

T

Ordinance

CITY OF NONDALTON, ALASKA

Ordinance No. 89-03

FILE COPY

AN ORDINANCE adopting a Code of Ordinances for the City of Nondalton, Alaska.

BE IT ENACTED BY THE NONDALTON CITY COUNCIL AS FOLLOWS:

Section 1. Purpose.

We, the elected officials of the City of Nondalton Alaska, mindful of the responsibilities for the welfare of our community which we hold as the City Council of a second class city incorporated under the Constitution and laws of the State of Alaska, and in order to provide local government of service to our people to meet their needs, do establish this ordinance to be the Code of Ordinances for the City of Nondalton.

Section 2. Classification.

This ordinance is of a general and permanent nature.

Section 3. Prior ordinances superceded.

This Code supercedes any and all ordinances adopted prior to this Code and not included within this Code at the time of this Code's adoption.

Section 4. Severability.

If any provision of this ordinance or application thereof to any person or circumstance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 5. Titles and chapters adopted.

The following titles and chapters constitute the Code of Ordinances for the City of Nondalton, as adopted.

Title I. GENERAL PROVISIONS

- Chapter 1. General Provisions
- 2. City Information
- 3. Ordinances; Resolutions; Regulations
- 4. Public Records

Title II

ADMINISTRATION

- Chapter 5. City Council
6. Mayor
 7. Council Meetings
 8. Council Procedures
 9. City Clerk
 10. (reserved)
 11. City Attorney
 12. City Treasurer
 13. (reserved)
 14. (reserved)
 15. (reserved)

Title III.

REVENUE AND FINANCE

- Chapter 16. Fiscal Procedure
17. Budget
 18. Audit
 19. (reserved)
 20. (reserved)
 21. (reserved)
 22. (reserved)

Title IV.

ACQUISITION AND DISPOSAL OF CITY PROPERTY

- Chapter 23. (reserved)
24. Eminent Domain; Adverse Possession
 25. (reserved)
 26. (reserved)
 27. Disposition of City-owned Personal Property
 28. (reserved)
 29. (reserved)

Title V.

CITY DEPARTMENTS

Chapter 30. Public Safety Department

31. Fire Department

32. Search and Rescue

33. (reserved)

34. Planning Committee

35. (reserved)

Title VI.

UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

Chapter 36. Water & Sewer System

37. (reserved)

38. (reserved)

39. City Equipment

40. City Property; Inventory and files

41. (reserved)

42. (reserved)

43. (reserved)

44. (reserved)

45. (reserved)

Title VII.

GENERAL WELFARE

Chapter 46. Intoxicating Liquors or Beverages

47. Alcohol Local Option Election

48. (reserved)

49. Dog Control

50. (reserved)

51. Curfew

52. Offenses By or Against Minors

53. Wood Cutting

54. Litter-Sanitation Measures

- 55. Protection of Watershed
- 56. Offenses Against Property
- 57. Offenses by or against Public Officers and Government
- 58. Offenses against Public Peace
- 59. (Reserved)
- 60. (Reserved)
- 61. Motor Vehicles
- 62. Control of Firearms, deadly weapons, explosives, fireworks
- 63. (Reserved)
- 64. (Reserved)
- 65. (Reserved)

Title VIII. ELECTIONS

- Chapter 66. City Elections
- 67. Election Equipment and Materials
- 68. Election Procedures
- 69. Absentee Voting
- 70. Review of Election Returns
- 71. Contest of Election
- 72. (Reserved)
- 73. (Reserved)

Title IX. PERSONNEL

- 74. Responsibility of Officers and Employees
- 75. Personnel Policies

Section 6. Effective date.

Chapters 1 through 75 of this ordinance become effective upon their adoption by the Nondalton City Council and signature of the Mayor.

DATE INTRODUCED: 4/18/90

FIRST READING: 4/18/90

PUBLIC HEARING: 5-1-90

PASSED and APPROVED by the NONDALTON CITY COUNCIL this 1
day of MAY, 1990.

Craig Evans
Mayor

ATTEST:

Karen E. Stickman
City Clerk

Title 1

Title I. GENERAL PROVISIONS

- Chapter 1. General Provisions
2. City Information
3. Ordinances; Resolutions; Regulations
4. Public Records

Chapter 1

CHAPTER 1

GENERAL PROVISIONS

Sections:

1. Code cite and designation.
2. Definitions.
3. Grammatical interpretation.
4. Effect of repeal of ordinances.
5. Severability of ordinances and parts of Code.
6. General penalty.
7. Laws of Alaska; violations.
8. Amendments to Code; effect of new ordinances.
9. Distribution.
10. Supplements or revisions to the Nondalton City Code.
11. Ordinances included in the Nondalton City Code.
12. Time ordinances take effect.
13. Corrections.

Section 1. Code cite and designation.

The ordinances in the following chapters and sections shall be called the "Code of Ordinances, City of Nondalton, Alaska".

Section 2. Definitions.

The following definitions apply to this Code and all city ordinances unless the plain meaning requires otherwise:

CITY: The City of Nondalton, Alaska, or the area within the territorial limits of the City of Nondalton, Alaska.

CLERK: The City Clerk;

CODE: The Code of Ordinances, City of Nondalton, Alaska; the Nondalton City Code;

COUNCIL: The City Council of Nondalton;

PERSONS: A corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person;

PUBLISH: To post a notice within the City in three locations open to the public, one of which shall be the city offices, for a period of not less than five days;

STATE: The State of Alaska;

VOTER: A United States citizen who is qualified to vote in State elections, has been a resident of the City of Nondalton for 30 days immediately preceding the election, is registered to vote in State elections, and is not disqualified under Article V of the constitution of the State of Alaska.

Section 3. Grammatical interpretation.

The following grammatical rules shall apply in the Nondalton City Code and the ordinances of the City:

- A. Gender. Any gender includes the other genders.
- B. Singular and plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- D. All words and phrases shall be construed and understood according to the context and the commonly 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.
- E. "May" is permissive.
- F. "Must" and "Shall", each is mandatory.

Section 4. Effect of repeal of ordinances.

Ordinances repealed remain in force for the trial and punishment of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply, to any office, trust, proceeding, right, contract, or event already affected by them.

Section 5. Severability of ordinances and parts of Code.

Any ordinance enacted before or after the adoption of this Code which lacks a severability clause shall be construed as though it contained the clause in the following language: "If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby".

Section 6. General Penalty.

Every act prohibited by ordinance of this City is unlawful. Unless other penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code, shall be punished by a fine of not more than three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority. A "violation" is a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled

- (A) to a trial by jury; or
- (B) to have a public defender or other counsel appointed at public expense to represent the person;

The penalty provided by this section shall, unless any other penalty is expressly provided, apply to the amendment of any section of this Code, whether or not such penalty is re-enacted in the amendment ordinance.

Section 7. Laws of Alaska; violations.

No person shall violate any law of the State of Alaska, nor any rule or regulation adopted by any duly authorized agency of the State of Alaska. Violations of the foregoing shall be violations of the Code of Ordinances of the City of Nondalton, Alaska, except where the State has exclusive jurisdiction over the offense.

Section 8. Amendments to Code; effect of new ordinances.

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

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

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

All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

Section 9. Distribution.

This Code with amendments shall be made available to the public for inspection on request. A reasonable fee for the cost of photocopying all or parts of this Code may be charged to anyone requesting copies provided that copies of ordinances that provide for penalties shall be made available for distribution to the public at no more than cost. Copies of this Code shall be furnished to the courts and law enforcement personnel as needed upon their request.

Section 10. Supplements or revisions to the Nondalton City Code.

Amendments and supplements to this Code shall be typed or printed and included within this Code within sixty (60) days after adoption by the Council.

The Nondalton City Code shall be supplemented at regular intervals or if the Council deems that supplementation of the code is unnecessary, the Code shall be revised and printed every five years.

Section 11. Ordinances included in the Nondalton City Code.

The Council shall cause each ordinance and resolution having the force and effect of law to be printed as promptly as possible following its adoption in the following manner:

- A. Ordinances enacted by the City Council and permanent in nature shall be inserted in the Nondalton City Code when properly prepared and authenticated by the City Clerk.
- B. Emergency, bond, temporary and appropriation ordinances and resolutions shall be retained in the form enacted.
- C. All titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity and construction clauses shall be omitted from the Code unless from their nature it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

Section 12. Time ordinances take effect.

An ordinance which has been approved by the Council shall be effective 24 hours after passage, unless otherwise stated in the ordinance.

Section 13. Corrections.

When in this code or any amendments or additions thereto there are any errors the correction of which does not change the meaning of any section of this code the Council may authorize the correction of these errors by substitution of corrected pages for the incorrect pages without amendment or following ordinance procedure:

The following corrections are so authorized:

- A. Manifest errors which are clerical, or typographical in nature, or errors in spelling, or errors by way of addition or omission;
- B. changes in capitalization for the purpose of uniformity;
- C. correction of manifest errors in references to laws;
- D. correction of mistakes in grammar;
- E. correction of citations or references to laws, statutes and ordinances whose designations have changed because of renumbering or revision of the Alaska Statutes, federal law, or this Code.

Chapter 2

CHAPTER 2

CITY INFORMATION

Sections:

1. Name of City and form of government.
2. City limits and history.

Section 1. Name of City and form of government.

The City of Nondalton shall continue as a municipal corporation and political subdivision of the State of Alaska under the Name: "City of Nondalton, Alaska".

The government of the City shall be that commonly known and designated as the Council-Mayor form of government.

Section 2. City limits and history.

The boundaries of the said City are:

The map on the following page of this Code shows the locations of these boundaries.

The boundaries of the City as above described were the effective city limits as of incorporation of the City of Nondalton as a fourth class city on the 18th day of May, 1971, and became a second class city by act of the legislature on the 10th of September, 1972.

The certificate of Incorporation is recorded in Book 7, page 262 at the Iliamna Recording District in Anchorage, Alaska. This certificate was recorded on the 23rd day of June, 1971.

Boundaries:

Township 2S Range 33W
Sect. 24, 25, 36

Township 2S Range 32W
Sect. 19, 20, 29, 30, 31
the northwest quarter of 31

Township 3S Range 33W
Sect. 1

Township 3S
Range 32W
Sect. 6 (north 1/2)

Chapter 3

CHAPTER 3

ORDINANCES; RESOLUTIONS; REGULATIONS

Actions:

1. Acts of the Council.
2. Acts required to be by ordinance.
3. Ordinance procedure.
4. Ordinance form and content.
5. Amendments to Code; effect of new ordinances; amendatory language.
6. Supplements or revisions to the Nondalton City Code.
7. Emergency ordinances.
8. Ordinances confined to single subject.
9. Requirements for passage.
10. Signature.
11. Ordinance File.
12. Repeal shall not revise any ordinance.
13. Formal acts by resolution.
14. Procedures for resolutions.
15. Requirements for passage of resolutions.
16. Rules and regulations.
17. Codes of regulations.

Section 1. Acts of the Council.

The Council shall act only by ordinance, resolution, or motion. Law of a general, uniform, and permanent nature shall be reduced to ordinance. When the Council expresses opinions, principles, facts, or propositions, it shall be in the form of a resolution.

Section 2. Acts required to be by ordinance.

In addition to other actions which the Alaska Statutes require to be by ordinance, the Council shall use ordinances to:

- A. Establish, alter, or abolish city departments;
- B. amend or repeal an existing ordinance;
- C. fix the compensation of members of the Council;
- D. provide for the sale of city property;
- E. provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- F. provide for the levying of taxes;
- G. make appropriations, including supplemental appropriations or transfer of appropriations;
- H. grant, renew, or extend a franchise;
- I. adopt, modify, or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;

- J. approve the transfer of a power to a first or second class borough;
- K. designate the borough seat;
- L. provide for the retention or sale of tax-foreclosed property;
- M. regulate the rate charged by a public utility;
- N. exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in A.S. 36.25.025.

Section 3. Ordinance procedure.

A proposed ordinance is introduced in writing by the Mayor or other Councilmembers, or by a committee of Councilmembers, at any lawful council meeting.

After the ordinance is introduced, the Council shall vote on whether to set the time and date for a public hearing on the ordinance. If there are at least four votes in favor of setting a public hearing, the draft ordinance shall be assigned a reference number by the Mayor and the Council shall publish a summary of the proposed ordinance and notice setting out the time and place for the 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.

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. During the public hearing the Council shall hear all interested persons wishing to be heard. 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.

If a proposed ordinance is amended by the Council after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly-introduced proposed ordinance.

Section 4. Ordinance form and content.

All ordinances enacted by the Council shall be in substantially the following form:

- A. The heading: "City of Nondalton, Alaska";
- B. the "Ordinance Number";
- C. the title, which summarizes the ordinances's provisions and includes any penalties imposed;
- D. the enacting clause which shall read:
"BE IT ENACTED BY THE COUNCIL OF THE CITY OF NONDALTON, ALASKA:";
- E. the provisions of the ordinance;
- F. the dates of introduction., first reading, and public hearing;
- G. the date of adoption;
- H. space for the signature of the Mayor; and
- I. space for the Clerk's signature as an attestation to the signature of the Mayor.

The form appearing at the end of this chapter illustrates the form set out in this section and is suggested for use by Councilmembers.

Section 5. Amendments to Code; effect of new ordinances; amendatory language.

All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, shall be numbered according to the numbering system of this Code and be printed for inclusion herein. In the case of chapters, sections and subsections or any part thereof repealed by subsequent ordinances, such repealed portions shall be excluded from the Code by omission from reprinted pages affected thereby.

Amendments to any of the provisions of this Code shall be made by specific reference to the section number of this Code in substantially the following language: "Chapter____, Section____ of the Code of Ordinances of the City of Nondalton, Alaska is hereby amended to read as follows:". The new chapter or section shall then be set out in full as desired.

If a new Chapter or Section not heretofore existing in the Code is to be added the following language shall be used: "The Code of Ordinances of the City of Nondalton, Alaska is hereby amended by addition of a chapter or section, to be numbered____, which chapter or section reads as follows:". The new chapter or section shall then be set out in full as desired.

All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

Section 6. Supplements or revisions to the Nondalton City Code.

The Nondalton City Code shall be supplemented at regular intervals or if the Council deems that supplementation of the Code is unnecessary, the Code shall be revised and printed every five years.

Section 7. Emergency ordinances.

To meet public emergencies the Council may adopt emergency ordinances effective on adoption. Each emergency ordinance shall contain a finding by the Council that an emergency exists and a statement of the facts upon which the finding is based. 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.

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.

An emergency ordinance is effective for 60 days.

Section 8. 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 expressed in the title.

Section 9. Requirements for passage.

Four affirmative votes are required for the passage of an ordinance.

The final vote on an ordinance is a recorded roll call vote.

Section 10. Signature.

Each ordinance shall be signed by the Mayor upon its adoption and attested by the Clerk.

Section 11. Ordinance File.

The City Clerk shall keep separate permanent files for ordinances that are available for public inspection. These files shall contain all introduced, passed, failed and repealed ordinances.

Section 12. Repeal shall not revive any ordinance.

The repeal of an ordinance shall not repeal the enacting clause of such ordinance or revive any ordinance which has been repealed.

Section 13. Formal acts by resolution.

Formal acts by the Council not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:

- A. The heading "City of Nondalton, Alaska";
- B. the space for a number to be assigned - "Resolution No. ____";
- C. a short and concise title descriptive of the resolution's subject and purpose;
- D. short premises or WHEREAS clauses descriptive of the reasons for the resolution, if necessary;
- E. the resolving clause "Be it Resolved";
- F. the date of adoption;
- G. space for the signature of the Mayor; and
- H. space for the Clerk's signature as an attestation to the signature of the Mayor.

All resolutions adopted by the Council whether at the request of a third party or on the motion of the Council shall conform to the requirements set forth in this section.

Resolutions shall not be included in the Code, but shall be kept in a separate permanent file by the City Clerk and shall be available for public inspection.

The form appearing at the end of this chapter illustrates the form set out and is suggested for use by Councilmembers.

Section 14. Procedures for resolutions.

Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.

On any vote to pass a resolution, all persons interested shall be given an opportunity to be heard. After such hearing, the Council may finally pass such resolution with or without amendments.

After adoption, every resolution shall be posted in full on the city bulletin board and in such other places as the Council may direct. Every resolution, unless it shall specify a later date, shall become effective upon adoption. If the resolution is submitted at a city election when State law requires, then after a majority of favorable votes of the city voters has been certified by the Council, the resolution may be adopted.

Section 15. Requirements for passage of resolutions.

Four affirmative votes are required for the passage of a resolution.

The final vote on each resolution is a recorded roll call vote.

Section 16. Rules and Regulations.

Any rule or regulation made by an administrative officer or board or commission shall be posted for ten (10) days in three public places following its approval by the Council.

Section 17. Codes of regulations.

The Council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. 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 an ordinance under this section at least five copies of the code of regulations shall be made available for public inspection at a time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The Council shall provide for an adopted code of regulations to be made available to the public at no more than cost.

CITY OF NONDALTON, ALASKA

ORDINANCE NO. _____

AN ORDINANCE _____

BE IT ENACTED BY THE COUNCIL OF THE CITY OF NONDALTON, ALASKA:

Sections:

- 1.
- 2.
- 3.

Section 1. _____

Section 2. _____

Section 3. _____

DATE INTRODUCED: _____

FIRST READING: _____

PUBLIC HEARING: _____

PASSED and APPROVED by the NONDALTON CITY COUNCIL this _____ day
of _____, 19____.

Mayor

ATTEST:

City Clerk

CITY OF NONDALTON, ALASKA

RESOLUTION NO. _____

A RESOLUTION

WHEREAS,

WHEREAS,

AND WHEREAS,

IT IS RESOLVED:

PASSED and APPROVED by the NONDALTON CITY COUNCIL this ____ day
of _____, 19____.

Mayor

ATTEST:

City Clerk

Chapter

4

CHAPTER 4

PUBLIC RECORDS

Sections:

1. Definitions.
2. Ownership and custody of records;
3. Duties of city clerk.
4. Public records; Inspection and copying.
5. Confidential records.
6. Retention and disposal.

Section 1. Definitions.

As used in this chapter, "record" means any document, record, paper, letter, file, book, account, photograph, microfilm, microfiche, map, drawing, chart, card, magnetic media or computer print-out, or other document of any material, regardless of physical form or characteristic, created or acquired under law or in connection with the transaction of official business and preserved or appropriate for preservation by the City, as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the City or because of the information value in them. "Record" does not include extra copies of documents made or preserved solely for convenience of reference, or for public distribution.

Section 2. Ownership and custody of records.

- A. All records shall be and remain city property. Records shall be delivered by outgoing officials and employees to their successors as required by Section 3, Chapter 74 of this Code and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of this chapter or as otherwise provided by law.
- B. City records, or copies of city records which have been certified by the clerk, shall be prima facie evidence of their contents.

Section 3. Duties of City Clerk.

The Clerk shall be responsible for the administration and maintenance of the public records. The Clerk shall:

- A. Compile and maintain an inventory of the public records, including those in the custody of other city officials and employees, those which have been placed in storage or destroyed, and those which are confidential;
- B. establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving, and refiling records which are temporarily removed from the permanent files for use by the Clerk, other city officials or employees, or members of the public;

- C. develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the Alaska Department of Community and Regional Affairs as provided by A.S. 40.21.090, and for the destruction of records pursuant to Section 6, while protecting the confidentiality of those records which are not open to public inspection pursuant to Section 5;
- D. establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records which are not open to inspection pursuant to Section 5, and
- E. secure and maintain at least one copy of the Alaska Statutes and make them available for public inspection.

Section 4. Public records; inspection and copying.

- A. Except as provided in Section 5, city records are public records.
- B. Public records are open to inspection by the public during the Clerk's regular office hours, subject to reasonable rules relating to time, place, and manner of inspection, to be established by the Clerk. The Clerk shall give on request and payment of costs a copy or certified copy of portions of the public record.

Section 5. Confidential records.

- A. Except as otherwise provided by law, confidential records shall not be made available to the public or to any city officer, official or employee whose duties do not require access to the record in question.
- B. The following city records are confidential:
 - 1. records of vital statistics and adoption proceedings, which shall be treated in the manner required by A.S. 18.50;
 - 2. records pertaining to juveniles;
 - 3. medical and related public health records;
 - 4. personnel records, except as provided in Chapter 75.
 - 5. other records required by federal or state law or regulation or by ordinance to be kept confidential.

Section 6. Retention and disposal.

- A. All city records shall be retained until the Council, in writing, authorizes their disposal.
- B. The Clerk shall propose and the Council shall by resolution or ordinance approve a records retention and disposal schedule dictating how long various categories of routine records shall be kept before they no longer have legal, administrative, or historical value and may be destroyed by the Clerk. The Clerk may dispose of routine records pursuant to the retention schedule.

- C. The Clerk shall periodically review the city records, including inactive documents in storage, to determine whether he or she considers any to be without legal, administrative or historical value. When the Clerk identifies such records, he or she may propose to the Council that such records be destroyed. The Clerk's proposal to the Council shall include lists of these records sufficiently detailed to identify the records and to permit the council to determine whether the records retain any legal, administrative, or historical value, and shall also include the proposed means of disposal. If the Council finds that certain records so identified by the Clerk are without legal, administrative, or historical value, it may authorize their disposal and specify the means by which they may be disposed of. With such authorization, the Clerk may dispose of the specified records in the manner approved by the Council.
- D. The Clerk shall file a descriptive list of the records disposed of and a record of the disposal itself. The Clerk shall provide copies of these documents to the Council.

Title 2

Title II. ADMINISTRATION.

- Chapter 5. City Council
6. Mayor
7. Council Meetings
8. Council Procedures
9. City Clerk
10. Bookkeeper
11. City Attorney
12. City Treasurer
13. (Reserved)
14. (Reserved)
15. (Reserved)

5/25

CHAPTER 5

CITY COUNCIL

SECTIONS:

1. City Council; composition.
2. Qualification of Council members..
3. Election of Council members; terms.
4. Oath of office
5. Compensation of Council members..
6. Conflicts of Interest.
7. Vacancies.
8. Recall.
9. Filling a vacancy.

Section 1. City Council; composition.

The Council shall consist of seven members elected by the voters at large.

Section 2. Qualifications of Council members..

Council members shall be qualified city voters Candidates for Council shall have resided in the city for three (3) years preceding the date of election.

Council seats are designated and terms expire as follows:

Seat A - term expires in 1986, then 1989, 1992, etc.	95, 98, 01, 04, 07, 10, 13, 16, 19
Seat B - term expires in 1986, then 1989, 1992, etc.	" " " " " " " " " "
Seat C - term expires in 1986, then 1989, 1992, etc.	" " " " " " " " " "
Seat D - term expires in 1987, then 1990, 1993, etc.	96, 99, 02, 05, 08, 11, 14, 17, 20
Seat E - term expires in 1987, then 1990, 1993, etc.	" " " " " " " " " "
Seat F - term expires in 1988, then 1991, 1994, etc.	97, 00, 03, 06, 09, 12, 15, 18, 21
Seat G - term expires in 1988, then 1991, 1994, etc.	" " " " " " " " " "

A Council member who ceases to be a voter in the City immediately forfeits office

Section 3. Election of Council members; terms.

An election shall be held annually on the first Tuesday in October to choose Council members for staggered three year terms and until successors are elected and have qualified, and to decide such other questions or propositions as may require a vote of the people and are placed upon the ballot. Council member's terms of office begin on the first Monday following certification of the election.

Section 4. Oath of office.

All officers whether elected or appointed before entering upon the duties of office shall affirm in writing the following oath or affirmation:

"I _____, do solemnly swear (or affirm) that I will support the Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances of the City of Nondalton, Alaska, and that I will honestly, faithfully and impartially discharge my duties as _____ to the best of my ability.

The oath is filed with the City Clerk.

Section 5. Compensation of Council members.

Council members shall receive \$40 per meeting for serving on the Council. A separate honorarium of \$50.00 a day shall be paid to each council member and any otherwise uncompensated city representative who travels and attends meetings on city business.

Council members may receive payment for work performed for the city at the direction of the Nondalton City Council. Per Diem payments or reimbursements for expenses are not compensation under this section.

Section 6. Conflicts of interest.

If a Council member has a substantial financial interest in an official action, the Council member shall declare that interest and ask to be excused from a vote on the matter.

The procedures detailed in Chapter 74, Section 6(C) shall be followed. Refer to Chapter 74, Section 6 for Conflicts of interest, prohibitions and disclosure in general.

Section 7. Vacancies.

An elected city office is vacated under the following conditions. The Council shall declare an elective office, other than the office of Mayor, vacant when the person elected:

- A. Fails to qualify or take office within thirty days after his election or appointment;
- B. Is physically absent from the City for ninety consecutive days unless excused by the Council;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office as determined by two thirds vote of the Council;
- E. Is convicted of a felony or an offense involving a violation of the oath of office;
- F. Is convicted of a felony or misdemeanor described in A.S. 15.56 and two-thirds of the members of the Council concur in expelling the person elected;
- G. Is convicted of a violation of A.S. 15.13;
- H. No longer physically resides in the City and the Council by two-thirds vote declares the seat vacant; or
- I. If a member of the Council, misses three consecutive regular meetings and is not excused.

SECTION 8. Recall.

- A. An official who is elected or appointed to an elective city office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.
- B. Grounds for recall are misconduct in office, incompetence or failure to perform prescribed duties.
- C. Procedures to be followed for a recall petition and election are those set out in A.S. 29.26.260-340.
- D. If a Council member is recalled that office is filled accordance with Section 9 of this Chapter. If all members of the Council are recalled, the governor shall appoint three qualified persons to the Council. The appointees shall appoint additional members to fill remaining vacancies in accordance with Section 9 of this Chapter. A person appointed to the Council serves until a successor is elected and takes office.
- F. If an official other than a member of the City Council is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held on the 6th Tuesday after the date the recall election is certified, certification the successor shall be chosen at that election. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

Section 9. Filling a vacancy.

If a vacancy occurs in the City Council, the remaining members shall, within 30 days appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled. Notwithstanding the less than 30 days remaining in a term the number required to constitute a quorum, the remaining members shall within seven days, appoint a number of qualified persons to constitute a quorum. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

ch6

CHAPTER 6

MAYOR

SECTIONS:

1. Election and term of Mayor.
2. Duties of Mayor.
3. Vice Mayor; presiding officer pro tem.
4. Compensation of Mayor.
5. Oath of office
6. Vacancy in the office of Mayor.
7. Mayor is ex-officio officer.

Sections 1. Election and term of Mayor.

The Mayor is elected by and from the Council, and serves until a successor is elected and has qualified. The Council shall meet on the first Monday after certification of the regular election and elect a Mayor who takes office immediately. The Mayor serves a one year term and may serve as Mayor only while a member of the Council.

Section 2. Duties of Mayor.

The executive power in the City is vested in the Mayor. The Mayor acts as Ceremonial head of the City and executes official documents on authorization of the Council. The Mayor presides at City Council meetings and as a Council member shall vote on all matters. The Mayor does not have the power of veto. The Mayor may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend or remove subordinates in conformance with the City's personnel ordinances. As chief administrator the Mayor shall:

- A. Appoint, suspend or remove city employees and administrative officials as provided in the City's personnel ordinances (Chapter 75);
- B. Supervise the enforcement of city law and carry out directives of the Council;
- C. Prepare and submit an annual budget and capital improvement program for consideration by the Council, and execute the budget and capital improvement program adopted;
- D. Make monthly financial reports and other reports on city finances and operations as required by the Council;
- E. Exercise custody over all real and personal property of the City;
- F. Serve as personnel officer, unless the Council authorizes the Mayor to appoint a personnel officer;
- G. Perform such other duties, as required by law or ordinance or lawfully prescribed by the Council.

SECTION 3. Vice-mayor; presiding officer pro tem.

A Vice Mayor is elected by and from the Council for a term of one year and until a successor is elected and has qualified. The Vice Mayor shall be elected and take office immediately at the council meeting held on the first Monday after certification of the regular election.

Section 4. Compensation of Mayor.

The Mayor of the City shall receive compensation at the rate of \$40 per meeting attended on city business. The mayor may not also serve as city administrator while holding the office of mayor.

Section 5. Oath of office.

The Mayor before entering the duties of office shall affirm in writing an oath of office as provided for Council members in Chapter 5, Section 4 of this Code.

The oath is filed with the Clerk.

Sections 6. Vacancy in the office of Mayor.

- A. The Council shall, by two-thirds concurring vote, declare the office of Mayor vacant only when the person elected
 1. fails to qualify or take office within 30 days after election or appointment;
 2. unless excused by the Council, is physically absent from the City for 90 consecutive days;
 3. resigns and the resignation is accepted;
 4. is physically or mentally unable to perform the duties of office;
 5. is convicted of a felony or of an offense involving a violation of the oath of office;
 6. is convicted of a felony or misdemeanor described in A.S. 15.56;
 7. is convicted of a violation of A.S. 15.13;
 8. no longer physically resides in the City; or
 9. misses three consecutive regular council meetings and is not excused;
- B. A vacancy in the office of Mayor shall be filled by and from the Council. A Mayor appointed under this subsection serves the balance of the term to which appointed, except the Mayor may serve only while a member of the Council.
- C. Recall provisions of Section 8, Chapter 5 of this Code apply to the office of Mayor.

Section 7. Mayor is ex-officio officer.

The Mayor is an ex-officio member of every committee or department organized or functioning under this Code.

ch⁴7

CHAPTER 7
COUNCIL MEETINGS

Sections:

1. Meetings public.
2. Quorum.
3. Regular council meetings.
4. Special meetings.
5. Notice.
6. Executive Session.

Section 1. Meetings public.

Meetings of all city bodies shall be public as provided in A.S. 44.62.310. The Council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

Section 2. Quorum.

Four Councilmembers constitute a quorum. A member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum. In the absence of a quorum any number of members may recess or adjourn the meeting to a later date.

Section 3. Regular council meetings.

All regular meetings of the Council shall be held on the second Tuesday of each month.

The usual place of council meetings shall be at the Nondalton City Office provided, however, that in the event of any condition which renders the meeting place unfit to conduct any regular meeting of the Council, the meeting may be moved.

Section 4. Special meetings.

Special meetings of the Council are those meetings which are called by the presiding officer or one-third of the members of the Council for a time different than that fixed for the regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings.

At least 24 hours oral or written notice must be given a majority of Councilmembers and reasonable efforts made to notify all members. A special meeting may be conducted with less than twenty-four (24) hours notice if all Councilmembers are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.

Section 5. Notice.

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time and place of meeting is posted not less than seventy-two (72) hours before the

time of the meeting in at least three public places. Notwithstanding the preceding as much notice as is practicable shall be given. In the case of a special meeting where twenty-four (24) hours or less notice is given Councilmembers, public notice shall be posted at the same time as notice is given Councilmembers.

Section 6. Executive session.

All meetings of the Council are public meetings. However in cases where excepted subjects are to be discussed at a council meeting the Council may consider holding an executive session. The meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are excepted subjects shall be determined by a majority vote of the Council. This vote shall be a recorded roll call vote. If the vote to hold an executive session is affirmative the public will be asked to leave the meeting hall until the executive session is concluded or the Council shall withdraw to a private area of the hall to hold the executive session. The public shall be given notice of the excepted subject to be discussed, the amount of time the Council expects to spend in executive session and the expected time of reconvening of the public meeting. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session. Upon conclusion of the executive session the public meeting will be reconvened. During the public meeting action may be taken on the excepted subjects discussed at the executive session. Excepted subjects which may be discussed at an executive session are:

- A. matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
- B. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; and
- C. matters which by law, municipal charter, or ordinance are required to be confidential.

25 8

CHAPTER 8

COUNCIL PROCEDURES

Sections:

1. Mayor; the presiding officer at council meetings.
2. Meetings; order of business.
3. Minutes.
4. Council rules; speaking; rules of conduct.
5. Motions; second required.
6. Motions; disposition; withdrawal.
7. Motions; reduction to writing.
8. Motions; rescinding vote.
9. Voting; quorum.
10. Duties of the Clerk at council meetings.

Section 1. Mayor; the presiding officer at council meetings.

The Mayor shall preside at all meetings of the Council, he shall preserve order among the Councilmembers, and is responsible for conduct of all meetings according to the rules of the Council. He may at any time make such rules as he considers proper to preserve order among the attending public in the city council room during sessions of the Council. The Vice Mayor shall preside in the absence of the Mayor.

In the temporary absence or disability of the Mayor and Vice Mayor, any member of the City Council may call the Council to order at any duly called meeting to elect a presiding officer pro tem from among its number and the presiding officer pro tem shall exercise all the powers of Mayor during such temporary absence or disability of the Mayor and may also vote.

Section 2. Meetings; order of business.

At every regular meeting of the City Council the order of business shall be as follows:

- A. Call to order.
- B. Roll call.
- C. Approval of Agenda.
- D. Minutes of previous meetings.
- E. Reports.
- F. Communications and appearance requests.
- G. Hearings, ordinances and resolutions.
- H. Bids.
- I. Old business.
- J. New business.
- K. Public participation.
- L. Council comments.
- M. Adjournment.

Section 3. Minutes.

Minutes of all regular and special meetings shall be taken. All minutes shall be kept in the journal of the proceedings of the council. The minutes are public records and are to be made available to anyone upon request. The cost of copying may be charged. Minutes shall be posted, as soon as typewritten, at a public place.

Section 4. Council rules; speaking; rules of conduct.

A Councilmember about to speak shall respectfully address the Mayor or the presiding officer, and shall not commence to speak until recognized by the Mayor or presiding officer. When two or more members request to speak at the same time, the Mayor or presiding officer shall determine which one is recognized.

Every member while speaking shall confine himself to the subject under debate, and shall not refer to any other member of the Council except in a respectful manner.

Section 5. Motions; second required.

All motions shall require a second, unless otherwise provided by special rule.

Section 6. Motions; disposition; withdrawal.

After a motion is seconded and stated or read by the Mayor or presiding officer, it shall be considered to be in the possession of the Council and shall be disposed of by vote, but the Councilmember making the motion may withdraw it at any time before the vote, if the second agrees.

Section 7. Motions; reduction to writing.

Any motion must be put in writing if the Mayor or presiding officer requires or if any Councilmember demands.

Section 8. Motions; rescinding vote.

Any matter voted on and passed may be changed or rescinded by vote of the majority of the Council.

Section 9. Voting; quorum.

Four Councilmen constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.

