted to park in the approach to any of the floats mentioned in this title so as to obstruct the approach in any manner except for the purpose of discharging freight or passengers. Violators must remove offending vessels immediately upon written notice.

(Ordinance 93-12, adopted 11-16-93)

- C. Float plane dockage shall be permitted only at the floatplane dock. Temporary overnight moorage and emergencies shall be permitted at the discretion of the harbormaster.

(Ordinance 93-12, adopted 11-16-93)

Title XI, Chapter 70
DEFECTIVE CONDITIONS

Sections:

- 11.70.010 Harbor Nuisance Defined
 11.70.020 Abatement of Nuisance, Impoundment, Removal, and Sale
 11.70.030 Procedure for Destruction, Sale or Other Disposition of Nuisance
 11.70.040 Other Property Becoming a Nuisance

11.70.010 Harbor Nuisance Defined. For the purposes of this title, boats in the Klawock Small Boat Harbor which are:

1. Abandoned;
(Ordinance 93-12, adopted 11-16-93)
2. Derelicts;
(Ordinance 93-12, adopted 11-16-93)
3. In such condition as to make them likely to sink;
(Ordinance 93-12, adopted 11-16-93)
4. Maintained in a hazardous condition in violation of section 11.60.020;
(Ordinance 93-12, adopted 11-16-96)
5. Sunk to the extent they will not rise with the tide; or
(Ordinance 93-12, adopted 11-16-93)
6. For which mooring and other fees chargeable under this title have not been paid for a period of sixty days after the same are due are declared to be a nuisance and are subject to removal without liability on the part of the city for any damage by nature of removal.
(Ordinance 93-12, adopted 11-16-93)

11.70.020 Abatement of Nuisance, Impoundment, Removal and Sale.

- A. In the event any boat constitutes a nuisance as defined in this section, notice thereof shall be given to the owner, master or managing agent of the boat as shown on the registration statement filed with the harbormaster stating that unless said boat is removed, repaired, or that other action is taken to remedy such nuisance, the same will be liable to destruction or sale, at the discretion of the harbormaster, upon the expiration of a period of thirty days from the personal delivery mailing of such notice.
(Ordinance 93-12, adopted 11-16-93)
- B. Notices provided for in this section shall be given either by registered mail to the owner, master or managing agent at the address shown on the last

registration statement, or by personal delivery of such notice, and in writing, to the owner, master, or managing agent of the boat.
(Ordinance 02-07, adopted 08-20-02)

11.70.030 Procedure for Destruction, Sale, or Other Disposition of Nuisance.

- A. Any vessel which is declared abandoned or a nuisance may be impounded either in the waters of the Klawock Small Boat Harbor facilities or removed there from to a place of storage in the vicinity thereof and impounded at such location. A notice of impoundment signed by the harbormaster shall be posted on or in said boat at a place where likely to be seen by anyone inspecting said boat. During the period of impoundment or storage by the harbormaster, the vessel, its owner, mater, or managing agent shall be liable for a storage charge of \$721.50 dollars per month and each part of the month over ten days, and costs incurred by reason of the impounding or removal of the vessel. An impoundment fee of \$14.45 shall also be charged.
(Ordinance 99-02, adopted 03-16-99)
- B. Any boat so impounded or removed shall be destroyed, sold or disposed of as the harbormaster shall determine unless sooner repaired so as to no longer be a nuisance or unless the fees have then been paid in full. In the event of a sale or disposal of a boat, notices shall be mailed to the owner, master, or managing agent of the boat and then posted in three public places for a period of thirty days prior to the date of sale or disposal and shall be signed and posted by the clerk. Said notice shall state the identification of the boat that is being sold after having been declared a nuisance under the provisions of this title and that all of the right, title, and interest of the owners and lien holders of said boat will be sold to the highest and best bidder for cash at public auction at such a time and place stated in the notice. Said boat shall be sold as provided in the notice. The proceeds from the sale shall be applied to the cost of the conduction the sale, impounding and removal of the boat, and the payment of all fees assessed and payable by said boat, its owner, master and managing agent under this title. The balance shall be held in trust for the owner to claim, and if not claimed within two years, the balance shall be deposited in the general fund of the city.
(Ordinance 93-12, adopted 11-16-93)

11.70.040 Other Property Becoming a Nuisance. All engines, machinery, equipment, lines, skiffs, nets, gear, or other personal property left upon the dock, approach, floats or other facilities of the Klawock Small Boat Harbor for a period of more than forty-eight hours without being removed there from by the owner or person in possession thereof may be declared to be a nuisance by the harbormaster and impounded, removed, or sold in the discretion of the harbormaster in the manner provided for in Section 4.3. (Ordinance 93-12, adopted 11-16-93)

**Title XI, Chapter 80
PROHIBITED ACTS**

Sections:

- 11.80.010 Prohibited Acts-Fines
 11.80.020 *Reserved*
 11.80.030 Explosives
 11.80.040 Harbor Speed Limit

- 11.80.010 Prohibited Acts-Fines.** It is unlawful for any vessel owner, master, managing agent, or other person in charge of the operation of a vessel using the facilities of Klawock Small Boat Harbor to commit any of the following prohibited acts which are subject to citation by both police officers and the harbormaster:
 (Ordinance 96-09, adopted 06-25-96)
1. Operate or cause to be operated any vessel in a reckless manner and in willful and wanton disregard for the safety of person or property, within the limits of the Klawock Harbor facilities.
 (Ordinance 96-09, adopted 06-25-96)
 2. Operate or cause to be operated any vessel in a negligent manner likely to endanger the safety of persons or property, within the limits of the Klawock Harbor Facilities.
 (Ordinance 96-09, adopted 06-25-96)
 3. Operate or cause to be operated any vessel or seaplane within the limits of the Klawock Small Boat Harbor facilities which are cause a wake within the harbor.
 (Ordinance 96-09, adopted 06-25-96)
 4. Throw or otherwise cause to be deposited gasoline, oil, trash, garbage, or refuse on any float or wharf or into the water of the Klawock Harbor facilities.
 (Ordinance 96-09, adopted 96-09, adopted 06-25-96)
 5. Create or maintain any nuisance as defined in Section 11.70.010 within the Klawock Small Boat Harbor facilities, or to conduct of carry on any unlawful business or occupation therein; and all of the Ordinances of the city defining offenses and prescribing penalties for the violation thereof are expressly extended to the Klawock Small Boat Harbor facilities.
 (Ordinance 96-09, adopted 06-25-96)
 6. For any owner or person in charge of any dog or animal to allow or permit such dog or animal to run at large on any municipally operated float or wharf or to become a nuisance thereon.

(Ordinance 96-09, adopted 06-25-96)

7. Deposit, place, or leave any cargo merchandise supplies, freight, articles, or thing upon any float, ramp, wharf, decline, walk, or other place in the Klawock Small Boat Harbor facilities, excepting at such place as may be designated as loading and unloading spaces by the harbormaster.
(Ordinance 96-09, adopted 06-25-96)
8. Tap, connect, disconnect, interfere with, or tamper with any water outlet, water pipe, water connection, or any electrical wiring, electrical outlet or electrical device of any kind installed or maintained in the Klawock Small Boat Harbor facilities by the city without first having obtained the permission of the harbormaster; or to interfere with or tamper with any wharf, float, gangplank, ramp, or any other facilities of the Klawock Small Boat Harbor facilities.
(Ordinance 96-09, adopted 06-25-96)
9. Write or post any written or printed matter or sign upon any bulletin board, piling, or space, in the Klawock Small Harbor facilities without first having obtained permission of the harbormaster.
(Ordinance 96-09, adopted 06-25-96)
10. Erect, place, post, or maintain any advertising matter, sign, or other printed matter other than legal notices on any part of the Klawock Small Boat Harbor facilities, without approval thereof first being obtained from the harbormaster. All unauthorized advertising and signs shall be removed by the harbormaster.
(Ordinance 96-09, adopted 06-25-96)
11. Disregard, deface, remove, tamper with or damage any sign or notice posted or erected by the harbormaster or by direction of the mayor or the mayor's designee relating to the use of the Klawock Small Boat Harbor facilities.
(Ordinance 96-09, adopted 06-25-96)
12. For any person to refuse to comply with any lawful order by the harbormaster or the harbormaster's designated agent.
(Ordinance 96-09, adopted 06-25-96)
13. For a person or group or firm to anchor logs in the Klawock Small Boat Harbor facilities.
(Ordinance 96-09, adopted 06-25-96)
14. To ride bicycles on any of the floats of the Klawock Small Boat Harbor facilities or on the City Dock.
(Ordinance 96-09, adopted 06-25-96)

- B. Each of the above listed violation shall be subject to a fine of \$25.00 per violation. Except for number 1, which is subject to fine of \$50.00.
(Ordinance 02-07, adopted 08-20-02)

11.80.020 *Reserved.*

- 11.80.030** **Explosives.** It is unlawful for any person, firm, or corporation to bring or cause to be brought into the Klawock Small Boat Harbor any explosive of any nature. Said explosives must be removed from the harbor to a place of safety immediately upon written notice. Violators are also subject to fine of \$100.00 for each violation.
(Ordinance 02-08, adopted 08-20-02)

11.80.040 **Harbor Speed Limit.**

- A. All boats shall be operated so as to cause no wake within the harbor.
(Ordinance 93-12, adopted 11-16-93)
- B. The speed for the area from the harbor to the bridge shall be five (5) miles per hour.
(Ordinance 93-12, adopted 11-16-93)
- C. Violations of A&B above are subject to a fine of \$25.00 per violation.
(Ordinance 02-07, adopted 08-20-02)

**Title XII
PUBLIC SAFETY**

Chapters:

- 12.01 Animal Control
- 12.02 Traffic Control
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**Title XII, Chapter 1
ANIMAL CONTROL**

Sections:

- 12.01.010 Purpose
- 12.01.020 Penalty
- 12.01.030 Definitions
- 12.01.040 Vaccinations
- 12.01.050 License Required
- 12.01.060 Term of License
- 12.01.070 License Fees
- 12.01.080 Tag and Collar
- 12.01.090 Issuance of Animal Ordinance
- 12.01.100 Impoundment
- 12.01.110 Impound and Boarding Fees
- 12.01.120 Redemption of Animals
- 12.01.130 Control of Dogs
- 12.01.140 Interference with Officers
- 12.01.150 Vicious Animals, Wolf Hybrid Forbidden and Females in Heat

- 12.01.160 Citations
- 12.01.170 Records
- 12.01.180 Payment and Fines
- 12.01.190 Barking Dogs
- 12.02.200 Keeping Farm Animals

12.01.010 Purpose. This chapter is enacted for the purpose of regulation the keeping of dogs within the city. The fees, charges and penalties collected hereunder shall be budgeted to defray, in whole or part, the expense of such regulations.

(Ordinance 94-06, adopted 10-10-94)

12.01.020 Penalty.

A. Any person found in violation of this chapter shall pay a fine of \$50.00 per section violated for the first such violations, \$100.00 for the second and \$300.00 for the third within a ten year period of time.

(Ordinance 94-06, adopted 10-10-94)

B. In addition to a fine, the court may also order that a dog or dogs be forfeit and destroyed when the owner or keeper had been convicted of a section or subsequent offenses in which such dog was in violation of section 12.01.130.

(Ordinance 94-06, adopted 10-10-94)

12.01.030 Definitions. As used in this chapter:

A. “Animal Control Officer” means any person or persons appointed by the City of Klawock, Alaska to issue licenses, pick up, detain, impound, sell, dispose of, give notice for any other acts, duties or functions prescribed by this chapter or other Ordinances relation to animals.

(Ordinance 94-06, adopted 10-10-94)

B. “At Large” means a dog which is off of the premises or property of the owner or other authorized person having responsibility for the dog, and not under the physical control of such person whether by leash or other physical restraint. A dog within an automobile or other vehicle of its owner or other responsible person shall be deemed to be upon such person’s premises or property. Verbal command does not constitute being under control or restraint.

(Ordinance 94-06, adopted 10-10-94)

C. “Sterilized Animal” means any animal which has been operated upon to prevent conception or to render it sterile.

(Ordinance 94-06, adopted 10-10-94)

D. “Dog” includes all canines, both male and female natural and sterilized.

(Ordinance 94-06, adopted 10-10-94)

- E. “Dog Deemed Vicious” means any dog when unprovoked that has ever bitten or attacked a human being or another animal is considered vicious. (Ordinance 94-06, adopted 10-10-94)
- F. “Leash” includes a cord, thong or chain not more than six feet in length and of sufficient strength so as it cannot separate, and by which a dog is controlled by the person accompanying it. (Ordinance 94-06, adopted 10-10-94)
- G. “License” means a dog license issued by the city. (Ordinance 94-06, adopted 10-10-94)
- H. “Nuisance” means any dog which causes an annoyance to a person or persons other than the owner or keeper of such dog, and whereby such annoyance is a violation of the provisions of this title. (Ordinance 94-06, adopted 10-10-94)
- I. “Owner” or “Keeper” means any person, association or corporation owning, keeping or harboring a dog. (Ordinance 94-06, adopted 10-10-94)
- J. “Pound” means a place provided and operated by the city, or by an independent person, association, corporation or other agency under the authority of the city, acting alone or in concert with other municipalities for the restraint, confinement and care of dogs. (Ordinance 94-06, adopted 10-10-94)
- K. “Public Emergency” means any situation resulting from conditions of war, insurrection, contagious diseases or other circumstances, which in the opinion of the responsible authority for the city, warrants the restraint and confinement of dogs with the premises or property of the owner. (Ordinance 94-06, adopted 10-10-94)
- L. “Restraint” means a dog shall be deemed to be under restraint if it is confined within the property limits of its owner or keeper with suitable fence and or with a leash securely affixed to fixed object. (Ordinance 94-06, adopted 10-10-94)
- M. “Adoption” any animal held over 72 hours may be given to a new owner, providing the new owner complies with the requirements of licensing the animal, and agrees to the fee set by the animal control officer, for the care of the animal while it was held in the pound. (Ordinance 94-06, adopted 10-10-94)
- N. “Agriculture” means a use involving the commercial growing of vegetation or the raising of farm animals, such as the use of land for farming, dairying, apiculture, horticulture, floriculture and animal husbandry.

Agriculture, personal use means a use involving the growing of vegetation or raising of animals for beautification, consumption or barter, including: ornamentals, vegetables or the keeping of any combination of up to three animals grown for use as food, but which do not produce objectionable odors, noise or no point source pollution. Personal use agriculture does not include the keeping of animals capable of growing to 75 pounds or more.

Animal husbandry means the keeping of any animal except traditional household pets or those allowed under agriculture, personal use. For the purposes of the title, no form of horse, cow, goat, fowl or pig shall be considered a traditional household pet. Animal husbandry, where allowed, shall be regulated by section 12.01.200.
(Ordinance 06-05, adopted 06-20-06)

12.01.040 Vaccination. No license shall be granted for a dog six months of age or older which has not been vaccinated against rabies.
(Ordinance 94-06, adopted 10-10-94)

12.01.050 Annual License Required.

- A. The Clerk or her designee and the police department each shall be responsible for the registering of all dogs as to sex, breed sterilization, name of the dog, name of the owner and the address of the owner, and for the issuance of the dog licenses to all dogs in which application is made for the registration and licensing.
(Ordinance 94-06, adopted 10-10-94)
- B. It is unlawful for any owner or other person to have under their control or care any dog within the City which is six months of age or older, for a period of more than fifteen days without having:
1. Registered the aforesaid dog and obtained a dog license from the city; and
 2. Having caused the dog license tag to be securely attached to a collar which is to be securely fitted to the dogs' neck and retained thereto at all times. For either a veterinarian's certification stated the dogs age, or by the presence of the dogs permanent canine teeth.
(Ordinance 94-06, adopted 10-10-94)
- C. There shall be a fine of \$25.00 for each month any dog over six months of age within the City has not been licensed.
(Ordinance 94-06, adopted 10-10-94)

12.01.060 Term of License.

- A. Registration and dog licenses are due and payable January of every year. No prorated credit shall be given, unless a person can show proof of having just moved to the community or just obtained an animal, in this case registration and dog licenses shall be prorated by dividing the year into quarterly periods and the cost on such registration and licensing will be in accordance with that quarterly period of the year in which the license was procured. The license shall be in effect for a period from the date of such registration and licensing to the end of the then current calendar year and for a period of twenty days after the end of such year.
(Ordinance 99-15, adopted 11-02-99)
- B. It is unlawful for any person to have under his care or control any licenses and registered dog within the city at the end of such license period unless said dog is again registered and licenses within the first twenty days of January of each year, the same being the last twenty days of the license period. NO registration shall be accepted for any dog unless a license is issued at the same time and no dog will be with licenses unless registered.
(Ordinance 94-06, adopted 10-10-94)

12.01.070 License Fee. The fee payable for the registration and licensing of any sterilized male or female dog shall be five dollars. The fee payable for the registration and licensing of any unsterile male shall be fifteen dollars, and unsterile female dog shall be twenty-five dollars. No dog shall be licenses as sterilized unless a certificate is exhibited to the city clerk or police department which is signed by a licenses veterinarian and certified that such dog has been sterilized. Such fee shall be payable annually.
(Ordinance 94-06, adopted 10-10-94)

12.01.080 Tag and Collar.

- A. Upon complying with the provision of section 12.01.070, there shall be issued to the owner a metallic tag stamped with the number and the year for which issued.
(Ordinance 94-06, adopted 10-10-94)
- B. Every owner is required to see that the issued tag or kennel identification tag is securely fastened to the dogs choke shin, collar or harness, which must be worn by the dog at all times except when kenneled or fenced.
(Ordinance 94-06, adopted 10-10-94)

12.01.090 Issuance of Animal Ordinances. Upon complying with the licensing provisions of the section 12.01.070, there shall be issued to the owner of the dog a copy of the animal control Ordinance.
(Ordinance 94-06, adopted 10-10-94)

12.01.100 Impoundment.

- A. Any dog found in violation of this Ordinance may be impounded by the animal control officer, a police officer or any other person authorized by the City.
(Ordinance 96-5, adopted 03-19-96)
- B. Immediately after impounding any dog, a record of the impound shall be made and a notice posted showing the date, time, location, and description of the dog.
(Ordinance 96-5, adopted 03-19-96)
- C. The notice posted under section B shall be at the Klawock Police Department and at City Hall.
(Ordinance 96-5, adopted 03-19-96)
- D. Any dog that is impounded and not licensed shall be considered a public nuisance. If the owner is not known, the dog shall be destroyed immediately and notice of the destruction shall be noted on the impound notice required in sub-section B of this section.
(Ordinance 96-5, adopted 03-19-96)
- E. Any licensed dog or unlicensed dog where the owner is known that is impounded shall be placed in a dog pound and held for 72 hours. If the owner has not reclaimed the dog and paid the appropriate impound fees within 72 hours, the dog shall be destroyed.
(Ordinance 96-5, adopted 03-19-96)
- F. To discourage the abandonment of dogs to avoid payment for impound fees, licensing fees and fines for violations of the provisions of this chapter, and owner or keeper of a dog which has been impounded shall be held responsible for payment of the aforesaid fees and fines, even after the destruction of the dog.
(Ordinance 96-5, adopted 03-19-96)

12.01.110 Impound and Boarding Fees. An impound fee of \$35.00 will be charged for each time an animal is placed in the animal impound area. An additional fee of \$10.00 per day or fraction of the day will be charged, starting on the second day, for housing and feeding animals impounded.
(Ordinance 94-06, adopted 10-10-94)

12.01.120 Redemption of Impounded Animals. The keeper shall be entitled to resume possession of any impounded animal, except as may hereinafter be provided, upon the owners compliance with the license provision of Section 12.01.070 and the payment of impoundment and boarding fee in full or arrangements with the City Billing Clerk for payment.
(Ordinance 94-06, adopted 10-10-94)

12.01.130 Control of Dogs. It is unlawful for the owner or keeper to permit a dog to be at large upon any public street, sidewalk, other public place or property within the city, other than the premises or property of the owner or keeper unless such dog is leashed and in the physical custody and control of a person physically able to restrain and control such dog.
(Ordinance 94-06, adopted 10-10-94)

12.01.140 Interference with Officers.

A. No person shall interfere with, hinder, or molest any animal control officer at the animal shelter, any local or state officers, the sanitarian or other person in the performance of any duty of such agent or person enforcing any provision of this chapter.

(Ordinance 94-06, adopted 10-10-94)

B. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control officer is empowered to go to the entrance of any structure which he believes is kept or harbored an animal and to demand the exhibition of the license of such animal by its keeper. Upon such demand, the keeper shall show to the animal control officer the required license.

(Ordinance 94-06, adopted 10-10-94)

C. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control officer may enter upon any property, but not into any structure not open to the public while in pursuit of an animal which may or must be taken up or impounded.

(Ordinance 94-06, adopted 10-10-94)

D. No person shall release any animal that has been impounded or in a live animal trap of the city except as provided by this chapter.

(Ordinance 94-06, adopted 10-10-94)

E. A fine of \$300.00 shall be given to any person found in violation of Section D.

(Ordinance 94-06, adopted 10-10-94)

12.01.150 Vicious Animals, Wolf Hybrid Forbidden and Female Dogs in Heat.

A. Any animal (when unprovoked) that has ever bitten or attacked a human being or another animal is considered vicious (Ordinance 07-04, adopted 9-4-07)

B. Every female dog in season shall be kept confined in a building or secure enclosure, or in such manner that such female cannot come in contact with a male animal capable of breeding with such female except for planned breeding purposes.

(Ordinance 94-06, adopted 10-10-94)

C. The fine for not complying with Section B of 12.01.150 shall be \$25.00 per female dog.
(Ordinance 94-06, adopted 10-10-94)

D. No person shall own, possess, keep, maintain, harbor, transport, sell, or advertise for sale any Wolf Hybrid within municipal boundaries.
(Ordinance 06-05, adopted 06-20-06)

12.01.160 Citations. The animal control officer shall when a person is in violation of this chapter or when an animal is found running at large or otherwise in violation of any provision of this chapter, and when the owner of the animal is known to him, issue a citation to the person or owner as herein after provided.
(Ordinance 94-06, adopted 10-10-94)

12.01.170 Records.

A. It shall be the duty of the police department to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and the disposition of all the animals taken into custody under this chapter.
(Ordinance 94-06, adopted 10-10-94)

B. It shall be the duty of the police department to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him and his investigation of same.
(Ordinance 94-06, adopted 10-10-94)

12.01.180 Payments and Fines.

A. All fines shall be paid to the City of Klawock. Any citation issued may be contested by notifying the city in writing and posting the required bail. The court will then send a listing of rights, the time, date and place of the trial and the type of trial granted.
(Ordinance 94-06, adopted 10-10-94)

B. Failure to obey a citation and appear will result in a separate violation. The person who was issued the citation and failed to appear shall be charged under AS 12.25.230 or KMC 01.01.120.
(Ordinance 94-06, adopted 10-10-94)

12.01.190 Barking Dogs.

A. No owner or keeper of a dog shall allow that dog to bark at any time of the day or night when that barking is annoying another person and that person has been notified that his dogs barking is annoying another either by the person offended or by a police officer within the last 90 days.
(Ordinance 94-08, adopted 12-06-94)