All Councilmembers present shall vote on every question, unless required to abstain from voting on a question by law. The final vote on each ordinance resolution, or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it may be recorded unanimous. The Mayor or presiding officer shall declare the result of all votes.

Section 10. Duties of the Clerk at council meetings.

The City Clerk shall give notice of city council meetings, shall attend all meetings of the Council and keep the journal of its proceedings, shall authenticate by his/her signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the City Clerk the City Council may appoint a temporary clerk, with all the powers, duties and obligations of the City Clerk.

Ch 9

CHAPTER 9

CITY CLERK

Sections:

1. Appointment; term.
2. City Clerk.
3. Additional duties of the Clerk.
4. Acting clerk.
5. Clerk's pay.

Section 1. Appointment; term.

The City Clerk shall be appointed by the Council. He/she shall hold office at the pleasure of the Council.

Section 2. City Clerk.

The City Clerk shall:

- A. Give notice of the time and place of council meetings to the Council and to the public;
- B. attend council meetings and keep the journal;
- C. arrange publication of notices, ordinances and resolutions;
- D. maintain and make available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations and codes;
- E. attest deeds and other documents; and
- F. perform other duties specified in the Alaska Statutes or prescribed in this Code or by the Mayor or by the Council.

The Council may combine the office of Clerk with that of the Treasurer.

Section 3. Additional duties of the clerk.

The City Clerk shall record and certify all actions of the Council.

The City Clerk shall have the power to administer all oaths required by law.

The City Clerk shall be custodian of the city seal and the official records of the City.

The City Clerk shall give to the proper officials ample notice of the expiration or termination of any terms of office and when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements.

The City Clerk shall be the city election supervisor and shall be responsible for the calling and supervision of all city elections.

Section 4. Acting clerk.

In case of temporary absence of the City Clerk, the Council may appoint an acting clerk with all the powers and obligations of the City Clerk.

Section 5. Clerk's pay.

The Council shall determine the pay of the Clerk or acting clerk.

Ch 10

CH 11

CHAPTER 11
CITY ATTORNEY

Sections:

1. City attorney.
2. Duties of city attorney.

Section 1. City attorney.

There may be a city attorney who shall be appointed by the Council. He/she shall hold office at the pleasure of the Council.

Section 2. Duties of city attorney.

The city attorney may:

- A. 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;
- B. represent the City in all matters, civil and criminal, in which the City is interested;
- C. draft any ordinance when required by the City Council or Mayor;
- D. perform such other duties as may be required by the City Council or Mayor;
- E. attend meetings of the City Council;
- F. report to the City Council promptly all suits brought against the City;
- G. call to the attention of the City Council and the Mayor all matters of law affecting the City;
- H. render all opinions in writing, as far as is practicable;
- I. maintain a record of all opinions rendered and turn such record over to his successor in office; and
- J. perform such other duties as the Mayor or Council may require.

CS 12

CHAPTER 12

CITY TREASURER

Sections:

1. Appointment.
2. Duties.
3. Pay.

Section 1. Appointment.

The treasurer shall be appointed by the Council. He or she shall hold office at the pleasure of the Council. The Office of Treasurer is combined with that of City Clerk.

Section 2. Duties.

The treasurer shall:

- A. Except as provided in A.S. 14.14.060 be the custodian of all city funds and property;
- B. keep an itemized account of money received and disbursed;
- C. pay money and vouchers drawn against appropriations;
- D. assist the Mayor in preparing the annual budget of the City;
- E. prepare and submit to the Mayor and Council such financial reports and other data as may be required or requested;
- F. prescribe and control such procedures as are necessary to protect city funds and property;
- G. be responsible for filing state and federal applications for shared revenue programs;
- H. perform other duties specified by State law or city ordinances or assigned by the Mayor or the Council; and
- I. give bond to the City in a sum that the Council directs. Premiums for any such bond shall be paid by the City.

Section 3. Pay.

The Council shall determine the pay of the Treasurer.

cr m

CHAPTER 13

(Reserved)

5/14

CHAPTER '14

(Reserved)

5 15

CHAPTER 15

(Reserved)

Table 3

Title III REVENUE AND FINANCE.

Chapter 16. Fiscal Procedures.

17. Budget.

18. Audit.

19. Sales Tax.

20. (Reserved)

21. (Reserved)

22. (Reserved)

25/6

Ch 16

CHAPTER 16

FISCAL PROCEDURES

Sections:

1. Fiscal year.
 2. Ordinance required.
 3. Treasury.
 4. Checking and savings accounts.
 5. Responsibilities of officers
 6. Insufficient funds in book account.
-

Section 1. Fiscal year.

The fiscal year of the City shall begin on the first day of July every year and end on the last day of June in the following calendar year.

Section 2. Ordinance required.

All monies spent or received by the City during a fiscal year shall be budgeted for by ordinance.

Section 3. Treasury.

The Council may combine the office of City Clerk with that of the treasurer. The treasurer shall be responsible for collection, custody and disbursement of all city money.

Section 4. Checking and savings account.

- A. All checks drawn on the treasury of the City shall be signed by two elected officials.
- B. City employees shall not be authorized to withdraw funds from city accounts as signators or otherwise.
- C. All checks prior to issuance shall be approved to be within budget allowances as prescribed by ordinance.
- D. Operating cash shall be kept in one financial institution to be designated by resolution.
- E. The City Clerk and bookkeeper shall monthly review anticipated incomes, expenditures and budgets and report to the Council any cash balances in excess of 60 days of budgeted city operation. Upon directive of the Council such balances above 60 days' budgeted operating costs shall be placed in the following types of short term or long term, as appropriate, investments:
 1. Savings accounts, certificates of deposit or interest bearing checking accounts at federally chartered savings institutions;
 2. bonds, notes or other obligations.

Section 5. Responsibilities of Officers.

The Council, as the representatives of the people entrusted with the

receipt and expenditure of public monies are responsible for reviewing and overseeing city office procedures and ensuring that the public monies are properly received, expended and accounted for.

The Mayor shall execute the budget as approved by the Council and as chief administrative officer of the City shall ensure that proper accounting procedures are followed. The city staff and City Clerk, ~~under the immediate supervision of the Mayor and under the direction~~ of the City Council shall carry out all duties as directed, including day to day administrative supervision of projects and management and supervision of the city office and office staff. The bookkeeper under supervision of the City Clerk shall among other duties keep a complete set of records of the financial transactions of the City.

Section 6. Insufficient funds in bank account.

No city checks may be written at any time when funds are insufficient. Willful violation of this provision and conviction thereof shall result in a fine of not more than three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority.

CHM

CHAPTER 17

BUDGET

Sections:

1. Preparation of the budget.
2. Scope of budget.
3. Budget adopted as ordinance.
4. Public hearing on budget.
- ~~5. Further consideration of budget.~~
6. Adoption of budget; vote required.
7. Effective date of budget; certification.
8. Budget public record.
9. Amendment of the budget.

Section 1. Preparation of the budget.

The City Clerk and treasurer with assistance of the bookkeeper shall prepare the budget under direction of the Mayor. Budget preparation should begin by April 1.

Section 2. Scope of budget.

The budget shall be a complete financial plan for all the operations of the City showing beginning cash balances, anticipated revenues from whatever source and itemized proposed expenditures for all city departments. It shall include a comparative statement with the estimated expenditures and revenues of the preceding fiscal year. Proposed expenditures shall not exceed the total of anticipated revenues and beginning cash balances.

Section 3. Budget adopted as ordinance.

The budget shall be adopted as a non-code ordinance following procedures for ordinance adoption. After the introduction and first reading of the proposed budget ordinance the Council shall determine the place and time of the public hearing on the budget and shall post such notice in three places in the City at least five (5) days 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 a public hearing.

Section 4. 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 for or against the estimates of any item thereof.

Section 5. Further consideration of budget.

After the conclusion of such public hearing, the Council may insert new items or may increase or decrease the items of the budget, except items on proposed expenditures fixed by law. The Council may not vary the titles, descriptions, or conditions of administration specified in the budget.

Section 6. Adoption of budget; vote required.

The budget shall be adopted by a majority vote of the Council, preferably by May 1, but no later than June 15.

Section 7. Effective date of budget; certification.

Upon adoption of the budget ordinance, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be signed by the Mayor and certified by the Clerk and filed in the office of the Clerk.

Section 8. Budget public record.

The budget, the capital improvements program, and all supporting schedules shall be open to public inspection. Copies of the budget shall be available for distribution at cost to all interested persons.

Section 9. Amendment of the budget.

The budget shall be amended following the procedures for amending ordinances at such times as circumstances and clarity require. The budget must be amended by ordinance whenever any line item is to be increased by more than 10% or the overall budget is to be increased or decreased by more than 10%.

cu 18

CHAPTER 18

AUDIT

Sections:

1. Conformity to generally accepted accounting principles.
2. Compliance with audit requirements.
3. Appointment of auditor.

Section 1. Conformity to generally accepted accounting principles.

City recordkeeping and accounting practices shall conform to generally accepted accounting principles. To help assure this conformity city administrative staff shall inform the Council of training opportunities that may arise and office equipment and supplies required. The Council shall make reasonable efforts to provide training and proper equipment and supplies for city administration.

Section 2. Compliance with audit requirements.

The City shall comply with the requirements of the federal and state "Single Audit Acts".

Section 3. Appointment of auditor.

Until otherwise directed by the Nondalton City Council, the firm of Mikunda Cottrell is appointed auditor for the City of Nondalton.

15

19

CHAPTER 19

LEVYING AND COLLECTION OF A SALES TAX

SECTIONS:

1. CLASSIFICATION
2. RETAIL SALES TAX
3. DEFINITIONS
4. DUTIES OF SELLER AND BUYER
- ~~5. INSTALLMENT SALE~~
6. TAX SCHEDULE
7. CERTIFICATE OF REGISTRATION AS TAX COLLECTOR
8. DUTY TO KEEP BOOKS
9. POWERS OF CITY CLERK
10. MONTHLY RETURN AND PENALTIES
11. NON-TAXABLES
12. METHOD OF DEPOSIT
13. PENALTY FOR VIOLATION
14. LIEN
15. VALIDITY OF ORDINANCE
16. EFFECTIVE DATE OF ORDINANCE

SECTION 1. CLASSIFICATION

This is a permanent ordinance of the City of Nondalton to be numbered and included in the City Code of Nondalton.

SECTION 2. RETAIL SALES TAX

A tax on retail sales of personal property and services shall be paid to the City at the rate of three percent (3%) on the sale price of all sales made in the City, as provided in this chapter.

SECTION 3. DEFINITIONS

When not clearly otherwise indicated by the context, the following words and phrases as used in this chapter, have the following meanings:

- a. "Buyer" includes persons who are purchasers of personal property or services.
- b. "Person" includes individuals and every person recognized in law and every group of persons who act as a unit
- c. "Sale" or "retail sale" includes every sale of personal property or sale of services made within the City of Nondalton. A sale is made within the City if the agreement of sale is made in the City,

the goods or services are to be delivered or performed in the City, or if the services sold are centered in the City. Sale or retail sale does not include wholesale sales of personal goods by merchants selling goods at wholesale prices to other merchants in the regular course of business.

- d. "Sale of services" includes, without limitation:
 - 1. Every sale of services, including sales of guiding services, sales of transportation from the City to and from hunting and fishing grounds, and sales of lodging within the City.
 - 2. Every rental of real or personal property.
- e. "Sale price" means the consideration paid by the buyer in terms of money and in the case of a sale involving an exchange of property, the fair market value of the property exchanged, including delivery or installation costs, or any other expenses whatsoever, measured by the gross sales of the seller.

SECTION 4. DUTIES OF SELLER AND BUYER

- a. Within thirty (30) days of notification by the City, all businesses operating within the City shall register with the office of the City Clerk and obtain the required reporting forms.
- b. Transient businesses not permanently located within the City who intend to sell goods or services within the City must register with the City Clerk within 24 hours of arrival. These businesses must comply with the provisions set out in this ordinance for the duration of their business activity. Failure to comply with this section will result in civil penalties as provided in this chapter.
- c. The tax levied hereunder shall be paid by the buyer to the seller, and it shall be the duty of each seller to collect from the buyer the full amount of the tax payable at the time of sale or provision of the service (or at the time of collection with respect to credit transactions).
- d. Seller shall add the required amount of tax to the sales price, and such tax shall be a debt from the buyer to the seller until paid, and shall be recoverable at law in the same manner as other debts.

- e. Seller shall add the tax to the sale price at a straight three percent (3%) rate

SECTION 5. INSTALLMENT SALE

When a sale is made on an installment basis, the entire sales tax shall be collected from the down payment, or if none, from the first installment, or, if the installment or down payment is less than the tax, then from as many installments as is necessary to pay the tax.

SECTION 6. TAX SCHEDULE

The tax to be added to the sales price or service charge shall be accordance with the following schedule:

Price	Tax	Price	Tax
\$0.01 thru \$0.15	\$.00	\$3.50 thru \$3.83	\$.11
\$0.16 thru \$0.49	\$.01	\$3.84 thru \$4.15	\$.12
\$0.50 thru \$0.83	\$.02	\$4.16 thru \$4.49	\$.13
\$0.84 thru \$1.15	\$.03	\$4.50 thru \$4.83	\$.14
\$1.16 thru \$1.49	\$.04	\$4.84 thru \$5.15	\$.15
\$1.50 thru \$1.83	\$.05	\$5.16 thru \$5.49	\$.16
\$1.84 thru \$2.15	\$.06	\$5.50 thru \$5.83	\$.17
\$2.16 thru \$2.49	\$.07	\$5.84 thru \$6.15	\$.18
\$2.50 thru \$2.83	\$.08	\$6.16 thru \$6.49	\$.19
\$2.84 thru \$3.15	\$.09	\$6.50 thru \$7.83	\$.20
\$3.16 thru \$3.49	\$.10		

Over \$7.83, continue on same scale to total amount of taxable sale.

Each collector shall be furnished a copy of the tax schedule. Any one sale of items separately priced shall be taxed upon the total amount.

SECTION 7. CERTIFICATE OF REGISTRATION AS TAX COLLECTOR

- A. All collectors shall file with the City an application for a certificate of registration on a form prescribed by the City, not more than ten days after the effective date of this ordinance or opening of an additional place of business or a newly established business. The application must contain or be accompanied by:

1. The name and address of the applicant;
2. The location at which the applicant will conduct its business subjected to the tax under this chapter will occur

3. A description and the location of real and personal property owned by the applicant in the City and other information with respect to the description, location and values of the property which the City may require.
- B. Upon the receipt of a properly executed application, the Mayor will issue without charge to the collector, a certificate of registration, stating the address of the place of business to which it is applicable and authorizing the collection of the tax. ~~The certificate must be prominently displayed at the place of business named therein. A seller who has no regular place of business shall attach the certificate to his stand, truck, or other merchandising device.~~
 - C. The certificate of registration is non-assignable and non-transferable and must be surrendered to the Mayor by the collector to whom it was issued upon his /her ceasing to do business at the location named therein. If the business is continued at the same location but there is any change in the ownership of the business, the certificate shall be surrendered to the Mayor for cancellation. The successor in interest is required to file a new application for a certificate of registration. Upon receipt of a properly executed application, the Mayor will issue a new certificate to the new owner.
 - D. When there is a change of location for the collector's business, a new certificate of registration is required showing the new address.
 - E. Before issuing a certificate of registration, the mayor may require the applicant to post a bond, furnish a statement of net worth, or furnish additional security to insure the full and prompt payment of taxes to be collected under such certificate when in his/her judgement it is in the best interest of the City to do so.

SECTION 8. DUTY TO KEEP BOOKS

- A. Every collector subject to this chapter shall keep suitable records of all sales and such other books and accounts as may be necessary to determine the amount of tax which he is obliged to collect. All such records shall be preserved for a period of three (3), years from the date of return reporting the sales. Also preserved for three (3), years shall be all invoices of goods and merchandise

purchased for resale, and all such other books, invoices and records as may be necessary to accurately determine the amount of taxes the collector was obliged to collect under this chapter.

- B. The Mayor shall have the power to adopt suitable rules and regulations providing for the application and interpretation of this chapter and for providing methods and forms for reporting and collecting the tax. The Mayor is empowered to ~~audit or review state business license returns and~~ any other relevant books, papers, records or memoranda of any collector registered in the city, and may require the presence of any collector or their officers or employees at any required hearing.

SECTION 9. POWERS OF CITY CLERK

The City Clerk, under the direction of the City Council, shall have the power to adopt suitable rules and regulations providing for the application and interpretation of this ordinance and for providing methods and forms for reporting and collection the tax. The Clerk is empowered to audit or review state business license returns of any business operating in the City.

SECTION 10. MONTHLY RETURN-INTEREST ON DELINQUENT TAXES

Every seller making retail sales shall, make out a monthly return upon forms to be provided by the City Clerk setting fourth the amount of all sales for the month, the amount of the tax thereon, and such other information as the City Clerk may require, and sign and transmit same to the City Clerk by the last working day of the following month, All tax due under this ordinance shall be paid to the City Clerk at the time of transmitting of the return, and if not paid such tax shall immediately become delinquent. Tax not paid before becoming delinquent shall incur interest at the rate of five percent (5%) per annum on the delinquent amount from the date of delinquency, and shall accrue and be collected in the same manner as the delinquent tax is collected

SECTION 11. NON-TAXABLES

- A. The following shall be exempt from a sales tax imposed by the city:

1. Casual and isolated sales not made in the regular course of business;
 2. Sales of insurance and bonds of guaranty and fidelity;
 3. Gross receipts derived from funeral charges and services;
 4. Sales of fuel;
 5. Sales of groceries;
-
6. Sales of basic necessities of life in the arctic such as clothing, medical supplies, household supplies, hand tools, minor hardware items, and goods for personal consumption such as children toys, Native handicrafts, goods for personal hygiene, newspapers, books, video rentals and magazines;
 7. Rentals and leases of residential housing units;
 8. Gross receipts of electric and telephone utilities;
 9. Proceeds from the sale of food in cafeterias, lunch rooms and restaurants operated primarily as retail food establishments;
 10. Proceeds from sale of goods or services by churches or other religious organizations unless competing with private companies engaged in similar business;
 11. Proceeds from sale of real property; excepting the amount claimed as commission shall be taxed;
 12. Revenues of all air carriers licensed to carry passengers for hire;
 13. Salaries or wages received by an employee from an employer.
- B. Not exempt and not intended to be exempt from the sales tax imposed by the City are:
1. Retail sales of snow machines and all terrain vehicles;
 2. Retail sales of boats, outboard motors and accessories;

3. Fees charged for rooms, and other services by hotels, lodges, inns and bed and breakfast establishments providing short term overnight accommodations, including any fees charged for meals by said establishments is incidental to and made in conjunction with the provision of overnight accommodations and/or other services;
4. Fees charged for round trip transportation from the City to hunting and fishing grounds, ~~but only when the transportation is provided~~ in conjunction with other services subject to the tax imposed by this chapter;
5. Fees charged for guiding services for hunting, fishing, and other outdoor recreation when the guiding services beginning and end in the City and are centered in the City. Guiding services are "centered" in the city when they are provided in conjunction with other services which are subject to this chapter and which are provided within the City.

SECTION 12. METHOD OF DEPOSIT

All tax revenues collected under the provisions of this ordinance shall, by the City Clerk, be deposited in the general fund.

SECTION 13. PENALTY FOR VIOLATION

- A. Failure to Register. A seller who is required to register but fails to do so within the time prescribed, is subject to a civil penalty equal to five percent, 5%, of the amount of any tax found to be due.
- B. Failure to File Return. A seller who fails to file a return within the time required by this chapter, shall incur a civil penalty equal to five percent, 5%, of the taxes due the City for each month for which a return was not filed as required by this chapter.
- C. Failure to Collect Tax. An operator who willfully fails to collect the tax levied by this chapter shall incur a civil penalty of double the tax which should have been collected.
- D. Remedies are Cumulative. The penalties and charges provided for in this chapter shall be considered cumulative remedies. The City Clerk, under the

direction of the City Council, shall have the power to adopt suitable rules and regulations providing for the application and interpretation of this ordinance and for providing methods and forms for reporting and collection the tax. The Clerk is empowered to audit or review state business license returns of any business operating in the City.

SECTION 14. LIEN

~~The tax, penalty and interest imposed by this chapter shall constitute a lien in favor of the City upon all the collector's property within the City. The lien arises upon delinquency and property is sold at foreclosure sale. When recorded, the sales tax lien has priority over all other liens except as provided in AS 29.45.650 e.~~

SECTION 15. VALIDITY OF ORDINANCE

If any section, subsection, clause, sentence or phrase of this ordinance is held to be invalid, that decision shall not affect the validity or the meaning of the remaining portions of this ordinance.

SECTION 16. EFFECTIVE DATE OF ORDINANCE

This ordinance shall be in full force and take effect upon passage by the Nondalton City Council and ratification by the voter's of the City of Nondalton.

(amended by ordinance #93-05 04/19/93)

20
45

CHAPTER 20

(Reserved)

421

CHAPTER 21

(Reserved)

22
15

CHAPTER 22

(Reserved)

2023

Title

✓

Title IV ACQUISITION AND DISPOSAL OF CITY PROPERTY

- Chapter 23. Real Property Acquisition, Management and Disposal
 - 24. Eminent Domain; Adverse Possession
 - 25. Real Property Sales by City
 - 26. Lease of City Lands
 - 27. Disposition of City-owned Personal Property
 - 28. Extraterritorial Jurisdiction
 - 29. (Reserved)

ln 23

CHAPTER 23

REAL PROPERTY ACQUISITION, MANAGEMENT AND DISPOSAL

Sections:

1. Rights and powers of city
2. Acquisition of land.
3. Economic development sites.
4. Temporary use of city lands.
5. Casual use of city lands.
6. Disposal of real property.
7. Methods of disposal.
8. Leases.
9. Easements.
10. Notice of disposal.
11. Definitions.

Section 1. Rights and powers of city

The city shall have and may exercise all rights and powers in the acquisition, ownership, holding and disposal of real property in any manner not prohibited by law.

Section 2. Acquisition of land.

A. The city may acquire, own, and hold real property or any interest in real property inside or outside the city boundaries by purchase, lease, exchange, transfer, donation, condemnation or declaration of taking under the city's power of eminent domain, or any other legal method. Unless otherwise directed by the city council, the mayor has authority to negotiate the terms of acquisitions, subject to council approval. Except as provided in Sub-Sections B and C of this section, and unless otherwise provided by law, all acquisitions shall be by resolution approved by a majority vote of the total membership of the city council. Real property shall be held in the name of "City of Nondalton".

B. Upon passage of a resolution approved by a majority vote of the total membership of the city council, the mayor may act upon behalf of the city to execute those documents required in the acquisition of real property or interest in real property when that property to be acquired is conveyed from the Native Village Corporation in partial satisfaction of the requirements of Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA). When the conveyance is for full and complete satisfaction of the requirements of ANCSA Section 14(c)(3), a non-code ordinance shall be passed which shall include: a statement identifying the amount of land to be acquired; a legal description; a statement that the conveyance, in conjunction with any previous partial reconveyances, is in complete satisfaction of the ANCSA 14(c)(3) obligation; a finding that the lands are sufficient for existing and foreseeable community needs; and a statement of facts supporting that finding. This ordinance shall not take effect until ratified by a majority of the voters voting on the question in the next regular or special election.

D. The city council may approve and authorize the purchase of real property or interest in real property by contract of sale, deed of trust, or lease.

E. Prior to approval of the purchase of property under Sub-Section D of this Section, the mayor shall furnish the city council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition. The validity of any acquisition or purchase of real property by the city is not affected by the failure to furnish the city council with such materials.

Section 3. Economic development sites.

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.

Section 4. Temporary use of city lands.

The mayor has the authority to issue special land use permits for the exclusive temporary use of city lands. A special land use permit does not convey an interest in the land and may be revoked for cause with 30 days notice. Unless otherwise agreed to in writing, the land will be restored to its original condition upon expiration or revocation of the permit. Easements will not be granted under a special land use permit.

Public comment shall be sought before the issuing of a special land use permit in those situations where, in the opinion of the mayor, a hazardous or obnoxious use might significantly affect the surrounding area. Notice of the proposed action shall be published and a period for public comment shall be provided. When significant adverse comment is received, a public hearing shall be held.

A special land use permit shall not be granted for a term exceeding one year. Special land use permits are not transferable nor renewable. Upon expiration, a special land use permit may be re-issued for a term not exceeding one year.

If a fee is charged for the issuance of a special land use permit, the fee schedule shall be established by the city council.

Section 5. Casual use of city land.

A. No permit or lease is required for casual uses of city land.

B. Any use under this section is at the risk of the user. The city assumes no responsibility for such use.

C. The city shall notify the public of the location of city lands that are not open to casual use.

Section 6. Disposal of real property.

A. The city may dispose of real property or an interest in real property which has been found to be no longer necessary for municipal purposes. All disposals shall be by non-code ordinance. The minimum time between introduction and adoption of ordinances for disposals other than by sealed bid or public outcry or lottery shall be _____ longer than required for other non-code ordinances. The ordinance shall include:

1. A finding that the real property or interest in real property is no longer necessary for municipal purposes and a statement of facts upon which such a finding is based;

2. A legal description of the property;

3. Type of interest in property to be disposed of as defined in Section 11;

4. The purpose of the disposal;

5. The method of disposal as identified in Section 7;

6. The value of the property or the value of the interest in property as determined under Subsection B of this Section;

7. The procedure for conducting the disposal and the time, place and manner in which the proposed disposal shall occur.

B. The value of the property or interest in property shall be fair market value as determined by an appraisal prepared by a qualified appraiser or assessor, or the city council may determine the fair market value by any other means it deems appropriate.

Section 7. Methods of disposal.

A. All disposals shall be conducted in a fair and impartial manner. Procedures for conducting all disposals shall be set out in the non-code ordinance authorizing each disposal.

B. Competitive disposal. The city may conduct the following types of competitive disposal:

1. Sealed bid auction. The minimum bid for a sealed bid auction shall be the fair market value of the property or interest in property as determined under Section 6 B.

2. Public outcry auction. The minimum bid for a public outcry auction shall be the fair market value of the property or interest in property as determined under Section 6 B.

3. Lottery. In the case of a lottery, the price of the property or interest in property may be established by the city council.

C. Disposal for public services.

The city council may dispose of real property or an interest in real property to a municipality, state, or federal entity or to a non-profit corporation or association, or a Native Tribal council, when the recipient is providing a necessary public service to residents of the municipality, without seeking bids and for less than the fair market value of the real property or interest in real property. If a disposal is made under this Sub-Section, the non-code ordinance authorizing the disposal must include in addition to the requirements in Section 6:

1. A finding that the disposal to the entity is for provision of a necessary public service and a statement of facts upon which such a finding is based;

2. A requirement that the conveyance of the property or property interest disposed include a condition that the title will revert to the municipality in the event the property is no longer used for the necessary public service justifying the disposal; and

3. In the event that the entity receiving the property or interest in real property is a Native Tribal council, a requirement that the Native Tribal council waive any immunity from suit for the purpose of enforcing the reversion provision.

D. Disposal for economic development.

The city council may dispose of real property or an interest in real property to any person or entity in furtherance of local trade or industry without seeking bids and for less than the fair market value of that real property or interest in real property as determined under Section 6 B. If a disposal is made to further economic development, the non-code ordinance authorizing the disposal must include in addition to the requirements in Section 6:

1. A finding that the property or property interest which is the subject of the disposal will be used in furtherance of local trade or industry; and

2. A requirement that the conveyance of the property or property interest disposed include a condition that title will revert to the municipality in the event the property is no longer used for the local trade or industry justifying the disposal.

E. Miscellaneous disposals.

The city council may settle disputed claims or litigation by authorizing disposal of real property or an interest in real property.

F. Disposal to settle claims of equitable interest.

Upon a finding by the city council that it is in the public interest, the city may convey real property or an interest in real property for less than fair market value to a person who has a valid claim of equitable interest in the property or in a substantial improvement located upon the property. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance.

G. Disposal for residential purposes.

Upon a finding by the city council that there is a current residential housing shortage in the community and that making land available for residential purposes at less than market value is in the public interest, the city may convey real property or an interest in real property for less than fair market value to a domiciled city resident who seeks the parcel for development and use as a personal place of residence. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance. When real property or interest in real property is disposed of pursuant to this Subsection, the deed or lease must contain a condition subsequent which ensures that if the land is used for any use other than residential use for a period of ___ years after the disposal, title will revert to the city. In addition, disposals under this Sub-Section shall include a requirement for the construction of a habitable dwelling within ___ years after the disposal or title will revert to the city.

Section 8. Leases.

A disposal of interest in real property by lease shall follow the requirements of Sections 6 and 7. The terms and conditions of leases shall be established by the city council for each such disposal.

Section 9. Easements.

The disposal of interest in real property by grant of easement shall follow the requirements of Sections 7 and 8. The terms and conditions of easements shall be established by the city council for each such disposal.

CITY OF NONDALTON

ORDINANCE #94-02

AN ORDINANCE OF THE CITY OF NONDALTON, ALASKA AMENDING CHAPTER 23, ENTITLED, "REAL PROPERTY ACQUISITION, MANAGEMENT AND DISPOSAL", SECTION 8, PARAGRAPH G OF THE NONDALTON CITY CODE OF ORDINANCE BY DELETING THOSE WORD/S AND/OR PHRASES IN PARENTHESIS AND ADDING THOSE WORD/S AND/OR PHRASES UNDERLINED, AS FOLLOWS:

Section 8, Methods of disposal.

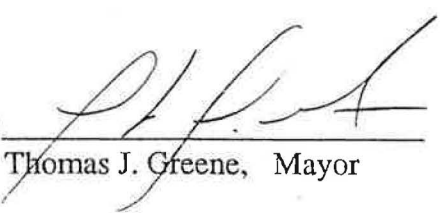
G. Disposal for residential purposes.

Upon a finding by the City Council that there is a current residential housing shortage in the community and that making land available for residential purposes at less than market value is in the public interest, the city may convey real property or an interest in real property for less than fair market value to a person who is considered to be a domiciled city resident and/or has lived in Nondalton for at least five years and owns no land, and, is available to receive immediate HUD or BIA housing funding who seeks the parcel for development and use as a personal place of residence. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance. When real property or interest in real property is disposed of pursuant to this Sub-Section, the deed or lease must contain a condition subsequent which ensures that if the land is used for any use other than residential use for a period of seven years after the disposal, title will revert to the city. In addition, disposals under this Sub-Section shall include a requirement for the construction of a habitable dwelling within three years after the disposal or title will revert to the city.

INTRODUCTION: January 10, 1994

PUBLIC HEARING February 08, 1994

ADOPTED by a duly constituted quorum of the Council of the City of Nondalton, Alaska, this 8 day of February, 1994

SIGNED: 
Thomas J. Greene, Mayor

ATTEST:


Dolly Ann Trefon, City Clerk

Section 10. Notice of disposal.

A. A notice of the disposal shall be posted in three conspicuous public places within the city not less than _____ before:

1. The date of the bid opening; or
 2. The date of the lottery; or
 3. The date of the auction; or
 4. The date of the disposal.
-

B. The notice shall include:

1. A legal description of the property and the type of interest to be disposed;

2. The method of disposal as identified in Section 7;

3. The assessed or estimated value of the property or interest in property;

4. The date of the proposed disposal and the time, place, and manner in which the proposed disposal shall occur.

SECTION 11 Definitions.

As used in this Chapter:

Abstract of title: A condensed history of the title to land together with a statement of all liens, charges, or liabilities to which the land may be subject.

Appraisal: An estimation of value of property by a qualified appraiser.

Casual use: The temporary, safe, non-exclusive and non-surface-disturbing use of city land and includes but is not limited to such uses as: hiking, hunting, fishing, short-term camping, picnicking, skiing, snowmachining or berry picking.

City boundaries: The city limits, established when the city is incorporated, inside which all city ordinances are enforceable.

Competitive disposal: A disposal of property wherein no preference is shown to any prospective bidder or group of bidders.

Condition subsequent: An event that occurs after transfer of title which will act to restore title to the maker of the condition.

Contract of sale: A contract between a willing seller and a willing buyer to transfer title to property.

Deed of trust: An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum of money or the performance of other conditions.

Disposal: The act of giving away or selling; the transfer of interest in property.

Disputed claims: Claim for property that is protested by another, or for property which is also claimed by another.

Domiciled resident: One who has resided in the city for at least the thirty days previous, maintains an address in the city, and intends to make the City his/her permanent residence.

Easement: A right or privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.

Economic development: To promote the growth of the local economy; increase income of residents.

Eminent domain: The power of a municipality to convert private property to a public use.

Equitable interest: A claim (in property or other) which should be recognized in the interest of fairness or equity.

Evaluate: To judge the quality of.

Federal entity: The Federal government or an agency thereof.

Hazardous use: A use involving danger; perilous; risky to human health and well-being.

Interest: In property: A right, claim, title, or legal share in that property. Refers to the "bundle of rights", which may be transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easement.

Inventory: A list of property, containing a description of each article of property.

Lease: Leases are used to dispose of specific interests in real property without transferring ownership of that property; A contract for exclusive possession of lands or tenements for a determinate period.

Legal description: That part of a conveyance document which identifies the land or premises intended to be affected by that conveyance.

Litigation: Contest in a court of justice for the purpose of establishing a right.

Lottery: A plan whereby the right to obtain interest in property, either by purchase or gift, is decided by luck or chance through some type of drawing of names.

Municipality: A unit of local government organized under the laws of the State of Alaska.

Non-code ordinance: An ordinance that is not part of the permanent city code.

Nonprofit corporation: An organization formed under the laws of the State of Alaska not to obtain a profit, but to supply an essential service to its constituents.

Obnoxious use: A use which people may find objectionable; disagreeable; offensive; displeasing.

Public interest: Something in which the public, the community at large, has some pecuniary interest (having to do with money), or some interest by which their legal rights or liabilities are affected.

Public outcry auction: Sale of property to the highest bidder, at a public auction, where each prospective buyer has the right to enter successive bids until a price is reached at which no higher subsequent bid is made.

Public service: Activities and enterprises which specially serve the needs of the general public.

Referendum: A method of submitting an important measure to the direct vote of the whole people.

Revert: With respect to property, title to go back to and lodge in former owner.

Sealed bid: A written offer to purchase property, placed in an envelope, and opened along with all other bids (if any) at a public bid opening.

State: The State of Alaska or an agency thereof.

Substantial Improvement: A major change or addition to land or real property that makes it more valuable.