- B. No owner or keeper of a dog shall allow that dog to bark for more than five continuous minutes between the hours of 10:00 PM and 6:00 AM. (Ordinance 94-08, adopted 12-06-94)
- C. A police officer may issue a citation for a violation of section (b) based upon his own observations. (Ordinance 94-08, adopted 12-06-94)
- D. No person shall be convicted for violating Section (b) if his dog was barking because of an intruder upon his property or if another animal is trespassing upon his property. (Ordinance 94-08, adopted 12-06-94)

12.01.200 Keeping Farm Animals.

- A. **Animal Husbandry.** Animal Husbandry may be allowed as an accessory use to agriculture or for personal recreational use (i.e., horses kept solely for riding). A permit must be obtained and the application for use permit must be submitted along with a plan for the maintenance of any animal or animals, such as the mitigation of noise, odors, runoff from the lot onto adjacent properties or into streams of waste products and the proper disposal off-site of such waste products. If at any time it is the finding of the Public Safety Director that the approved plan is either not being followed or is not sufficient to protect the neighboring properties from a nuisance situation, the permit may be revoked or an amended plan required. (Ordinance 06-05, adopted 06-20-06)
 - 1. Roosters, geese, mules, burros and other animals that typically make loud and annoying sounds shall not be allowed on lots of less than three acres.
 - 2. Large animals, including horses, llamas, burros, mules, cattle, sheep, goats and pigs, may be kept on any lot with a total lot area of one acre or more with at least 5, 000 square feet dedicated to the keeping of each animal – including barns, stables, paddocks and storage for feed and tack – and excluding any structure used for human habitation; provided, that a suitable fence is provided and no stable or building used for the animal may be closer that 75 feet from any exterior lot line. The 5,000square-foot minimum dedicated area may not apply to pigs and goats if the plan for maintenance of the animal is sufficient to protect neighboring properties from a nuisance situation.
 - 3. Small animals, such as hens, rabbits or other small animals being raised as a hobby, for the production of eggs, butchering, or the use of their fur or pelt, may be kept on any lot with a total lot area of

one-half acre or more, with at least 500 square feet dedicated to the keeping of the animals-including cages and storage buildings.

4. Beekeeping, shall be prohibited.

Title XII, Chapter 2 TRAFFIC

Sections:

12.02.001	Penalties
12.02.010	Alaska Administrative Code Section 13
12.02.020	Alaska Administrative Code Section 17
12.02.030	Alaska State Title 28
12.02.040	Exceptions
12.02.100	Establishing Speed Limit on Boundary Road
12.02.101	Establishing Speed Limit on Klawock-Hollis Highway
12.02.600	Parking Regulations
12.02.610	Time Limits
12.02.620	Council to Set by Resolution
12.02.630	Penalty for Parking
12.02.640	Parking Lots Established
12.02.650	Harbor Parking Lot Special Time Limits

12.02.001 Penalties. Any person violating any provision of this ordinance shall be deemed guilty, and upon conviction thereof, shall be punished by a fine established by the current state bail schedule for traffic and vehicle violations, with the exception for those violations listed under **EXCEPTIONS TO THE STATE BAIL SCHEDULE**, not to exceed three hundred dollars (\$300.00) for each section violated.

12.02.010 13 AAC. This section shall make reference to any violations of Section 13 of the Alaska Administrative Code.

12.02.020 17 AAC. This section shall make reference to any violation of Section 17 of the Alaska State Statutes that do not have mandatory jail time.

12.02.030 Title 28. This section shall make reference to all violations of Title 28 of the Alaska State Statutes that do not have mandatory jail time.

12.02.040 Exceptions to the State Bail Schedule.

1. 13 AAC 02.275 (b)
2. 13 AAC 02.140
Failure to yield to an Emergency Vehicle-\$200.00-6 points
3. Title 28.10.471
Expired Vehicle License-\$20.00-0 points
4. Title 28.15.121

Allow Unlicensed Driver to Drive-\$100.00-0 points

5. Title 28.15.281(b)
Allow Unlicensed Driver to Drive-\$100.00-0 points
 6. Title 28.15.011(b)
No Valid Operators License-\$100.00-2 points
 7. Title 28.25.045
Negligent Driving-\$300.00-6 points
 8. Title 28.05.095
Fail to Use Seatbelt-\$15.00-0 points
Fine shall go to the Klawock EMS funds.
(Ordinance 93-02, adopted 05-04-93)
- 12.02.050 Definitions.** Highway or street- shall mean any public or private street, road, alley, way or lot that is used for vehicles and is open for public use.
(Ordinance 93-02, adopted 05-04-93)
- 12.02.100 Establishing Speed Limit on Boundary Road.**
- A. The maximum speed for Boundary Road from its intersection with the Klawock-Hollis Highway shall be 25 miles per hour.
(Ordinance 95-14, adopted 12-07-95)
- 12.02.101 Establishing Speed Limit on Klawock-Hollis Highway.**
- A. The Maximum speed for the Klawock-Hollis Highway between boundary Road and Mile and Mile Post 8 on the Klawock-Hollis Highway shall be 25 miles per hour.
(Ordinance 95-14, adopted 12-07-95)
- 12.02.600 Parking Regulations.** In addition to the parking regulation under Alaska Statute Title 28 and Alaska Administrative Code Title 13 adopted under KMC 12.02.010 and KMC 12.02.030, the City of Klawock may set other parking regulations for city property.
(Ordinance 95-07, adopted 06-20-95)
- 12.02.610 Time Limits.** Unless otherwise posted, no person shall park a vehicle upon a city street or in a city parking lot for more than 24 hours.
(Ordinance 95-07, adopted 06-20-95)
- 12.02.620 Council set by Resolution.** The Council may adopt different parking times and set parking lot areas, not set forth in this ordinance by resolution.
(Ordinance 95-07, adopted 06-20-95)

- 12.02.630 Penalty for Parking.** A person convicted of overtime parking shall be fined \$10.00 plus any surcharges authorized by law.
(Ordinance 95-07, adopted 06-20-95)
- 12.02.640 Parking lots Established.** (a) The following parking lots are established under this section:
1. Harbor parking lot in front of the Klawock small boat harbor in the 600 block of Bayview Blvd. and in block 41 lots 5, 6, and 7;
(Ordinance 95-07, adopted 06-20-95)
 2. School parking lot 1, in front of the Klawock School, directly across from the small boat harbor in the 600 block of Bayview Blvd., and in block 40 lot 25;
(Ordinance 95-07, adopted 06-20-95)
 3. School parking lot 2, in front of the Klawock School modular buildings in the 700 block of Bayview Blvd., and in block 40 lots 27 and 28;
(Ordinance 95-07, adopted 06-20-95)
 4. School parking lot 3, along the waterfront in the 700 block of Bayview Blvd. and across from school parking lot 2, in block 49 lots, 5,6,7,8, and 9;
(Ordinance 95-07, adopted 06-20-95)
 5. Anchorage Street parking lot 1.
(Ordinance 95-07, adopted 06-20-95)
- 12.02.640 Harbor Parking lot Special Time Limits.** The 10 feet immediately on both sides of the ramp leading to the float docks shall have a 30 minute time limit for those spaces for the purpose of temporary loading and unloading of persons and property.
(Ordinance 95-07, adopted 06-20-95)

Title XII, Chapter 3
OFFENSES AGAINST PUBLIC ORDER

Sections:

- 12.03.010 Penalties
- 12.03.020 Obstructing an Officer
- 12.03.030 Trespass
- 12.03.040 Criminal Mischief
- 12.03.050 Contributing to the Delinquency of a Minor
- 12.03.060 Disorderly Conduct
- 12.03.070 Illegal Aiming, Discharging of a Weapon
- 12.03.080 Possession of Firearms within City Limits
- 12.03.085 Misconduct Involving Weapons
- 12.03.090 Assault
- 12.03.100 Misconduct Involving a Controlled Substance
- 12.03.110 Issuing a Bad Check
- 12.03.120 Failure to Permit Visitation with a Minor
- 12.03.130 Escape
- 12.03.140 Refusing to Assist a Police Officer
- 12.03.150 Giving False Information to a Police Officer
- 12.03.160 Selling or Giving Tobacco to a Minor
- 12.03.170 Possession of Tobacco by a Minor
- 12.03.180 Nuisances
- 12.03.200 Minors Fifteen to Eighteen Years of Age
- 12.03.210 Minors Under Fifteen Years of Age
- 12.03.220 Control of Minors-Repealed (Ordinance 99-16, adopted 11-02-99)
- 12.03.220 Curfew for Minors (Ordinance 99-16, adopted 11-02-99)
- 12.03.230 Exceptions- Repealed (Ordinance 99-16, adopted 11-02-99)
- 12.03.240 Penalties

12.03.010 Penalties. Any person violating any section of this chapter upon conviction thereof, will be punished by a fine of not less than \$50.00 nor more than \$300.00 for each section violated unless a different penalty is specified by the section. Items used in violation of any provision of the City Ordinance may be forfeited to the City upon conviction. This may include but is not limited to weapons, alcohol, fireworks, explosives, radios, drugs, drug paraphernalia and tobacco.
(Ordinance 93-02, adopted 05-04-93)

12.03.020 Obstructing an Officer or Employee of City. It is unlawful for any person, knowingly or willfully to obstruct an officer or employee of the City on the discharge of his official duties.
(Ordinance 93-02, adopted 05-04-93)

- 12.03.030 Trespassing.** It is unlawful for a person other than an officer on lawful business to trespass on lands or premises in the lawful occupation of another, and fail, neglect, or refuse to depart immediately and remain away until permitted to return upon the verbal, printed or written notice of the owner or person in the lawful occupation to the lands or premises.
(Ordinance 93-02, adopted 05-04-93)
- 12.03.040 Criminal Mischief.** It is unlawful for a person to maliciously or wantonly disfigure, tamper or injure the property of another, and shall upon conviction thereof, repair or replace the property in addition to a fine.
(Ordinance 93-02, adopted 05-04-93)
- 12.03.050 Contributing to the Delinquency of a Minor.** It is unlawful for a person to commit an act, or omit the performance of a duty, which causes or tends to cause, encourage or contribute to the delinquency of a Minor by;
- A. Violate curfew; or
(Ordinance 93-02, adopted 05-04-93)
 - B. Permit a person under age 21 to drink alcohol in their presence; or
(Ordinance 93-02, adopted 05-04-93)
 - C. Violate any other state or city ordinance.
(Ordinance 93-02, adopted 05-04-93)
 - D. In a public place or private place where he has no right of possession or an invitation to remain, refuses to leave the place upon the order of a police officer; or
(Ordinance 93-02, adopted 05-04-93)
 - E. Challenges another to fight or engage in fighting other than in self-defense; or
(Ordinance 93-02, adopted 05-04-93)
 - F. With no legal justification, recklessly creates a hazardous condition for others; or
(Ordinance 93-02, adopted 05-04-93)
 - G. With reckless disregard for the offensive or insulting effect the act may have on another, intentionally exposes the genitals, buttock, anus or female breast to another.
(Ordinance 93-02, adopted 05-04-93)
 - H. Urinates in public.
(Ordinance 93-02, adopted 05-04-93)
 - I. Causes noise that can be heard more than 50 feet from its source between the hours of 10:00 p.m. and 6:00 a.m.