Temporary uses: An exclusive use of city land which has a duration of one year or less, involves minimal disturbance to the land, and does not allow permanent structures or improvements exceeding \$_____.

Valid Claim: A legally enforceable claim by a third party. —

24

24

CHAPTER 24

EMINENT DOMAIN; ADVERSE POSSESSION

Sections:

1. Eminent domain.
- ~~2. Ordinance and vote required.~~
3. Adverse possession.

Section 1. Eminent domain.

The city may, only within its boundaries, exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the city in accordance with AS 09.55.240 - 09.55.460.

Section 2. Ordinance and vote required.

The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.

Section 3. Adverse possession.

The City may not be divested of title to real property by adverse possession.

LS

25

CHAPTER 25

(RESERVED)

۱۹۲

CHAPTER 26

(RESERVED)

25

CHAPTER 27

DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

Sections:

1. Personal property disposition by value.
 2. Sale of surplus or obsolete goods.
 3. ~~Surplus stock.~~
 4. Declaration of obsolescence.
-

Section 1. Personal property disposition by value.

Personal property, other than surplus stock, that is valued at less than one-thousand dollars may be disposed of upon such notice and terms considered reasonable by the Mayor with approval of the Council. The Mayor shall take into consideration the value of the article, the reasons for disposal, and the general preference for competitive bid. The Mayor shall report disposals to the Council.

Personal property valued at more than one-thousand dollars, but less than one hundred thousand dollars, shall be disposed of by sealed bid or public outcry auction. An estimated value of the property shall be made. The items to be disposed of shall be reviewed by the Council. After review, the Council may, by resolution, direct the sale of the property under such terms and conditions as it requires. Notice shall be posted in at least three public places in the City for at least 30 days prior to the disposal. The notice must contain a description of the property, its location, minimum acceptable bid, limitations if any, time and place set for the disposal. The procedure for disposal shall be in a manner provided by resolution of the Council.

Personal property valued at more than one hundred thousand dollars shall be disposed of in the same manner just described, but shall be by ordinance rather than resolution. No disposition of personal property valued at one hundred thousand dollars and over shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted.

Section 2. Sale of surplus or obsolete goods.

The Mayor may, when directed by the Council, sell the following without giving an opportunity for competitive bidding:

- A. Surplus or obsolete supplies, materials, or equipment whose total value does not exceed one-thousand dollars in a single transaction;
- B. supplies, materials, or equipment when sold at a price at least as great as that paid by the City for the same.

Section 3. Surplus stock.

All agencies shall submit to the Mayor, at such times and in such forms 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.

The Mayor shall have the authority to transfer surplus stock to other agencies and provide for proper fiscal transfer of such.

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.

Section 4. Declaration of obsolescence.

No surplus or obsolete supplies, materials, or equipment of a value of more than one-thousand dollars may be sold until the Council has declared them obsolete or surplus.

22 37

CHAPTER 28

(RESERVED)

C_5^{29}

CHAPTER 29

(Reserved)

Title ✓

Title V. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

Chapter 30. Public Safety Department

31. Fire Department

32. Search and Rescue Department

33. (Reserved)

34. Planning Committee

35. (Reserved)

C430

CHAPTER 30
PUBLIC SAFETY DEPARTMENT

Sections:

1. Creation.
2. Appointment of Chief (VPSO).
3. Powers, duties and responsibilities of the department.
4. Chief (VPSO).
5. Rules and regulations.
6. Conduct of members.
7. Custody of public and stolen property.
8. Officers; regular and special.
9. Search and rescue; cost repayment.

Section 1. Creation.

There shall be a public safety department for the City of Nondalton. The Village Public Safety Officer is the Chief of the Department.

Section 2. Appointment of Chief (VPSO).

The chief is appointed by the City Council, with approval of the Alaska State Troopers, and serves at the pleasure of the Council. The chief is administratively responsible to the Mayor.

Section 3. Powers, duties and responsibilities of the department.

The department shall have broad powers in the areas of law enforcement and emergency medical response.

Law enforcement: It is the duty of the department to apprehend, arrest and bring to justice all violators of city ordinances; to keep the peace; to serve all warrants, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating Federal and State law as may be provided by law, and turn these violators over to the proper authorities; and in all respects to perform all duties pertaining to the office of policeman.

Emergency medical response: The authority and duties contained in this section are only to be assumed by individuals who have successfully completed Emergency Medical Training I.

It is the duty of department ^{Trauma Training} Emergency Medical Technicians ^{Trauma Training} to undertake immediate response in traumatic accident situations; where qualified stabilize the condition of the victim in preparation for transportation; transport the victim to the nearest primary health care facility (i.e. local clinic); and resuscitate and administer

first aid to persons injured in an emergency. The department shall in an emergency offer assistance to the local primary health care provider. The chief and the primary health aide will cooperate in developing protocol for dealing with emergency medical situations.

Section 4. Chief (VPSO).

The Chief (VPSO) is the commanding officer of the department. His or her duties shall include, but are not necessarily limited to the following:

- A. Determine the organization of the department and provide for its staffing;
- B. establish and enforce rules and regulations for the conduct of department members;
- C. direct the police and emergency rescue work of the City;
- D. train and drill the members of the department including emergency response drills if necessary;
- E. be responsible for the maintenance and care of all property used or in the custody of the department;
- F. maintain and staff the city jail or other holding facilities and be responsible for the prisoners;
- G. prepare and maintain records of all arrests, fines, and responses to emergencies, and other information about the work and status of the department and make periodic written reports to the City Council;
- H. provide arrangements and equipment for reporting emergency situations and for notifying all members of the department to assure prompt response to such incidents;
- I. prepare and submit, upon request, a tentative budget for the department to the City Council;
- J. communicate directly with and coordinate, where possible, department activities, with those other regulatory and enforcement agencies about matters related to department business; and
- K. perform such other duties as may be required by the City Council or the Alaska State Troopers.

Section 5. Rules and regulations.

The chief (VPSO) is responsible for prescribing the rules and regulations for the conduct of members of the department. The City Council shall approve any rules or regulations before they become effective. Once effective, the rules and regulations are binding on all department employees and officers.

The rules and regulations adopted for the department may include, in addition to those concerning the conduct of the members, uniform and equipment to be worn or carried, protocol or procedures, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the department.

Section 6. Conduct of members.

It shall be the duty of every member of the department to conduct himself or herself in a professional manner and to refrain from conduct which brings discredit to any member of the department. Each member of the department shall obey the directions of the chief or his/her designee. No member of the department shall use unnecessary force in carrying out his/her law enforcement duties.

Section 7. Custody of public and stolen property.

The chief shall have custody of all property and equipment which comes into possession of the department. The chief shall be responsible for an inventory (list) of all such property, equipment and supplies and the proper maintenance of same.

Under the direction of the Council, the chief shall establish rules and regulations for the storage of department property.

No person shall use any department equipment for any private purpose, nor shall any person without proper authority take away any department property.

The above paragraph includes all lost, stolen, abandoned or otherwise unclaimed property which comes into possession of the department, except vehicles which are otherwise provided for by State law.

Section 8. Officers; regular and special.

The number of regular and special department officers shall be determined by and each such officer shall be appointed by the City Council unless this power to appoint, suspend or remove is delegated to the chief.

Regular members of the department are salaried city employees and are subject to all benefits which may apply thereto.

Special members of the department may include special purpose or special response teams such as emergency medical response teams and Special Duty Officers. Special Duty Officers are appointed by the City Council upon recommendation of the VPSO when the VPSO is unavailable to perform his duties.

Such special members shall, however, serve on an "incident only" basis and when called upon to respond to a situation. They shall function only under the direction of the chief or his designee. They shall be compensated for services so rendered as provided for by the City Council. From time to time, as the Council deems advisable, payments may be made to reimburse members for clothing damage incurred while fighting fires or service in other department capacities. For purposes of this section, temporary jail guards are considered special members of the department. Temporary jail guards are compensated by the State with the prior approval of an Alaska State Trooper and only when a prisoner is charged with violation of a state law.

Ch 31

CHAPTER 31

FIRE DEPARTMENT

Sections:

1. Fire department; fire chief.
2. Powers and duties of the fire department.
3. Fire chief.
4. Volunteer fire department.
5. Rules and regulations.
6. Training and records.
7. Conduct of members.
8. Equipment.
9. Definitions.

Sections 1. Fire department; fire chief.

There may be a fire department, the head of which shall be the fire chief appointed by the City Council. The number of firemen shall be determined by, and each fireman appointed by, the City Council except as they may delegate the power of appointment to the fire chief.

Section 2. Powers and duties of the fire department.

Duties of the fire department shall be among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to persons injured in or about burning structures, promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in stores and other public buildings.

Section 3. Fire chief.

The fire chief is the commanding officer of the fire department and of volunteer firemen. The fire chief shall perform the following duties:

1. Determine the organization of the fire department and provide for its staffing;
2. establish and enforce rules and regulations for the conduct of members of the department;
3. train and drill the members of the department, including periodic fire drills as deemed necessary;
4. maintain possession and custody of all fire equipment, buildings, and all other property of the department;
5. prepare and maintain records of all fires, inspections, fire-fighting equipment, personnel, and other information about the work and status of the department and make periodic written reports to the Council;
6. provide suitable arrangements and equipment for supporting fires or other emergencies and for notifying all members of the department to assure prompt response for such incidents;

7. assign equipment or manpower in response to calls for outside aid where mutual aid agreements are in force and other cases only when the absence of such equipment will not jeopardize protection in the City;
8. supervise fire prevention;
9. recommend to the Mayor and Council needed fire-fighting equipment;
10. prepare and submit, upon request a tentative budget for the department to the Mayor or Council;
11. assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires; and
12. perform such other duties as may be required by the Mayor and the Council.

Section 4. Volunteer fire department.

Volunteer firemen shall be appointed by the fire chief, and said volunteer firemen shall be organized and disciplined as a fire department by the fire chief.

Members of the volunteer fire department may organize into a voluntary association with the election of their own officers and by-laws.

The voluntary association shall in no manner limit the power of the fire chief. All property used by the fire department is and remains the property of the City and all expenses of the fire department upon proper voucher shall be paid by check by the regular municipal authorities.

From time to time in such amounts as the Council deems advisable, payments may be made to the volunteer department for the purpose of giving that association funds with which to reimburse members for clothing damaged while attending fires and for such other purposes that are in keeping with its functions.

Section 5. Rules and regulations.

The fire chief shall maintain and enforce up-to-date, comprehensive sets of rules and regulations governing the discipline, training and operation of the fire department. Such, rules, regulations and any deletions, changes or additions shall be effective when approved by and filed with the Council. The fire chief shall have the authority to carry out the enforcement of these rules and regulations and is authorized to suspend or remove from service any officer or fire fighter as provided in the rules and regulations.

Section 6. Training and records.

Training - The fire chief or his representative who has completed fire training at a state fire training center shall provide, at least four times per year, quarterly sessions of instruction to include such subjects as first aid, water supplies, and other subjects related to fire prevention.

Records - the fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires and other department activities.

Reports - current records and comparative data for previous years and recommendations for improving the effectiveness of the department shall be included in an annual report to the Council. Such reports as may be required concerning the department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the activities of the department shall also be prepared and submitted by the fire chief.

Section 7. Conduct of members.

It shall be the duty of every member of the fire department to conduct himself or herself in a professional manner and to refrain from conduct which brings discredit to any member or to the department.

Section 8. Equipment.

- A. The fire chief shall be responsible to the Council for recommending such apparatus or other fire fighting equipment as may be required to maintain fire department efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the department to assure prompt response to such incidents.
- B. No unauthorized person shall use any fire apparatus or equipment for any purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.
- C. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by, or having special permission of an officer or authorized member of the department.

Section 9. Definitions.

For purposes of this Code "employees" do not include members of the volunteer fire department, unless otherwise noted. Members of the volunteer fire department are not subject to the rules and regulations of any personnel system which is adopted by the Council, unless the personnel rules and regulations affirmatively provide that the members of the volunteer fire department are included.

Ch 32

CHAPTER 32

SEARCH AND RESCUE DEPARTMENT

ctions:

1. Establishment of search and rescue team
2. Powers and duties of the search and rescue team
3. Search and rescue team chief
4. Rules and regulations
5. Training
6. Conduct of members
7. Cost repayment

Section 1. Establishment of search and rescue team

There may be a search and rescue team, the head of which shall be appointed by the City Council and under the immediate supervision of the Mayor responsible to the City Council.

Section 2. Powers and duties of the search and rescue team

It is the duty of the Search and Rescue team to develop a search and rescue response team; direct local search and rescue operations; coordinate local search and rescue programs with the State Troopers to ensure protocol, coordination and funding for local search and rescue operations.

Section 3. Search and rescue team chief

The Team Chief is the commanding officer of the search and rescue team. His or her duties shall include, but are not necessarily limited to the following:

- A. Determine the organization of the team and provide for its staffing;
- B. Establish and enforce rules and regulations of the conduct of team members
- C. Direct the search and rescue operations of the team;
- D. Train the members of the team;
- E. Prepare and maintain records of all search and rescue operations and other information about the work of the team and make periodic written reports to the City Council;
- F. Perform such other duties as may be required by the City Council or the Alaska State Troopers.

Section 4. Rules and regulations

The team chief is responsible for prescribing the rules and regulations for the conduct of members of the team. The City Council shall approve all rules or regulations before they become effective. Once effective, the rules and regulations are binding on all team members.

The rules and regulations adopted for the team may include, in addition to those concerning the conduct of the members, uniform and equipment to be worn or carried, protocol or procedures, hours of service and all other similar matters necessary or desirable for the better efficiency of the team.

Section 5. Training

The team chief or his/her representative shall provide the necessary training to ensure all team members are able to perform their duties to successfully accomplish search and rescue operations under adverse conditions.

Section 6. Conduct of members

It shall be the duty of every member of the search and rescue team to conduct himself or herself in a professional manner and to refrain from conduct which brings discredit to any member or to the team.

Section 7. Cost repayment.

Person or persons causing a search and rescue operation to take place because of the person's or persons' abuse of drugs and/or alcohol shall be subject to repay the cost of the search and rescue operation up to the sum of \$500.

U M M

CHAPTER 33

(Reserved)

34 34

CHAPTER 34

PLANNING COMMITTEE

Sections:

1. Establishment of Planning Committee
2. Composition; terms
3. Organizations; meetings; quorums; order of business; special meetings.
4. Office space; compensations and expenses
5. Vacancies
6. Planning committee duties
7. Recommendations to be by resolutions.

Section 1. Establishment of Planning Committee

There may be established a planning committee for the City of Nondalton.

Section 2. Composition; terms.

The Planning Committee shall consist of:

- A. One representative from the Nondalton City Council;
- B. One representative from the Nondalton Tribal Council;
- C. One representative from Kijik Corporation
- D. One elder or a representative from the community at large;
- E. One youth or a representative from the community at large;
- F. One Health representative.

Members shall be appointed by the body they represent. All members shall be residents of the City of Nondalton.

Members shall be appointed for three year terms, except those first appointed shall be for one year, for two years and for three years. Such members first appointed shall draw lots so that two members serve three year terms two members serve three year terms, two members serve for two years, two members for one year.

Section 3. Organization; meetings; quorum; order of business, special meetings;

The committee, after members are appointed, shall have an Organizational meeting and designate a member as presiding officer to conduct the affairs of the committee and a deputy presiding officer officer to serve in the absence of the presiding officer.

The committee shall meet at least once each quarter, and as many

ORIGINAL

Chapter 34

replacement, when the member:

- A. departs from the City with the intent to remain away for a period of ninety or more days;
- B. submits his resignation and the resignation is accepted by the presiding officer.
- C. is physically or mentally unable to attend committee meetings for a period of more than ninety days.
- D. misses two or more consecutive regular meetings unless excused by the committee.
- E. is convicted of a felony or of an offense involving a violation of his oath of office; and
- F. his/her appointment is withdrawn by the body he represents because of expiration of the term of office on the body he represents or other reason.

Section 6. Planning Committee duties.

The duties of the Nondalton Planning Committee are advisory. The Nondalton Planning Committee may prepare and make recommendations to the City Council, which the Council may adopt, reject or amend on the following:

- A. Comprehensive Plan;
- B. Capital improvement program;
- C. Zoning
- D. Flood protection and counter measures;
- E. Erosion control
- F. Building permits;
- G. Other matters that may come to the committee's attention that effect the health, safety and well being of the citizens of Nondalton.

Section 7. Recommendations to be by resolution.

Recommendations to the City Council shall be by resolution bearing:

- A. the heading "Nondalton Planning Committee".
- B. the space for a number to be assigned, "Resolution No. ____".
- C. a short and concise title descriptive of the resolution's subject and purposes;
- D. short premises or WHEREAS clauses descriptive of the reason for the resolution, if necessary;;

Chapter 34:

additional times as necessary to transact business.

Meetings shall be public and minutes shall be kept. Notice of meetings shall be given in the same manner as for the City Council meetings. The city clerk or his/her designee shall act as clerk for the planning committee.

A majority of the voting membership constitutes a quorum. Any act of the committee requires a majority affirmative vote of those voting members present.

Meetings shall be conducted according to Roberts Rules of Order and such modified or amended rules as may be adopted by the committee. The order of business at regular meetings shall be:

- A. Approval of minutes of previous meetings as amended or corrected.
- B. reading and disposition of correspondence
- C. unfinished business
- D. new business; and
- E. miscellaneous business.

The order of business at special meetings shall be prescribed by the presiding officer.

The City council or the presiding officer may call a special meeting on at least twenty four (24) hour notice given to each member of the committee.

Section 4. Office space; compensation and expenses.

The Nondalton Planning Committee shall be provided office space suitable for its needs and adequate to file its journal, resolutions, records, reference materials, correspondence, maps, charts, etc., all of which shall constitute public records of the City.

Compensation and expenses of the planning committee shall be paid as directed by the City Council. The planning committee shall present a budget of all anticipated expenses and costs to the City Council for the Council's approval.

Section 5. Vacancies.

The body a planning committee member represents shall appoint a

Chapter 34.

- E. the resolving clause, "Be it resolved,"
- F. the text; and
- G. after the date adopted, designated lines for signature of the committee presiding officer and "Attest" by the City Clerk.

Introduction and First Reading : September 28,2006
Public Hearing/Approval: October 10,2006

ENACTED BY THE CITY COUNCIL OF THE CITY OF NONDALTON,
ALASKA, this _____, day of October 2006.

City of Nondalton:

Attest:

Mayor

City Clerk

CHAPTER 34

PLANNING COMMITTEE

sections:

1. Establishment of Planning Committee.
2. Composition; terms.
3. Organization; meetings; quorum; order of business; special meetings.
4. Office space; compensation and expenses.
5. Vacancies.
6. Planning committee duties.
7. Recommendations to be by resolution.

Section 1. Establishment of Planning Committee.

There may be established a planning committee for the City of Nondalton.

Section 2. Composition; terms.

The Planning Committee shall consist of:

- A. Two representatives from the Nondalton City Council;
- B. two representatives from the Kijik Corporation;
- C. two representatives from the Nondalton IRA Council;
- D. the Mayor shall be an ex-officio member of this committee, but shall vote only in case of a tie.

Members shall be appointed by the body they represent. All members shall be residents of the City of Nondalton.

Members shall be appointed for three year terms, except those first appointed shall be for one year, for two years and for three years. Such members first appointed shall draw lots so that two members serve three year terms, two members serve for two years, two members for one year.

Section 3. Organization; meetings; quorum; order of business; special meetings.

The committee, after members are appointed, shall have an organizational meeting and designate a member as presiding officer to conduct the affairs of the committee and a deputy presiding officer to serve in the absence of the presiding officer.

The committee shall meet at least once each quarter, and as many additional times as are necessary to transact business.

Meetings shall be public and minutes shall be kept. Notice of meetings shall be given in the same manner as for city council meetings. The City Clerk or his/her designee shall act as clerk for the planning committee.

A majority of the voting membership constitutes a quorum. Any act of the committee requires a majority affirmative vote of those voting members present.

Meetings shall be conducted according to Robert's Rules of Order and such modified or amended rules as may be adopted by the committee. The order of business at regular meetings shall be:

- A. Approval of minutes of previous meetings as amended or corrected;
- B. reading and disposition of correspondence;
- C. unfinished business;
- D. new business; and
- E. miscellaneous business.

The order of business at special meetings shall be prescribed by the presiding officer.

The City-Council or the presiding officer may call a special meeting on at least twenty four (24) hours notice given to each member of the committee.

Section 4. Office space; compensation and expenses.

The Nondalton Planning Committee shall be provided office space suitable for its needs and adequate to file its journal, resolutions, records, reference materials, correspondence, maps, charts, etc., all of which shall constitute public records of the city.

Compensation and expenses of the planning committee shall be paid as directed by the City Council. The planning committee shall present a budget of all anticipated expenses and costs to the City Council for the Council's approval.

Section 5. Vacancies.

The body a planning committee member represents shall appoint a replacement, when the member:

- A. Departs from the City with the intent to remain away for a period of ninety or more days;
- B. submits his resignation and the resignation is accepted by the presiding officer;
- C. is physically or mentally unable to attend committee meetings for a period of more than ninety days;
- D. misses two or more consecutive regular meetings unless excused by the committee;
- E. is convicted of a felony or of an offense involving a violation of his oath of office; and
- F. his/her appointment is withdrawn by the body he represents because of expiration of the term of office on the body he represents or other reason.

Section 6. Planning Committee duties.

The duties of the Nondalton Planning Committee are advisory. The Nondalton Planning Committee may prepare and make recommendations to the City Council, which the Council may adopt, reject or amend on the following:

- A. Comprehensive plan;
- B. capital improvement program;
- C. zoning;
- D. flood protection and counter measures;
- E. erosion control;
- F. building permits;
- G. other matters that may come to the committee's attention that effect the health, safety and well being of the citizens of Nondalton.

Section 7. Recommendations to be by resolution.

Recommendations to the City Council shall be by resolution bearing:

- A. The heading "Nondalton Planning Committee";
- B. the space for a number to be assigned, "Resolution No. ____";
- C. a short and concise title descriptive of the resolution's subject and purposes;
- D. short premises or WHEREAS clauses descriptive of the reason for the resolution, if necessary;
- E. the resolving clause, "Be it resolved:";
- F. the text; and
- G. after the date adopted, designated lines for signature of the committee presiding officer and "Attest" by the City Clerk.

555

title 6
✓

Title VI.

UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

Chapter 36. Water & Sewer System

37. (reserved)

38. (reserved)

39. City Equipment

40. City Property; Inventory and Files

41. (reserved)

42. (reserved)

43. (reserved)

44. (reserved)

45. (reserved)

36

36

POSTED
5-18-06
CT

CITY OF NONDALTON

ORDINANCE # 06-01

CHAPTER # 38

TITLED:

NONDALTON UTILITIES

City of Nondalton

AN ORDINANCE OF THE CITY OF NONDALTON AMENDING THE NONDALTON CODE OF ORDINANCES TO ADD A NEW CHAPTER # 38, ENTITLED NONDALTON UTILITIES, REVISING OTHER CHAPTERS, CHAPTER 36 W/S AND #37 SOLID WASTE, CONCERNING UTILITY SERVICES, OPERATIONS, BILLING PROCEDURES AND REGULATIONS.

WHEREAS, the procedures for operating the utilities of the City and for billing the customers are not efficient as they should be, and

WHEREAS, the City Council finds that it is necessary to institute combined billing of all city utilities and made other changes to the Code of Ordinances to improve collections of billings and revise enforcement procedures to ensure customers remain current on their utility accounts, and revise operating regulations to improve the efficiency of the City's utilities, now, therefore

BE IT ENACTED BY THE NONDALTON CITY COUNCIL AS FOLLOWS:

Section 1. The Nondalton City Code of Ordinances is hereby amended to add a new chapter # 38, entitled City of Nondalton Utilities to read as follows:

ARTICLE 1. GENERAL PROVISIONS

Section 1. Combined utilities.

A. All utility services of the city identified in Ordinance Chapters 36 & 37 are organized into one administrative group known as Nondalton Utilities to be administered by the Utilities Manager.

B. Nondalton Utilities is comprised of the following services provided by the city: solid waste disposal, sewage and water.

Section 2. Definitions.

The following words and phrases, whenever used in Chapter 38, of

Ordinance # 06-01

Chapter # 38

this code, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“Nondalton Utilities” means the combination of utility services described in Chapter 36 & 37 of the Code of Ordinances, Nondalton Utilities has no legal identity separate from the City of Nondalton.

“Customer” means the owner of real property to which Nondalton Utilities provides services or, if authorized under Section 3, the real property owners authorized tenant or occupant.

“Sewage” means the water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with ground water infiltration and surface water as may be present; the admixture with sewage industrial wastes or other wastes is “sewage” fish offal discharges pursuant to state or federal permit is not “sewage”.

“Solid Waste” means all unwanted, abandoned, or discarded solid or semi-solid material whether or subject to decomposition, originating from any source.

“Utilities Manager” means the Mayor or a person appointed by the Mayor or manage Nondalton Utilities. Any task assigned by this title to the Utilities Manager may be performed by the Utilities Manager or by a city employee or official designated by the Utilities Manager.

Section 3. Account Responsibilities.

A. Regardless of who occupies a residence or other structure, and regardless of who receives the benefit of the utility service, the real property owner is liable for all Nondalton Utilities charges for service to the property, including without limitation monthly charges,, connect and disconnect fees, other charges, penalties, and interest.

B. A change in ownership will not relieve the property owner of liability for accruing utility charges until Nondalton Utilities actually receives from the property owner a notice to terminate all services, or receives and approves a new application for service from a new property owner.

C. A tenant or other occupant of real property may enter into arrangements for services with Nondalton Utilities only upon written authorization signed by the real property owner on a form provided by the city.

Ordinance # 06-01
Chapter #38

The authorization form must include the property owners' guarantee of all charges, including penalties and interest, resulting from the provision of services to the tenant or other occupant.

Section 4. Application and agreement for service.

A. The owner of any real property or other person authorized under Section 3 desiring any service from the Nondalton Utilities shall apply in writing on forms provided by Nondalton Utilities. No service will be provided until a properly completed application is approved by the Utilities Manager and the application has paid all applicable connection fees, deposits, and other charges required prior to the initiation of the requested service(s).

B. Regardless of whether the customer makes written application, the acceptance of service from Nondalton Utilities constitutes the customer's binding agreement to pay for all services and to comply with all requirements of this Chapter of the code of ordinances.

Section 5. Additional regulations.

The Mayor may adopt additional written regulation, to inconsistent with this chapter, as necessary for the administration and enforcement of this chapter. The Mayor shall advise the City Council of all regulations adopted pursuant to this section at the next regular meeting following the date of adoption. At any time the City Council may by resolution repeal all or any portion of regulations by the adoption of amendments of this chapter.

Section 6. Inspections.

The Utilities Manager or designee may make inspections of customer service locations, at reasonable times upon reasonable notice to the property owner, to determine satisfactory compliance with this ordinance and regulations adopted under this ordinance.

ARTICLE 2 BILLINGS AND COLLECTIONS.

Section 7. Billing-combined.

A. Nondalton Utilities will issue to the customer an itemized, combined billing for all services provided to each service location.

Ordinance # 06-01

Chapter # 38

B. In the event that any customer tenders as payment an amount insufficient to pay in full all of the charges billed, credit shall be given in the following priority, and designation to the contrary by the customer must be disregarded:

First----- Any outstanding penalties

Second----- Any accrued interest

Third----- Solid waste disposal

Fourth----- Sewage charges

Fifth ----- Water charges

C. If an account becomes delinquent for any service location, all Nondalton Utilities services to that service location may be terminated as provided in this chapter of the code of ordinances and discontinued until all delinquent penalties, interest, and charges have been paid in full.

Section 8. Billing-due dates; late penalties; interest.

A. Monthly Bills: All bills will be mailed on or before the 20th of each month. The bill will contain a statement of present charges due and payable prior to the 20th of the following month.

B. Delinquent Bills: All bills not paid by the 20th of the following month of billing will be considered delinquent.

C. Delinquent Notice: At the discretion of the City Council, a notice of delinquency shall be mailed to each delinquent account on or after seven days from the date the account becomes delinquent.

D. Water Turn-off Notice: After a water utility bill has not been paid a week after the Delinquent Notice, the City shall hand deliver a Water Turn-off notice to the customer, stating the date and time at which the service may be terminated. The city may terminate the service at any time after the date and time indicated in the turn-off notice without further notification, unless written payment arrangements are made by the customer and approved by the city council. The City Council reserves the right to reject offers of payment that are for less than the full amount due.

Ordinance # 06-01

Chapter # 38

E. Deposit for Reconnection: In all cases if service has been disconnected due to delinquency, the customer must again meet the security deposit requirements set forth in this chapter, before service will be reconnected.

F. Responsibility for Payment of Utility Bills: In all cases the person signing the utility application form is responsible for the utility bills regardless of who owns the property served.

Section 9. Billing address.

Nondalton Utilities will mail all utility bills and notices to the property owner at the address provided by the property owner. Failure to receive mail will not be recognized as a valid excuse for failure to pay bills when due. The property owner is solely responsible to notify Nondalton Utilities of any change in ownership of the property or change in mailing address.

Section 10. Schedule of Fees.

A. The charges, deposits, and other fees for each of the services provided by Nondalton Utilities are set forth in this section. The charges, deposits, and fees for each service used by the customer are cumulative.

B. The fees set forth in this subsection apply to all services:

Non-sufficient funds check \$25

C. The fees set forth in this section apply to solid waste services:

Residential "A"	\$ 30.00
Residential "B"	\$ 38.00
Daily Pick-up "A"	\$ 700.00
Daily Pick-up "B"	\$ 800.00
Commercial	\$ 75.00
Contractors	\$ 300.00

Items for disposal of items such as, kitchen appliances, furniture, tires, batteries, paints, and thinners, automobiles, ATV's, snow machines, televisions, VCR's, etc. shall be stored in a separate area of the land fill as posted. A charge of \$10.00 per item listed above for disposal in solid waste site.

Ordinance # 06-01

Chapter # 38

Section 11 Service Classification.

Residential "A" Residential service shall be for a household of THREE persons or less residing at those residents which would have pick-up once a week. It shall allow for the disposal of everyday household solid waste only. It will not include the allowance for disposal of items such as Kitchen appliances, furniture, tires, batteries, paints and thinners, hazardous waste, automobiles, ATV's, snow machines, televisions, radios, VCR's, etc.

Residential "B" Residential service shall be for a household of FOUR persons or more residing at those residents which would have pick-up once a week. It shall allow for the disposal of everyday household solid waste only. It will not include the allowance for disposal of items such as, Kitchen appliances, furniture, tires, batteries, paints, and thinners, hazardous waste, automobiles, ATV's, snow-machines, radio's, VCR's, etc.

Daily Pick Up "A" Daily pick up service shall be for a school or any other business, such as lodging facilities, food service facilities, etc. that would require a FIVE days a week pick-up service. It shall allow for the disposal of everyday household solid waste only. It will not include the allowance for disposal of items such as Kitchen appliances, furniture, tires, batteries, paints, thinners, hazardous waste, automobiles, ATV's, snow-machines, radio's VCR's, etc.

Daily pick-up "B" Daily pick up service shall be for a school or any other business, such as lodging facilities, food service facilities, etc. that would require a SEVEN days a week pick-up service. It shall allow for the disposal of everyday household solid waste only. It will not include the allowance of Kitchen appliances, furniture, tires, batteries, paints, thinners, hazardous waste, automobiles, ATV's, snow-machines, radio's, VCR's, etc.

Commercial: Commercial service will be for commercial business that provide for retail sale and would have pick-up service once a week. These businesses include, but are not limited to, Commercial Retail Sale Business Manufacturing Plants, Hotel/Motels, Bed & Breakfast Establishments, Mom

Ordinance # 06-01
Chapter # 38

& Pop quick stops, local government office facilities, community centers, post office, etc. It shall allow for the disposal of everyday items use in the normal course of business for that business. It will not include allowance for disposal of items such as Kitchen appliances, furniture, tires, batteries, paints, thinners, hazardous waste, automobiles, ATV's, snow-machines, radio's, VCR's, etc.

Contractors: Contracting companies, public projects, or any other project that would produce waste and would have ONE day a week pick-up service. It shall allow the disposal of everyday items use in the normal course of business for that business. It will not include the allowance for disposal of items such as Kitchen appliances, furniture, tires, batteries, paints, thinners, hazardous waste, thinners, automobiles, ATV's, snow-machines, radio 's, VCR's, etc.

Disposal of items such as, Kitchen appliances, furniture, tires, batteries, paint, thinners, hazardous waste, thinners, automobiles, ATV's, snow machines, radio's, VCR's, etc. Will be disposed is a separate area as posted at the Solid Waste site for a fee listed in Section 10.

Section 11. Solid Waste Services.

A. Improper disposal of solid waste prohibited: It is unlawful for any person to dispose of solid waste on or in the ground, waterways, or air within the city by a method other than the use of a Alaska Department of Environmental Conservation approved or permitted solid waste disposal facility.

B. Mandatory Service:

1. Every occupied property in the city that generates any quantity of solid waste must establish an account with Nondalton Utilities for solid waste service.
2. If a customer does not promptly establish an account for an occupied property, the Utilities Manager may establish the account in the property owner's name and bill for services at the appropriate rate. The property owner is liable for payment.

Ordinance # 06-01

Chapter # 38

C. Responsibility for collection: Each customer shall be provided with a solid waste disposal container and shall abide by the signed agreement for the use of the container.

D. The fees set forth in this subsection apply for water and sewage services.

A-1—Security Deposit

- A. Residential Service ----- Monthly Rate Times Two
- B. School Service----- Monthly Rate Times Two
- C. Commercial Service----- Monthly Rate Times Two
- D. Contract Service-----as determined by contract.

A-2----Water and Sewer Rates:

A. Residential Service

- Water-----\$ 20.00 per month
- Sewer-----\$ 20.00 per month
- B. School Service (metered) ----- \$ 3600.00 / - 1786 →
- C. Commercial Service-----\$ 80.00 per month
- D. Contract Services-----as determined by contractor.
- E. Septage Pumper Service---(\$20.00 per load if done by customer)
(actual labor cost if done by city employees).
- F. Minimum Payments for Repayment Agreement---
(\$20.00, <\$1500.00 delinquent, 40.00>\$1500.00)

A3. Non Recurring Water & Sewer Fees

- A. Water Service Reconnect----- \$ 20.00
- B. Involuntary Water Service Disconnect—Actual cost of labor and materials.
- C. Water Meter Installation customer's request—Actual cost of labor and materials
- D. Customer request disconnect fee----- \$0.00

Ordinance # 06-01

Chapter # 38

E. Water and Sewer Initial hook-up----- Actual cost of labor and material.

Section 11. Deposits.