(Ordinance 95-04, adopted 06-06-95)

- J. Causes noise from a car stereo, portable radio or other amplification device that can be heard more than 50 feet from its source in a vehicle between the hours of 10:00 p.m. and 6:00 a.m.
(Ordinance 95-04, adopted 06-06-95)
- 12.03.070** **Illegal Aiming or Discharging of a Firearm.** Except as otherwise provided by state law or municipal Ordinance it shall be lawful for any person to aim any gun, pistol, revolver, air gun or other firearm whether loaded or not, at or towards any human being, vehicle or residence, or who shall willfully or recklessly discharges any firearm, air gun, other weapon, or throw any deadly missile in a public place within the City of Klawock or on city owned land. Police Officers are exempt from this section while in the performance of their official duties.
(Ordinance 93-02, adopted 05-04-93)
- 12.03.080** **Possession of a Firearm Within the City Limits.** Except as otherwise provided by state law or city Ordinance, it shall be unlawful for any person to possess under his or her control, any air gun, firearm, or other weapon the streets and public areas. It shall not be violation of this section to possess an air gun, firearm or weapon within the city limits providing that the weapon or gun is carried with the chamber open, bolt removed, or cylinder open and with no shells in the weapon. Police Officers are exempt from this section.
(Ordinance 93-02, adopted 05-04-93)
- 12.03.085** **Misconduct Involving a Weapon.** A person commits the violation of misconduct involving a weapon if a person has a weapon in their immediate control or in a vehicle that they are in, while under the influence of intoxicating liquor or a drug. For the purposes of this section, a person is under the influence of intoxication liquor when, as determined by a chemical test taken within four hours after the alleged offense was committed, there is 0.08 percent or more by weight of alcohol in a person's blood or 80 milligrams or more of alcohol per 100 milliliters of blood, or where there is 0.08 grams or more of alcohol per 210 liters of a person's breath or when their mental and/or physical capabilities show impairment to a perceptual degree. The penalty for violating this section shall be a fine of not less than \$200.00.
(Ordinance 93-02, adopted 05-04-93)
- 12.03.090** **Assault.** A person commits assault if:
- A. That person intentionally or recklessly causes physical injury to another person; or
(Ordinance 93-02, adopted 05-04-93)

- B. By words or conduct recklessly places another in fear of imminent physical injury.
(Ordinance 93-02, adopted 05-04-93)

12.03.100 Misconduct Involving a Controlled Substance. A person commits the offense of Misconduct Involving a Controlled Substance if that person possesses one or more preparations, compounds, mixtures or substance of an aggregate weight of less than one ounce of marijuana. The penalty for violating this section shall be a fine of \$100.00.
(Ordinance 95-04, adopted 06-06-95)

12.03.110 Issuing a Bad Check.

- A. A person commits the violation of issuing a bad check if a person issues a check, knowing that it will not be honored by the drawee.
(Ordinance 95-04, adopted 06-06-95)
- B. It is prima facie evidence that a person knew that the check will not be honored by the drawee if the check was drawn on a closed account for non sufficient funds or after having been sent a letter deposited as first class mail, the person has not made good the check within 15 days of the date of the letter.
(Ordinance 95-04, adopted 06-06-95)

The penalty for issuing a bad check shall be \$50.00 for the first offense, \$100.00 for the second offense, \$200.00 for the third offense and \$300.00 for a fourth and subsequent offense within a ten year period.
(Ordinance 93-02, adopted 05-04-93)

12.03.120 Failure to Permit Visitation with a Minor. Intentionally and without just excuse, custodian of a child under 18 fails to permit visitation in conformity with specific court order.
(Ordinance 93-02, adopted 05-04-93)

12.03.130 Escape. A person commits escape if he flees or attempts to flee from police custody. For the purpose of this section a person is in police custody if a police officer has told the person that they are under arrest or that they are being detained for the purpose of the issuance of a citation or summons and the person then flees or attempts to flee. The Penalty for violating this section is a fine of \$150.00.
(Ordinance 93-02, adopted 05-04-93)

12.03.140 Refusing to Assist a Police Officer. Knowing that a person is a Police Officer, a person unreasonably fails to make an effort to physically assist the officer in the exercise of his official duties after a request, command or order by the officer.
(Ordinance 93-02, adopted 05-04-93)

12.03.150 Giving False Information to a Police Officer. A person commits the violation of giving False Information to a Police Officer if that person gives a name not their own, a date of birth not their own, an address not their own, a social security number not their own or a telephone number not their own, when that information was requested for the purpose of a criminal investigation or for the issuance of a citation for the violation of a city Ordinance or state law. The penalty for violating this section is a fine of \$150.00.

(Ordinance 93-02, adopted 05-04-93)

12.03.160 Selling or Giving Tobacco to a Minor. Being 19 or older, knowingly sells, gives or exchanges cigarettes, cigars, or tobacco to a person under the age 19 years old. The penalty for violating this section is a fine of \$100.00.

(Ordinance 93-02, adopted 05-04-93)

12.03.170 Possession of Tobacco by a Minor. NO person under the age of 19 years shall possess tobacco products including but not limited to cigars, cigarettes, chewing tobacco, rolling tobacco, pipes, rolling papers or bongs.

(Ordinance 93-02, adopted 05-04-93)

12.03.180 Nuisances.

A. No person shall place, keep or maintain a nuisance within the City of Klawock. The following are deemed nuisances:

1. A vehicle in the yard, driveway or otherwise visible from the street when the vehicle is dismantle, partially dismantled, wrecked inoperable or displaying expired vehicle license plates that are more than 6 months expired.

(Ordinance 93-02, adopted 05-04-93)

a. More than half of the vehicle has dents and/or broken windows; or

(Ordinance 93-02, adopted 05-04-93)

b. When the vehicle has more than 2 flat tires and damage to the windows and/or body.

(Ordinance 93-02, adopted 05-04-93)

2. The indiscriminate placement of vehicle parts, metal, construction materials, or other items that creates an unsafe, unsanitary or unsightly condition. For the purpose of this section, an unsightly condition is one that has received a citizen's complaint as to its condition.

(Ordinance 93-02, adopted 05-04-93)

3. The growth of weeds, grass or other vegetation over ten inches in height or that creates a fire hazard as determined by the fire department.
(Ordinance 93-02, adopted 05-04-93)
4. At any time that the city council after deliberation at the city council meeting, declares any item, vehicle, place, building, object or thing as a public nuisance.
(Ordinance 93-02, adopted 05-04-93)

- B. Before a person can be found guilty of placing, keeping or maintaining a nuisance, they must be notified that a nuisance has been found and they have been given at least seven days to clean up or otherwise abate the nuisance except when the fire department has declared the nuisance an immediate fire hazard.
(Ordinance 93-02, adopted 05-04-93)
- C. Any nuisance not cleaned up or otherwise abated within seven days from the date of notice, the City may clean or have cleaned or otherwise abated the nuisance.
(Ordinance 93-02, adopted 05-04-93)
- D. In addition to any penalty for violation of KMC 12.03.180, a person convicted for placing, keeping or maintaining a nuisance shall be responsible for any costs associated with the cleaning up or abating of the nuisance including but not limited to employee salaries, cost of equipment, tow bills, dump fees and replacement of any equipment broken while cleaning or abating the nuisance.
(Ordinance 93-02, adopted 05-04-93)

12.03.200 Minors Fifteen to Eighteen Years of Age. It is unlawful for any minor fifteen years of age and older, but under eighteen years of age to remain on the street or in public in the City of Klawock between the hours of 12:00 a.m. (midnight) and 6:00 a.m..
(Ordinance 95-04, adopted 06-06-95)

12.03.210 Minors under Fifteen Years of Age. It is unlawful for any minor under the age of fifteen years to remain on the streets or in a public place in the City of Klawock between the hours of 11:00 p.m. and 7:00 a.m..
(Ordinance 93-02, adopted 05-04-93)

12.03.220 Curfew for Minors. (Ordinance 99-16, adopted 11-02-99)

- A. **Purpose.** The purpose of this section is to (i) promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the City; (ii) promote the safety and well being of the City's youngest citizens, person under the age of eighteen (18) whose inexperience renders them particularly vulnerable to becoming

participants in unlawful activities, and to being victimized by older perpetrators of crime; and (iii) foster and strengthen parental responsibility for children.

B. **Definitions.** As used within this section, the following words and phrases shall have the meaning ascribed to them below.

1. “Curfew Hours” refers to the hours of 11:01 p.m. through 7:00 a.m. for any minor under the age of fifteen (15) years, and the hours of 12:01 p.m. through 6:00 a.m. for any minor fifteen (15) years of age and older, but under eighteen years of age.
2. “Emergency” refers to unforeseen circumstances, or the status of conditions resulting there from, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.
3. “Establishment” refers to any privately-owned place of business within the City operated for a profit, to which the public is invited, including, but not limited to, any place of amusement or entertainment. With respect to such Establishment, the term “Operator” shall mean any person, and any firm, association, partnership (and the members or partners thereof) and/or any corporation (and the officers thereof) conducting or managing that Establishment.
4. “Minor” refers to any person under eighteen (18) years of age who is not married and has not been emancipated pursuant to State Law.
5. “Officer” refers to a police or other law enforcement officer charged with the duty of enforcing the laws of the State of Alaska and/or the ordinances of the City of Klawock.
6. “Parent” refers to:
 - a. a person who is a minor’s biological or adoptive parent and who has legal custody of a minor (including either parent, if custody is shared under a court order or agreement);
 - b. a person who is the biological or adoptive parent with whom a minor regularly resides;
 - c. a person judicially appointed as a legal guardian of the minor; and/or

- d. a person eighteen (18) years of age or older standing in loco parentis (as indicated by the authorization of an individual listed in part(s) (1), (2) or (3) of this definition, above, for the person to assume the care of physical custody of the child, or as indicated by any other circumstances).
7. “Person” refers to an individual, not to any association, corporation, or any other legal entity.
 8. “Public Place” refers to any place to which the public or a substantial group of the public has access, including, but not limited to: streets, highways, roads, sidewalks, alleys, avenues, parks, private residences left open to the public without the presence of adult supervision, and/or the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops.
 9. “Remain” refers to the following actions:
 - a. to linger or stay at or upon a place; and/or
 - b. to fail to leave a place when requested to do so by an officer or by the owner, operator or other person in control of that place.
 10. “Temporary Care Facility” refers to a non-locked, non-restrictive shelter at which minors may wait, under visual supervision, to be retrieved by a parent. No minor waiting in such facility shall be handcuffed and/or secured (by handcuffs or otherwise) to any stationary object.

C. Prohibitions.

1. It shall be unlawful for a minor, during curfew hours, to remain in or upon any public place within the City, to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon the premises of any establishment within the City unless:
 - a. the minor is accompanied by a parent; or
 - b. the minor is involved in an emergency; or
 - c. the minor is engaged in an employment activity, or is going to or returning home from such activity, without detour or stop; or

- d. the minor is on the sidewalk directly abutting a place where he or she resides with a parent; or
 - e. the minor is attending an activity sponsored by a school, religious, or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such activity without detour or stop; or
 - f. the minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or
 - g. the minor is involved in interstate-or intrastate travel through, or beginning or terminating in, the City of Klawock and such travel includes travel outside the Klawock City limits which does not originate and terminate in Klawock within the same 12-hour period.
 - h. the minor is exercising First Amendment rights protected by the Alaska and United States Constitutions, such as the free exercise or religion, freedom of speech and the right of assembly.
2. It shall be unlawful for a minor's parent, to knowingly permit, allow or encourage such minor to violate this section.
 3. It shall be unlawful for a person who is the owner or operator of any motor vehicle to knowingly permit, allow or encourage a violation of this section.
 4. It shall be unlawful for the operator of any establishment, or for any person who is an employee thereof, to knowingly permit, allow or encourage a minor to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution under this subsection that the operator or employee of an establishment promptly notified the police department that a minor was present at the establishment after curfew hours and refused to leave.

5. It shall be unlawful for any person (including any minor) to give a false name, address or telephone number to any officer investigating a possible violation of this section.