A. Nondalton Utilities may require deposits prior to initiating a service or as a condition of continuing service. In the discretion of the Utility Manager, deposits may be applied against delinquent outstanding charges for any service provided by Nondalton Utilities. Deposits will be refunded by the city to the customer after the termination of service if all outstanding Nondalton Utilities charges are paid. Deposits held by the city will bear interest at the rate of 0% per annum.

B. The Utilities Manager may require a customer to increase deposit amounts to twice the normal amounts if the customer:

1. makes payments with non-sufficient check;
2. is delinquent in the payment of Nondalton Utilities charges two or more times in a 24 month period; or
3. is delinquent in the payment of Nondalton Utilities charges and is given notice of intent to terminate under Section 15 for such delinquency.

Section 12. Non-Sufficient Funds.

A fee in the amount established in Section 10(b) will be charged for any non-sufficient funds checks received. If a customer knowingly or repeatedly makes a payment with a non-sufficient fund check, the Utilities Manager may require all future payments be made in cash, certified check, or money order.

Section 13 Alternative payment agreements.

Arrangements can be made for an alternative payment schedule if:

1. it has been agreed upon by the Mayor and one council member,
2. the payment schedule must be set down in writing and signed by the Mayor, or council member and customer.
3. the customer agrees to the total amount past due, and the agreement provides that if any scheduled payments are missed, all Nondalton Utilities services may be disconnected without further notice.

Ordinance # 06-01
Chapter # 38

4. Not less than fifty percent of the past due amount must be paid at the time the payment schedule is agreed to, and
5. the Mayor may, in his or her discretion, also require the customer to execute a confession of judgment, assignment of permanent fund dividend, or both.

Section 14 Re-connection Charge.

Nondalton Utilities may charge a fee for re-connection of service where it has become disconnected for the nonpayment of bills or other reasons. The amount of such fee, if applicable, is set forth in Section 10-A3-A.

ARTICLE 3. INVOLUNTARY TERMINATION OF SERVICE.

Section 15. Involuntary termination of service.

A. Nondalton Utilities service may be involuntary terminated for any of the following reasons:

1. for delinquent, unpaid charges,
2. for use of any utility service for property other than the property identified as the service location or for purposes not allowed by this Ordinance or regulations adopted under this Ordinance.
3. for willful waste of water through improper or imperfect piping, equipment, or otherwise,
4. when a customer's service equipment (the customer lines, pipes, fixtures, and the like) does not meet applicable city standards, fails to meet applicable safety codes and regulations, or poses a danger of substantial injury to Nondalton Utilities personnel, the utility system, other persons, or property.
5. for tampering with property of Nondalton Utilities.
6. for abandonment of the service location by the customer
7. for the use of the utility service in a manner that adversely affects Nondalton Utilities services and customers.
8. for fraud in obtaining or using utility service.
9. in the event the customer turns or attempts to turn water, sewer on or off without written authorization of the Utilities Manager, except in case of emergency.

Ordinance # 06-01
Chapter # 38

10. for knowingly or repeatedly making payment with a non-sufficient check.

11. for violation of the requirements of this Ordinance and regulations adopted under the authority of this Ordinance.

B. If grounds exist or termination of services under this section, then all services provided by Nondalton Utilities will be terminated at the service location or locations giving rise to the grounds of termination.

Section 16. Procedure for termination.

A. Except as provided in subsection 16 B., prior to involuntarily terminating Nondalton Utilities services, the following procedure will be followed:

1. Notice of intent to terminate will be sent to the customer not less than ten days before the date on which the service will be terminated. If the customer is the authorized representative of the property owner, Nondalton Utilities will attempt to mail notice to the property owner, but neither the failure to do so nor the failure of the property owner to receive such notice will prevent the termination of service to the authorized representative customer. If it appears the termination of services at the customer location will affect more than one occupancy unit, Nondalton Utilities will also deliver the notice to or post the notice on each apparent unit.

2. The notice to the customer must be delivered personally or mailed by first class mail to the customer billing address shown on Nondalton Utilities records and posted on the premises at the customer billing address. If authorized in writing by the customer, facsimile transmission of the notice may be used in lieu of personal delivery and first class mail.

3. The notice must state the grounds on which Nondalton Utilities believes termination of services is justified, including a brief factual summary. If the grounds for termination is delinquency in payment of charges, the notice must include the amounts owing, late penalties, and interest, and the address to which payment may be sent. In every case the notice must include the customer name, customer service address, the account number, the date after which services will be terminated, and the method by which the customer may request a hearing before the Utilities Manager or designee for any matter in dispute.

Ordinance # 06-01

Chapter # 38

4. If a hearing is requested, the Utilities Manager will cause written notice to be given to the customer at least five calendar days before the hearing.

The notice will state the name of the hearing officer and the date, time, and place of the hearing. A delay in the date of the hearing beyond 48 hours will be granted by the hearing officer only for good cause shown.

5. Hearings will be conducted informally and formal rules of evidence shall not apply. The customer will be offered an opportunity to be heard, submit exhibits, be represented, and hear and question persons who might present testimony on behalf of Nondalton Utilities. The hearing officer may allow participation in the hearing by telephone.

6. The hearing officer must make a decision, in writing, within three calendar days of the conclusion of the hearing. If delinquency in payments is found to be ground for termination of service, the customer will thereafter have three calendar days to pay the amount determined by the hearing officer to be delinquent. If payment in full is not received within that period of time, all Nondalton Utilities services may be terminated without further notice. If the hearing office finds any other ground found for termination of service, all Nondalton Utilities services may be terminated at any time without further notice.

B. Nondalton Utilities may terminate any particular service without prior notice to the customer when the Utilities Manager determines that the connection of the customer's service, equipment, for safety code violations or any other reason, poses an imminent danger of substantial injury to Nondalton Utilities personnel, the utility system, other persons, or property. In the event of such a termination of service without prior notice, the Utilities Manager shall notify the customer as soon as practicable, including notice of the problem and how it may be cured by the customer, and give the customer an opportunity for a post-termination hearing consistent to the extent possible with the provisions of section 16B.

Ordinance # 06-01

Chapter # 38

Section 17. Re-connection of Service.

A. If Nondalton Utilities services are involuntarily terminated for delinquency in payments for other reasons, service will not be reconnected until all outstanding service charges and all applicable re-connection fees are paid in full.

B. Re-connection of services after an involuntary termination will, except in cases of emergency, be made during regular business hours as soon as practicable after resumption of service is requested by the customer and authorized by the Utilities Manager.

Section 18. Water and Sewer Services:

A. Use of sewage system required generally: It is unlawful for any person to dispose of sewage, liquid wastes, or human extracta from any building located within the city by any method other than through the utilization of the city sewage line, and is a higher elevation than the sewage line, unless application for an individual sewage system is submitted to and approved by the Utilities Manager and the city council.

B. Discharge of sewage onto ground prohibited: It is unlawful for any person to discharge sewage or other domestic wastes on the surface of the ground within the city.

C. Responsibility for maintenance of plumbing system: Each customer of Nondalton Utilities water and sewage service shall maintain his or her individual water and waste facilities in good repair at the customers' own expense. The customer's responsibility for water shall begin at the property line and include all facilities from that point throughout the building. The customer's responsibility for sewer shall begin at the property line and include all facilities from that point throughout the building.

D. Individual disposal systems restricted: It is unlawful for any person to operate or maintain an individual sewage disposal system, unless such

Ordinance # 06-01
Chapter # 38

system is conducted and maintained in such fashion that it does not contaminate any source of drinking, public or domestic water supply. Such systems shall comply with the applicable standards of the Alaska Department of Conservation.

E. Connection Procedures:

1. All connections to the Nondalton Utilities water and sewage system shall be made at the expense of the customer.

2. All customer water service and sewer connections and repairs, modifications, or disconnections shall be made only under the terms and conditions as set forth by the Uniform Plumbing Code (1970) and such further regulations as the city may make.

3. If any water line connects to more than one dwelling or occupied structure, Nondalton Utilities will charge individually for each dwelling and occupied structure served by such line. The owner of the property where such a line connects to the Nondalton Utilities is financially responsible for all water charges, interest, and penalties for all such dwellings and structures served by such line.

F. Installation of service lines:

1. All customer lines to the point of connection to the Nondalton Utilities water and sewer lines shall be installed, maintained, and repaired by the customer, at the customer's expense.

2. The point of connection shall be property line. Where that point of connection would be greater than one hundred feet from an existing main, the case shall be considered separately by the city council.

3. Installation of water and sewage systems, water and sewer lines, fixtures and all related appurtenances as needed to ensure the safe utilization of the Nondalton Utilities water and sewer systems shall conform to the Uniform Plumbing Code (1970), and any other regulations as adopted by the city.

Ordinance # 06-01
Chapter # 38

G. Turning on service: No water from the Nondalton Utilities water supply shall be turned on for service into any premises by a person except such persons at the Utilities Manager shall authorize.

H. Disbursement of monies collected: All monies collected for water and sewer services will be used strictly for water and sewer.

Section 19. Repeal:

Ordinance #36 and Ordinance # 37 of the Code of Ordinances is hereby repealed. This ordinance will be available in the book of Ordinances located at the City Hall during regular business hours for public review.

Section 20 Service Area Boundaries.

A. The boundaries of the service area described in this section shall be the service area boundaries, and shall be shown on the official map, a copy of which is attached to this ordinance. The official map shall be maintained by the City Clerk, and made available for inspection at the city office.

B. Amendment of these boundaries may be done by resolution of the city council. Any such amendments shall be recorded by the city clerk on the official map.

C: Service Area description:

Beginning at the NW corner of Section 24, T2S, R33W, Seward Meridian Alaska as projected; thence South to the SW corner of Section 1, T3S, R33W; thence East to a point on the center of the South boundary of Section 6, T3S, R32W; thence North along the center line of Section 6 T3S, R32W; to a point at the center line of the North boundary of Section 8, T3S, R32W; thence West to the NW corner of Section 6, T3S, R32W, thence North to appoint where the West boundary of Section 31, T2S, R32W, intersects the meander of Sixmile Lake; thence in a northerly and easterly direction along the meanders of Sixmile Lake to a point where the North boundary of Section 20, T2S, R32W, intersects the meander of Sixmile Lake; thence West to the point of beginning.

Ordinance # 06-01
Chapter 38

Section 21. Severability.

If any provision of this ordinance or the application thereof is held invalid, the remainder of this ordinance, and the application to other persons or circumstances shall not be affected thereby. In particular, and without limiting the generality of the foregoing, if the termination of all services for nonpayment of charges for one particular service is held invalid, then provisions authorizing the termination of all services shall be deemed severable and interpreted to authorize the termination of water, sewer, and solid waste services for the nonpayment of water or sewer or solid waste services for the nonpayment of water or sewer or solid waste charges or any combination thereof.

Introduction and First Reading: May 18, 2006
Public Hearing: June 14, 2006
Public Hearing: July 12, 2006

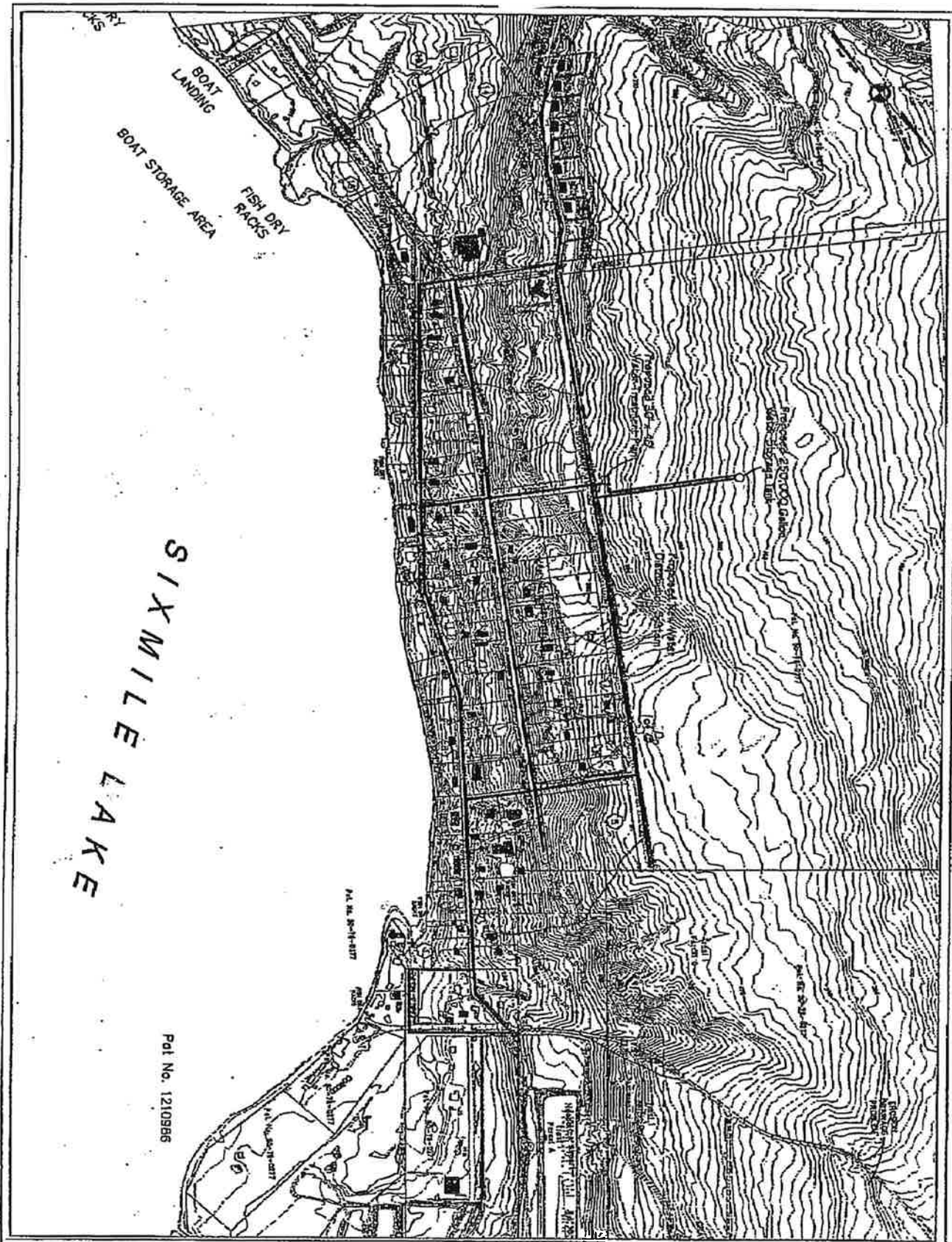
ENACTED BY THE CITY COUNCIL OF THE CITY OF NONDALTON,
ALASKA, this 12th day of July 2006.

City of Nondalton:

Bob Tracey
Mayor
Page 15 of 16

ATTEST:

Clara Srefon
City Clerk



NONDALTON, ALASKA CONVEYANCE OF UTILITIES PUBLIC LAW 96-353 PROJECT			ALASKA NATIVE TRIBAL HEALTH CONSORTIUM ENVIRONMENTAL HEALTH AND DISSEMINATION 1001 SOUTH BROADWAY SUITE 200 ANCHORAGE, ALASKA 99501-2001 (907) 273-3638		REPORT ORIGINATOR ENVIRONMENTAL ENGINEER PAY CONSULTANT	<table border="1"> <thead> <tr> <th>DATE</th> <th>REVISION</th> <th>REMARKS</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	REVISION	REMARKS												
DATE	REVISION	REMARKS																			

City of Nondalton

**AN ORDINANCE OF THE CITY OF NONDALTON AMENDING
THE NONDALTON CODE OF ORDINANCES TO CHAPTER # 38,
ENTITLED NONDALTON UTILITIES, INCLUDING WHERE
UTILITY COMPLAINTS CAN BE REPORTED TO.**

WHEREAS, the procedures for reporting complaints are not efficient
identified and procedures are not included as they should be, and

WHEREAS, the City Council finds that it is necessary to include the reporting
of complaints to the City Office or the Regulatory Commission of Alaska to
ensure utility complaints are addressed according, now, therefore

BE IT ENACTED BY THE NONDALTON CITY COUNCIL AS
FOLLOWS:

Section 1. The Nondalton City Code of Ordinances is hereby amended to
add a new chapter # 38, entitled City of Nondalton Utilities to read as
follows:

ARTICLE 1. GENERAL PROVISIONS

Section 1. Combined utilities.

A. All utility services of the city identified in Ordinance Chapters 36 & 37 are organized into one administrative group known as Nondalton Utilities to be administered by the Utilities Manager.

B. Nondalton Utilities is comprised of the following services provided by the city: solid waste disposal, sewer and water services.

Section 2. Definitions.

The following words and phrases, whenever used in Chapter 38, of

this code, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“Nondalton Utilities” means the combination of utility services described in Chapter 36 & 37 of the Code of Ordinances, Nondalton Utilities has no legal identity separate from the City of Nondalton.

“Customer” means the owner of real property to which Nondalton Utilities provides services or, if authorized under Section 3, the real property owners authorized tenant or occupant.

“Sewage” means the water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with ground water infiltration and surface water as may be present; the admixture with sewage industrial wastes or other wastes is “sewage” fish offal discharges pursuant to state or federal permit is not “sewage”.

“Solid Waste” means all unwanted, abandoned, or discarded solid or semi-solid material whether or subject to decomposition, originating from any source.

“Utilities Manager” means the Mayor or a person appointed by the Mayor or manage Nondalton Utilities. Any task assigned by this title to the Utilities Manager may be performed by the Utilities Manager or by a city employee or official designated by the Utilities Manager.

Section 3. Account Responsibilities.

A. Regardless of who occupies a residence or other structure, and regardless of who receives the benefit of the utility service e, the real property owner is liable for all Nondalton Utilities charges for service to the property,

Utility Ordinance
Chapter 38, 2011 Amendment

including without limitation monthly charges,, connect and disconnect fees, other charges, penalties, and interest.

B. A change in ownership will not relieve the property owner of liability for accruing utility charges until Nondalton Utilities actually receives from the property owner a notice to terminate all services, or receives and approves a new application for service from a new property owner.

C. A tenant or other occupant of real property may enter into arrangements for services with Nondalton Utilities only upon written authorization signed by the real property owner on a form provided by the city.

The authorization form must include the property owners' guarantee of all charges, including penalties and interest, resulting from the provision of services to the tenant or other occupant.

Section 4. Application and agreement for service.

A. The owner of any real property or other person authorized under Section 3 desiring any service from the Nondalton Utilities shall apply in writing on forms provided by Nondalton Utilities. No service will be provided until a properly completed application is approved by the Utilities Manager and the application has paid all applicable connection fees, deposits, and other charges required prior to the initiation of the requested service(s).

B. Regardless of whether the customer makes written application, the acceptance of service from Nondalton Utilities constitutes the customer's binding agreement to pay for all services and to comply with all requirements of this Chapter of the code of ordinances.

Section 5. Additional regulations.

The Mayor may adopt additional written regulation, to inconsistent with this chapter, as necessary for the administration and enforcement of this chapter. The Mayor shall advise the City Council of all regulations adopted pursuant to this section at the next regular meeting following the date of adoption. At any time the City Council may by resolution repeal all or any portion of regulations by the adoption of amendments of this chapter.

Section 6. Inspections.

The Utilities Manager or designee may make inspections of customer service locations, at reasonable times upon reasonable notice to the property owner, to determine satisfactory compliance with this ordinance and regulations adopted under this ordinance.

Utility Ordinance
Chapter 38, 2011 Amendment

Section 7. Utility Complaints

You should contact the Nondalton City Office first if you have a complaint about your water, wastewater service, or Solid Waste Service. If you are not satisfied after contacting the City Office, you may then file a complaint with the Regulatory Commission of Alaska. The Regulatory Commission of Alaska may be contacted toll-free at 1-800-390-2782, or TDD (907) 276-4533." [3 AAC 52.726]

ARTICLE 2 BILLINGS AND COLLECTIONS.

Section 7. Billing-combined.

A. Nondalton Utilities will issue to the customer an itemized, combined billing for all services provided to each service location.

B. In the event that any customer tenders as payment an amount insufficient to pay in full all of the charges billed, credit shall be given in the following priority, and designation to the contrary by the customer must be disregarded:

- First----- Any outstanding penalties
- Second----- Any accrued interest
- Third----- Solid waste disposal
- Fourth----- Sewage charges
- Fifth ----- Water charges

C. If an account becomes delinquent for any service location, all Nondalton Utilities services to that service location may be terminated as provided in this chapter of the code of ordinances and discontinued until all delinquent penalties, interest, and charges have been paid in full.

Section 8. Billing-due dates;late penalties;interest.

A. Monthly Bills: All bills will be mailed on or before the 20th of each month. The bill will contain a statement of present charges due and payable prior to the 20th of the following month.

B. Delinquent Bills: All bills not paid by the 20th of the following month of billing will be considered delinquent.

C. Delinquent Notice: At the discretion of the City Council, a notice of delinquency shall be mailed to each delinquent account on or after seven days from the date the account becomes delinquent.

Utility Ordinance
Chapter 38, 2011 Amendment

D. Water Turn-off Notice: After a water utility bill has not been paid a week after the Delinquent Notice, the City shall hand deliver a Water Turn-off notice to the customer, stating the date and time at which the service may be terminated. The city may terminate the service at any time after the date and time indicated in the turn-off notice without further notification, unless written payment arrangements are made by the customer and approved by the city council. The City Council reserves the right to reject offers of payment that are for less than the full amount due.

E. Deposit for Reconnection: In all cases if service has been disconnected due to delinquency, the customer must again meet the security deposit requirements set forth in this chapter, before service will be reconnected.

F. Responsibility for Payment of Utility Bills: In all cases the person signing the utility application form is responsible for the utility bills regardless of who owns the property served.

Section 9. Billing address.

Nondalton Utilities will mail all utility bills and notices to the property owner at the address provided by the property owner. Failure to receive mail will not be recognized as a valid excuse for failure to pay bills when due. The property owner is solely responsible to notify Nondalton Utilities of any change in ownership of the property or change in mailing address.

Section 10. Schedule of Fees.

A. The charges, deposits, and other fees for each of the services provided by Nondalton Utilities are set forth in this section. The charges, deposits, and fees for each service used by the customer are cumulative.

B. The fees set forth in this subsection apply to all services:

Non-sufficient funds check ~~\$25~~ 30.00 10/17

C. The fees set forth in this section apply to solid waste services:

Residential "A"	\$ 30.00
Residential "B"	\$ 38.00
Daily Pick-up "A"	\$ 700.00
Daily Pick-up "B"	\$ 800.00
Commercial	\$ 75.00
Contractors	\$ 300.00

Utility Ordinance
Chapter 38, 2011 Amendment

Items for disposal of items such as, kitchen appliances, furniture, tires, batteries, paints, and thinners, automobiles, ATV's, snow machines, televisions, VCR's, etc. shall be stored in a separate area of the land fill as posted. A charge of \$10.00 per item listed above for disposal in solid waste site.

Section 11 Service Classification.

Residential "A" Residential service shall be for a household of THREE persons or less residing at those residents which would have pick-up once a week. It shall allow for the disposal of everyday household solid waste only. It will not include the allowance for disposal of items such as Kitchen appliances, furniture, tires, batteries, paints and thinners, hazardous waste, automobiles, ATV's, snow machines, televisions, radios, VCR's, etc.

Residential "B" Residential service shall be for a household of FOUR persons or more residing at those residents which would have pick-up once a week. It shall allow for the disposal of everyday household solid waste only. It will not include the allowance for disposal of items such as, Kitchen appliances, furniture, tires, batteries, paints, and thinners, hazardous waste, automobiles, ATV's, snow-machines, radio's, VCR's, etc.

Daily Pick Up "A" Daily pick up service shall be for a school or any other business, such as lodging facilities, food service facilities, etc. that would require a FIVE days a week pick-up service. It shall allow for the disposal of everyday household solid waste only. It will not include the allowance for disposal of items such as Kitchen appliances, furniture, tires, batteries, paints, thinners, hazardous waste, automobiles, ATV's, snow-machines, radio's VCR's, etc.

Daily pick-up "B" Daily pick up service shall be for a school or any other business, such as lodging facilities, food service facilities, etc. that would require a SEVEN days a week pick-up service. It shall allow for the disposal of everyday household solid waste only. It will not include the allowance of Kitchen appliances, furniture, tires, batteries, paints, thinners, hazardous waste, automobiles, ATV's, snow-machines, radio's, VCR's, etc.

Commercial: Commercial service will be for commercial business that provide for retail sale and would have pick-up service once a week. These

Utility Ordinance
Chapter 38, 2011 Amendment

businesses include, but are not limited to, Commercial Retail Sale Business Manufacturing Plants, Hotel/Motels, Bed & Breakfast Establishments, Mom

& Pop quick stops, local government office facilities, community centers, post office, etc. It shall allow for the disposal of everyday items use in the normal course of business for that business. It will not include allowance for disposal of items such as Kitchen appliances, furniture, tires, batteries, paints, thinners, hazardous waste, automobiles, ATV's, snow-machines, radio's, VCR's, etc.

Contractors: Contracting companies, public projects, or any other project that would produce waste and would have ONE day a week pick-up service. It shall allow the disposal of everyday items use in the normal course of business for that business. It will not include the allowance for disposal of items such as Kitchen appliances, furniture, tires, batteries, paints, thinners, hazardous waste, thinners, automobiles, ATV's, snow-machines, radio 's, VCR's, etc.

Disposal of items such as, Kitchen appliances, furniture, tires, batteries, paint, thinners, hazardous waste, thinners, automobiles, ATV's, snow machines, radio's, VCR's, etc. Will be disposed is a separate area as posted on the Solid Waste site for a fee listed in Section 10.

Section 11. Solid Waste Services.

A. Improper disposal of solid waste prohibited: It is unlawful for any person to dispose of solid waste on or in the ground, waterways, or air within the city by a method other than the use of a Alaska Department of Environmental Conservation approved or permitted solid waste disposal facility.

B. Mandatory Service:

1. Every occupied property in the city that generates any quantity of solid waste must establish an account with Nondalton Utilities for solid waste service.
2. If a customer does not promptly establish an account for an occupied property, the Utilities Manager may establish the account in the property owner's name and bill for services at the appropriate rate. The property owner is liable for payment.

Utility Ordinance
Chapter 38, 2011 Amendment

C. Responsibility for collection: Each customer shall be provided with a solid waste disposal container and shall abide by the signed agreement for the use of the container.

D. The fees set forth in this subsection apply for water and sewage services.

A-1—Security Deposit

- A. Residential Service ----- Monthly Rate Times Two
- B. School Service----- Monthly Rate Times Two
- C. Commercial Service----- Monthly Rate Times Two
- D. Contract Service----- as determined by contract.

A-2----Water and Sewer Rates:

A. Residential Service

- Water-----\$ 20.00 per month 30
- Sewer-----\$ 20.00 per month 30
- B. School Service (metered) ----- \$ 3600.00
- C. Commercial Service-----\$ ~~80.00~~ per month \$ 120 -
- D. Contract Services-----as determined by contractor.
- E. Septage Pumper Service---(\$20.00 per load if done by customer)
(actual labor cost if done by city employees).
- F. Minimum Payments for Repayment Agreement---
(\$20.00,<\$1500.00 delinquent, 40.00>\$1500.00)

A3. Non Recurring Water & Sewer Fees

- A. Water Service Reconnect----- \$ 20.00
- B. Involuntary Water Service Disconnect—Actual cost of labor and materials.
- C. Water Meter Installation customer's request—Actual cost of labor and materials
- D. Customer request disconnect fee----- \$0.00
- E. Water and Sewer Initial hook-up----- Actual cost of labor and material.

Section 11. Deposits.

A. Nondalton Utilities may require deposits prior to initiating a service or as a condition of continuing service. In the discretion of the Utility Manager, deposits may be applied against delinquent outstanding charges for any service provided by Nondalton Utilities. Deposits will be refunded by the city to the customer after the termination of service if all outstanding Nondalton Utilities charges are paid. Deposits held by the city will bear interest at the rate of 0% per annum.

B. The Utilities Manager may require a customer to increase deposit amounts to twice the normal amounts if the customer:

1. makes payments with non-sufficient check;
2. is delinquent in the payment of Nondalton Utilities charges two or more times in a 24 month period; or
3. is delinquent in the payment of Nondalton Utilities charges and is given notice of intent to terminate under Section 15 for such delinquency.

Section 12. Non-Sufficient Funds.

A fee in the amount established in Section 10(b) will be charged for any non-sufficient funds checks received. If a customer knowingly or repeatedly makes a payment with a non-sufficient fund check, the Utilities Manager may require all future payments be made in cash, certified check, or money order.

Section 13 Alternative payment agreements.

Arrangements can be made for an alternative payment schedule if:

1. it has been agreed upon by the Mayor and one council member,
2. the payment schedule must be set down in writing and signed by the Mayor, or council member and customer.
3. the customer agrees to the total amount past due, and the agreement provides that if any scheduled payments are missed, all Nondalton Utilities services may be disconnected without further notice.
4. Not less than fifty percent of the past due amount must be paid at the time the payment schedule is agreed to, and
5. the Mayor may, in his or her discretion, also require the customer to execute a confession of judgment, assignment of permanent fund dividend, or both.

Section 14 Re-connection Charge.

Utility Ordinance
Chapter 38, 2011 Amendment

Nondalton Utilities may charge a fee for re-connection of service where it has become disconnected for the nonpayment of bills or other reasons. The amount of such fee, if applicable, is set forth in Section 10-A3-A.

ARTICLE 3. INVOLUNTARY TERMINATION OF SERVICE.

Section 15. Involuntary termination of service.

A. Nondalton Utilities service may be involuntary terminated for any of the following reasons:

1. for delinquent, unpaid charges,
2. for use of any utility service for property other than the property identified as the service location or for purposes not allowed by this Ordinance or regulations adopted under this Ordinance.
3. for willful waste of water through improper or imperfect piping, equipment, or otherwise,
4. when a customer's service equipment (the customer lines, pipes, fixtures, and the like) does not meet applicable city standards, fails to meet applicable safety codes and regulations, or poses a danger of substantial injury to Nondalton Utilities personnel, the utility system, other persons, or property.
5. for tampering with property of Nondalton Utilities.
6. for abandonment of the service location by the customer
7. for the use of the utility service in a manner that adversely affects Nondalton Utilities services and customers.
8. for fraud in obtaining or using utility service.
9. in the event the customer turns or attempts to turn water, sewer or on or off without written authorization of the Utilities Manager, except in case of emergency.
10. for knowingly or repeatedly making payment with a non-sufficient check.
11. for violation of the requirements of this Ordinance and regulations adopted under the authority of this Ordinance.

B. If grounds exist or termination of services under this section, then all services provided by Nondalton Utilities will be terminated at the service location or locations giving rise to the grounds of termination.

Section 16. Procedure for termination.

A. Except as provided in subsection 16 B., prior to involuntarily terminating Nondalton Utilities services, the following procedure will be followed:

1. Notice of intent to terminate will be sent to the customer not less than ten days before the date on which the service will be terminated. If the customer is the authorized representative of the property owner, Nondalton Utilities will attempt to mail notice to the property owner, but neither the failure to do so nor the failure of the property owner to receive such notice will prevent the termination of service to the authorized representative customer. If it appears the termination of services at the customer location will affect more than one occupancy unit, Nondalton Utilities will also deliver the notice to or post the notice on each apparent unit.

2. The notice to the customer must be delivered personally or mailed by first class mail to the customer billing address shown on Nondalton Utilities records and posted on the premises at the customer billing address. If authorized in writing by the customer, facsimile transmission of the notice may be used in lieu of personal delivery and first class mail.

3. The notice must state the grounds on which Nondalton Utilities believes termination of services is justified, including a brief factual summary. If the grounds for termination is delinquency in payment of charges, the notice must include the amounts owing, late penalties, and interest, and the address to which payment may be sent. In every case the notice must include the customer name, customer service address, the account number, the date after which services will be terminated, and the method by which the customer may request a hearing before the Utilities Manager or designee for any matter in dispute.

4. If a hearing is requested, the Utilities Manager will cause written notice to be given to the customer at least five calendar days before the hearing.

The notice will state the name of the hearing officer and the date, time, and place of the hearing. A delay in the date of the hearing beyond 48 hours will be granted by the hearing officer only for good cause shown.

5. Hearings will be conducted informally and formal rules of evidence shall not apply. The customer will be offered an opportunity to be heard, submit exhibits, be represented, and hear and question persons who might present

Utility Ordinance
Chapter 38, 2011 Amendment

testimony on behalf of Nondalton Utilities. The hearing officer may allow participation in the hearing by telephone.

6. The hearing officer must make a decision, in writing, within three calendar days of the conclusion of the hearing. If delinquency in payments is found to be ground for termination of service, the customer will thereafter have three calendar days to pay the amount determined by the hearing officer to be delinquent. If payment in full is not received within that period of time, all Nondalton Utilities services may be terminated without further notice. If the hearing office finds any other ground found for termination of service, all Nondalton Utilities services may be terminated at any time without further notice.

B. Nondalton Utilities may terminate any particular service without prior notice to the customer when the Utilities Manager determines that the connection of the customer's service, equipment, for safety code violations or any other reason, poses an imminent danger of substantial injury to Nondalton Utilities personnel, the utility system, other persons, or property. In the event of such a termination of service without prior notice, the Utilities Manager shall notify the customer as soon as practicable, including notice of the problem and how it may be cured by the customer, and give the customer an opportunity for a post-termination hearing consistent to the extent possible with the provisions of section 16B.

Section 17. Re-connection of Service.

A. If Nondalton Utilities services are involuntarily terminated for delinquency in payments for other reasons, service will not be reconnected until all outstanding service charges and all applicable re-connection fees are paid in full.

B. Re-connection of services after an involuntary termination will, except in cases of emergency, be made during regular business hours as soon as practicable after resumption of service is requested by the customer and authorized by the Utilities Manager.

Section 18. Water and Sewer Services:

A. Use of sewage system required generally: It is unlawful for any person to dispose of sewage, liquid wastes, or human extract from any building

Utility Ordinance
Chapter 38, 2011 Amendment

located within the city by any method other than through the utilization of the city sewage line, and is a higher elevation than the sewage line, unless application for an individual sewage system is submitted to and approved by the Utilities Manager and the city council.