D. Enforcement.

1. Minors. Before taking any enforcement action hereunder, an officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of a minor in a public place, motor vehicle and/or establishment within the City during curfew hours in violation of this section.
 - a. if such investigation reveals that the presence of such minor is in violation of this section, then:
 - i. if the minor has not previously been issued a warning for any such violation, the officer shall issue a verbal warning to the minor, which shall be followed by a written warning mailed by the police department to the minor and his or her parent(s), or
 - ii. if the minor has previously been issued a warning for any such violation, the officer shall charge the minor with a violation of this section.
 - b. As soon as practicable, the officer shall
 - i. release the minor to his or her parent(s); or
 - ii. place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours, so that his or her parent(s) may retrieve the minor; or
 - iii. if a minor refuses to give an officer his or her name and address, refuses to give the name and address of his or her parent(s), or if no parent can be located prior to the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a nonsecure crisis center of juvenile shelter and/or may be taken to a judge or intake office of the juvenile court to be dealt with in the manner and pursuant to such procedures as required by law.

2. Other Violators. If an investigation by an officer reveals that a person, other than a minor, has violated this section, and if the person has not previously been issued a warning with respect to any such violation, an officer shall issue a verbal warning to the person, which shall be followed by a written warning mailed by the police department to the person; however, if any such warning has previously been issued to that person, then the officer shall charge the person with a violation of this section.
3. Within one (1) year after the effective date of this section, the City Administrator shall review this code provision and report and make recommendations to the City Council concerning the effectiveness of the continuing need for his provision. The City Administrator's report shall specifically include the following information: (a) the practicability of enforcing the curfew and any problems with enforcement identified by the Police Department; (b) the impact and cost of enforcement; (c) other data and information which the Police Department believes to be relevant in assessing the effectiveness of the curfew; and (d) information from citizens regarding whether this provision has been administered and enforced fairly, including information regarding the age, gender and race of those charged or detained under the ordinance.

12.03.240 Penalties.

- A. A minor out after curfew is subject to a fine of up to \$25.00 and/or up to 8 hours of community work service.
- B. A parent, guardian or other person having custody or control of a minor is subject to a fine of \$50.00 for the first offense and a minimum fine of \$150.00 for a second or subsequent offense within a year's time.
(Ordinance 95-03, adopted 05-04-95)

Title XII, Chapter 4 ALCOHOLIC BEVERAGES

Sections:

12.04.010	Purpose
12.04.020	Definitions
12.04.030	Penalty
12.04.040	Consumption in a Public Place
12.04.050	Possession in a Public Place
12.04.060	Exceptions-Permit
12.04.070	Possession or Consumption by Minor
12.04.080	Furnishing of Alcoholic Beverages to Minor
12.04.090	Payments and Fines

12.04.010 Purpose. This chapter is enacted for the purpose of controlling alcoholic beverages within the City. All penalties collected hereunder shall be budgeted into the general fund for the City.
(Ordinance 84-7, adopted 08-07-84)

12.04.020 Definitions. As used in this chapter:

- A. “Alcoholic Beverages” includes, but is not limited to, whiskey, brandy, rum, gin, wine, ale, porter, beer, and all other spirituous, vinous, malt and other fermented or distilled liquors intended for human consumption and containing more than one percent alcohol by volume.
- B. “Public Place” means a place to which the public or a substantial group of persons has access and included highways, transportation facilities, schools, places of amusement or business, parks, playgrounds.
(Ordinance 84-7, adopted 08-07-84)
- C. “Public Street” means a public road, road right-of-way, street, alley, bridge, walk, trail, tunnel, path, or similar or related facility, as well as ferries and similar or related facilities.
(Ordinance 84-7, adopted 08-07-84)
- D. “Consumption” means to drink.
(Ordinance 84-7, adopted 08-07-84)
- E. “Possession” means to have control of.
(Ordinance 84-7, adopted 08-07-84)
- F. “Minor” means person with a date of birth after January 1, 1966, or under the age of 21 years old.
(Ordinance 88-05, adopted 04-19-88)

- G. “Motor Vehicle” means a device upon which or by which a person or property is or may be transported and which is self-propelled, including automobiles, vessels, airplanes, motorcycles, snow machines, all-terrain vehicles, sailboats, and construction equipment.
(Ordinance 84-7, adopted 08-07-84)
- 12.04.030 Penalty.** Any person violating any provision of this chapter shall be punished by a fine, of not less than \$100.00, nor more than \$300.00.
(Ordinance 84-7, adopted 08-07-84)
- 12.04.040 Consumption in a Public Place.** It is unlawful for any person to consume any alcoholic beverage on the public streets, sidewalks, docks, floats, parks or in any other public places, including any store or establishment open to or doing business with the public. The prohibition shall extend to consumption of alcoholic beverages while in a motor vehicles at the aforementioned.
(Ordinance 84-7, adopted 08-07-84)
- 12.04.050 Possession in a Public Place.** It is unlawful for any person to have an open bottle, glass, can or other open container, containing an alcoholic beverage in their possession on the public streets, parks, in a motor vehicle, or in any other public place, including any store or establishment open to and doing business with the public.
(Ordinance 84-7, adopted 08-07-84)
- 12.04.060 Exceptions-Permit.** Section 12.04.040 shall be allowed only by prior issuance of a non fee permit granted by the department of public safety.
(Ordinance 84-7, adopted 08-07-84)
- 12.04.070 Possession or Consumption by Minor.** A minor may not consume, posses, or control an alcoholic beverage.
(Ordinance 84-7, adopted 08-07-84)
- 12.04.080 Furnishing of Alcoholic Beverages to Minor.** A person may not furnish an alcoholic beverage to a minor.
(Ordinance 84-7, adopted 08-07-84)
- 12.04.090 Payments and Fines.**
- A. All fines shall be paid to the City of Klawock at the City office or may be mailed in. Any citation issued may be contested by notifying the City in writing and posting the required bail. The court will then send a listing of rights, the time, date and place of trial and the type of trial granted.
(Ordinance 88-12, adopted 12-20-88)
- C. Failure to obey citation and appear will result in a separate violation.
The person who was issued the citation and failed to appear shall be

charged under AS 12.25.230 regardless of the final disposition of the citation.

D. (Ordinance 88-12, adopted 12-20-88)

Title XII, Chapter 9 VIOLATION SURCHARGE

Sections:

12.09.010	Purpose
12.09.020	Surcharge
12.09.030	Klawock Police Training Fund
12.09.035	Collection Procedures
12.09.040	Applicability

12.09.010 Purpose.

- A. The City Council Finds that:
1. The Klawock Police Department is essential for the safety and well being of the community and needs continued and predictable support.
(Ordinance 94-05, adopted 09-20-94)
 2. The law enforcement community is greatly strengthened by having a professionally trained force; and
(Ordinance 94-05, adopted 09-20-94)
 3. The safety of the city will be greatly improved by the establishment and maintenance of an efficient training system for the police department.
(Ordinance 94-05, adopted 09-20-94)
- B. It is the purpose of this section to provide additional and stable funding for law enforcement training by establishing a surcharge to be assessed against violators of the laws of the city.
(Ordinance 94-05, adopted 09-20-94)

12.09.020 Surcharge.

- A. In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a violation of law or Ordinance of the City of Klawock shall be assessed a surcharge of:
(Ordinance 94-05, adopted 09-20-94)
1. \$10.00 if the violation is for any City Ordinance involving alcohol;
or
(Ordinance 94-05, adopted 09-20-94)

2. \$5.00 if the violation is for all other violations except parking, or
(Ordinance 94-05, adopted 09-20-94)
 3. \$1.00 if the violation is for parking; or
(Ordinance 94-05, adopted 09-20-94)
- B. A court may not fail to impose the surcharge required under this section. The surcharge may not be waived, deferred, or suspended. A court may allow a defendant who is unable to pay the surcharge required to be imposed under this section to perform community work service in lieu of the surcharge.
(Ordinance 94-05, adopted 09-20-94)
- C. The surcharge shall be paid within 10 days of imposition or shorter period of times as ordered by the court. Failure to pay the surcharge is punishable as contempt of court. Proceedings to collect the surcharge may be instituted by the city or by the court on its own motion.
(Ordinance 94-05, adopted 09-20-94)
- D. Money collected under this section shall be deposited into the general fund and accounted for under KMC 12.09.030.
(Ordinance 94-05, adopted 09-20-94)
- E. The value of community work service in lieu of the surcharge or of a city fine is \$3.00 per hour.
(Ordinance 94-05, adopted 09-20-94)

12.09.030 Klawock Police Training Fund. The Klawock Police Training Fund is created in the cities general fund. The city may appropriate to the fund the annual estimated balance in the accounts maintained by this section and other funds from other sources as needed to carry out the training of the city police personnel.
(Ordinance 94-05, adopted 09-20-94)

12.09.035 Collection Procedures. All citations issued for violating of City Ordinances shall include an amount equal to the surcharge amounts listed in KMC 12.09.020 in addition to the bail schedule amounts set by the State Supreme Court for traffic violations or by City Ordinance.
(Ordinance 94-05, adopted 09-20-94)

12.09.040 Applicability. The surcharge required to be assessed and collected under this chapter applies only to offenses and violations occurring after the passage of this Ordinance.
(Ordinance 94-05, adopted 09-20-94)

**Title XII, Chapter 10
PARK REGULATIONS**

Sections:

- 12.10.010 Purpose
 12.10.020 Prohibited Acts
 12.10.025 Exceptions
 12.10.030 Penalty

12.10.010 Purpose. This chapter is enacted for the purpose of setting our rules and regulations for city parks.
 (Ordinance 94-04, adopted 08-16-94)

12.10.020 Prohibited Acts. (a) It shall be unlawful for any person to do any of the following within a city park:

1. Possess or use fireworks.
 (Ordinance 94-04, adopted 08-16-94)
2. Possess or consume alcoholic beverages.
 (Ordinance 94-04, adopted 08-16-94)
3. Set up camp or camp overnight.
 (Ordinance 94-04, adopted 08-16-94)
4. Start a fire outside an authorized fire pit.
 (Ordinance 94-04, adopted 08-16-94)
5. Place litter, garbage, rubbish or refuse anywhere except in an approved garbage can.
 (Ordinance 94-04, adopted 08-16-94)
6. Be in a park between the hours of midnight and 4 a.m.
 (Ordinance 94-04, adopted 08-16-94)
7. Remove any plant, tree or shrub.
 (Ordinance 94-04, adopted 08-16-94)
8. Place any sign, poster or notice on any tree.
 (Ordinance 94-04, adopted 08-16-94)

12.10.025 Exceptions. (a) Any person, company, firm or corporation may apply to the city council for a permit to exceed the limitations of sections (1), (3), and (6). (b) Any person, company, firm or corporation may apply for a permit to possess alcohol from the Klawock Police Department under KMC 12.04.060.
 (Ordinance 94-04, adopted 08-16-94)

12.10.030 **Penalty.** Any person, company, firm or corporation found to be in violation of any provisions of this section shall be punished by a fine of (a) not less than \$50.00 nor more than \$300.00 for violation of sections 12.10.020 (1), (3), (4), (6), (7), and (8); a fine of \$300.00 for violation of 12.10.020 (2); a fine of \$100.00j for violation of 12.10.020 (5).
(Ordinance 94-04, adopted 08-16-94)

Title XII, Chapter 15 FIREWORKS

Sections:

- 12.15.010 Prohibited Within City
- 12.15.015 Exceptions
- 12.15.016 Prohibited Acts
- 12.15.020 Council Permission Required
- 12.15.030 Penalty

12.15.010 Fireworks Prohibited Within City. Except as otherwise provide in this chapter, it is unlawful for any person, persons, firm, company or corporation to possess, sell, use, fire or explode any firecrackers, torpedoes, skyrockets, roman candle or any other kind or character of fireworks whatsoever within the City of Klawock.
(Ordinance 94-03, adopted 08-16-94)

12.15.015 Exceptions.

- A. Persons, firms, companies and corporations may possess fireworks within the City of Klawock between June 20 and July 5 of each year.
(Ordinance 94-03, adopted 08-16-94)
- B. Persons, firms, companies and corporations may use, fire or explode fireworks on private property between the hours of 3:00 p.m. on July 4, and 1:00 a.m. on July 5, of each year.
(Ordinance 94-03, adopted 08-16-94)
- C. Persons, firms, companies and corporations may posses, fire, use and explode fireworks at any other time authorized by permit from the City Council.
(Ordinance 94-03, adopted 08-16-94)

12.15.016 Prohibited Acts.

- A. No person shall posses, use, fire or explode fireworks on any street, public park, school grounds, or other city owned property except by a permit issued under KMC 12.15.020.
(Ordinance 94-03, adopted 08-16-94)
- B. No person shall provide any fireworks to a person under the age of 14 unless that person is accompanied by an adult.
(Ordinance 94-03, adopted 08-16-94)

12.15.020 Council Permission Required. Permits for the possession or use of fireworks may be issued by the City Council or by other manners authorized by the Council as set forth by resolution.

(Ordinance 94-03, adopted 08-16-94)

12.15.030 Penalty for Violation. Any person, persons, firm, company, or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than \$100 nor more than \$300.

(Ordinance 94-03, adopted 08-16-94)

Title XII, Chapter 17 OFF HIGHWAY VEHICLES

Sections:

12.17.010	Purpose
12.17.020	Penalty
12.17.030	Definitions
12.17.040	Unlawful Operation; Impoundment as Public Nuisance
12.17.050	Equipment
12.17.060	Operation at Night
12.17.070	Operation on Property of Another or City Owned Property
12.17.080	Towing Sled, Toboggan or Other Object
12.17.090	Responsibility for Violation by Minors

12.17.010 Purpose. This chapter is enacted for the purpose of promoting the health, safety, and welfare of the inhabitants of the City of Klawock by regulating the operation of off highway vehicles within the corporate limits of the City.

12.17.020 Penalty. Any person violating any provision of the Ordinance shall be deemed guilty, and upon conviction thereof, shall be punished by a fine established by the current State of Alaska Bail Schedule for traffic and vehicle violations, with the exception of those violations listed under Exceptions to the State Bail Schedule, not to exceed three hundred dollars (\$300.00) for each section violated. (KMC 12.17.020, KMC 12.02.030, 13 AAC, 17AAc, S 28)

12.17.030 Definitions. In this chapter the following terms shall have the following meaning, unless a contrary meaning is required by the context or is specifically prescribed:

- A. “Emergency” means a threat of imminent injury to persons or animals or damage to property.
- B. “Off Highway Vehicle” is any self-propelled vehicle when used for the purpose of off-highway travel on land, water, snow, ice, marsh, swampland, wetland, beach, and other natural terrain or a combination thereof, including but not limited to:
 1. Any motorcycle or motor-driven cycle which is designed for and generally and commonly used for off road recreational travel or any motorcycle when being used for such purpose.
 2. Any snow machine or other vehicle, which is designed for travel over snow or ice.

3. Any motor vehicle commonly referred to as dune buggy, swamp buggy or all-terrain vehicle.
 4. Amphibious vehicles or air cushion vehicles and any other means of land transportation delivering motor power from any source other than muscle or wind.
- C. Exception: The term “Off Highway Vehicle” does not include:
1. Any vehicle or vessel that is primarily designed for travel on or in the water.
 2. Any vehicle operated by an employee of the federal government, the State of Alaska, or the City of Klawock in the performance of their official duties.
- D. “Operate” means to drive or be in actual physical control of an off highway vehicle.
- E. “Operator” means any person who operates an off highway vehicle.
- F. “Organized Competitive Events” means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at predetermined time and place.
- G. “Owner” means a person, other than a lien holder, having a property interest in or the title to an off highway vehicle and who is entitled to the use or possession thereof.
- H. “Park and City Park” have the same meaning as those words are used in Title 12 of this code.
- I. “Register” means the act of assigning a registration number to an off highway vehicle as required by the State Department of Public Safety.

(AS 28.39.010, AS 28.39.040) Cross references(s)-Definitions and rules of construction generally AS.28.040.100, AS 28.39.250, KMC 12.17.030.

12.17.040 Unlawful Operation; Impoundment as Public Nuisance.

- A. No person may drive, operate, stop or move an off highway vehicle in the following ways or under the following circumstances, which are declared to be unsafe and unlawful:

1. Upon a sidewalk, alley, street, roadway, shoulder or median within the city, except to cross a street when traveling to and from one city authorized area to another and provided that such crossing is at an angle of approximately 90 degrees to the direction of the street about to be crossed and at a place where no obstruction prohibits a quick and safe crossing and the off highway vehicle is brought to a complete stop before crossing the shoulder of main-traveled way, and driver of the off highway vehicle yields the right-of-way to all other traffic legally traveling on the street about to be crossed.
2. On the private property of another without the express permission to do so by the owner or occupant of the property. Such permission shall be in writing and carried by the off highway vehicle operator and displayed upon demand to peace office or other appropriate authority. Noting in this subsection shall be construed to limit the power of the city to exercise procedures and remedies set forth in any other provision of the Code.
3. In a careless, reckless or negligent manner so as to endanger the person or property of another, or to cause injury or damage to such person or property.
4. While under the influence of intoxicating liquor, drugs or a combination of intoxicating liquor and drugs. AS 28.35.030 or AS 28.35.032 shall apply to prosecutions under this subsection. Every person who is convicted of violating this subsection shall be punished as provided in Title 12.
5. Within 500 feet of any established skating rink, sliding area, and skiing area or any other recreation area where the operation of an off highway vehicle would endanger person or property or conflict with the recreational use.
6. So as to knowingly or intentionally chase, run over or kill any animal.
7. Without having such off highway vehicle registered if required in accordance with the requirements of AS 5.30.010-5.03.050, which provisions are adopted by reference as if fully set forth in this section. If the off highway vehicle a snow machine, the registration certificate issued by the State Department of Public Safety shall be affixed at all times to the main structural portion of the snow machine. This certificate shall be waterproofed or contained in a waterproofed device and protected from mutilation. The certificate shall be clearly legible and available at all times while the snow machine is in operation.

8. While transporting firearms or other weapons used for the purpose of hunting in other than in a n unloaded and encased condition when transporting a firearm and in other than an unstrung condition when transporting a bow.
 9. While operating or riding an off highway vehicle without wearing a properly fitted full coverage crash helmet, which has an approved current Snell Foundation or equivalent rating or meets standards of the U.S. Standards Institute Safety Code Z90.1-1966. Such rating shall be affixed to the helmet. This subsection does not apply to an operator or passenger of an OFF HIGHWAY HEHICLE riding within an enclosed cab of the vehicle.
- B. Violation of subsection A.2, A.3, A.4, A.5 or A.8 of this section is a public nuisance.
1. An off highway vehicle off highway vehicle found to be a public nuisance or a threat to the health, safety, and welfare of the public may be impounded immediately by a City of Klawock Police Officer.
 2. If an immediate impoundment is required and prior opportunity for a hearing cannot be afforded, the Klawock Police Department shall promptly give notice to operator and/or owner, if known, of the opportunity for a post-impoundment hearing. The notice shall state the reason for the impoundment and shall provide at least 10 days notice of the date of the hearing.
 3. The hearing officer conducting the post-impoundment hearing shall be the Klawock City Administrator. The hearing officer may reverse the decision to impound the off highway vehicle only upon a finding that the police officer acted to impound the vehicle in an arbitrary or capricious manner. Upon such finding by the hearing officer, the Klawock Police Department shall release the impounded vehicle to its owner upon proof of ownership and owner shall not be responsible for storage or towing fees.

In the absence of such a finding by the hearing officer, the Klawock Police Department shall release an impounded off highway vehicle only upon proof of ownership and owner's payment in full of reasonable charges for storage and towing and shall provide a written release authorization to the owner.
 4. Any person aggrieved by the decision of the hearing officer may within 30 days of the receipt of the decision of the hearing office

file an appeal in Superior Court for judicial review of the hearing officer's decision.

5. Nothing within this chapter shall be construed as limiting the power of a police officer or other authorized municipal official to impound a off highway vehicle and retain it as evidence or for safekeeping as long as necessary when the operator or owner of the machine has been arrested, and the impoundment is reasonably necessary to protect the off highway vehicle from theft, damage, vandalism or similar circumstances.
- C. Nothing in this chapter shall be construed to prohibit the operation of an off highway vehicle by a person for an emergency purpose only, by a police officer or other public official in furtherance of his lawful and official duties. By a city agency or an authorized contractor for the purpose of maintaining any public utility or conducting lawful construction activities, or by an organization conducting an off-road competitive event, provided that such event meets the criteria set forth in this chapter for such events and that such event has been authorized by the city agency having such authority.

12.17.050 Equipment. No person may drive or operate an off highway vehicle unless the off highway vehicle is equipped with:

1. A headlamp, with or without non-multiple beams so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions, such headlamp shall be so aimed that glaring rays are not projected in to the eyes of an incoming driver.
2. At least one-rear lamp exhibiting a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.
3. A return-to-idle spring in working order capable of returning the off highway vehicle engine's carburetor to the closed position. If the off highway vehicle is a snow machine, a rear snow flap of sufficient material to contain a cleat, if thrown from the track installed in a permanent manner and which shall be held down so as to contain all debris at all speeds.
4. Equipment such that the off highway vehicle complies with the requirements and limitations of section 12.17.050.
5. Adequate brakes to control the movement of and to stop and hold the vehicle under normal conditions of operation.

6. Standard mufflers for production models in operating condition which are properly attached and meet any other requirements of section KMC 12.17.050, 13 AAC 04.215(a-b), and no person may use a muffler cutout, bypass or similar device of the vehicle. (KMC 12.17.050, 13 AAC 04.320 through .420)

12.17.060 Operation at Night. No person may drive or operate the engine of an off highway vehicle between the hours of 10:00 p.m. and 6:00 a.m., unless such operation is required for emergency purposes or is in an area not a business or residential district, and does not interfere with the sleep, work or reasonable right to peace or privacy of a person.

12.17.070 Operation of Property of Another or City Owned Property.

- A. No person may operate, drive or stop an off highway vehicle on lands not owned by the operator or owner of the off highway vehicle in any area or in such a manner as to unreasonable expose the underlying soil, to create an erosion condition, or to injure, damage or destroy tree, growing crops or their vegetation, in addition to any penalties provided in this Code for violations of municipal ordinances, the operator of an off highway vehicle shall be liable for any damage to property. Including damage to trees, shrubs, growing crops or other vegetation injured as the result of travel by the off highway vehicle, and the owner of such property may recover three times the amount of actual damage from the operator.
- B. Operation of an off highway vehicle may be permitted in or upon a park or other city owned property when such area has been designated as an off highway vehicle area by the city agency having such authority, or in other specific areas temporarily designated by the city agency having such authority for controlled or special off highway vehicles events. The operator of an off highway vehicle shall remain within the specific boundaries so designated for permitted off highway vehicle operation. The absence of any officially posed signs or other markers around such area shall not be construed to limit the city to exercise procedures and remedies set forth in any other provisions of this code. (KMC 12.17.070, 13 AAC 02.445)

12.17.080 Towing Sled, Toboggan or Other Object. No person may operate an off highway vehicle while towing a sled, toboggan or other object, unless such sled, toboggan or other object is attached to the off highway vehicle by a rigid bar and the towed object is equipped with a red reflector. (KMC 12.17.080)

12.17.090 Responsibility for Violation by Minors.

- A. It is unlawful for a parent or guardian of any person under 18 years of age to authorize or knowingly permit that person to violate any provision of the chapter.
- B. It is unlawful for the owner or person in possession of any off highway vehicle to authorize or knowingly permit any other person who is under the age of 18 years to use such off highway vehicle in violation of any provision of this chapter. (KMC 12.17.090, AS 28.15.011(b), AS 28.15.051(a-b), AS 28.15.281(b)).