B. Discharge of sewage onto ground prohibited: It is unlawful for any person to discharge sewage or other domestic wastes on the surface of the ground within the city.

C. Responsibility for maintenance of plumbing system: Each customer of Nondalton Utilities water and sewage service shall maintain his or her individual water and waste facilities in good repair at the customers' own expense. The customer's responsibility for water shall begin at the property line and include all facilities from that point throughout the building. The customer's responsibility for sewer shall begin at the property line and include all facilities from that point throughout the building.

D. Individual disposal systems restricted: It is unlawful for any person to operate or maintain an individual sewage disposal system, unless such system is conducted and maintained in such fashion that it does not contaminate any source of drinking, public or domestic water supply. Such systems shall comply with the applicable standards of the Alaska Department of Conservation.

E. Connection Procedures:

1. All connections to the Nondalton Utilities water and sewage system shall be made at the expense of the customer.

2. All customer water service and sewer connections and repairs, modifications, or disconnections shall be made only under the terms and conditions as set forth by the Uniform Plumbing Code (1970) and such further regulations as the city may make.

3. If any water line connects to more than one dwelling or occupied structure, Nondalton Utilities will charge individually for each dwelling and occupied structure served by such line. The owner of the property where such a line connects to the Nondalton Utilities is financially responsible for all water charges, interest, and penalties for all such dwellings and structures served by such line.

Utility Ordinance
Chapter 38, 2011 Amendment

F. Installation of service lines:

1. All customer lines to the point of connection to the Nondalton Utilities water and sewer lines shall be installed, maintained, and repaired by the customer, at the customer's expense.
2. The point of connection shall be property line. Where that point of connection would be greater than one hundred feet from an existing main, the case shall be considered separately by the city council.
3. Installation of water and sewage systems, water and sewer lines, fixtures and all related appurtenances as needed to ensure the safe utilization of the Nondalton Utilities water and sewer systems shall conform to the Uniform Plumbing Code (1970), and any other regulations as adopted by the city.

G. Turning on service: No water from the Nondalton Utilities water supply shall be turned on for service into any premises by a person except such persons at the Utilities Manager shall authorize.

H. Disbursement of monies collected: All monies collected for water and sewer services will be used strictly for water and sewer.

Section 19. Repeal:

Ordinance #36 and Ordinance # 37 of the Code of Ordinances is hereby repealed. This ordinance will be available in the book of Ordinances located at the City Hall during regular business hours for public review.

Section 20 Service Area Boundaries.

A. The boundaries of the service area described in this section shall be the service area boundaries, and shall be shown on the official map, a copy of which is attached to this ordinance. The official map shall be maintained by the City Clerk, and made available for inspection at the city office.

B. Amendment of these boundaries may be done by resolution of the city council. Any such amendments shall be recorded by the city clerk on the official map.

C: Service Area description:

Beginning at the NW corner of Section 24, T2S, R33W, Seward Meridian Alaska as projected; thence South to the SW corner of Section 1, T3S, R33W; thence East to a point on the center of the South boundary of

Utility Ordinance
Chapter 38, 2011 Amendment

Section 6, T3S, R32W; thence North along the center line of Section 6 T3S, R32W; to a point at the center line of the North boundary of Section 8, T3S, R32W; thence West to the NW corner of Section 6, T3S, R32W, thence North to appoint where the West boundary of Section 31, T2S, R32W, intersects the meander of Sixmile Lake; thence in a northerly and easterly direction along the meanders of Sixmile Lake to a point where the North boundary of Section 20, T2S, R32W, intersects the meander of Sixmile Lake; thence West to the point of beginning.

Section 21. Severability.

If any provision of this ordinance or the application thereof is held invalid, the remainder of this ordinance, and the application to other persons or circumstances shall not be affected thereby. In particular, and without limiting the generality of the foregoing, if the termination of all services for nonpayment of charges for one particular service is held invalid, then provisions authorizing the termination of all services shall be deemed severable and interpreted to authorize the termination of water, sewer, and solid waste services for the nonpayment of water or sewer or solid waste services for the nonpayment of water or sewer or solid waste charges or any combination thereof.

Introduction and First Reading: August 9, 2011
Public Hearing: August 10, 2011

ENACTED BY THE CITY COUNCIL OF THE CITY OF NONDALTON,
ALASKA, this 10th day of August 2011.

City of Nondalton:

ATTEST:



Mayor



City Clerk

Page 16 of 16

U 37

38
37
36

CHAPTER 38

REPAIR SHOP

(reserved)

Sections:

1. Establishment.
2. Use.
3. Cost.

Section 1. Establishment.

The City Council hereby establishes a City owned and operated repair shop.

Section 2. Use.

Hours and days of operation for the repair shop will be determined and periodically reviewed by the Council.

Section 3. Cost.

Maintenance and repair of privately owned vehicles and equipment will be performed by city mechanics at \$25 per hour of actual labor. Parts will be sold at retail prices established by City Council. Prices of labor and parts will be periodically reviewed and updated by Council.

CH₃a

CHAPTER 39

CITY EQUIPMENT

Sections:

1. Recognition.
2. Use of equipment.
3. Rental of equipment.
4. City clerk.

Section 1. Recognition.

The City Council of Nondalton recognizes that:

- A. The City of Nondalton owns various trucks, loaders, tractors and other equipment; that
- B. many times city owned equipment is the only equipment available for use on construction projects in Nondalton; that
- C. private contractors, individual citizens, the State of Alaska and the United States government often desire to use city owned equipment for use on construction projects and; that
- D. the cost of operation and maintenance of equipment in Nondalton is high.

Section 2. Use of equipment.

Individuals, contractors, agencies of the State of Alaska or the United State government may make application to the City Council of Nondalton for use of city equipment. The Council shall review their application and may or may not grant use on such terms as the Council deems fit.

Section 3. Rental of equipment.

Rental agreements for use of city equipment shall be prepared by the City Council. The Council shall periodically review operation and maintenance costs of city equipment and set hourly, daily and longer term rates for the rental of city owned equipment. Rentors shall be responsible for maintenance, fueling, repair and replacement of parts while equipment is under their control. The Council may require a city operator to be used on rental equipment.

Section 4. City Clerk.

The City Clerk shall keep a file of blank rental agreements, completed and current rental agreements and rental rates.

CHAPTER 40

City Property; Inventory and files

Sections:

1. Inventory; files.
2. Ancillary files.
3. Register
4. Exceptions

Section 1. Inventory; files.

The Office of the City Clerk shall prepare and maintain files which contain separate inventories and listings of all real and personal properties, capital improvements and equipment belonging to the City.

At a minimum these files shall contain:

- A. the date of acquisition of the property, improvement, or equipment;
- B. the condition at time of acquisition;
- C. the original cost whether borne by the City or paid by a donor agency such as PHS, Village Safewater or another state or federal agency including a budget breakdown by categories of individual costs such as labor, materials, freight, etc.;
- D. costs of subsequent repairs and improvements after acquisition;
- E. a listing of past, current and future repair, renovation, replacement or improvement needed, and in the case of current or future repair, renovation, replacement or improvement, estimates or quotations of costs.

Section 2. Ancillary files.

The Office of the City Clerk shall maintain ancillary files to the inventories and listings which shall include all supportive documents such as warranties, maintenance schedules, licenses, insurance coverage etc. These files shall be so maintained that any supportive information concerning a city property may be immediately retrieved. These files shall contain information, price lists, names, addresses and phone numbers about parts and suppliers.

Section 3. Register.

The Office of the City Clerk shall maintain a register which lists the locations, costs, dates of acquisition, serial numbers, etc. of all non expendable city properties individually valued at more than \$50.00 as of the date of acquisition. The City Clerk may provide for property control numbers or such other system of labelling city properties as the Council deems appropriate.

Section 4. Exceptions.

The value of City-owned personal property and equipment acquired by the City prior to the fire of March 24, 1988, shall be estimated by Council. Ancillary files kept on those items shall reflect that the information on those properties is incomplete due to fire damage and that the estimates are made in good faith, BUT are only estimates.

CS 40

44

CHAPTER 41

(Reserved)

CS 42

CHAPTER 42

(Reserved)

CH43

CHAPTER 43

(Reserved)

44

CHAPTER 44

(Reserved)

Ch 45

CHAPTER 45

(Reserved)

Figure 7

Title VII. GENERAL WELFARE

Chapter 46. Intoxicating liquors or beverages.

47. Alcohol Local Option Election.

48. (Reserved).

49. Dog Control.

50. (Reserved)

51. Curfew

52. Offenses by or against minors.

53. Woodcutting

54. Litter; sanitation measures.

55. Protection of Watershed.

56. Offenses against property

57. Offenses by or against public officers
and government.

58. Offenses against public peace.

59. (Reserved)

60. (Reserved)

61. Motor vehicles

62. Control of firearms, deadly weapons,
explosives, fireworks.

63. (Reserved)

64. (Reserved)

65. (Reserved)

ch 46

CHAPTER 46

INTOXICATING LIQUORS OR BEVERAGES

Sections:

1. Consumption in public place unlawful.
 2. Open container.
 3. Definitions.
 4. Penalty.
-

Section 1. Consumption in public place unlawful.

It shall be unlawful for any person to consume any alcoholic beverage in any public place; be it in alley, street, restaurant, recreation hall, or other business establishment.

Section 2. Open container.

It shall be unlawful for any person in the City of Nondalton to carry, conceal or transport any open bottle, can, or other container of alcoholic beverage; such open container being defined as a container, bottle, or can which has a broken seal or which is in some other way obviously open, on any person in a public place as defined in Section 2 or in any automobile, or on a boat, or on a snowmobile, three wheeler or any other vehicle.

Section 3. Definitions.

"Alcoholic beverage" means spirituous, vineous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage and that contain alcohol, whether produced commercially or privately.

Section 4. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority. Council may, at its discretion, require community service at the equivalent rate of \$8 per hour.

45 47

CHAPTER 47

ALCOHOL LOCAL OPTION ELECTION

~~All alcohol local option elections shall be held in accordance with State law.~~

CS 48

CHAPTER 48

(Reserved)

CH₄

CHAPTER 49

DOG CONTROL

Sections:

1. Coverage.
2. Keeping dogs confined.
3. Loose ownerless dogs.
4. Loose owned dogs.
5. Rabies vaccination.
6. Rabid dogs.
7. Rabies; loose dogs under emergency situations.
8. Disposal of dogs.
9. Penalties.

Section 1. Coverage.

Every person who owns, keeps custody of, or claims possession of a dog is subject to the provisions of this chapter. Such a person is an "owner" for the purposes of this chapter.

Section 2. Keeping dogs confined.

All dogs ~~six (6) months of age or older~~ shall be securely confined so as to pose no threat to life or property within the City. Owners are responsible for the actions of any unconfined dogs, including those younger than six (6) months.

Section 3. Loose ownerless dogs.

Any loose dogs posing a threat to a person or property within the City of Nondalton or any loose unattended and unidentifiable dog will be considered wild, abandoned or ownerless and will be subject to disposal without notification of the owner.

Section 4. Loose owned dogs.

In the case of a loose, unattended dog, where ownership can be determined; a city employee or official, the VPSO or VPO shall give the owner notice in writing of the dog's condition so that the owner may secure the dog in proper fashion. The notice shall state the date, time and to whom delivered. The notice shall give the owner a reasonable time certain from receipt in which to secure an unconfined dog. A copy of the notice as delivered shall be kept for the Public Safety Department's records. Upon expiration of the time certain if an unconfined dog is still not secured, written notice shall again be given the owner in the same fashion as the first notice. If at the expiration of the time certain in the second notice, a dog is still unconfined, it shall be disposed of by the Public Safety Department.

Section 5. Rabies vaccination.

All dogs six (6) months of age or older shall be vaccinated against rabies. Owners are responsible for making certain their dogs are vaccinated against rabies at the times vaccination is available in Nondalton. Owners are responsible for furnishing proof of vaccination of their dogs.

Section 6. Rabid dogs.

Any dog believed to be sick with rabies shall be observed for fourteen (14) days and shot if found to be sick with rabies. If the dog in question has bitten anyone, the Community Health Aide and the Chief of Police shall be notified immediately.

Section 7. Rabies; loose dogs under emergency situations.

If loose unattended dogs, or periodic outbreaks of rabies among the fox population near Nondalton, or outbreaks of parvo virus, or hazards consequent to the running of sanctioned dog races in Nondalton cause hazards to public health and safety the Council may declare an emergency. During such emergency, all loose and unattended dogs whether ownership is known or not will be disposed of without individual notice. Notice of such emergency shall however be given by publishing notice, and by radio if possible. During such emergency, it is the duty of all owners to confine their dogs.

Section 8. Disposal of dogs.

The City of Nondalton disclaims any responsibility for disposal of dogs belonging to owners in violation of any provisions of this Chapter.

Section 9. Penalties.

Any owner violating the provisions of this Chapter shall, upon conviction thereof, be fined not to exceed the sum of three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority.

50
5

CHAPTER 50

(Reserved)

55

CHAPTER 51

CURFEW

Sections:

1. Curfew effective.
2. Area of curfew.
3. Curfew hours.
4. Vacations and holidays.
5. ~~Exceptions.~~
6. Parental responsibility.
7. Enforcement.
8. Penalty.

Section 1. Curfew effective.

Curfew shall be in effect from the day preceeding the first day of commencement of school in the late summer/fall until the last day of school in the spring.

Section 2. Area of curfew.

This chapter is in effect for the total area within the city limits.

Section 3. Curfew hours.

person under the age of fourteen (14) may remain, congregate or loiter in or upon any public place, vacant lot or city roads, sidewalks, or alleys between the hours of 10:00 P.M. and 6:00 a.m., Sunday through Thursday, and 12:00 A.M. through 6:00 A.M., Friday and Saturday. No person between the ages of fourteen (14) and eighteen (18) may remain, congregate or loiter in or upon any public place, vacant lot or city roads, sidewalks, or alleys between the hours of 11:00 P.M. and 6:00 a.m., Sunday through Thursday, and 12:00 A.M. through 6:00 A.M., Friday and Saturday.

Section 4. Vacations and holidays.

During any declared school holiday or vacation, the curfew hours established shall be 12:00 A.M. to 6:00 A.M. on all days of the week except that Sunday curfew hours shall be in effect the last day of such vacation immediately prior to the next school day.

Section 5. Exceptions.

The curfew hours established by this Chapter may be suspended or altered by the Council to permit minors to attend or participate in school, group-sponsored, or community activities, or to permit individual minors at evening employment to remain at their places of employment for not more than one hour after the usual curfew. For such exception to be granted, a minor must present to the Council a written request from his parent or guardian.

Section 6. Parental responsibility.

It is unlawful for any parent or other adult person having the custody of a minor to allow the minor on the public streets or in any other public place in the City during the prohibited hours described in this Chapter unless the minor is accompanied by a parent, or guardian, or an adult person charged with control of the minor, or the minor has in his or her possession a note signed by the parent or guardian authorizing said minor to be out and enroute home. The signed note shall state specifically the time the minor is to be home. ~~The presence of a minor on or in a public street or place as described above, in violation of this Chapter shall be primary evidence of the guilt of the parent or other adult person having the custody or control of the minor.~~

Section 7. Enforcement.

City and State peace-officers shall enforce the provisions of this Chapter according to State law.

Section 8. Penalty.

- A. Curfew violations by a minor shall be punished according to the following schedule:
 1. First violation \$10.00;
 2. second violation. 20.00;
 3. third violation 30.00;
 4. fourth violation or more . 50.00.
- B. If a violation by a minor occurs which is more than three months in time from another violation, then that violation is considered the first violation.
- C. The penalty assessed against a minor for violation of this chapter is the responsibility of the parent, or guardian, or adult person charged with control of the minor, and will be paid by the minor OR the parent, or guardian or adult person in charge.
- D. The amount of the penalty assessed against a minor for a violation of this Chapter may be paid off by working for the City at not less than the minimum wage or other court-approved activities according to the juvenile laws of the State.

52
42x
Cv

CHAPTER 52

OFFENSES BY OR AGAINST MINORS

Sections:

1. Selling tobacco to children.
2. Selling intoxicating liquor to minors.
3. Penalties.

Section 1. Selling tobacco to children.

It is unlawful in the City for any person, firm, or corporation to sell, exchange, or give any cigarettes, cigars, or tobacco in any form to any child under the age of sixteen.

Section 2. Selling intoxicating liquor to minors.

It is unlawful in the City for any person, firm, or corporation to sell, exchange, or give any intoxicating liquor, in any form to any child or minor under the age of twenty-one (21).

Section 3. Penalties.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

55
55

CHAPTER 53

WOOD CUTTING

Sections:

1. Coverage.
 2. Exception.
 3. Penalty.
 4. Disclaimer
-

Section 1. Coverage.

Dead standing or fallen trees may be harvested anywhere within the City limits. Green trees or wood will be harvested only beyond 1/4 mile of the residential area of the city.

Section 2. Exception.

The Council may upon application of a person, corporation, or firm showing a need to clear timber for construction or other valid purpose approve such application and allow such limited cutting of timber as will fulfill the purposes of the application.

Section 3. Penalties.

Failure to comply with a provision of this Chapter is a violation as fined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

Section 4. Disclaimer.

The City of Nondalton is not responsible for injury or death caused by woodcutting activities on City land within or outside of the City limits.

CHAPTER 54

LITTER; SANITATION MEASURES

Sections:

1. Litter unlawful.
2. Notice to abate; removal by City.
3. Polluting water.
4. ~~Water and sewer.~~
5. Authorized dump area.
6. Penalty.

Section 1. Litter unlawful.

It is unlawful for any person to do any of the following within the city limits or those areas outside of the city limits that are owned, operated and/or regulated by the City.

- A. Cause or allow litter to be collected, deposited or to remain in any place under his control;
- B. throw or deposit litter in or upon any street or public place except in public receptacles, in private receptacles for disposal, or in disposal areas designated by the City;
- C. drive or move any vehicle which is carelessly loaded, or not constructed to prevent its load, or litter on it, from falling upon any street, alley or public place; and
- D. throw or deposit litter on any private property, whether owned by the person or not;
- E. dump litter, trash, slops or honey buckets upon the lake or river ice.

Section 2. Notice to abate; removal by City.

The Chief of the Public Safety Department (VPSO) is authorized and empowered to notify the owner or occupier of any property to properly dispose of litter located on the property which is or may become offensive, noxious or dangerous to the public health, safety or welfare. The notice shall be by personal service or if that is not possible by certified mail, postage prepaid, addressed to the owner or occupier at his last known address.

Upon the failure, neglect or refusal of any owner or occupier so notified to properly dispose of litter within five days after the date of the notice or in the event the notice is returned to the City because of inability to make delivery, the City Clerk is authorized and empowered to pay for disposing of such litter or to order its disposal by the municipality.

When the City has effected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of eight (8) percent per year from the date of the completion of the work shall be charged to the owner or occupier of the property.

Section 3. Polluting water.

It is unlawful for any person to throw, empty out or deposit in any creek, ditch or near any inhabited place, any foul or filthy substance or allow the same to stand on his own premises or to seep into the premises of another.

Section 4. Water and sewer.

It shall be unlawful for any person, company or organization to deposit, dump, or in any manner dispose of human waste, offal, or excrement within the city limits except as provided in Chapter 36 Water and Sewer System of this code.

Section 5. Authorized dump area.

For the purposes of this chapter, the authorized disposal area shall be the dump area commonly used for dumping as designated by the City Council.

Section 6. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 55

PROTECTION OF WATERSHED

Sections:

1. Definitions.
2. Location of watershed.
3. Prohibited acts.
4. Penalty.

Section 1. Definitions.

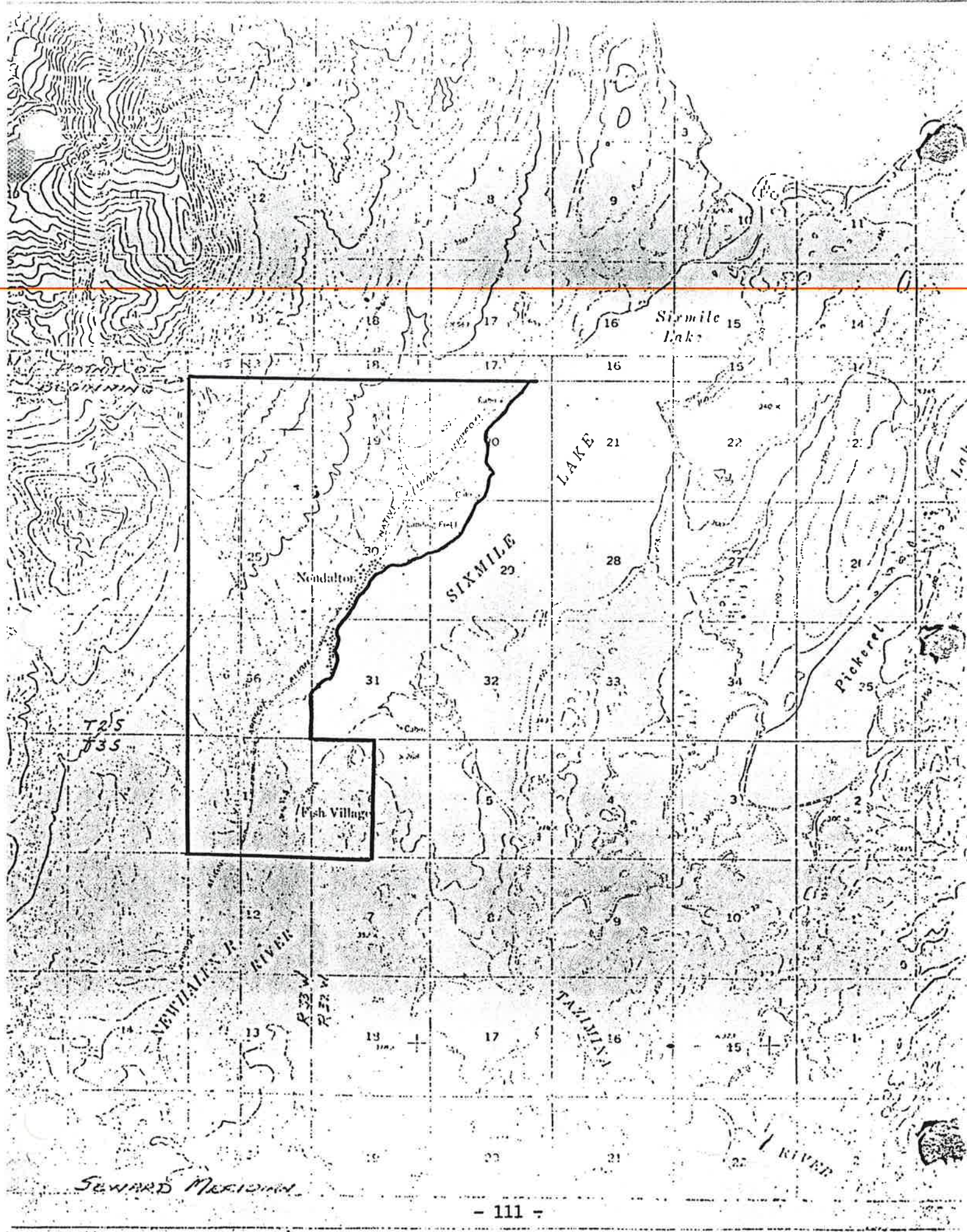
As used in this chapter,

- A. "Pollution" means the contamination or altering of waters, land, or subsurface land within a watershed in a manner which creates a nuisance or makes waters, land, or subsurface land unclean, or noxious, or impure, or unfit, so that they are actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, subsistence, or recreational use, or to wild animals, birds, fish or other aquatic life.
- B. "Refuse" means garbage, sewage, ashes, cinders, litter, surplus construction materials or debris, offal, dead animal or animal part, oil, tar, petroleum distillate, chemical, radioactive material, industrial waste and all other liquid or solid putrescible and nonputrescible wastes, from all public and private establishments and residences.
- C. "Watershed" means the area or areas of land surrounding and draining into the lakes, ponds, lagoons, springs, creeks, rivers or other bodies of water which have been designated by the Council as principal sources of domestic water supply for the City.

Section 2. Location of Watershed.

The watershed used by the City is enclosed by the boundaries of the City of Nondalton which are:

Beginning at the NW corner of Section 24, T2S, R33W, Seward Meridian Alaska as projected; thence South to the SW corner of Section 1, T3S, R33W; thence East to a point on the center of the South boundary of Section 6, T3S, R32W; thence North along the center line of Section 6, T3S, R32W to a point at the center of the North boundary of Section 6, T3S, R32W; thence West to the NW corner of Section 6, T3S, R32W; thence North to a point where the West boundary of Section 31, T2S, R32W, intersects the meander of Sixmile Lake; thence in a Northerly and Easterly direction along the meanders of Sixmile Lake to a point where the North boundary of Section 20, T2S, R32W, intersects the meander of Sixmile Lake; thence West to the point of beginning, containing 7 square miles, more or less as shown on the map on the following page. This area is to be commonly known as the city watershed.



Section 3. Prohibited Acts.

In order to protect the general public from consuming contaminated water and to ensure that the public shall have uncontaminated water in the future it shall be unlawful to:

- A. Dump solid, liquid, or other refuse in any form near or in the area or areas designated as watershed or in streams or rivers used for consumption of water by the public; or
- B. Use the watershed in any manner or engage in any activity that would pollute the watershed.

Section 4. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

64 64

455

56 57

CHAPTER 56

OFFENSES AGAINST PROPERTY

Sections:

1. Tampering with sewer and water system.
2. Injury to public library books or property.
3. Injury to roads and other utilities.
4. ~~Injury to public property or equipment.~~
5. Penalty.

Section 1. Tampering with sewer and water system.

It is unlawful for any person or persons to remove, carry away, or tamper with or attempt to destroy any portions of the city sewer and water system without the consent of the persons in control thereof.

Section 2. Injury to public library books or property.

It is unlawful for any person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture, or other property belonging to any public library or reading room.

Section 3. Injury to roads and other utilities.

It is unlawful for any person to willfully, maliciously or wantonly injure, remove or destroy any bridge, rail or plank road; or place or cause to be placed, any obstruction on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or post or pole used in connection with any system of electric lighting, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto or to willfully tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, or water plant; or to aid or abet any other person in so doing.

Section 4. Injury to public property or equipment.

It is unlawful for any person to willfully, maliciously or wantonly injure, destroy or tamper with any public property or equipment whether within or outside of the city limits of Nondalton.

Section 5. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction or a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

Ch 57

558

CHAPTER 58

OFFENSES AGAINST PUBLIC PEACE

Sections:

1. Disturbance of peace.
2. Disturbing congregations or other assemblies.
3. Blasphemous or obscene language.
4. ~~Penalty.~~

Section 1. Disturbance of peace.

It is unlawful for any person to make or excite any disturbance in a store or grocery, or at any election or public meeting, or other place where citizens are peaceably and lawfully assembled.

Section 2. Disturbing congregations or other assemblies.

It is unlawful for any person to willfully disturb any assembly of persons met for religious worship by profane discourse or rude and indecent behavior, or by making a noise, either within the place of worship or so near as to disturb the order and solemnity of the assembly, or willfully to disturb or interrupt any school, school meeting, or other lawful assembly of persons.

Section 3. Blasphemous or obscene language.

It is unlawful for any person to publicly use blasphemous or obscene language, to the disturbance of the public peace and quiet.

Section 4. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

lu sa

CHAPTER 59

(Reserved)

560

CHAPTER 60

(Reserved)

61
53

CHAPTER 61

MOTOR VEHICLES

Sections:

1. Definitions.
2. Coverage.
3. Excessive Speed.
4. Unsafe Operation.
5. Obstructing airstrip.
6. Influence of intoxicating liquor or beverage.
7. Required equipment; snowmachines.
8. Required equipment; all land based vehicles.
9. Reporting of accidents.
10. Penalties.

Section 1. Definitions.

- A. "Street" means a way used by the public for traffic of vehicles.
- B. "Vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power unaided by internal combustion engines or other such mechanical devices for the generation of energy. Devices designed primarily for travel over snow or ice by means of skis, belts, cleats, or low pressure tires are deemed "Vehicles". Boat, canoes, barges and any other water based craft are vehicles when referred to in this Chapter.

Section 2. Coverage.

This chapter is effective within the city limits of Nondalton including the airport and applies to all roads and trails over which the City exercises control, whether within or outside of the city limits of Nondalton.

Section 3. Excessive Speed.

The speed limit within the residential area of the City of Nondalton shall be 20 (twenty) MPH. It shall be unlawful for any motor vehicle, including motor scooters, motorcycles, motor driven bicycles, snowmobiles, three wheelers, snowplanes, wheel and tracked vehicles, and including boats and other waterbased craft, to exceed the posted speed limit. A snowmachine (sno-go, etc.) is considered a motor vehicle. Regardless of any posted limit, it is also unlawful to drive a land based vehicle at a speed greater than is reasonable under the existing road or weather conditions.

Section 4. Unsafe operation.

No person shall drive, operate, stop or move any vehicle, be it water or land based, in a careless, reckless, or negligent manner so as to endanger, or be likely to endanger, the safety of any person or the property of any person.

Section 5. Obstructing airstrip.

- A. No person may place an object on the surface of the airstrip which because of its nature or location might cause injury or damage to an aircraft or person(s) riding in the aircraft.
- B. No person may dig a hole or make any kind of excavation, or drive a sled, tractor, truck or any kind of vehicle upon the surface of the airstrip which might make ruts, or tracks, or add to an accumulation of tracks so as to cause ~~sufficient roughness of the surface to endanger aircraft~~ using the airstrip.

Section 6. Influence of intoxicating liquor or beverage.

No driver of any vehicle be it water or land-based, shall be under the influence of intoxicating liquor or beverage, drugs or narcotics, including prescription or non-prescription drugs that may impair their ability to drive.

Section 7. Required equipment; snowmachines.

No person shall drive or operate a snowmachine unless the snowmachine is equipped with the following.

- A. At least one headlamp, with or without non-multiple beam, 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, and where such headlamps shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver;
- B. a throttle in operating condition which, when released by hand, will return the engine speed to idle;
- C. standard mufflers for production models in operating condition which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for the operating of the vehicle, and no person shall use a muffler cut-out, by-pass, or similar device on said vehicles;
- D. brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation.

Section 8. Required equipment; all land based vehicles.

- A. It shall be unlawful to operate any vehicle without operating lights, both front and back.
- B. Vehicles must be muffled. It shall be unlawful to operate any vehicle without a muffler.
- C. It shall be unlawful to operate any vehicle without a throttle in operating condition which when released by hand or foot will return the engine speed to idle.
- D. It shall be unlawful to operate any vehicle without brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation.

Section 9. Reporting of accidents.

The operator of a vehicle involved in an accident resulting in injury to or death of a person, or property damage other than to his or her own vehicle the estimated amount of which is \$100 or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest State Trooper or the Village Public Safety Officer.

Section 10. Penalties.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

2023

CHAPTER 62

CONTROL OF FIREARMS, DEADLY WEAPONS, EXPLOSIVES, FIREWORKS

Sections:

1. Definitions.
2. Carrying concealed weapons.
3. Carrying loaded firearms.
4. Discharging firearms.
5. Explosives.
6. Exclusions.
7. Fireworks.
8. Penalty

Section 1. Definitions.

"Dangerous weapon" means any firearm, air gun, pellet gun, or anything designed for and capable of causing death or serious physical injury, including but not restricted to a knife, an axe, a club, metal knuckles, or an explosive.

Section 2. Carrying concealed weapons.

It is unlawful for any person to carry any firearm or any dangerous weapon of any kind in a concealed manner within the city limits. This provision does not apply to weapons that are covered for protection during transport to or from hunting, subsistence or other food gathering activity.

Section 3. Carrying loaded firearms.

It is unlawful for any person to have any firearm in his or her possession or control when in a public place or on any public street within the City, unless all ammunition has been removed from the chamber, cylinder, clip, or magazine.

Section 4. Discharging firearms.

It is unlawful for any person to fire or discharge any pistol, gun, rifle, air rifle, pellet gun, BB gun, or any other firearm within the city limits.

Section 5. Explosives.

It is unlawful for any person to detonate an explosive device within the city limits without first obtaining the permission of the Council to do so and posting a bond in such amount as the Council may determine appropriate to compensate for potential damage from the use of the explosives.

Section 6. Exclusions.

- A. Sections 2 and 3 of this ordinance do not apply to any duly authorized City, State, or Federal law enforcement officer in the performance of official duties.

B. Section 4 of this ordinance does not apply to duly authorized City, State, or Federal law enforcement officers under the following circumstances:

1. When the use of the firearm is necessary to protect himself, a prisoner, another officer or a citizen from a dangerous and felonious assault;
2. when the use of a firearm is necessary to prevent a person who has committed a felony from escaping;
3. when the use of a firearm is necessary to dispose of loose dogs as otherwise defined in this Code.

~~C. Under no circumstances shall an officer fire upon any person who is attempting to escape arrest on a misdemeanor or lesser charge.~~

D. Section 4 of this ordinance does not apply to a person who is:

1. firing a firearm in justifiable defense of himself or of others or of property or otherwise in accordance with law;
2. sighting in firearms at a time and location approved by the Council;
3. who is engaged in subsistence activities, and
4. at such times as designated by the Council such as New Year's Eve.

Section 7. Fireworks.

No persons shall sell or offer for sale within the City any dangerous fireworks, and no person shall sell or offer for sale within the City any salable fireworks without first obtaining a permit from the City Council to do so.

No persons shall explode or cause to be exploded within the City any dangerous fireworks and no person shall explode or cause to be exploded within the City any salable fireworks without first obtaining a permit to do so.

"Dangerous fireworks" and "salable fireworks" as used in this Chapter are defined as they are defined in Alaska Statute 18.72.050 or as otherwise defined in the Fire Safety Code of the State adopted and administered by the Division of Fire Prevention of the Department of Public Safety.

Section 8. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

33

CHAPTER 63

(Reserved)

5/19

CHAPTER 64

(Reserved)

556

CHAPTER 65

(Reserved)

Title 8

VIII

Title VIII. ELECTIONS

Chapter 66. City Elections

67. Election Equipment and Materials

68. Election Procedures

69. Absentee Voting

70. Review of Election Returns

71. Contest of Election

72. (Reserved)

73. (Reserved)

66

CHAPTER 66

CITY ELECTIONS

Sections:

1. Administration.
2. Voter qualifications.
3. Residence criteria.
4. General elections.
5. Special Elections.
6. Election notices.
7. 40% of votes cast required.
8. Run-off elections.
9. Tie votes.
10. Qualifications for City Council.
11. Filing for office.
12. Withdrawal; written notice.
13. Publishing names.
14. Election judges.

Section 1. Administration.

The City Clerk is the supervisor of elections and shall prepare and maintain election materials and records. The Clerk shall begin preparations for a general election at least forty-five (45) days before the date of the election and for a special election as expeditiously as possible. The Clerk is responsible for contacting the State of Alaska, Division of Elections and making certain the City has on hand, before any election, the most current official voter registration list. The City Clerk shall act as Clerk to the election board.

Section 2. Voter qualifications.

A person shall be qualified to vote in city elections who:

- A. is a United States citizen who is qualified to vote in State elections;
- B. has been a resident of Nondalton for the 30 days immediately preceding the election;
- C. is registered to vote in state elections; and
- D. is not disqualified under Article V of the constitution of the State of Alaska which provides that;

"No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

Section 3. Residence criteria.

When determining residence for the purpose of qualifying voters the following criteria will apply:

- A. No person may be considered to have gained a residence solely by reason of his presence nor may he lose it solely by reason of his absence while in the civil or military service of the state or of the United States, or of his absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution of learning, while in an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the state, of the United States or of the high seas, while residing upon an Indian, Native Alaskan, or military reservation, or while residing in the Alaska Pioneers' Home.
- B. The residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return. If a person resides in one place, but does business in another, the former is his place of residence. Temporary construction camps do not constitute a dwelling place.
- C. A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.
- D. A person does not lose his residence if he leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.
- E. A person does not gain residency by coming to the City without the present intention to establish his permanent dwelling in the City.
- F. A person loses his residence in the City if he votes in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until he again qualifies under this Chapter.
- G. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- H. The address of a voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his new voting residence.

Section 4. General elections.

The regular general election for Councilmembers and other elected city officials shall be held each year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in 3 public places for 30 days preceding the date of election.

Section 5. Special elections.

- A. If a petition submitted by voters for an initiative, referendum or recall election is certified sufficient by the City Clerk and submitted to the City Council, the Council shall resolve that a special election be held on the question on the ninth (9th) Tuesday following submission of the petition to the Council.
- B. If a special election is required by act of the City Council, the City Council shall resolve that a special election on the question proposed by the Council's ordinance or resolution be held on the sixth (6th) Tuesday following the Council's action.
- C. If the regular general election held each year on the first Tuesday of October occurs within seventy-five (75) days of the date of submission of a petition by voters for an initiative, referendum or recall election, or if the regular general election occurs within seventy-five (75) days of Council action which requires election then no special election may be scheduled and the question or proposition shall be placed on the regular election ballot.
- D. Notice of a special election shall be posted in at least three (3) public places for at least twenty (20) days preceding the date of election.

Section 6. Election notices.

- A. Election notices shall be prepared and posted in three public places by the City Clerk for at least 30 days preceding the date of the general election and for at least 20 days preceding the date of a special election, and shall contain the following, as is appropriate:
 - 1. Whether the election is general, special or runoff;
 - 2. date of the election;
 - 3. location of the city polling place(s);
 - 4. time the polling place(s) will open and close;
 - 5. offices to be filled;
 - 6. a statement describing voter qualifications;
 - 7. time for filing declarations of candidacy and nominating petitions;
 - 8. a statement of any questions or propositions to be placed on the ballot.
- B. A sample election notice that may be used is shown at the end of this chapter.

Section 7. 40% of votes cast required.

A candidate must receive greater than 40 percent (40%) of the votes cast for his or her respective office in order to win the election.

Section 8. Run-off elections.

If no candidate receives greater than 40 percent (40%) of the votes cast, the Council shall hold a run-off election between the two (2) candidates receiving the greatest number of votes for the office and that candidate receiving 50% plus one or more of the votes in the run-off election shall be declared the winner. Run-off elections shall be held on the second Tuesday following the date the Council certifies the election. Notice of the run-off election shall be posted in three (3) public places for at least 5 days before the election.

Section 9. Tie votes.

In the event of a tie vote, and after a recount of ballots that confirms the tie vote the Council shall in its first meeting after the election call in the candidates receiving the tie votes and have the candidates draw straws or flip a coin to determine the winner.

Section 10. Qualifications for City Council.

A person filing for election to a city council seat must be:

- A. A United States citizen who is qualified to vote in state elections;
- B. a resident of the City for three years immediately preceding the election for which declaring candidacy;
- C. registered to vote in state elections;
- D. not disqualified under Article V of the Constitution of the State of Alaska which provides that;

"No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

Section 11. Filing for office.

- A. A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the City Clerk. This shall be filed no later than 10 working days before the election. The declaration of candidacy shall be accompanied by a nominating petition. The nominating petition must carry the signatures of at least 10 registered voters in order for the candidate to become a nominee.
- B. A person filing for a City Council seat must meet the qualifications of Section 10 of this Chapter.
- C. The form appearing at the end of this chapter illustrates the form to be used for the declaration of candidacy and nominating petition.

Section 12. Withdrawal, written notice.

Any candidate who has complied with the provisions of this Chapter may withdraw his candidacy no later than the last day for filing for office by filing a written notice of withdrawal with the City Clerk.

Section 13. Publishing names.

The City Clerk shall cause to be posted in three (3) public places five (5) days next preceding the day of election, the names of all candidates who have declared and been nominated and designating the office for which such persons have declared and been nominated.

Section 14. 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 the judges to chair the board. The judges shall not be Councilmembers or candidates for office. If an appointed judge fails to appear and subscribe to the oath on election day or becomes incapacitated during the time of the election or the counting of the ballots, the remaining judges shall appoint a qualified voter to fill the vacancy.
- B. The City Clerk shall give the following written oath to all election judges on or before election day:

I, _____ do solemnly swear that I will honestly, faithfully and promptly perform the duties of election judge to the best of my ability and that I am familiar with the City's election ordinances.

SIGNED: _____

ATTEST: _____
City Clerk

- C. Pay of election judges shall be determined by the Council.
- D. At least one of the judges shall be fluent in the Nondalton Native dialect in order to assist voters who may have difficulty with the ballot.
- E. The election supervisor may, at the request of the judges and if necessary to conduct an orderly election or to relieve the judges of undue hardship, appoint up to three election clerks to assist the judges. Persons appointed as election clerks must be qualified to serve as judges.

NOTICE OF GENERAL MUNICIPAL ELECTION
CITY OF NONDALTON, ALASKA

TO BE HELD: OCTOBER _____, 19__

FOR THE PURPOSE OF FILLING THREE (3) VACANT SEATS ON THE CITY COUNCIL OF NONDALTON.

SEAT : 3-YEAR TERM
SEAT : 3-YEAR TERM
SEAT : 3-YEAR TERM

VOTER QUALIFICATIONS:
UNITED STATES CITIZEN

1.

2.

QUALIFIED TO VOTE IN STATE ELECTIONS

3.

REGISTERED TO VOTE IN STATE ELECTIONS

4.

RESIDENT OF THE CITY 30 DAYS IMMEDIATELY PRECEDING THE ELECTION

5.

NOT DISQUALIFIED UNDER ART. V OF THE STATE CONSTITUTION.

POLLS WILL OPEN: 7:30 A.M., OCTOBER _____, 19__

POLLS WILL CLOSE: 8:00 P.M., OCTOBER _____, 19__

LOCATION OF POLLS: CITY OFFICES

VOTING BOUNDARY (PRECINCT)

CITY OF NONDALTON

Candidates for office must file a declaration of candidacy accompanied by a nominating petition carrying the signatures of at least 10 qualified voters with the City Clerk no later than 5:00 p.m. September _____, 19__. Sample declaration of candidacy and nominating petition forms may be obtained from the City Clerk at the city offices from 9:00 a.m. to 5:00 p.m., Monday through Friday.

(DATE)

ATTEST: _____

(CITY CLERK)

CITY
SEAL]

625

CHAPTER 67

ELECTION EQUIPMENT AND MATERIALS

Sections:

1. Election booths.
2. Furnishing instruction cards.
3. Ballots; printing; sample ballots.
4. Ballots; form.
5. Other materials.

Section 1. Election booths.

The election supervisor shall provide booths at each polling place, with enough supplies--and materials to enable each voter to mark his ballot hidden from observation. At least three sides of each booth shall be placed outside the voting booths within plain view of the judges and Clerks, voters, and other persons at the polling places.

Section 2. Furnishing instruction cards.

The election supervisor shall prepare for each polling place instructions for the guidance of voters covering the following:

- A. How to obtain a ballot;
- B. how to mark a ballot;
- C. how to obtain additional information; and
- D. how to obtain a new ballot to replace any ballot destroyed or spoiled.

The election supervisor shall furnish a necessary number of these instruction sheets to the election judges in the voting place.

Section 3. Ballots; printing; sample ballots.

In all city elections, the City Clerk as election supervisor will be responsible for the printing of ballots. The ballots will be printed and in the possession of the City Clerk, at least five days before the date set for a general or special election and three days before the date set for a runoff election. There shall be at least three ballots printed on colored paper, with the words "SAMPLE BALLOT" printed on them, to be posted in the clerk's office until election day and then given to the judges of each polling place.

Section 4. Ballots; form.

- A. The ballots shall state at the top whether the election is a regular, special, or runoff election.
- B. The ballots shall include instructions on how to mark the ballots.
- C. The ballots will be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The Clerk shall assure that there are one-third more ballots printed and numbered than there are registered voters in Nondalton, in order to

provide replacement ballots for ballots that may be spoiled by voters and for those persons who cast questioned ballots because their names do not appear on the Master Voter Registration List.

- D. A ballot shall show the list of candidates and issues to be decided at the election.
- E. Before the list of candidates there shall be placed the words "vote for not more than three," or "vote for not more than one", or such other number as are to be elected.
- F. Under the title of each office and before the printed names of the candidates, there shall be printed "Vote for one" or such other number as are to be elected to that office. The ballots shall list the office for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office listed in a random order, and by a blank line or lines for write-in candidates. In regular and special elections the number of blank lines provided for each office shall be equal to the number of persons who are to be elected to the office. No blank lines shall be provided for runoff elections.
- G. The names of the candidates will be printed in capital letters the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side will be printed.
- H. The names of candidates shall be printed as they appear upon the declarations of candidacy and nominating petitions filed with the City Clerk, except that any honorary or assumed title or prefix shall be omitted.
- I. Following the names of the offices and candidates, there shall be placed on the ballot in the form prescribed by law all propositions and questions to be voted upon if any. Provision shall be made for marking the propositions or questions "Yes" or "No."
- J. Somewhere on the ballots, so as to be clearly visible, will be printed the words:
 - 1. "OFFICIAL BALLOT":
 - 2. The date of the election; and
 - 3. an example of the signature of the Clerk who had the ballots printed.
- K. The sample ballot appearing at the end of this chapter illustrates the ballot format.

Section 5. Other materials.

At least 10 days prior to the day of the election, the Clerk shall prepare the following materials:

- A. An updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;

- B. a Blank Register in which the voters may print and sign their names and print their residence addresses, and in which the election official may note the number of the ballot issued to the voter;
- C. tally sheets;
- D. a form for the Report of Preliminary Election Results;
- E. envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots;
- F. two large envelopes for each polling place, one marked "Spoiled Ballots" and the other marked "Questioned Ballots";
- G. copies of the Notice of Election and the city's elections ordinances.

AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE

CITY OF NONDALTON, ALASKA
REGULAR ELECTION OF (DATE)

Mark your votes by making an "X" mark in the space next to each candidate or choice you wish to vote for. If you make a mistake or change your mind, DO NOT erase or cross out any mark you have made. Your vote cannot be counted if there is any erasure or correction. Instead, fold this ballot and give it back to the election judge or Clerk. You will be given another ballot.

DO NOT vote for more than one person for each office or mark more than one choice for each proposition. If you do so, none of your votes for that office or proposition can be counted.

To vote for a person whose name is not printed on the ballot, write his or her name in the blank space below the list of candidates.

If you have any questions about how a ballot must be marked, ask the election judge from whom you got this ballot.

VOTE FOR NOT MORE THAN THREE

CITY COUNCILMEMBER
SEAT : THREE YEARS
(VOTE FOR ONE ONLY)

CITY COUNCILMEMBER
SEAT : THREE YEARS
(VOTE FOR ONE ONLY)

CITY COUNCILMEMBER
SEAT : THREE YEARS
(VOTE FOR ONE ONLY)

PROPOSITIONS:

YES

NO

OFFICIAL BALLOT

Prepared by: _____
City Clerk

Ch 68

CHAPTER 68

ELECTION PROCEDURES

Sections:

1. Time for opening and closing polls and location.
2. Distribution of ballots.
3. Distribution of other election materials.
4. Preparation of ballot box.
5. Voting; general procedure.
6. Voting; spoiled ballots.
7. Voting; questioned ballots.
8. Assisting voter by judge.
9. Prohibitions.
10. Administration of oaths.
11. Majority decision of election board.
12. Ballots; counting and tallying.
13. Rules for counting ballots.
14. Report of election results.
15. Posting certificate of preliminary election results.

Section 1. Time for opening and closing polls and locations.

- A. On the day of any election, the election board shall open the polls for voting at eight in the morning, shall close the polls for voting at eight o'clock in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 in the morning on an election day.
- B. Fifteen minutes before the closing of the polls, an election judge shall announce to all persons present the time remaining before the polls close. A judge shall announce the time when the polls close. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.
- C. The normal voting place shall be the city offices. If for some reason beyond the control of the Council this location is unusable, the Council may by resolution designate a different location. Such location shall be included in all notices of election.
- D. Election precincts for city elections shall be the same as those established for state elections, except that all areas of state election precincts outside the city limits are excluded. Currently the City of Nondalton is entirely within the Nondalton election precinct.

Section 2. Distribution of ballots.

- A. Before the polls open on election day, the election supervisor shall deliver the ballots and sample ballots prepared pursuant to Chapter 67 to an election board member at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots

enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election board to which the package is delivered and given to the election supervisor. No ballots shall be taken from the polling place before the closing of the polls.

B. The election supervisor shall keep the following records:

1. The number of ballots delivered to the polling place;
2. the time the ballots are delivered; and
3. the name of the person to whom the ballots are delivered;
4. the receipt given for the ballots by the election board.

C. When the ballots are returned, the election supervisor shall record the following:

1. The number of the ballots returned;
2. the time when the ballots are returned;
3. the name of the person returning the ballots; and
4. the condition of the ballots.

Section 3. Distribution of other election materials.

A. On election day, the election supervisor shall also furnish the election board judges at each polling place with voting booths and ballot box (with lock or sealing materials); and the following materials: the updated Master Voter Registration List; a Blank Register; envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots; an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots; copies of the Notice of Election, the City's elections ordinances; a sufficient number of Instruction Sheets; and a sufficient supply of pens, pencils, and envelopes.

B. The election supervisor shall supply the election board chairperson with tally sheets and forms for the Report of Preliminary Election Results.

Section 4. Preparation of ballot box.

Before receiving any ballots the election board must, in the presence of all persons present at the polling place, open and exhibit the ballot box to be used at the polling place. After showing the box, the box will be sealed and not opened again until the polls are finally closed. At the close of the polls and after deposit into the ballot box of all ballots properly voted upon, the ballot box will be personally opened by the election judges.

Section 5. Voting; general procedure.

A. A voter shall give the judges or clerks his name, and print and sign his name, and write his residence address on the first available line of the blank register. The signing of the register is a declaration by the voter that he is

qualified to vote. If the voter is not known to any judge or clerk present, the judge or clerk may require the voter to produce a state voter registration card or other identification. If, in the opinion of the judge or clerk, there is doubt as to whether the person is registered to vote, he shall immediately question the voter.

- B. If the voter is not questioned, the judge or clerk shall give the voter a single ballot and note its number in the register next to the voter's name. The voter shall then retire alone to a voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for that purpose. The voter also marks the boxes to indicate his vote for or against questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number on the ballot and deliver it to one of the judges or Clerks, who shall, without unfolding the ballot or allowing any person to see how it is marked, remove the number stub and return the ballot to the voter if the ballot bears the same number as the ballot given to the voter by the judges and Clerks. The voter shall then himself in the presence of the election judge deposit the ballot in the ballot box unless the voter requests the election judge to deposit the ballot on his behalf. Separate ballot boxes may be used for separate ballots.
- C. If a voter is questioned, the voter may cast a questioned ballot pursuant to Section 7 of this Chapter.

Section 6. Voting; spoiled ballots.

If a voter improperly marks or otherwise damages a ballot, and discovers his mistake before the ballot is placed into the ballot box, he shall return it to an election official, concealing from view the manner in which it is marked, and request a new ballot. The election official shall write the words "Spoiled Ballot" on the outside of the folded ballot, record its number, and place it in an envelope with other spoiled ballots for return to the election supervisor. The judge or Clerk shall then issue a new ballot to the voter. A voter may request replacement of a spoiled ballot no more than three (3) times.

Section 7. Voting; questioned ballots.

- A. Every election judge and election clerk shall question, and any other person qualified to vote in the City may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. All questions regarding a person's qualifications to vote shall be made in writing setting out the reason the person has been questioned.
- B. If a voter's name is not on the Master Voter Registration List or a voter's eligibility to vote is questioned or there is some other question regarding a voter's

- eligibility, and the voter believes that he or she is registered and eligible to vote, then the voter shall sign an envelope bearing the Oath and Affidavit of Eligibility attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. After the questioned person has executed the Oath and Affidavit of Eligibility the person may cast a questioned ballot. If the questioned person refuses to execute the Oath and Affidavit of Eligibility, the person may not vote.
- C. A voter who casts a questioned ballot shall vote his ballot in the same manner as prescribed for other voters. After the election judge removes the numbered stub from the ballot, the voter shall insert the ballot into a small envelope and put the small envelope into a larger envelope on which the statement the voter previously signed is located. These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be segregated, counted, compared to the voting list, sealed in the questioned ballots envelope and delivered to the election supervisor along with other election materials and the ballot statement when the election board completes the tally and account of ballots. The merits of the question shall be determined by the City Council, meeting as the election review committee on the first Friday following the election.
- D. A sample Oath and Affidavit of Eligibility form is included at the end of this Chapter.

Section 8. Assisting voter by judge.

A qualified voter who cannot read, mark the ballot, or sign his name or who because of blindness or other physical disability, or who because of unfamiliarity with the system of voting needs assistance, may request an election judge, a person, or not more than two persons of his choice to assist him. If the election judge is requested, he/she shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge that he/she will not divulge the vote cast by the person whom he/she assists or change the voting wishes of the person he/she assists.

Section 9. Prohibitions.

- A. Prohibiting the leaving of the polling place with ballot. No voter may leave the polling place with the official ballot that he received to mark.
- B. Prohibiting the exhibition of marked ballots. No voter may exhibit his ballot to an election official or any other person so as to enable any person to ascertain how the voter marked his ballot.
- C. Prohibiting the identification of ballots. No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked his ballot, or allow the same to be done by another person.

- D. Prohibiting the count of exhibited ballots. No election official may allow a ballot which he knows to have been unlawfully exhibited by the voter to be placed in the ballot box. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.
- E. Prohibition of political discussion by election board. During the hours that the polls are open, no judge or clerk may discuss any political party, candidate or issue while on duty.
- F. Prohibition of political persuasion near election polls. During the hours that polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. The election judges shall post warning notices of the required distance in the form and manner prescribed by the supervisor of elections.

Section 10. Administration of oaths.

Any election judge may administer to a voter any oath that is necessary in the administration of the election.

Section 11. Majority decision of election board.

The decision of the majority of judges determines the action that the election board shall take regarding any question which arises during the course of the election.

Section 12. Ballots; counting and tallying.

- A. Immediately after the polls close and the last vote has been cast the election judges will open the boxes containing the ballots and count the ballots. Ballots may not be counted before 8:00 P.M. on the day of the election. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each proposition or question. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.
- B. The election board shall account for all ballots by completing a ballot statement containing (1) the number of ballots received; (2) the number of ballots voted; (3) the number of ballots spoiled; (4) the number of ballots unused. The board shall count the number of questioned

ballots and shall compare that number to the number of questioned voters in the register. If any discrepancies in numbers of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplained error. If a discrepancy is determined to exist between the ballots received and those accounted for it shall be explained in detail on the ballot statement and the explanation signed by the election judges.

- C. The forms at the end of this chapter illustrate Tally Sheets and Ballot Statement forms that may be used.

Section 13. Rules for counting ballots.

- A. The election board shall count ballots according to the following rules.

1. A voter may mark his ballot only by the use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate or propositions the voter desires to designate.
2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
5. The mark specified in subsection A of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.
6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.
7. An erasure or correction invalidates only that section of the ballot in which it appears.
8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was marked for the purpose of identifying the ballot.
9. Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the judges the voter intended to vote for the person whose name was written-in as a write-in vote.
10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter.

- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
- C. The chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection (A) of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.

- D. If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and specify the portion or portion of the ballot to which the objection applies.
- E. All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots," which shall be delivered to the election supervisor.

Section 14. Report of election results.

- A. When the count of ballots is completed, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results form. The report shall include the number of votes cast for each candidate, for and against each proposition, yes or no on each question and any additional information the election board deems relevant or prescribed by the election supervisor. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates and the Master Voter Registration List, register of voters, tallies, oaths of judges, Oaths and Affidavits of Eligibility, questioned ballots, defective ballots, spoiled ballots and other election documents in one sealed package, and in a separate sealed package, all ballots properly cast. The chairman of the election board shall keep the duplicate of the report of election in a safe place and present it to the election review committee on the Friday following the election when the committee meet.
- B. The election supervisor shall place all election materials received from the election board in the office safe until the canvass of election returns on the Friday following the election. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates.

Section 15. Posting certificate of preliminary election results.

- A. The Clerk shall post copies of the Certificate of Preliminary Election Results in three public places the day after the preliminary election results are known. The notice shall include:
 - 1. The time and place of the council meeting to be convened to consider the election results;
 - 2. That the results do not reflect the votes of absentee and questioned ballots and are not final until the council formally certifies the election; and
 - 3. That anyone has the opportunity to contest the election at the meeting.

TALLY SHEET
CITY OF NONDALTON, ALASKA

(DATE OF ELECTION)

(DATE & TIME OF VOTE COUNT)

Candidate	.Seat A	.Seat B	.Seat C	.Seat D	.Seat E	.Seat F	.Seat G	TOTAL
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								

Write-In

1.	
2.	

Propositions	Yes	No
--------------	-----	----

CITY OF NONDALTON, ALASKA

REPORT OF PRELIMINARY ELECTION RESULTS

The tally below is a true and accurate record of all regular votes cast in the _____ election held in the City of Nondalton, Alaska on _____, 19____.

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT

	CANDIDATE	VOTE
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

	CANDIDATE	VOTE
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____

OFFICE: CITY COUNCIL SEAT

	CANDIDATE	VOTE
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

	CANDIDATE	VOTE
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____

OFFICE: CITY COUNCIL SEAT

	CANDIDATE	VOTE
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

	CANDIDATE	VOTE
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____

Report of Preliminary Election Results

Page 1 of 2

PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITION _____: FOR _____ AGAINST _____
PROPOSITION _____: FOR _____ AGAINST _____
PROPOSITION _____: FOR _____ AGAINST _____
QUESTION _____: YES _____ NO _____
QUESTION _____: YES _____ NO _____
QUESTION _____: YES _____ NO _____

PART III: ACCOUNTING OF BALLOTS

Total Ballots Received From Election Supervisor: _____

Total Regular Ballots Cast: _____

Total Questioned Ballots Cast: _____

Total Ballots Returned to Clerk: Defective _____
Spoiled _____
Unused: _____

The tally of votes was completed between the hours of _____ p.m.
and _____ p.m. on _____, 19 _____.

Respectfully submitted,

_____, Election Board Chairman
_____, Election Judge
_____, Election Judge

ATTEST:

City Clerk

[City
Seal]

Report of Preliminary Election Results

Page 2 of 2

CITY OF NONDALTON, ALASKA
OATH AND AFFIDAVIT OF ELIGIBILITY

I, _____, DO HEREBY DECLARE THAT I
AM A RESIDENT OF THE CITY OF NONDALTON, ALASKA, AND MEET ALL OF THE
MINIMUM REQUIREMENTS SET FORTH BY LOCAL ORDINANCES AND STATE LAW TO
VOTE IN THIS ELECTION.

I AM NOT DISQUALIFIED, AND HAVE NOT VOTED IN THIS ELECTION.

SIGNED:

(NAME)

(ADDRESS)

WITNESSED

Election Judge

DECLARATION OF CANDIDACY

_____, declare that I am a United States citizen qualified to vote in State of Alaska elections and registered to vote therein and I have been or will have been by the date of the election for which I am filing this declaration a resident of the City of Nondalton for at least three years. I am not disqualified as a voter under Article V of the Alaska Constitution, which provides in Section 2 that:

No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

I declare myself a candidate of the office of _____ for Seat _____ for a term of _____ years commencing _____ and ending _____, and request that my name be printed upon the official ballot for the municipal election to be held in the City of Nondalton, Alaska on _____ day of _____ 19____.

Signature: _____

NOMINATING PETITION

WE, THE UNDERSIGNED, AS QUALIFIED VOTERS IN THE CITY OF NONDALTON, ALASKA, DO HEREBY PETITION THE SUPERVISOR OF ELECTIONS TO PLACE THE NAME OF _____ ON THE BALLOT FOR _____ ELECTION FOR THE OFFICE OF _____ FOR A TERM OF _____ YEARS.

WE UNDERSTAND THAT THE CANDIDATE, WHOSE ADDRESS IS _____ ALASKA, IS A QUALIFIED VOTER RESIDENT OF NONDALTON FOR THREE YEARS PRECEDING THE DATE OF ELECTION AND HAS AGREED TO SERVE IF ELECTED.

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

Received _____
(date)

ATTEST: _____
City Clerk

6a

CHAPTER 69

ABSENTEE VOTING

Sections:

1. Absentee voting; eligible persons.
2. Absentee ballots; application; filing.
3. Ballot and envelope form.
4. Absentee voting procedures.
5. Absentee ballots; delivery.
6. Absentee voting at Clerk's office; absentee voter's ballot.
7. Absentee ballots; executing outside city.
8. Voting at the polls; absentee voters; surrender of materials.
9. Retention of absentee ballots; delivery.
10. Liberal construction.

Section 1. Absentee voting; eligible persons.

Any qualified voter, who expects to be absent from the City or who will be unable to vote by reason of physical disability on the day of any election, may cast an absentee ballot.

Section 2. Absentee ballots; application; filing.

- A. A person who seeks to vote by absentee ballot may file either in person or by making written application to the City Clerk.
- B. Written application must be received by the City Clerk no more than twenty days, nor less than three days before a city election. An application made in person must be filed with the City Clerk not more than twenty days before the city election, and no later than noon on the day before a city election.
- C. The application must be signed by the applicant, show his/her place of residence, and if to be mailed, his/her mailing address.
- D. No absentee voter's ballot shall be mailed to any address in the City. Any voter present in the City who requires an absentee ballot shall personally obtain the ballot from the City Clerk.
- E. Nothing in this section is intended to limit the City Clerk in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the City Clerk's office for an absent voter's ballot. The City Clerk may deliver an absentee ballot to a disabled person living within the City at any time until the polls close on election day.
- F. The form appearing at the end of this chapter illustrates this application.

Section 3. Ballot and envelope form.

The ballot provided to absentee voters shall be identical to the ballots prepared for regular voters and used on election day. The ballot envelope shall be smaller than the return envelope so it may easily be enclosed in the return envelope. The ballot envelope shall be marked "Ballot Envelope" and have no other marks upon it. The ballot envelope and the return envelope shall be of heavy opaque paper. The return envelope shall have printed upon its back the affidavit and certification illustrated at the end of this chapter.

Section 4. Absentee voting procedures.

- A. The Clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with Section 4, Chapter 67 together with a ballot envelope and a prepaid return envelope.
- B. The Clerk shall not issue an absentee ballot sooner than 10 days before the election.
- C. Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the Clerk shall enter in the blank register the following information: the number of the ballot issued, the name of the voter to whom it was issued, and the date on which the ballot was issued. Before the opening of the polls on election day the Clerk shall deliver to the election judges a list of the voters who have requested to vote absentee.
- D. To be counted, an absentee voter's ballot must be executed before the polls close in the City and be received by the Clerk prior to the time the ballots are canvassed by the election review committee.
- E. All supplies necessary for the voter to cast and return his ballot will be furnished by the Clerk. No city official may make any charge for services rendered to any voter under the provisions of this Chapter.

Section 5. Absentee ballots; delivery.

Upon receipt of an application for an absentee voter's ballot, the Clerk shall check the latest state registration listings to determine whether the applicant is registered in accordance with Alaska Statutes Chapter 15.07. If the applicant is properly registered, the Clerk shall deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, a ballot envelope and a return envelope. If the absentee voter's ballot is personally delivered, the absentee voter shall secretly mark the ballot in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally marked the ballot, but which does not permit the Clerk to see how the voter voted. The voter shall fold the ballot and seal it in the ballot envelope, and seal the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the back of the return envelope and deliver it to the Clerk. The Clerk shall certify to the affidavit on the return envelope, write or stamp his/her name across its seal, and retain the envelope in his/her custody to be delivered to the Council for canvassing.

Section 6. Absentee voting at Clerk's office; absentee voter's ballot.

Any voter issued an absentee ballot may, at any time prior to the day of the election for which it is issued, appear at the office of the City Clerk, and there cast his ballot in the following manner: The voter first shall show the City Clerk that his ballot has not been marked, then shall secretly mark the ballot in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally marked the ballot, but which does not permit the Clerk to see how the voter voted. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the back of the return envelope, and deliver it, properly sealed, to the City Clerk. The City Clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the Council for canvassing.

Section 7. Absentee ballots; executing outside city.

Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear before any person authorized by law to administer oaths, and in the presence of such officer cast his ballot in the same manner as he would cast it in the office of the City Clerk under Section 6 of this chapter. After writing or stamping his name across the seal of the return envelope, the officer shall return it to the voter who shall return it to the City Clerk.

Section 8. Voting at the polls, absentee voters; surrender of materials.

If a voter issued an absentee ballot returns to the City on election day, he shall not vote at the polling place unless he first surrenders to the election board the absentee ballot, ballot envelope, and return envelope issued to him. Unused absentee ballots, ballot envelopes and return envelopes shall be returned to the election supervisor by the election board with other ballots not used at the polling place.

Section 9. Retention of absentee ballots; delivery.

The City Clerk as election supervisor shall retain all absentee ballots received in the office safe until the time the City Council meets as the election review committee to canvass the election. At this time the Clerk shall deliver all absentee ballots received to the election review committee to be counted and included in the final vote tally of the election. Absentee ballots must be received by the time of the meeting to be counted.

Section 10. Liberal construction.

This Chapter shall be liberally interpreted, so as to accomplish the purposes set forth.

CITY OF NONDALTON, ALASKA

APPLICATION FOR ABSENTEE BALLOT:

_____, A QUALIFIED VOTER AND RESIDENT OF
THE CITY OF NONDALTON, ALASKA DO HEREBY MAKE APPLICATION FOR AN
ABSENTEE BALLOT FOR THE _____ CITY ELECTION
TO BE HELD _____, 19 _____.

RESIDENCE ADDRESS: _____

(P.O. BOX NUMBER OR STREET)

MAILING ADDRESS: _____

(IF OTHER THAN RESIDENCE ADDRESS)

REASON FOR REQUESTING ABSENTEE BALLOT: _____

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED: _____

NOTE: AN ABSENTEE BALLOT MAY NOT
BE MAILED TO AN ADDRESS IN
NONDALTON.

DATE: _____

SIGNED: _____

(VOTER)

RECEIVED BY: _____

DATE: _____

PLEASE MAIL THIS APPLICATION TO:

CITY CLERK
CITY OF NONDALTON
NONDALTON, ALASKA
99762

)ss.

ABSENTEE BALLOT RETURN ENVELOPE UNITED STATES OF AMERICA)

I _____ state that: I am a resident of and a registered voter in the City of Nondalton, Alaska, and I hereby enclose my ballot.

(Signature of Voter) (Residence address within City)
SUBSCRIBED and SWORN to before me, this _____ day of _____, 19____. I hereby certify that the above-named affiant appeared before me, displayed to me an unmarked Absentee Ballot, marked that ballot in my presence and, without allowing me or any other person to see how the ballot was marked, enclosed and sealed said ballot in a ballot envelope, and then enclosed and sealed that ballot envelope in this return envelope, handed me this return envelope sealed, and signed the foregoing affidavit.

(Official's Signature) (Title of Officer)
(SEAL)

NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the City Clerk of the City of Nondalton, you must immediately return it by mail, postage prepaid, to Office of the City Clerk, City of Nondalton, Nondalton, Alaska 99659.

MARKED BALLOT ENCLOSED, TO BE OPENED ONLY BY ELECTION REVIEW COMMITTEE.

CS
10

CHAPTER 70

REVIEW OF ELECTION RETURNS

Sections:

1. Election review committee; meeting.
2. Review to be public.
3. Procedure for questioned ballot review.
4. Questioned ballots; subpoenas.
5. Absentee ballots.
6. Counting absentee and questioned ballots.
7. Defective ballots.
8. Certifying results.
9. Contest of Election.
10. Certificate of election.
11. Retention of election records.

Section 1. Election review committee; meeting.

- A. The City Council acting as the election review committee shall meet on the first Friday after the election and canvass all absentee and questioned and defective ballots executed in the election. If the Council is unable to obtain a quorum or complete the count on the Friday after the election, the canvass will be continued the following day and each day thereafter until completed.
- B. The City Clerk shall submit to the Council the election board's Report of Preliminary Election Results, the Master Voter Registration List, the register, all regular ballots, oath and affidavit envelopes containing questioned ballots, defective and objected-to ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials.

Section 2. Review to be public.

- A. The review of all absentee and questioned and defective ballots shall be made in public by opening the returns, and announcing the results thereof in front of those present.
- B. The review shall include a review and comparison of the tallies of ballots with the election reports to correct any mathematical error in the count of ballots.
- C. If the election supervisor finds an unexplained error in the tally of ballots, he/she may count the ballots from a ballot box.

Section 3. Procedure for questioned ballot review.