Title XII, Chapter 80
CIVIL DEFENSE AND DISASTER

Sections:

12.80.005	Powers and Duties of Director of Civil Defense Division
12.80.010	General Duties and Purpose of the Civil Defense Division
12.80.020	Declaration of Emergency
12.80.030	Civil Emergency Proclamation, Issuance and Posting
12.80.040	Emergency Regulations
12.80.050	Unlawful Acts Under Civil Emergency Proclamation
12.80.060	Conflicting Ordinances, Orders, Rules and Regulation Suspended
12.80.070	Civil Emergency Proclamation; Orders and Regulations; Noncompliance Unlawful
12.80.080	Civil Emergency Proclamation; Cancellation
12.80.090	Municipal or Private Liability
12.80.100	Expenses of Disaster Response
12.80.110	Emergency Locations; Governmental Powers
12.80.120	Conflict with State or Federal Statutes
12.80.130	Emergency Response Plan
12.80.140	Definitions
12.80.150	Penalties

12.80.005 Powers and Duties of Director of Civil Defense Division.

- A. The Deputy Director of Public Safety for Civil Defense and Planning shall have those powers and duties prescribed in the ordinances of the city and such other duties as may be imposed upon him by the Mayor.
(Ordinance 96-01, adopted 01-16-96)
- B. The duties and responsibilities of the Director of Civil Defense and Planning shall include the following:
1. The control and direction of the actual or training efforts of the civil defense organization of the city;
(Ordinance 96-01, adopted 01-16-96)
 2. The determination of all questions of authority and responsibility that may arise within the civil defense organization of the city;
(Ordinance 96-01, adopted 01-16-96)
 3. The maintenance of necessary liaison with other municipal, area, state, regional, federal or other civil defense organizations;
(Ordinance 96-01, adopted 01-16-96)
 4. The marshaling, after the declaration of an emergency as provided for above, of all necessary personnel, equipment or supplies form

any department of the city to aid in the carrying out of the civil defense plan;

(Ordinance 96-01, adopted 01-16-96)

5. The issuance of all necessary proclamation as to the existence of an emergency and the immediate operational effectiveness of the civil defense plan in the absence of the Mayor;
(Ordinance 96-01, adopted 01-16-96)
6. The issuance of reasonable rules and regulations which are necessary for the protection of life and property in the city; including, but not limited to, rules and regulations applicable to the emergency in the absence of the Mayor;
(Ordinance 96-01, adopted 01-16-96)
7. The supervision of the drafting and execution of mutual aid agreements entered into by the city;
(Ordinance 96-01, adopted 01-16-96)
8. The supervision of and the final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions during an emergency;
(Ordinance 96-01, adopted 01-16-96)
9. The authorizing of agreements for the use of private property for shelters and other purpose in an emergency;
(Ordinance 96-01, adopted 01-16-96)
10. The supervision of the drafting and execution of the civil defense plan, and the constant updating of such plan as required. The civil defense plan shall be adopted by the city council by resolution and issued by the Mayor.
(Ordinance 96-01, adopted 01-16-96)

12.80.010 General Duties and Purpose of the Civil Defense Division.

- A. The civil defense division shall be the department of the city through which civil defense and disaster supply procurement including government surplus property acquisition and emergency planning shall be transacted in cooperation with the appropriate state and federal agencies.
(Ordinance 96-01, adopted 01-16-96)
- B. The division shall exercise disaster relief powers within any part of the city which has been declared by the President of the United States, the Governor of the State of Alaska or by the Mayor of the City of Klawock to be a disaster area. Such powers, which include the participation in and provision for housing and urban renewal and development, must be

initiated within a period of not more than five years from the date of declaration of the natural disaster by the President.

(Ordinance 96-01, adopted 01-16-96)

- C. The functions and duties of the city civil defense and planning shall be distributed among such divisions, services, departments and special staff as the city council shall prescribe by resolution. Any such resolution shall set forth the form of the organization, establish and designate services, and employees to carry out the provisions of this chapter. Insofar as possible, the form of the organization, titles and terminology shall conform to the recommendations of the federal government and the recommendation of the Alaska Division of Emergency Services.

(Ordinance 96-01, adopted 01-16-96)

12.80.020 Declaration of Emergency.

- A. The director of civil defense shall have the authority to request the declaration of the existence of an emergency by the Mayor. In the event that a disaster occurs and the Mayor cannot be located, is missing or otherwise incapacitated to declare the existence of an emergency, the director may, if the city council is not in session, issue a declaration of an emergency. Such declaration is valid for not more than seven days unless it is ratified by the city council.

(Ordinance 96-01, adopted 01-16-96)

- B. Upon proclamation of an emergency, the director shall have the power to impose by proclamation any or all of the regulations necessary to preserve the safety, peace and order of the city as set forth in this chapter.

(Ordinance 96-01, adopted 01-16-96)

12.80.030 Civil Emergency Proclamation-Issuance and Posting. The proclamation of an emergency provided in this chapter shall become effective upon its issuance. A copy of this proclamation shall be given to the newspapers of general circulation within the city, to radio and television stations that broadcast within the city. A copy of the proclamation shall be posted at the city hall, police department, city fire stations, U.S. Post Office and at such other places in the city as may be directed in the proclamation. The certificate of the Mayor that the proclamation was duly declared, issued, disseminated and posted shall be prima-facie evidence that all required actions have been fully performed.

(Ordinance 96-01, adopted 01-16-96)

12.80.040 Emergency Regulations. The following regulations may be made by the director during the existence of a state of emergency.

- A. To impose a curfew upon all or any portions of the city thereby requiring all persons in such designated and restricted curfew areas to remove

themselves from the public property, streets, alleys, nurses and ambulances operators performing medical services, utility personnel maintaining essential public services, firemen, members of the news media upon showing of authorized press cards, and the city authorized law enforcement officers and personnel maybe exempted from such curfews. The curfew may be applicable to any such hours of the day or night as the Mayor, or director in the absence of the mayor, deems necessary in the interests of the public safety and welfare;
(Ordinance 96-01, adopted 01-16-96)

- B. To order the evacuation of homes, businesses and other areas as is necessary in the interests of the public safety and welfare;
(Ordinance 96-01, adopted 01-16-96)
- C. To order the closing of the following business establishments anywhere within the city for a period of the civil emergency;
(Ordinance 96-01, adopted 01-16-96)
 - 1. Any or all establishments or premises selling intoxicating liquor.
(Ordinance 96-01, adopted 01-16-96)
 - 2. Any or all establishments or premises, or portions of private clubs wherein the consumption of intoxicating liquor is permitted.
(Ordinance 96-01, adopted 01-16-96)
 - 3. Any or all gas stations and other establishments that sell or distribute flammable liquids or combustible products.
(Ordinance 96-01, adopted 01-16-96)
 - 4. Any or all establishments or portions thereof that sale, distribution, dispense or give away firearms, explosives or ammunition.
(Ordinance 96-01, adopted 01-16-96)
- D. To prohibit any or all of the following activities anywhere in the city during the civil emergency;
(Ordinance 96-01, adopted 01-16-96)
 - 1. Selling, distributing or giving away of gasoline or other flammable or combustible products in any container other than a gasoline tank property affixed to a motor vehicle or home heating storage tank.
(Ordinance 96-01, adopted 01-16-96)
 - 2. The selling, distributing, dispensing or giving away of any firearms, explosives or ammunition of any character whatsoever.
(Ordinance 96-01, adopted 01-16-96)
- E. To designate any public property, streets, alleys, sidewalks, thoroughfares, vehicle parking areas, or any vacant premises, closed to motor vehicle and

pedestrian traffic, except as required for physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, members of the news media upon showing authorized press cards, firemen and city authorized law enforcement officers and personnel, and members of the national guard may be exempted from the designation.

(Ordinance 96-01, adopted 01-16-96)

- F. To call up regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city;

(Ordinance 96-01, adopted 01-16-96)

- G. To issue such other orders or regulations immediately necessary for the protection of life and property.

(Ordinance 96-01, adopted 01-16-96)

12.80.050 Unlawful Acts Under Civil Emergency Proclamation. During the period of civil emergency declared by the Mayor by proclamation, it is unlawful for any person;

(Ordinance 96-01, adopted 01-16-96)

- A. To consume alcohol within the city or a restricted area within the city;
- (Ordinance 96-01, adopted 01-16-96)
- B. To carry or possess any rock, bottle, club, brick or weapon, or any other missile or projectile, within restricted area designated in the proclamation for any purpose other than self defense by law enforcement officers, national guard members or other designated personnel;
- (Ordinance 96-01, adopted 01-16-96)
- C. To make, carry, possess or use a type of gasoline or petroleum base firebomb, explosive, Molotov cocktail or other incendiary missile.
- (Ordinance 96-01, adopted 01-16-96)
- D. To possess flammable, explosive or combustible material other than in vehicle storage tanks or in home heating storage tanks.
- (Ordinance 96-01, adopted 01-16-96)
- E. To enter any area designated by the proclamation as a restricted area, except as to persons entering the restricted area in performance of official duties, or with the written permission from the city, or with proof of residence within the restricted area not evacuated under KMC 112.80.040 (b).

(Ordinance 96-01, adopted 01-16-96)

12.80.060 Conflicting Ordinances, Orders, Rules and Regulations Suspended. At all times when the orders, rules and regulations made and promulgated

pursuant to this chapter shall be in effect, they shall supersede all existing ordinance, rules, orders and regulations insofar as the latter may be inconsistent herewith.

(Ordinance 96-01, adopted 01-16-96)

- 12.80.070 Civil Emergency Proclamation-Orders and Regulations-Non-Compliance Unlawful.** It is unlawful for any person to fail or refuse to comply with the orders and regulations established by the proclamation or the lawful orders of duly authorized law enforcement officers.
(Ordinance 96-01, adopted 01-16-96)
- 12.80.080 Civil Emergency Proclamation-Cancellation.** The emergency proclaimed in accordance with the provisions of this chapter shall terminate upon the issuance of a proclamation determining that an emergency no longer exists.
(Ordinance 96-01, adopted 01-16-96)
- 12.80.090 Municipal or Private Liability.** This chapter is an exercise by the city of its governmental functions for the protection of the public peace, health, safety, and neither the city, the agents and representatives of the city, nor any individual receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter, shall be liable for any loss or damage sustained to person or property as a result of said activity. Any person owning or controlling real estate or other promises who voluntarily and without compensation grants to the city a license or privilege, or otherwise permits the city to inspect, designate and use the whole or any part, or parts of such real estate or shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.
(Ordinance 96-01, adopted 01-16-96)
- 12.80.100 Expenses of Disaster Response.** No person shall have the right to expend any public funds of the city in carrying out any civil defense activity authorized by this chapter without prior approval by the city administrator, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior approval. In the event of nay disaster, and for the duration of the exigency, city contracts or purchases may be entered without regard to the procedures or formalities otherwise prescribed, when the object of the contract or purchase is to procure such services, supplies, equipment or materials as may be necessary to combat any disaster, or to protect and provide emergency assistance to victims of a disaster.
(Ordinance 96-01, adopted 01-16-96)

12.80.110 Emergency Locations-Governmental Powers.

- A. Whenever, due to an emergency it becomes imprudent, inexpedient or impossible to conduct the affairs of the city at the regular or usual place, or places thereof, the council may meet at any place within or without the city limits on the call of the Mayor or any four members of the council, and shall proceed to establish and designate by ordinance, resolution or other manner alternate or substitute sites or places as the emergency temporary location, or locations, of government where all or any part of the public business may be transacted and conducted during the emergency situation.
(Ordinance 96-01, adopted 01-16-96)
- B. During the period when public business is being conducted at the emergency temporary location, or locations, the governing body and other officers of the city shall have and possess, and shall exercise at such location all of the executive, legislative and judicial powers and functions conferred upon such body and officers by or under the Constitution or laws of the State, and the ordinances of the city. Such powers and functions may be exercised in light of the exigencies of the emergency situation without regard to, or compliance with, time-consuming procedures and formalities prescribed by rule or ordinance, and all acts of such body and officers shall be valid and binding as if performed within the territorial limits of the city.
(Ordinance 96-01, adopted 01-16-96)