- A. The election supervisor shall contact the State Division of Elections and the local voter registrars by the Thursday following the election and determine if persons casting questioned ballots because of failure of their names to

appear on the Master Voter Registration List were in fact registered to vote in state elections. The election supervisor shall record the names of these questioned voters in fact registered to vote and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots according to the procedures in subsection B,4 of this section.

- B. The Council meeting as the election review committee shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the Council may request the assistance of the Clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the Council's decision. If the Council determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the Council upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.

1. A questioned ballot may not be counted if:
 - a. the voter has failed to properly execute the certificate;
 - b. an official authorized by law to attest the certificate failed to execute the certificate;
 - c. the voter did not enclose the marked ballot inside the small envelope.
2. Any person present at the questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the back of the large envelope if he has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The election review committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in (1) of this subsection.
3. If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of challenge. The envelope shall be labeled "rejected questioned ballots" and shall be placed in the office safe.
4. If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and mixed with other small envelopes containing questioned ballots.

Section 4. Questioned ballots; subpoenas.

The election review committee may order testimony of witnesses and issue subpoenas while investigating questioned ballots. The subpoenas may be enforced by the court upon certification as provided by the state code of civil procedure concerning the enforcement of administrative and state agency subpoenas.

Section 5. Absentee ballots.

A. The Council shall examine each absentee ballot return envelope. Upon the council's satisfaction that:

1. the voter is registered to vote;
2. a resident of Nondalton;
3. did so certify and cast his ballot before a person authorized by law to administer oaths, which person did so sign and seal; and
4. the ballot was cast before the close of the polls in Nondalton; the return envelope shall be opened and the blank envelope containing the absentee ballot shall be placed in a ballot box and mixed with other small envelopes containing the previously reviewed questioned ballots.

B. If the Council determines that a voter voting absentee was not in fact a qualified voter or did not follow absentee voting procedures the Council by majority vote may refuse to accept and count the absentee ballot. The return envelope shall not be opened but rather the reasons for rejection shall be noted on the envelope. The election supervisor shall place all such rejected absentee ballots in an envelope marked "rejected absentee ballots" to be saved with other election materials. The election supervisor shall notify the voter in writing why his absentee ballot was rejected.

Section 6. Defective ballots.

Councilmembers shall examine the defective ballots to see whether the ballot should be counted and, if so, whether they can determine for whom the voter intended to vote. If council determines for whom the voter intended to vote and that the ballot should be counted, the ballot shall be placed in the ballot box along with absentee and questioned ballots.

Section 7. Counting absentee defective and questioned ballots.

The questioned ballots and absentee ballots shall then one by one be removed from the ballot box taken out of the ballot envelopes and counted by the Council in the same manner in which ballots cast at the polls are counted.

Section 8. Certifying results.

If no contest of election is begun under the provisions of Chapter 71 of this Code and after all absentee, defective and questioned ballots are counted or rejected the Council shall:

A. Certify a report that shows:

1. The total number of ballots cast in the election;
2. the names of the persons voted for (including write-ins) and the propositions voted upon;
3. the offices voted for;
4. the number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
5. the disposition of all absentee, questioned, and defective ballots; and
6. any other matters which the Council deems necessary to preserve a complete record of the election.

- B. record the results of the election in the minutes of the meeting;
- C. authorize the results to be certified;
- D. publicly declare the results of the election.

Section 9. Contest of election.

If a contest of election is declared and resolved, the procedures of Section 8, A-D shall be followed at a special meeting held on the first Monday after resolution of the contest.

Section 10. Certificate of election.

- A. Upon authorization of certification of the election results by the City Council the City Clerk shall prepare two Certificates of Election for each office, proposition, or question considered. The certificates shall be signed by the Mayor and attested by the Clerk. One original of each Certificate of Election shall be given the successful candidate or the sponsor of the successful questions or propositions named thereon, and the other original of each certificate shall be kept by the City.
- B. The forms appearing at the end of this chapter illustrate the certificates of election.

Section 11. Retention of election records.

The City Clerk shall preserve all election certificates, tallies and registers for four years after the election. All ballots and stubs may be destroyed 30 days after the certification of the election unless an appeal of the election has been filed in the superior court in Anchorage in which case the ballots and stubs may be destroyed 30 days after conclusion of the appeal unless stayed by an order of the court.

CITY OF NONDALTON, ALASKA
REPORT OF ELECTION RESULTS

THE TALLY BELOW IS A TRUE AND ACCURATE RECORD OF ALL VOTES CAST IN
THE _____ ELECTION HELD IN THE CITY OF
NONDALTON, ALASKA ON _____, 19 ____.

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT _____

	CANDIDATE	VOTE
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

	CANDIDATE	VOTE
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____

OFFICE: CITY COUNCIL SEAT _____

	CANDIDATE	VOTE
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

	CANDIDATE	VOTE
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____

OFFICE: CITY COUNCIL SEAT _____

	CANDIDATE	VOTE
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

	CANDIDATE	VOTE
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____

Report of Election Results

Page 1 of 2

PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITION _____: FOR _____ AGAINST _____
PROPOSITION _____: FOR _____ AGAINST _____
PROPOSITION _____: FOR _____ AGAINST _____
QUESTION _____: YES _____ NO _____
QUESTION _____: YES _____ NO _____
QUESTION _____: YES _____ NO _____

PART III: ACCOUNTING OF BALLOTS

Total Ballots Cast: _____
Total Regular Ballots Cast: _____
Total Questioned Ballots Cast: _____
Disposition:
Accepted _____
Rejected _____
Total Absentee Ballots Cast: _____
Disposition:
Accepted _____
Rejected _____
Total Defective Ballots Cast: _____
Disposition:
Accepted _____
Rejected _____
The canvass of the election was completed between the hours
of _____ .m. and _____ .m. on _____, 19____.

Mayor

ATTEST:

City Clerk

[City
Seat]

Report of Election Results

Page 2 of 2

City of Nondalton, Alaska
CERTIFICATE OF ELECTION

HIS IS TO CERTIFY that on the _____ day of _____,
19_____, _____ was elected to the office
of _____ of the City of Nondalton,
Alaska, as confirmed by the City Council of the City of Nondalton
upon completion of the final canvass of ballots on the _____ day
of _____, 19_____.
DATED at Nondalton, Alaska this _____ day of _____
, 19_____.

Mayor

ATTEST: _____

City Clerk

[City
Seal]

City of Nondalton, Alaska

CERTIFICATE OF ELECTION -- BALLOT PROPOSITION

THIS IS TO CERTIFY that on the _____ day of _____,
_____, the ballot proposition relating to _____,
a true and correct copy of which is attached hereto, was approved by
the voters of the City of Nondalton as confirmed by the City Council
of the City of Nondalton upon completion of the final canvass of
ballots on the _____ day of _____, 19 _____.
DATED at Nondalton, Alaska this _____ day of _____,
19 _____.

Mayor

ATTEST: _____

City Clerk

[City
Seal]

65 11

CHAPTER 71
CONTEST OF ELECTION

Sections:

1. Contest of election; contestant.
2. Contest of election; Council.
3. Ballot recount.
4. Prohibited practices alleged.
5. Sustained charges; recount.
6. Recount expenses; appeal.

Section 1. Contest of election; contestant.

- A. Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.
- B. Any qualified voter who believes that prohibited practices occurred at an election may contest the election by:
 1. filing a written affidavit with the City Clerk specifying with particularity the provisions of the law which he believes were violated and the specific acts he believes to be misconduct;
 2. this affidavit must be filed with the City Clerk before or during the first review of the ballots on the Friday following the election. The City Clerk shall acknowledge the date and time the affidavit is received on its face and make a photocopy of the affidavit which shall be given the contestant.
 3. the sample affidavit at the end of this Chapter shows the form this affidavit should take;

Section 2. Contest of election; Council.

The City Council may order an investigation or a recount of the ballots or, declare the election invalid and order a new election, or declare the affidavit of election contest without merit and certify the results of the election.

Section 3. Ballot recount.

If only a recount of ballots is demanded, the election board where the error allegedly occurred, shall recount the ballots.

Section 4. Prohibited practices alleged.

When the contestant alleges prohibited practices the Council shall direct the City Clerk to produce the original register books for the election.

Section 5. Sustained charges; recount.

the charges alleged by the contestant are upheld, the election review committee shall make a recount. The Council shall then certify the correct election returns as provided in Chapter 70, Section B.

Section 6. Recount expenses; appeal.

- A. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contested is more than two percent.
- B. A person may appeal the decision of the Council in Section 2 to the Superior Court, however no person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the City, has exhausted his administrative remedies before the City Council and has commenced, within 10 days after the Council has finally declared the election results, an action in the Superior Court in Anchorage. If no such action is commenced within the 10 day period, the election and election results shall be conclusive, final, and valid in all respects.

AFFIDAVIT OF ELECTION CONTEST

The undersigned believes that prohibited practices occurred at the _____ municipal election held on _____, 19____ at Nondalton, Alaska.

The undersigned states that the following laws were violated. _____

_____.

The undersigned states that the above provisions of the law were violated in the following manner:

_____.

Signature of Person Contesting

Received Date & Time: _____

City Clerk: _____

[City
Seal]

CH72

CHAPTER 72

(Reserved)

CM 13

CHAPTER 73

(Reserved)

Title a

ix

Title IX. PERSONNEL

CHAPTER 74. Responsibilities of officers and
 employees.

75 Personnel Policies.

CU 74

CHAPTER 74

RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

Sections:

1. Conduct in office; investigations.
2. Oath.
3. Delivery of office.
4. Reports.
5. Resignation.
6. Conflict of interest.

Section 1. Conduct in office; investigation.

The Council, the Mayor, or any persons or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, officer, or employee of the City and to make investigations in municipal 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 according to the personnel policies of the City.

Section 2. Oath.

All elected officials and permanent employees of the City shall before entering upon the duties of the office, individually take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his or her office and trust, which oath shall be filed with the Clerk. The oath is provided in Chapter 5, Section 5.43 of this Code.

Section 3. Delivery of office.

Whenever an officer, appointed official, or employee leaves city office or employment for any reason, he or she shall promptly deliver to his or her successor in the office or to the Mayor all city property, including books, working papers, records, money, equipment, and effects, which are in his or her custody, possession, or control.

Section 4. Reports.

Every department head shall make a monthly report to the Council of the activities of the department for the preceding month and present a calendar of proposed activities for the upcoming month. Subject to the Mayor's approval, the department head may appoint someone familiar with the activities of the department to prepare and make a monthly report to the Council or the department head may submit a written report and calendar to the Mayor in advance of the council meeting. Such monthly report shall include a report on finances of the department.

Section 5. Resignation.

Resignations of city officers and appointed officials shall be made in writing and filed with the Clerk, who shall immediately notify the Mayor and Council. Appointed employees shall follow the procedures of Chapter 75, Personnel Policies for resignation.

Section 6. Conflicts of interest.

A. Prohibitions.

1. No elected official, appointed city officer, or city employee shall use his office or official position for the primary purpose of obtaining financial gain for himself or his spouse, child, mother, father or business with which he is associated or owns stock.
2. No elected official (except in the case of a Councilmember where the presiding officer or Council rule otherwise as provided in Subsection C of this section), appointed city officer, or city employee shall participate in any official action in which he has a substantial financial interest. Prohibited participation includes voting as a Councilmember, taking part in council debate, soliciting the vote of a Councilmember, or encouraging any city official or officer to act in a certain way in regard to a subject.
3. No elected official, appointed city officer, or city employee may accept from any other elected official, appointed city officer, or city employee, or any other person, money, gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from accepting any award or bonus authorized by the Council to be given for meritorious service.
4. No elected official, appointed city officer, or city employee, and no other person, shall give or offer to give to any elected official, appointed city officer, or city employee, money, gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from voting for or participating in granting any award or bonus authorized by the Council to be given for meritorious service.

B. Financial interests which may be conflicts of interest.

The following is a list of examples of financial interests substantial enough that any Councilmember, appointed officer, or city employee who comes under any of the categories listed

below should not vote or act on any matter so affected. The categories below are not meant to be a complete listing of all possible conflicts of interest. Any instances not covered below should come before the Council for a vote as the individual matters arise. A Councilmember, appointed officer, or city employee should abstain from voting or refrain from acting if:

1. He or she (or a member of his or her immediate family) individually, jointly, or in partnership with another has an interest in land or buildings, other than his or her residence, that will be affected by the vote or action.
2. He or she (or a member of his or her immediate family) is party to or beneficiary of a contract for a sum of \$1,000 or more that will be affected by the vote or action.
3. He or she (or a member of his or her immediate family) is individually, jointly, or in partnership with another the owner of a business, or has an interest in a business of \$1,000 or more that will be affected by the vote or action.
4. He or she (or a member of his or her immediate family) is a member of a board of directors or governing body or an officer of, or holds a management position with an organization that has financial dealings of \$1,000 or more with the City that will be affected by his or her vote or action.

C. Conflicts of interest and disclosure; City Councilmembers.

1. Each Councilmember shall disclose any financial interest he or she may have in any matter that has come before the Council for a vote. If the member believes that the financial interest is substantial, he or she shall ask to be excused from voting on the matter.
2. The Mayor shall rule on the request of a Councilmember to be excused from voting on a matter in which the member has or believes he or she has a substantial financial interest, unless the Mayor is the member making the request or has the same or a similar or related financial interest in the same matter, in which case the Council shall designate another Councilmember who has no financial interest in the matter to rule on the request.
3. The decision of the Mayor (or designated Councilmember) on the member's request to be excused from voting may be overridden by a majority vote of the Council. Neither the Councilmember making the request, nor any other Councilmember who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.

4. If any resident of the City believes that a Councilmember may have an undisclosed conflict of interest, the resident may request a confidential meeting with the Mayor (or, in the event that a claimed potential conflict of interest involves the Mayor, any other Councilmember chosen by the resident requesting the meeting) and the Councilmember who may have a conflict of interest. If, as a result of the confidential meeting, the Councilmember with the potential conflict or the Mayor decides that the financial interest must be disclosed to the Council, the Councilmember shall disclose the interest to the Council as provided in Subsection C,2 above.
5. A Councilmember who has a substantial financial interest in a matter before the Council, and who has been excused from voting on that matter, may not participate as a Councilmember in the debate on the matter, although he or she may participate in discussion to the same extent as a member of the general public. If the matter is discussed by the Council in executive session, the member shall be excluded during the executive session.
6. If a conflict of interest is discovered after an official action has been undertaken or completed the City Council may by a majority vote, excluding the vote of any affected member, resolve to rescind the official action or to take any other remedial steps necessary.

D. Conflicts of interest and disclosure; city officers and employees.

1. Each city officer and employee shall disclose to the Mayor or the City Council any financial interest he or she may have in any matter that has come before the officer or employee for action in the course of his or her duties. If either the officer or employee making the disclosure, the Mayor, or a majority of the members of the Council conclude that the financial interest in question is substantial, then the officer or employee shall not act or participate in taking action on the matter.
2. Any resident of the City who thinks that a city officer or employee may have an undisclosed conflict of interest may request a confidential meeting with the Mayor (or, in the event that a claimed potential conflict of interest involves the Mayor, any other Councilmember chosen by the resident requesting the meeting) and the officer or employee who may have a conflict of interest. If, as a result of the confidential meeting, the officer or employee with the potential conflict concludes that he or she should refrain from acting on the matter, or the Mayor (or other chosen Councilmember) directs the officer or employee to refrain from acting on the matter, all

proceedings of the meeting with the resident and the Mayor (or other chosen Councilmember) will remain confidential. If neither the officer or employee nor the Mayor (or other chosen Councilmember) decides that the officer or employee must refrain from acting, the resident may request the Council to consider the matter at its next regular meeting.

E. Violations-

1. Any Councilmember, city officer, or city employee who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be suspended from the Council or from his or her city office or employment. Such suspensions shall be for a period up of ninety days, and shall be made upon a two-thirds majority vote of the Council. Any Councilmember, officer, or employee who is suspended for this reason more than once in any twelve month period may be discharged from the Council or from his or her office or job. Such discharge shall be made upon a two-thirds majority vote of the Council.
2. Any person who wilfully violates any provision of Subsection A. shall be guilty of an infraction.
3. Any City Councilmember or appointed city officer who wilfully-violates any provision of Subsection A. shall be deemed to have violated his or her oath of office and shall be subject to immediate discharge from the Council or from office by two-thirds vote of the Council. Any willful violation of any provision of Subsection B. by any city employee shall be cause for immediate dismissal from employment.
4. No Councilmember may vote on any question of his or her own suspension or discharge.

CHS

CHAPTER 75

INDEX

Sections	1.	-	1.5	<u>Policies</u>
	2.	-	2.34	<u>General Provisions</u>
	3.	-	3.6	<u>Employment Limitations, Prohibitions, Penalties</u>
	4.	-	4.5	<u>Classification, Compensation, Salary Schedules</u>
	5.	-	5.64	<u>Recruitment & Hiring of Personnel</u>
	6.	-	6.34	<u>Workweek, Pay, Classification of Employees</u>
	7.	-	7.42	<u>Performance Evaluation</u>
	8.	-	8.33	<u>Resignation, Suspension, Layoff</u>
	9.	-	9.225	<u>Dismissal, Disciplinary Actions</u>
	10.	-	10.24	<u>Grievance and Grievance Procedure</u>
	11.	-	11.7	<u>Personal Leave</u>
	12.	-	12.6	<u>Other Leave</u>
	13.	-	13.2	<u>Legal Holidays</u>
	14.	-	14.4	<u>Travel, Per Diem, Subsistence</u>

Chapter 75, Nondalton Code of Ordinances
CITY OF NONDALTON
PERSONNEL POLICIES

SUBJECT: 1. Policies

PAGE: 1 of 2
SECTIONS: 1. - 1.5

ADOPTED BY ORDINANCE # 89-04, Effective: 5/1/90

SECTION(S) _____ AMENDED BY ORDINANCE # _____, Effective: _____

1. Policies

1.1 Authority:

The following Personnel Policies and principles are established under the authority granted by A.S. 29.20.410.

1.2 Application:

These policies shall apply to all employees of the City and to the delegate agencies of the City which do not issue their own approved personnel policies.

1.3 Federal and State Law:

It is the intent of these policies to comply with all Federal, State and local laws applicable to the City or its operations. If these approved policies conflict with any rules, regulations, or conditions prescribed by any funding source or regulatory body, those regulatory specifications shall prevail. The Mayor and City Council determine which regulatory specifications shall prevail and will determine which Federal, State or local regulations apply to programs. All applicable Federal, State or local laws presently in force or as passed or amended in the future that regulate wages, labor, working conditions, etc. are hereby incorporated into these policies.

1.4 Purpose:

It is the purpose of these policies to establish a system of personnel administration based upon the merit principle and adapted to the requirements of the City to the end that persons best qualified to perform the functions of the City will be employed, and that an effective career service will be encouraged, developed and maintained. The merit principle of employment includes the following:

1.41 Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

CITY OF NONDALTON
PERSONNEL POLICIES

PAGE: 2 of 2

SUBJECT: 1. Policies

SECTIONS: 1. - 1.5

1.42 No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position because of race, religion, color or national origin, age, physical, handicap, sex, marital status, changes in marital status, pregnancy, parenthood or unless otherwise contrary to law because of political opinions or affiliations when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

1.43 Regular integrated salary programs based on the nature of the work performed.

1.44 Retention of employees with permanent status on the basis of the adequacy of their performance, reasonable efforts of temporary duration for correction of inadequate performance, and separation for cause.

1.45 Selection and retention of an employee's position secure from political influences.

1.5 Employment Preference

The City shall foster and promote the welfare of the wage earners of the City, improve their working conditions and advance their opportunities for profitable employment. The City shall aid and assist resident workers to obtain, safeguard and protect their rightful preference to be employed in industries in the City. In the performance of contracts let by the City or any of its subdivisions or departments for construction, repair, preliminary surveys, engineering studies, consulting, maintenance work or any other retention of services necessary to complete any given project, at least 95 per cent of those employed shall be residents where they are available and qualified. If 10 or fewer persons are employed under the contract then at least 90 per cent of those employed shall be residents where they are available and qualified. In all cases of hire or letting of contracts by the City, its subdivisions or departments, employment preference shall be given to residents of the City. When the City Council assembled finds as a matter of fact that there are not sufficient residents of the City available and qualified for employment preference, the City Council shall so resolve and by this resolution approve non city resident hire.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGE: 1 of 2

SUBJECT: 2. General Provisions

SECTIONS: 2. - 2.34

ADOPTED BY ORDINANCE # 89-04, Effective: 5/1/90

SECTION(S) _____ AMENDED BY ORDINANCE # _____, Effective: _____

2. General Provisions

2.1 Adoption and Amendment

These policies shall be adopted as an ordinance of the City. The City Council recognizes that amendment of these policies may from time to time be necessary. To that end these policies may be amended at any time following normal procedures for amending city ordinances. The City Council recognizes that these personnel policies are by no means all inclusive and that they are intended to promote better working conditions for city employees, better utilization of city resources and better city operations. To further these ends any city employee or resident may request the City Clerk or Mayor to include personnel policies or their amendment on the agenda for any regular City Council meeting.

2.2 Personnel Officer

The Mayor of the City is the Personnel Officer. As chief administrative officer of the City he/she shall appoint, suspend, remove city employees with the confirmation of the City Council. The Mayor as the executive officer of the City shall ensure that these policies are enforced.

The Mayor may delegate personnel responsibilities and duties concerned with personnel to subordinates for effective management but this is not a delegation of ultimate responsibility for management.

2.3 Personnel Files

2.31 Central Personnel Files:

The City Clerk shall provide and maintain central files for records of the personnel and work histories of each employee of the City. Such records shall include the employee's original application, reports on the employee's work performance, disciplinary actions, commendations, and any other records relating to the employee's service to the City.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGE: 2 of 2

SUBJECT: 2. General Provisions

SECTIONS: 2. - 2.34

2.32 Accounting Personnel Files:

The City Clerk shall also provide and maintain personnel files for accounting purposes for each employee of the City. Such files shall include the employee's W-4 and W-2 forms and all records having to do with an employee's salary or compensation, and all other records necessary for accounting purposes.

2.33 Personnel Files - Confidentiality:

All information in the personnel records of city employees showing salary or compensation, job description, education and training background, and previous work experience shall be open for public inspection. Access to all other information in an employee's file shall be limited to the Mayor or his/her designee as personnel officer and the employee or the employee's authorized representative.

2.34 Equal Employment Opportunity Officer:

The Mayor shall appoint a person on the staff to be the Equal Employment Opportunity Officer. His/her duties will be spelled out in all State, Federal or local laws dealing with Equal Employment Opportunity.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGE: 1 of 2

SUBJECT: 3. Employment, Limitations,
Prohibitions, & Penalties

SECTIONS: 3. - 3.6

ADOPTED BY ORDINANCE # 89-04, Effective: 5-1-90

SECTION(S) AMENDED ORDINANCE # , Effective:

3. Employment Limitations, Prohibitions and Penalties

3.1 No Political Consideration for Employment:

Employment with the City will not be offered as a consideration or reward for public office, nor may any person, as an employee, engage in partisan political activity. In certain instances, the Council may grant a waiver to city employee(s) to engage in political activity if the political activity is determined beneficial to the City's goals and objectives.

3.2 No Advantage in a Position:

No person may give, render, pay, offer, solicit, or accept any money, service, or other valuable things in connection with any appointment, promotion, or advantage in a position unless authorized by the City Council.

3.3 No Political Party Assessments:

No person may require any assessment, subscription, contribution, or service for any political party from an employee.

3.4 No Political Party Endorsement:

No person may seek or attempt to use any political party endorsement in connection with any appointment or promotion.

3.5 Equal Opportunity in all Personnel Management Actions:

All training, development, assignment, promotion, and other actions must be taken without regard to race, religion, color or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, sex, physical handicaps, or any other factor irrelevant to the quality of performances or the qualifications for a position.

3.6 Outside Employment:

Outside employment by city staff is not allowed without notice to the Mayor and City Council and approval by the City Council. Outside employment without approval is grounds for dismissal of an employee.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGE: 1 of 2

SUBJECT: 4. Classification, Compensation, Salary Schedules, SECTIONS: 4. - 4.5

ADOPTED BY ORDINANCE # 89-04, Effective: 5-1-90

SECTION(S) AMENDED BY ORDINANCE # , Effective:

4. Classification, Compensation, Salary Schedules:

4.1 Position Roster:

The City Clerk shall keep a roster of all positions within the City.— The roster will spell out the organizational structure of the City.

4.2 Job Classification:

The City Council shall adopt a Job Classification System by resolution and may amend such system by resolution. The Classification System shall include job descriptions defining each position in writing and assigning a pay grade to each position. The existence of a job description does not obligate the City to fill the position.

4.3 Changes in Duties and Responsibilities:

The Mayor or an employee's supervisor shall recommend a redefinition of a job description to the City Council whenever a significant change is made in a position involving the addition, the taking away or substantial modification of existing duties and responsibilities.

4.4 Temporary Service Outside of Classification:

An employee may be required to assume the duties, responsibilities and workload of another employee or supervisor because of resignation, termination or extended leave. Any service performed outside the employee's required duties in such a manner shall be recorded and filed in the employee's central personnel file. If such temporary assignment is to be regular and continuous in character for a period of one (1) month or longer, the City Council may authorize temporary additional compensation which amount shall be determined in direct proportion to the additional duties, responsibilities and workload.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGE: 2 of 2

SUBJECT: 4. Classification, Compensation, SECTIONS: 4. - 4.5
Salary Schedules

4.5 Compensation— Plan/Salary Schedules, Pay Grades, Merit
System Plan:

Following recommendations from the Mayor and city staff, the City Council shall adopt a compensation plan by resolution including salary schedules and pay grades, and may include a merit system plan, and such plan may be amended by resolution.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGE: 1 of 4
SECTIONS: 5. - 5.64

SUBJECT: 5. Recruitment & Hiring of
Personnel

ADOPTED BY ORDINANCE # 89-04, Effective: 5/1/90

SECTION(S) AMENDED BY ORDINANCE # , Effective:

5. Recruitment & Hiring of Personnel

5.1 Merit Principles Apply:

All appointments and promotions of city employees are made on the basis of merit and fitness for the position. When required by law or by the City Council an applicant for a city position shall show merit and fitness for the position through proof of qualifications and/or by passing written, oral or other examinations designed to evaluate the ability of the applicant to discharge the position for which the examination is held.

5.1.1 Employment of Council Members:

Elected officials may be hired by the City for temporary employment. Elected officials will be considered on the basis of merit with all other job applicants.

5.2 Posting of Job Openings:

Notice of all job openings with the City shall be posted in at least three public places within the City. Notice shall include the job title, duties, minimum qualifications, rate of pay and end of recruitment period. Notice shall be posted for at least two weeks (14 days) from the date of posting to the ending date of the recruitment period. Two weeks notice is not required for temporary positions that need to be immediately filled. Notice for such temporary positions, however, shall be posted in three places and include the job title, duties, minimum qualifications, rate of pay and end of recruitment period.

5.3 Filing Applications:

Applications for city positions shall be made on forms provided by the City Clerk and must be filed with the City Clerk on or prior to the closing date specified in the announcement. A resume may be substituted for or filed in addition to the application form.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGE: 2 of 4

SUBJECT: 5. Recruitment & Hiring of
Personnel

SECTIONS: 5. - 5.64

5.4 Filling of Positions:

5.41 The Mayor, subject to the approval of the City Council shall make all appointments to permanent full-time, permanent part-time and long-term temporary city positions. Appointments will be made on the basis of qualifications, education, experience and merit. The Mayor or his/her designee with the knowledge of the City Council shall make short-term temporary appointments and appointments in emergency situations.

All qualifications must be verified. Other qualifications being equal, preference in employment shall be given to a city employee seeking a promotion or transfer, then to year round city residents.

5.42 Information to New Hires: The City Clerk shall in writing advise all new appointees to city positions of their job title, job description, pay, benefits, personnel policies, the date of the employee's probationary period and all other pertinent employment information.

5.43 Oath of Office: All permanent employees before entering upon the duties of office shall affirm in writing the following oath and affirmation:

"I _____ do solemnly swear (or affirm) that I will support the Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances of the City of Nondalton, Alaska, and that I will honestly, faithfully and impartially discharge my duties as _____ to the best of my ability."

The oath is filed with the City Clerk.

5.5 Promotion:

Vacancies shall be filled by promotion whenever practicable; however, filling of a vacancy by promotion shall be done on an open, competitive basis. Promotion is the filling of a vacancy by the advancement of an employee from a position having a lower salary. The employee's anniversary date and original date of hire, shall remain unchanged. An employee who is promoted shall receive a probationary appointment. The employee's former position will be held open by temporary appointment until such time as the employee completes the probationary period.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGE: 3 of 4

SECTIONS: 5. - 5.64

UBJECT: 5. Recruitment & Hiring of
Personnel

5.6 Probationary Period:

5.61 Purpose: The probationary period is an integral part of the selection process and shall be utilized for observing an employee's work, for securing the most effective adjustment of the employee to the position, and for rejecting any employee whose performance does not meet the required work standards.

5.62 Duration: Every original appointment and every promotional appointment of permanent employees is subject to a probationary period of three months from the date of appointment. Appointment for this section is defined as the date an employee first enters upon a job at the worksite.

5.63 Completion of Probationary Period: The probationary period is a time of learning and orientation. An objective appraisal of employee performance shall be conducted at the end of the probationary period. It shall be the responsibility of the employee's supervisor or the Mayor (if he/she is the supervisor) or the Mayor's designee to provide a written evaluation and recommendation to the City Council whether the employee shall become a permanent employee with employee benefits, whether the probationary period shall be extended, or whether the employee shall be dismissed from his/her appointment. The City Clerk shall give notice to supervisors of the expiration of employees' probationary periods and provide to supervisors performance evaluation forms for their use. If a performance evaluation is not completed by an employee's supervisor within 30 days after an employee has completed his/her probationary period the employee automatically becomes a permanent (either full time or part time) employee as of the date of the expiration of his/her initial probationary period.

5.64 Dismissal During Probationary Period: The Mayor with confirmation by the City Council may dismiss a probationary employee at any time during the probationary period if in the Mayor's opinion the working test indicates that the employee is unable to perform the duties of the position satisfactorily or that his/her habits and dependability do not merit continuance in the position. The employee so dismissed shall be notified in writing of the reasons for the dismissal. A permanent employee dismissed during the probationary period from a position to which he/she has been promoted or transferred and in which

CITY OF NONDALTON
PERSONNEL POLICIES

UBJECT: 5. Recruitment & Hiring of
Personnel

PAGE: 4 of 4
SECTIONS: 5. - 5.64

She/he is serving a probationary period shall be reinstated to the position from which he/she was promoted or transferred unless she/he is dismissed from city service for reasons as provided in these policies other than performing adequately at the new position. Dismissal is effective upon the employee's receipt of notice of dismissal in writing, or if the employee is unavailable, upon posting of a letter of dismissal by certified mail, return receipt requested.

CITY OF NONDALTON
PERSONNEL POLICIES

SUBJECT: 6. Work Week, Pay,
Classification of Employees

PAGE: 1 of 3
SECTIONS: 6. - 6.34

ADOPTED BY ORDINANCE # 89-04, Effective: 5/1/90
SECTION(S) AMENDED BY ORDINANCE # , Effective:

6.1 Work Week:

The normal work week for city employees is the hours and days contained in an individual employee's job description. These hours and days shall be flexible and may be modified by the Mayor and City Council as circumstances and finances dictate in order to promote efficient city operation and provision of services to citizens.

6.2 Pay:

6.21 Amount: Employees of the City shall be paid according to the schedules established by the City Council. Any wage or salary so established is the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official city business. Unless approved by the City Council no employee shall receive pay from the City in addition to the salary authorized for the position to which she/he has been appointed. Pay shall be only for hours actually worked according to an employee's time sheet as approved by his/her supervisor.

6.22 Overtime: It is the policy of the City that work hours and work days be so scheduled that overtime not be paid. However, if circumstances do not permit such flexible scheduling, employees shall be compensated for hours worked beyond eight hours in a day and forty hours in a week at one and one half times their regular rate of pay. State and Federal fair labor standards apply.

6.23 Pay Days: Employees shall be paid bi-weekly, every other Friday. In special circumstances or for special projects the City Council may direct different pay periods.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGE: 2 of 3

SUBJECT: 6. Work Week, Pay,
Classification of Employees

SECTIONS: 6. - 6.34

6.24 Transfer: An employee transferred from one position to another where both positions have the same rate of pay shall be appointed to the same rate of pay held prior to transfer and his/her anniversary date shall remain unchanged. This will apply if any special knowledge of the position is not required.

6.25 Payroll Advance: A permanent employee may receive a payroll advance during a payroll period but before pay day upon approval of three City Councilmembers. A payroll advance will be for no more than the compensation owed for hours already worked. An advance shall be deducted from the employee's pay on pay day.

6.26 Payroll Deductions: Payroll deductions as required by law will be withheld from each employee's paycheck. Any other payroll deductions must be authorized by the employee in writing. Employees are urged to authorize deductions from paychecks to pay personal obligations (like water and sewer bills) owed the City. Failure to pay toward obligations owed the City for two successive pay days in city employment is grounds for dismissal from city service.

6.27 Termination or Resignation: Upon termination or resignation, an employee shall receive payment for all accrued wages, salaries or other compensation for labor or services less any personal obligations owed the City by the first following payday.

6.3 Classification of Employees:

City employees are classified into the following categories:

6.31 Permanent full-time: These employees accrue leave, and receive paid holidays and other city employment benefits. Their work week is five or more hours per day, at least five days per week. Their jobs are of a continuous twelve months a year nature. Some salaried positions that are on call twenty-four (24) hours per day (such as the water and sewer operator) are included among permanent full time employees. The Mayor shall appoint to these positions.

CITY OF NONDALTON
PERSONNEL POLICIES

SUBJECT: 6. Work Week, Pay,
Classification of Employees

PAGE: 3 of 3
SECTIONS: 6. - 6.34

6.32 Permanent part-time: These employees accrue leave and receive paid holidays and other city employment benefits if their normal work week is at least five days per week. Their jobs are of a continuous, twelve months a year nature but the hours worked are normally less than five hours per day and/or five days per week. The Mayor shall appoint to these positions.

6.33 Long term temporary: These employees accrue no leave and receive no paid holidays or other city employment benefits beyond any benefits that may be due them because of employer taxes paid by the City. Their workweek may be up to forty hours per week. These jobs are normally seasonal in nature and are of more than two weeks duration though normally not of more than five months duration. These jobs may recur yearly and are typically associated with special projects. The Mayor shall appoint to these positions.