12.80.120 Conflict With State or Federal Statutes. This chapter shall not be construed so as to conflict with any state or federal statute, or with any military or naval order, rules or regulation.
(Ordinance 96-01, adopted 01-16-96)

12.80.130 Emergency Response Plan. The city shall prepare and distribute an emergency response plan. The plan shall be adopted by the city council by resolution and issued by the Mayor.
(Ordinance 96-01, adopted 01-16-96)

12.80.140 Definitions. As used in this chapter:

- A. "Civil Emergency" is defined to be:
1. An attack by a foreign power;
(Ordinance 96-01, adopted 001-16-96)
 2. Any natural disaster or manmade calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the city, or immediately threatening the city, resulting in death, or injury of person or the destruction of property, or that could cause

such result, to such an extent that extraordinary measures must be taken to protect the public order, safety and welfare.
(Ordinance 96-01, adopted 01-16-96)

- B. “Curfew” is a prohibition against any person walking, running, loitering, standing or operating a vehicle upon any public property, alley, sidewalk, thoroughfare, vehicle parking areas or vacant premises within the city, except as required for person officially designated to duty with reference to the civil emergency.
(Ordinance 96-01, adopted 01-16-96)

12.80.150 Penalties. Violation of any provision of this chapter is a misdemeanor offense punishable by a fine of not more than \$5,000 or imprisonment for more than one year of both.
(Ordinance 96-01, adopted 01-16-96)

Title XII, Chapter 90
ABANDONED VEHICLES

Sections:

12.90.010	Abandonment Unlawful
12.90.020	Presumption of Abandonment
12.90.030	Removal of Abandoned Vehicles
12.90.040	Notice to Owners and Lien holders
12.90.050	Vesting of Title
12.90.060	Redemption
12.90.070	Disposal of Abandoned Vehicles
12.90.080	Disposal Facilities
12.90.090	Towing and Storage Lien on Abandoned Vehicles
12.90.100	Giving of Notice
12.90.110	Opportunity for Hearing Required
12.90.120	Hearing and Appeals
12.90.130	Penalty

12.90.010 Abandonment Unlawful.

- A. A person may not abandon a vehicle upon a highway, vehicular way, or area.
(Ordinance 95-05, adopted 06-20-95)
- B. A person may not abandon a vehicle upon public property or upon private property without the consent of the owner or person in lawful possession or control of the property.
(Ordinance 95-05, adopted 06-20-95)
- C. A person who abandons a vehicle in a place specified in (a) or (b) of this section is considered responsible for the abandonment of the vehicle and is liable for the cost of its removal and disposition.
(Ordinance 95-05, adopted 06-20-95)
- D. Except as otherwise provided in (b) of this section, the lawful owner of a vehicle, as shown by the records of the department of motor vehicles, whether or not the owner has complied with the provisions of AS 28.10.271, is considered responsible for the abandonment of the vehicle and is liable for the cost of removal and disposition of the abandoned vehicle unless:
(Ordinance 95-05, adopted 06-20-95)
1. The vehicle was abandoned by a person driving the vehicle without the permission of the owner; or
(Ordinance 95-05, adopted 06-20-95)

2. The identity of the person abandoning the vehicle is established and the abandonment was without the consent of the owner.
(Ordinance 95-05, adopted 06-20-95)

12.90.020 Presumption of Abandonment. A vehicle that has been left unattended, standing, parked upon or within 10 feet of the traveled portion of a highway, in excess of 48 hours, or a vehicle left standing or parked on private property, or upon other public property for more than 72 hours, or without the consent of the owner or person in charge of the property, notwithstanding other statutory provision, may be removed under KMC 12.90.030 and treated as an abandoned vehicle, unless the vehicle is reclaimed and removed before action regarding removal is taken under KMC 12.90.030. The City for good cause may make provisions for parking of vehicles on City property other than specified in this section.
(Ordinance 95-05, adopted 06-20-95)

12.90.030 Removal of Abandoned Vehicles.

- A. A peace officer or an employee of the city otherwise authorized by the chief of police, may remove or have removed to a place for storage a vehicle abandoned on a highway, on a vehicular way or area, or on private property.
(Ordinance 95-05, adopted 06-20-95)
- B. Removal of an abandoned vehicle from private property shall be upon written request of the owner or person in lawful possession or control of the property, and on a form prescribed by the police department.
(Ordinance 95-05, adopted 06-20-95)
- C. A written report of the removal shall be made by the peace officer or other city employee, who removes or has removed a vehicle under this section, and the report shall be sent immediately to the department of motor vehicles and a copy of the report shall be given to the person who stores the property. The report must describe the vehicle, its contents, the date, time and place of removal, the grounds for removal, and the place of impoundment of the vehicle.
(Ordinance 95-05, adopted 06-20-95)

12.90.040 Notice to Owners and Lien holders. The peace officer or other city employee removes or has removed a vehicle under KMC 12.90.030, shall within 10 days give notice, in the manner prescribed for the giving of notice by the city under KMC 12.90.100, to the vehicle owner of record and to lien holders of record, stating the grounds for removal and the location of the place of impoundment of the vehicle. If the vehicle is not registered in the State or the name an address of the registered or legal owner or lien holder cannot be ascertained, notice shall be given by publication in a newspaper of general circulation within the City stating

the grounds for removal and the place of impoundment of the vehicle. Any notice given under this section must include the means of disposal if not reclaimed.

(Ordinance 95-05, adopted 06-20-95)

12.90.050 Vesting of Title. Title to an impounded vehicle not reclaimed by the registered owner, a lien holder, or other person entitled to possession of the vehicle within 30 days from the date the notice was given under KMC 12.90.040 vests with the City of Klawock. However, nothing in this section prohibits a lien under KMC 12.90.090.

(Ordinance 95-05, adopted 06-20-95)

12.90.060 Redemption. A person who presents satisfactory proof of ownership or right to possession may redeem a vehicle removed under this chapter at any time before an auction under KMC 12.90.070 (a), by paying the charges of towing, storage, notice, other costs of impoundment and any applicable penalty imposed by law.

(Ordinance 95-05, adopted 06-20-95)

12.90.070 Disposal of Abandoned Vehicles.

- A. Upon satisfaction of the notice and reporting requirements prescribed in this chapter, a vehicle may be disposed of 30 days after notice has been given under KMC 12.90.040.
(Ordinance 95-05, adopted 06-20-95)
- B. The city may dispose of any vehicle impounded under this chapter:
 - 1. At public auction; or
(Ordinance 95-05, adopted 06-20-95)
 - 2. By taking the vehicle to the dump; or
(Ordinance 95-05, adopted 06-20-95)
 - 3. Converting to city use.
(Ordinance 95-05, adopted 06-20-95)
- C. A vehicle disposed of under (b)(1) or (b)(3) must be registered and titled under AS 28.10 and may not be subsequently sold without a certificate of title issued by the department of motor vehicles.
(Ordinance 95-05, adopted 06-20-95)
- D. Notwithstanding the provisions of this section, a person who disposes of an abandoned vehicle under this section may initiate a civil action against a person named in KMC 12.90.010, if liable, for costs exceeding receipts for the disposal of the vehicle.
(Ordinance 95-05, adopted 06-20-95)

12.90.080 Disposal Facilities.

- A. The city may negotiate with an appropriate state, municipal or private agency or business in an effort to designate and acquire land or services for the temporary storage of vehicles before sale under KMC 12.90.070, or for the final disposal of unsold abandoned vehicles.
(Ordinance 95-05, adopted 06-20-95)
- B. In the event that there's no agreements under (a), the City shall place any vehicle stored before sale or for unsold vehicles not disposed of at the city landfill, to the city shops or to a police impound lot which ever is available at the time of impound.
(Ordinance 95-05, adopted 06-20-95)

12.90.090 Towing and Storage Lien on Abandoned Vehicles. A person authorized by contract or other official order to remove an abandoned vehicle has a lien upon a vehicle towed, moved, or stored by an in possession of the person in accordance with AS 28.10.502 unless the fee for the removal has been paid by the City.
(Ordinance 95-05, adopted 06-20-95)

12.90.100 Giving of Notice. When the City is required to give notice under this chapter, unless a different method of giving notice is otherwise expressly provided, notice shall be given by a qualified person, either by personal delivery to the person to be notified or by registered or certified mail, return receipt requested, addressed to the person at the address to the person as shown in the records of the department of motor vehicles. The giving of notice by mail is considered complete upon the return of the receipt or upon return of the notice as undeliverable, refused, or unclaimed. Proof of giving notice in either manner may be made by affidavit of the person giving the notice by personal delivery or by mail, either by naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice or by postal receipt.
(Ordinance 95-05, adopted 06-20-95)

12.90.110 Opportunity for Hearing Required.

- A. Unless otherwise specifically provided, or unless immediate action of impounding is necessary for the protection of the health, safety, or welfare of the public, the city shall give notice of the opportunity for an administrative hearing before a vehicle is impounded under this section and if prior opportunity for a hearing as soon after the action as possible to the parties concerned.
(Ordinance 95-05, adopted 06-20-95)
- B. The notice under this section must state the reasons for the cities proposed action and provide for a reasonable attendance date of not less than 7 days

after service of the notice. If there is no request for a hearing by the attendance date specified in the notice, the hearing is considered to have been waived.

(Ordinance 95-05, adopted 06-20-95)

- C. Notwithstanding (a), a vehicle may be impounded under KMC 12.90.010(b) where it is on private property without the consent of the owner, without prior notice of a right to a hearing.

(Ordinance 95-05, adopted 06-20-95)

12.90.120 Hearing and Appeals.

- A. Unless otherwise specifically provided, all hearings required under this chapter shall be conducted with the practice and procedure being consistent with due process of law. Hearing must be informal, and technical rules of evidence do not apply. A person who requests a hearing may retain an attorney. The hearing officer shall be appointed by the Mayor and in his absence the City Administrator. A hearing officer need not be an attorney, but must be impartial and may not have participated in the decision that is under review. The hearing officer does not have to file a full opinion or make formal findings of fact or conclusions of law, but the hearing officer must state the reasons for the determination and indicate the evidence relied upon. The proceedings at the hearing shall be recorded.

(Ordinance 95-05, adopted 06-20-95)

- B. A hearing ordered under (a) of this section shall be held in the City Council Chambers or other suitable place within the City of Klawock. The hearings officer shall grant a hearing delay if the person presents good cause for the delay. If a person fails to appear for the hearing at the time and place stated by the city and if the hearing delay has not been granted the person's failure to appear is considered a waiver of the hearing and the city may take appropriate action with respect to the person's vehicle.

(Ordinance 95-05, adopted 06-20-95)

- C. A person aggrieved by the decision of the hearing officer may within 30 days after a decision is mailed or delivered to the person, file an appeal in superior court for judicial review of the hearing officer's decision. The judicial review shall be on the record. The court may reverse the cities determination if the court finds the city misinterpreted by law, acted in an arbitrary and capricious manner, or made a determination unsupported by the evidence in the record. The decision of the city is stayed and does not take effect during the pendency of an appeal.

(Ordinance 95-05, adopted 06-20-95)

12.90.130 Penalty.

- A. It is a violation for a person to violate a provision of this title.
(Ordinance 95-05, adopted 06-20-95)

- B. A person convicted under this chapter shall be punished by a fine of not less than \$100.00 nor more than \$300.00.
(Ordinance 95-05, adopted 06-20-95)