6.34 Short term temporary: These employees accrue no leave and receive no paid holidays or other city employment benefits beyond any benefits that may be due them because of employer taxes paid by the City. Their work week may be up to forty hours per week. These jobs are normally of less than two weeks duration. Typically these jobs openings occur because of leave, termination or resignation of a permanent employee, or because of emergency or special conditions. The Mayor or his/her designee shall appoint to these positions.

CITY OF NONDALTON
PERSONNEL POLICIES

SUBJECT: 7. Performance Evaluation

PAGE: 1 of 2

SECTIONS: 7. - 7.42

ADOPTED BY ORDINANCE # 89-04, Effective: 5/1/90

SECTION(S) AMENDED BY ORDINANCE # , Effective:

7. Performance Evaluations:

This section applies to permanent full time and permanent part time positions.

7.1 City Clerk's duties: It shall be the responsibility of the City Clerk to give notice to employees' supervisors and the Mayor of the dates performance evaluations for employees are due. The City Clerk shall provide to supervisors performance evaluation forms for their use.

7.2 Supervisor's Duties: A performance evaluation report shall be required from an employee's immediate supervisor annually from the date of hire, promotion, or demotion of the employee. A performance evaluation shall also be rendered upon the completion of the three month probationary period. A final performance evaluation shall be prepared within five working days of an employee's final day of work irregardless of the reasons why an employee leaves city service.

Certain circumstances may require semi-annual or other periodic evaluations in order to provide better management of personnel who need more supervision or training. Meritorious performance by an employee may also warrant additional evaluation.

7.3 Performance Evaluation Record:

7.31 All employees shall receive a written performance evaluation at the end of their probationary period and thereafter annually on the date the employee was appointed to permanent status.

In addition to rating the employee in terms of actual performance, the supervisor will include specific suggestions for improvements, and thoroughly discuss each evaluation with the employee. Each Performance Evaluation Record is filed in the employee's personnel file.

7.32 Employees shall be rated on their performance evaluations according to the following criteria:

CITY OF NONDALTON
PERSONNEL POLICIES

SUBJECT: 7. Performance Evaluation

PAGE: 2 of 2

SECTIONS: 7. - 7.42

Outstanding: distinguished performance. Employee consistently exceeds performance standards.

Excellent: above average performance. The employee consistently achieves and frequently exceeds performance standards.

Acceptable: adequate performance. The employee usually achieves performance standards; may occasionally exceed or occasionally fail to achieve standards.

Unacceptable: below average performance. The employee frequently does not achieve satisfactory performance standards. Improvement is necessary in order to achieve satisfactory performance.

7.4 Effect of Performance Evaluation:

7.41 Upon the recommendation of the supervisor and at the discretion of the City Council an employee who receives an outstanding or excellent rating on his/her performance evaluation may be granted a salary increase to the next step in the salary schedule adopted by the City Council.

7.42 An employee who receives an unacceptable performance evaluation has after consultation with his/her supervisor one month to correct his/her performance to acceptable levels. At the end of this month the supervisor shall prepare a performance evaluation rating the employee's performance. Failure of an employee to improve performance to acceptable levels after one month is grounds for dismissal from city service. If an employee achieves an acceptable rating on his/her performance evaluation after one month, he or she will be retained in city service and a performance evaluation performed after two additional months. An unacceptable performance evaluation after that two months is grounds for dismissal from city service.

CITY OF NONDALTON
PERSONNEL POLICIES

SUBJECT: 8. Resignation, Suspension,
Layoff

PAGES: 1 of 2
SECTIONS: 8. - 8.33

ADOPTED BY ORDINANCE # 89-04, Effective: 5/1/90

SECTION(S) AMENDED BY ORDINANCE # , Effective:

8.1 Resignation:

To resign from city employment in good standing an employee must submit a resignation in writing to the Mayor stating the effective date of the resignation and reasons for leaving at least two (2) weeks prior to resignation. Failure to give proper notice of resignation may result in loss of all accrued leave. Upon approval of the Mayor, an employee may withdraw his resignation at any time prior to the effective date of resignation. Upon approval of the City Council the requirement of proper notice may be waived when provision can be made for a capable successor to an employee in the period of time for which notice of resignation is given. The City Council may also waive proper notice in cases where there are extenuating circumstances such as medical reasons, or family obligations.

8.11 No form of resignation filed without date or with a future date, and that is not intended to be a bonafide and voluntary resignation to be acted upon at the time of filing, shall be accepted by the Mayor as a resignation.

8.12 Failure by an employee to comply with proper notice of resignation may be considered cause for denying the employee future employment by the City.

8.13 Unauthorized absence from work for a period of two successive working days may be considered by the supervisor and/or Mayor as a resignation without proper notice resulting in loss of all accrued leave and cause for denying the employee future employment by the City.

8.2 Suspension: In addition to reasons for suspension of an employee from work as otherwise provided for in these Personnel Policies the Mayor may in cases in which signed charges in writing have been filed against an employee, suspend the employee with or without pay and with or without accrual of benefits for the purposes of conducting an investigation into the validity of the charges. The employee shall be notified in writing of his/her suspension and its expected duration which may be indefinite or until the charges are resolved. Knowledge of the suspension shall be given to the City Council.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES: 2 of 2

SUBJECT: 8. Resignation, Suspension,
Layoff

SECTIONS: 8. - 8.33

Such a suspension shall be made only in the cases in which the charges against the employee are of such a nature that the interests of the City would be seriously prejudiced by continuing the employee on active duty status while the investigation is conducted. If the charges are found valid, the Mayor or his designee shall take such steps, including dismissal or other disciplinary action, as he/she with City Council approval deems appropriate.

In all cases in which charges have been filed against an employee the investigation shall begin immediately.

8.3 Layoff:

Nothing in these Personnel Policies guarantees employment. Budget constraints, natural disasters, mechanical failures or other conditions may require the deletion of positions or layoff of employees either temporarily or permanently.

8.31 The Mayor or her/his designee may layoff an employee if the employee's position is temporary; if there is a shortage of work or funds; or for other reasons which do not reflect discredit on the services of the employee.

8.32 If circumstances allow permanent employees shall be given two (2) weeks notice of layoff. All employees shall be given as much notice of layoff as circumstances allow.

8.33 No permanent employee shall be laid off while there are probationary or temporary employees serving in the same job class. Probationary and temporary employees shall be first laid off and are to be notified of this upon hire. Such employees are deemed to have constructive notice of this information through these Personnel Policies.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES: 1 of 4

SUBJECT: 9. ⁵Dismissal, Disciplinary
Actions

SECTIONS: 9. - 9.225

ADOPTED BY ORDINANCE # 89-04, Effective: 5/1/90

SECTION(S) _____ AMENDED BY ORDINANCE # _____, Effective: _____

9.1 Dismissal:

The following is a general listing of reasons which constitute Grounds for Dismissal of city employees. This list is not all inclusive and complements other Grounds for Dismissal listed in these Personnel Policies. Infractions not listed may be of such a severe nature that they also would warrant dismissal. The steps of Procedures of Progressive Discipline listed in Section 9.22 of these Personnel Policies will be followed. Special projects may have special rules and Grounds for Dismissal which shall be posted. By that posting employees are deemed to have knowledge of these special rules and Grounds for Dismissal.

9.11 Incompetence:

- 9.111 Lack of basic knowledge, skills or physical ability needed to accomplish work employee was hired to do.
- 9.112 Inability to understand and/or follow instructions.
- 9.113 Continual difficulty in learning and implementing new methods and procedures related to assigned duties.

9.12 Unsatisfactory Performance of Duties:

- 9.121 Slovenly work.
- 9.122 Flagrant damage to tools or equipment used.
- 9.123 Failure to produce an acceptable amount of work in relation to fellow employees in like classification.
- 9.124 Disregard for established safety regulations and procedures.

9.13 Unexcused Absenteeism:

- 9.131 Absence from work without prior approval.
- 9.132 Arriving or returning late for work or leaving early from work.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES:

2 of 4

SUBJECT: 9. Dimissal, Disciplinary
9. - 9.225

SECTIONS:

Actions

9.14 Drunkenness:

- 9.141 Reporting to work under the influence of alcohol or drugs.
- 9.142 Use of alcoholic beverages or drugs at work.

9.15 Dishonesty:

- 9.151 Any act relating to employment that would signify an employee's word or intentions are not trustworthy.
- 9.152 Being convicted of a felony or misdemeanor committed on or off duty which would limit the ability to maintain a working relationship of mutual trust in a particular position.
- 9.153 Taking city property or money or converting it to an employee's use.
- 9.154 Falsification of time records or approval of time records known to be wrong.

9.16 Gross Disobedience:

- 9.161 Failure to follow a supervisor's orders without resonable explanation of actions.
- 9.162 Refusal to obey such rules and regulations fostered by the State and the City as standard policy.

9.17 Abandonment of Duties:

- 9.171 Absenting oneself without approval or authority and failure to promptly notify employer of supportable reasons therefore.

9.18 Unsafe Operation:

- 9.181 Negligence, carelessness or unsafe operation of equipment or machinery at any time by any employee that endangers or injures himself/herself or others.

9.19 Notice:

In all cases in which an employee is dismissed from city service, written notice of dismissal with the cause explained shall be served upon the employee. If the employee is

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES: 3 of 4

SUBJECT: 9. Dimissal, Disciplinary
Actions

SECTIONS: 9. - 9.225

unavailable because of absence from the City or worksite the employee is deemed to have notice of dismissal upon posting of a letter of dismissal by certified mail, return receipt requested to her/his last known mailing address.

9.2 Disciplinary Actions:

9.21 Responsibility of Mayor and Supervisors: It is the responsibility of the Mayor and Supervisors to maintain efficiency, cooperation, and safe and proper work conduct among employees while protecting the rights of all employees and promoting efficient City operation and provision of services to citizens. If a situation requiring discipline occurs the Mayor, his or her designee, or the immediate supervisor shall immediately gather all essential facts about the situation in writing including the employee's version and decide what, if any, disciplinary action is needed. If in the opinion of the Mayor disciplinary action of a less severe nature than dismissal as provided for elsewhere in this section is required the Procedures of Progressive Discipline shall be followed. The appropriate discipline is the least severe penalty that is at the same time severe enough to convince the erring employee that his/her behavior cannot be tolerated.

9.22 Procedures of Progeessive Discipline:

9.221 Verbal Warning: Verbal warnings are given for minor infractions. The employee is given a verbal warning in private explaining what he/she did wrong and what must be done as a corrective measure. A record in writing is placed in the employee's central personnel file. This record may be removed from the file after six months by the Mayor if the employee's behavior improves. The employee is advised at the time of verbal warning that if there is a repetition of the behavior that required verbal warning, more severe action may be taken. The Mayor or supervisor shall give verbal warning.

9.222 Written Warning: A written warning is more severe than a verbal warning. It is used for more serious offenses by an employee that call for more than a verbal warning. Written warning is also to be issued if there is a repetition of an infraction for which verbal warning was given within three months of the date of verbal warning. A copy of written warning is placed in an employee's central personnel file and becomes part of the file. The Mayor or Supervisor shall give written warning.

CITY OF NONDALTON
PERSONNEL POLICIES

SUBJECT: 9. Dimissal, Disciplinary
Actions

PAGES: 4 4
SECTIONS: 9. - 9.225

9.223 Suspension: Suspension is a very severe penalty. An employee may be suspended without pay and without accrual of benefits for one to thirty days. Suspension is used only when a major infraction has occurred or repeated warnings have not succeeded in bringing about changes in an employee's conduct. Repetition of an incident that required written warning within three months of the date of written warning is cause for suspension. The Mayor or his/her designee after a private interview with the employee, shall personally deliver a letter of suspension to the employee. The letter shall state the reasons for suspension and the dates on which suspension begins and ends. A copy of the letter shall be placed in the employee's central personnel file. If an employee is unavailable for personal delivery of a letter of suspension, notice shall be given by certified mail, return receipt requested sent to his/her last known mailing address.

9.224 Dismissal: Dismissal from city service is the most severe of disciplinary actions. An employee may be dismissed by the Mayor for reasons listed elsewhere in these policies. An employee may also be dismissed if within a six month period after completion of suspension a disciplinary action becomes necessary. Before dismissal the employee shall be given an opportunity for hearing before the Mayor or his/her designee. The employee may ask questions of any witnesses and may otherwise confront the evidence presented against him. Following the hearing the Mayor or his/her designee shall prepare written findings, detailing any disciplinary action and the reasons therefore. The decision in writing shall then be personally delivered to the employee. If the employee is unavailable for personal delivery, the decision shall be sent by certified mail, return receipt requested, to his/her last known mailing address. A copy of the decision shall be placed in the employee's central personnel file.

9.225 Appeal: Every employee shall have the right to appeal any disciplinary action enforced against him/her which she/he believes to be unwarranted unfair or unjust. An appeal shall be treated as a grievance and shall be handled in accordance with the Grievance Policy and Procedure of Section 10 of these Personnel Policies.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES: 1 of 2
SECTIONS: 10. - 10.24

SUBJECT: 10. Grievance and
Grievance Procedure

ADOPTED BY ORDINANCE # 89-04, Effective: 5/1/90

SECTION(S) _____ AMENDED BY ORDINANCE # _____, Effective: _____

10. Grievance and Grievance Procedure:

10.1 Grievance Policy: It is the policy of the city insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. When any employee grievance comes to the attention of a supervisor or the Mayor, the supervisor or the Mayor shall discuss all relevant circumstances with the employee, and his/her representative if he/she so desires, consider and examine the causes of the grievance, and attempt to resolve it to the extent that the Mayor or supervisor has authority to do so. If the grievance is not dealt with satisfactorily at this level, the grievance may be carried to the City Council as provided in this section.

10.2 Grievance Procedure: Every employee shall have the right to grieve any action which he/she believes to be unwarranted, unfair, or unjust, PROVIDING, the alleged grievance shall be handled in accordance with the following procedures.

10.21 The employee shall first discuss with his supervisor (or attempt to discuss) his/her grievance. Should this fail to resolve the grievance, the employee should confer with the Mayor. If this fails to resolve the grievance, the employee may contact any City Council member and request a preliminary investigation to determine the validity of the grievance.

10.22 The City Council member contacted by an employee shall contact the Mayor. The Mayor shall appoint another City Council member to investigate the alleged grievance along with the first contacted member.

10.23 If in the opinion of the two investigating Council members the grievance is of a critical nature needing immediate resolution they shall contact the Mayor who shall call a special City Council meeting to hear the grievance. If the grievance is not of a critical nature needing immediate resolution it shall be heard at the next regular City Council meeting. The grievant shall be given notice in writing of the date, time and place of the council meeting. Notice for a special meeting shall be at least 24 hours.

CITY OF NONDALTON
PERSONNEL POLICIES

SUBJECT: 10. Grievance and
Grievance Procedure

PAGES: 2 of 2
SECTIONS: 10. - 10.24

10.24 The City Council meeting as the Grievance Committee shall request the aggrieved party and all others concerned to appear before them for their investigations. Notice shall have been given these persons. If the aggrieved party, having been given notice, fails to appear before the City Council, the grievance is deemed to be resolved and the aggrieved party does not have standing to appear before the City Council on the same incident again. If the nature of the grievance is such that its discussion may tend to prejudice the reputation and character of any person a City Council member may move and the City Council after convening—as a public meeting may vote to hold an executive session. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session. After the reconvening of the public meeting if an executive session is held, or at the meeting after all testimony has been heard and evidence examined, the City Council shall make such resolution of the grievance as they feel proper. The City Council's decision shall be final.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES: 1 of 2

SUBJECT: 11. Personal Leave

SECTIONS: 11. - 11.7

ADOPTED BY ORDINANCE # 89/04, Effective: 5/1/90

SECTION(S) AMENDED BY ORDINANCE # , Effective:

11. Personal Leave:

11.1 Coverage: Permanent employees whose customary workweek is five (5) days per week are entitled to Personal Leave with pay. No other employees accrue Personal Leave.

11.11- No Personal Leave accrues to an employee during a probationary period unless the employee has transferred or been promoted from a position in which she/he had permanent status to a position in which the employee is serving a new probationary period. On the first day of the month following the date of successful completion of the probationary period an employee begins to accrue leave.

11.2 Accrual Rates: Personal Leave is the only leave accrued by City employees. Personal Leave is accrued at the following rates:

11.21 For the first three years of city employment permanent employees shall accrue Personal Leave at the rate of one and one quarter (1 1/4) days per calendar month worked. That is, fifteen (15) days per year.

11.22 Employees with three or more years of service shall accrue Personal Leave at the rate of one and three quarters (1 3/4) days per calendar month worked. That is, twenty one (21) days per year.

11.3 Day of Personal Leave Defined: Personal Leave days accrued by employees are equal to employees' normal workdays. That is, an employee who customarily works a six (6) hour workday accrues a six (6) hour leave day; an employee who customarily works a four (4) hour workday accrues a four (4) hour leave day; etc.

11.4 Personal Leave and Scheduling: Personal Leave may be used for vacation time, sickness, subsistence activities, etc. Personal Leave is the employee's to use as he/she sees fit or circumstances dictate, and scheduling and efficient city operation allow. An employee must in writing request Personal Leave from the Mayor and have it approved by the Mayor at least one week before the date leave is to begin. Shorter notice than one week may be

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES: 2 of 2

SUBJECT: 11. Personal Leave

SECTIONS: 11. - 11.7

allowed in special circumstances. The Mayor shall make all efforts to assure that permanent employees are able to schedule and take accrued leave. Employees shall make all efforts to request and take accrued leave at such times as to least impact city operation and provision of services to citizens.

11.5 Personal Leave for Medical Cause:

11.51 When the Mayor or his/her designee is satisfied that an employee is absent from work for valid medical cause, Personal Leave may be granted. An employee who is unable to attend work because of sickness or other medical cause and who has not requested Personal Leave in advance shall communicate his/her leave request to the Mayor or his/her designee as expeditiously as possible but no later than one half (1/2) day after the time the employee was to have reported to her/his worksite. In cases where an employee requests Personal Leave for more than three days for medical cause or sickness the employee may be required to furnish documentation of cause from a physician, dentist, health aide or other medical professional.

11.52 Personal Leave may be granted for illness within the employee's immediate family which requires the attendance of the employee.

11.53 Personal Leave may be granted in cases in which a death has occurred in the family of the employee.

11.54 Approval of Personal Leave for bonafide medical cause shall not be withheld.

11.6 Maximum Accrual: Permanent employees are allowed to carry over up to thirty (30) days of unused Personal Leave from one calendar year to the next. An employee's unused Personal Leave in excess of thirty (30) days at the close of business on December 31 of any calendar year may be cashed in. It is the responsibility of the employee to request leave cash-in. Leave in excess of 30 days not cashed in shall be cancelled and voided.

11.7 Payment of Personal Leave upon Separation: An employee who separates from City service for whatever reason shall be paid the value of all unused Personal Leave to the employee's credit upon the date of separation unless otherwise provided for in these Personnel Policies. Payment shall be made by the first following payday after the employee's last day of work. Payment shall be less any obligations owed the City and appropriate payroll tax deductions.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES: 1 of 3
SECTIONS: 12. - 12.6

SUBJECT: 12. Other Leave

ADOPTED BY ORDINANCE # 89-04, Effective: 5/1/90

SECTION(S) AMENDED BY ORDINANCE # , Effective:

12. Other Leave:

12.1 Application: The provisions of this section apply to all permanent employees of the City whose customary workweek is five (5) days per week.

12.2 Court Leave:-

12.21 A permanent employee who is called to serve as a juror or is subpoenaed as a witness shall be entitled to Court Leave.

12.22 Court Leave shall be supported by written documents such as a subpoena, court's statement of attendance and compensation for services, per diem and travel.

12.23 A permanent employee shall receive his/her regular salary while on Court Leave, but any compensation for services shall be turned over to the City in return.

12.3 Election Leave:

12.31 A permanent employee who is appointed to serve as an election judge or otherwise assist in an election or whose attendance is requested or required at training for elections is entitled to Election Leave.

12.32 Election Leave shall be supported by written documentation such as a letter of appointment, or statement of compensation for services, per diem and travel.

12.33 A permanent employee shall receive her/his regular salary while on Election Leave, but any compensation for services shall be turned over to the City in return.

12.4 Military Leave:

12.41 Permanent city employees are permitted fifteen (15) calendar days Military Leave each calendar year. Permanent city employees at their option may keep all pay given them by the Military or may turn their military pay over to the City and receive their regular salary.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES: 2 of 3

SUBJECT: 12. Other Leave

SECTIONS: 12. - 12.8

Permanent employees may also at their option take Personal Leave instead of Military Leave for military service and receive both their regular salary as well as their military salary for this period of time. Normally Military Leave is in addition to Personal Leave and will not subtract from an employee's Personal Leave accrual. An employee continues to accrue Personal Leave while on Military Leave.

12.42 A permanent employee shall be entitled to a Military Leave of absence without pay to serve on active duty in the Armed Forces of the United States and shall be entitled to the reemployment benefits of the Universal Military Service Act.

12.5 Maternity/Paternity Leave:

A permanent employee who has been employed for not less than ten (10) months is entitled to take a total of nine (9) weeks leave of absence immediately preceding and following the birth or adoption of an employee's infant child. This leave shall be charged first to Personal Leave then to Leave Without Pay. An employee who fails to return to work within the prescribed time limit shall be presumed to have resigned unless the employee has applied for and been granted Leave Without Pay for an additional period.

12.6 Leave Without Pay:

Leave Without Pay is approved absence from work. Except as otherwise provided for in these Personnel Policies Leave Without Pay will normally not exceed two weeks in duration. An employee who has not accrued sufficient Personal Leave in order to be away from her/his job on approved Personal Leave with pay may, in writing request from the Mayor a period of Leave Without Pay. The request should list the beginning and ending dates of the Leave Without Pay and the circumstances that require such status and should be submitted to and approved by the Mayor at least one week before the date leave is to begin. Shorter notice than one week may be allowed in special circumstances. An employee accrues no personal leave or other benefits while on Leave Without Pay status. Failure to return from Leave Without Pay within two days after the requested ending date of the leave, or absence from work without approval of the requested leave is grounds for

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES: 3 of 3

SUBJECT: 12. Other Leave

SECTIONS: 12. - 12.6

dismissal as provided for in these Personnel Policies. Permanent part time, Temporary Long Term and Temporary Short Term employees who do not earn and accrue Personal Leave are required to request Leave Without Pay if they expect to be absent from work. Unapproved absence from work by these employees is grounds for dismissal. In cases of illness those employees who do not accrue leave are required to follow the procedures of 11.5 and request Leave Without Pay for medical cause.

12.7 Subsistence leave without pay.

Subsistence leave without pay shall be requested at least 2 (two) weeks in advance. Normally, subsistence leave will not exceed 2 (two) months in duration. Leave may be extended upon written request.

12.8 Temperature days.

On days when the temperature exceeds 80 F, the remainder of the day will be time off with pay for all non-essential employees on work status that day. When the temperature drops below -40 F, all non-essential personnel on work status that day will receive the day off with pay.

CITY OF NONDALTON
PERSONNEL POLICIES

SUBJECT: 13. Leave Holidays

PAGES: 1 of 1
SECTIONS: 13. - 13.3

ADOPTED BY ORDINANCE # 89-04, Effective: 5/1/90

SECTION(S) _____ AMENDED BY ORDINANCE # _____, Effective: _____

13. Legal Holidays: Permanent employees who customarily work less than five (5) days per week, Probationary, Long Term Temporary and Short Term Temporary employees do not receive paid holidays.

13.1 The following are legal holidays for which permanent employees who customarily work at least five (5) days per week receive a paid day off and which days the city offices will be closed:

New Year's Day - January 1
President's Day - the third Monday in February
Memorial Day - the last Monday in May
Independence Day - the fourth of July
Labor Day - the first Monday in September
Veterans' Day - the eleventh of November
Thanksgiving Day - the fourth Thursday in November
Christmas Day - the twenty-fifth of December

Every day designated by public proclamation by the President of the United States or the Governor of the State of Alaska or the Mayor and City Council.

13.2 Observance:

When any of the holidays listed in section 13.1 falls on a Saturday the preceding Friday shall be observed as the holiday. When any of the holidays falls on a Sunday the following Monday shall be observed as the holiday. Permanent employees shall receive full pay for the holiday according to the customary daily hours they work. Permanent employees may be required to work on paid holidays when the nature of their duties or other conditions require. A permanent employee required to work on a holiday shall receive another day off within thirty (30) days thereafter.

13.3 Work Status:

To be eligible for holiday leave with pay, the employee shall be in work or approved personal leave status the day preceding and the day following the holiday.

CITY OF NONDALICN
PERSONNEL POLICIES

PAGES: 1 of 4
SECTIONS: 14. - 14.4

SUBJECT: 14. Travel, Per Diem,
Subsistence

ADOPTED BY ORDINANCE # 89-04, Effective: 5-1-90

SECTION(S) _____ AMENDED BY ORDINANCE # _____, Effective: _____

14. Travel: Employees' time spent at official conferences, meetings or training sessions on the employee's customary work day shall be considered time worked and paid as the employee's customary work day. Reimbursements for travel outside the City shall be determined by the following guidelines:

14.11 An employee with approval of the Mayor may receive an advance for travel expenses. An elected official or designated representative of the City, with approval of the City Council may receive an advance for travel expenses. Any advance received for travel expenses shall not exceed the expected per diem for the travel.

14.12 All official travel shall be approved in advance by the City Council.

14.13 An official, an employee, a designated representative, consultant or anyone else travelling at city expense is required to report to the City Council on her/his travel at the next regular City Council meeting following the traveler's return. If a traveler is called away from the City, or a consultant for example has returned to her/his home or office outside the City, he/she with the Mayor's approval may submit a written report to the City Council in lieu of personal appearance. Failure to report to the City Council by an individual upon return from travel is cause to deny further travel for that individual, or if the individual represents a group within the City is cause to deny further travel for that group.

14.14 Travel for an individual's convenience: If any individual travels on official business by an indirect route for his/her own convenience, any extra expenses caused by this indirect route, shall be borne by him/her and reimbursement for expenses shall be based only on such charges as would have been incurred in travelling a usually traveled route. In the case of an employee any additional time away from duty that may be required for such indirect travel shall be charged to personal leave or to leave without pay.

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES: 2 of 4
SECTIONS: 14. - 14.4

SUBJECT: 14. Travel, Per Diem,
Subsistence

14.15 Interruption of Travel: When there is an interruption of travel for official business for the personal convenience of an individual, the per diem allowed shall not exceed that which would have been incurred by uninterrupted travel.

14.16 Use of privately owned transportation: Where privately owned transportation is used for the convenience of any individual, reimbursement for transportation expenses shall be limited to what the lowest available fare would cost by common air carrier. In the case of an employee any additional time away from duty that may be required for such travel shall be charged to annual leave or leave without pay.

14.17 Unused tickets: When an individual's travel is terminated short of the destination specified on the ticket, the individual shall turn in the unused portion of the ticket with the travel voucher.

14.18 Special conveyance: The hire of boat, automobile, taxicab, aircraft or other public conveyance will be allowed if the use of such conveyance is authorized by the Mayor in advance and is deemed advantageous to the City and better enables an individual on city business to carry out official business.

14.2 Per Diem: Per diem is a guaranteed daily flat rate of payment to an individual on travel status for the City. Per diem begins when an individual leaves the City for the purpose of travel on official business and ends upon the completion of official business at the time an individual could return to the City. The per diem rate shall be established by the City Council by resolution. Per diem is paid when an individual who is on travel status for the City must overnight elsewhere than his/her home. Any person on travel status for the City shall forfeit per diem for any period(s) of time he/she because of her/his own delinquency fails to attend to official business at such time as business could be conducted. Any such person shall be liable for repayment of per diem advances and/or air fares.

14.21 Calculation of Per Diem: For purposes of calculating per diem, the day is divided into four (4) equal quarters and ends at 12:00 midnight. These quarters are 12:01 a.m. to 6:00 a.m.;

CITY OF NONDALTON
PERSONNEL POLICIES

PAGES: 3 of 4
SECTIONS: 14. - 14.4

SUBJECT: 14. Travel, Per Diem,
Subsistence

6:01 a.m. to 12:00 noon; 12:01 p.m. to 6:00 p.m.; 6:01 p.m. to 12:00 midnight. An individual on travel status is paid a full day's per diem for the first day on travel status ending at midnight and either a full day's per diem or a pro rata by quarters per diem for succeeding days travel until the time the individual could return to the City upon completion of official business. For example: an employee boards a plane and leaves the City at 10:00 a.m. on Tuesday, arrives Anchorage at 12:00 a.m. On Wednesday the employee attends a training session from 8:00 a.m. till 4:30 p.m. On Thursday the employee attends the second day of training from 8:00 a.m. till 4:30 p.m. On Friday the employee attends the training from 8:00 a.m. until its conclusion at noon. There is a plane that leaves Anchorage on Friday at 5:00 p.m. arrives Nondalton at 6:00 p.m. The employee decides to go shopping in Anchorage on Friday and spend the weekend with his/her relation in Anchorage and arrives back in the City at 2:30 p.m. on Monday.

The employee receives:

- a full day's per diem for Tuesday (10:00 a.m. till midnight)
- a full day's per diem for Wednesday (12:01 a.m. till midnight)
- a full day's per diem for Thursday (12:01 a.m. till midnight)
- a 3/4 day's per diem for Friday (12:01 a.m. till 6:00 pm)

6:00 p.m. is the time the employee could have returned home.

In this instance the employee is paid for his/her customary work days for Tuesday, Wednesday, Thursday, Friday. The employee should report on the trip to the City Council at the next regular City Council meeting after his/her return.

CITY OF NONDALTON
PERSONNEL POLICIES

SUBJECT: 14. Travel, Per Diem,
Subsistence

PAGES: 4 of 4
SECTIONS: 14. - 14.4

14.3 Subsistence: Subsistence may be paid instead of per diem when it is advantageous to the City and will not affect the well being of an individual on official business for the City. Subsistence may also be paid with the prior approval of the Mayor when actual costs as proved by receipts are higher than the per diem rate. Subsistence is the actual cost of lodging and meals, as proved by receipts, incurred by an individual on official business for the City.

14.4 Meal Allowance: In cases where an individual is on travel status for the City and is able to conduct city business and return the same day without the necessity of an overnight stay, reasonable meal allowances may be paid by the City as established by the City Council by resolution or as proved by receipt. An individual on travel status from 6:00 a.m. through 10:00 a.m. may be allowed a breakfast allowance. An individual on travel status from 10:01 a.m. through 2:00 p.m. may be allowed a lunch allowance. An individual on travel status from 4:01 p.m. through 9:00 p.m. may be allowed a supper allowance.

Appendix A
City of Nondalton
Personnel Policies

CITY OF NONDALTON
SALARY SCHEDULE

STEP Range	A	B	C	D	E	F	G
1	4.75/hr.	5.00	5.25	5.50	5.75	6.00	6.25
2	6.00	6.25	6.50	6.75	7.00	7.25	7.50
3	7.00	7.25	7.50	7.75	8.00	8.25	8.50
4	8.00	8.50	9.00	9.50	10.00	10.50	11.00
5	9.00	9.50	10.00	10.50	11.00	11.50	12.00
6	10.00	10.50	11.00	11.50	12.00	12.50	13.00
7	11.00	11.50	12.00	12.50	13.00	13.50	14.00
8	12.00	12.50	13.00	13.50	14.00	14.50	15.00
9	13.00	13.50	14.00	14.50	15.00	15.50	16.00
10	14.00	14.50	15.00	15.50	16.00	16.50	17.00
11	15.00	15.60	16.20	16.80	17.40	18.00	18.60
12	16.00	16.60	17.20	17.80	18.40	19.00	19.60
13	17.00	17.60	18.20	18.80	19.40	20.00	20.60
14	18.00	18.60	19.20	19.80	20.40	21.00	21.60
15	19.00	19.60	20.20	20.80	21.40	22.00	22.60
16	20.00	20.60	21.20	21.80	22.40	23.00	23.60
17	21.00	21.60	22.20	22.80	23.40	24.00	24.60
18	22.00	22.60	23.20	23.80	24.40	25.00	25.60
19	23.00	23.60	24.20	24.80	25.40	26.00	26.60
20	24.00	24.60	25.20	25.80	26.40	27.00	27.60

Appendix C
City of Nondalton
Personnel Policies

CITY OF NONDALTON
JOB DESCRIPTION
BOOKKEEPER

APPOINTMENT - by Mayor
SUPERVISOR - City Clerk
WAGE - Range 5 (6 with 3 years experience)
WORKSITE - City Office
HOURS OF WORK - M - F, 9:00 a.m.* - 12:00 p.m., 1:00 p.m. - 4:00 p.m.,
attendance at council meetings
CLASSIFICATION - Permanent Full-Time

MINIMUM QUALIFICATIONS

1. High School graduate
2. General knowledge of financial, bookkeeping and office procedures required.
3. Ability to type/required, experience with computers preferred.
4. Experience in dealing with the public.
5. Ability to perform assigned duties with a minimum of supervision and work cooperatively with others.
6. Ability to prepare accurate reports.

JOB DUTIES

Under the supervision of the City Clerk keeps a complete set of records of the financial transactions of the City: Verifies and enters details of transactions as they occur in account and cash journals from items, such as sales slips, invoices, check stubs, etc.. Summarizes details on separate ledgers, using calculator and computer, and transfers data to general ledger. Balances books and compiles records to show statistics, such as cash receipts and expenditures, accounts payable and receivable, profit and loss, and other items pertinent to operation of city business. Calculates employee wages from timecards and prepares paychecks. Prepares withholding, unemployment and other tax reports. Computes, types and mails monthly statements to utility customers. Balances checkbooks and ledgers, reconciles bank statements. Prepares grant progress and other reports. Prepares financial reports and presents to the City Clerk and City Council. Performs other duties as assigned.

Appendix C
City of Nondalton
Personnel Policies

CITY OF NONDALTON
JOB DESCRIPTION
TEMPORARY BOOKKEEPER

APPOINTMENT - by Mayor
SUPERVISOR - City Clerk
WAGE - Range 4 (5 with 2 years experience)
WORKSITE - City Office
HOURS OF WORK - M - F, 9:00 a.m. - 12:00 p.m., 1:00 p.m. - 4:00 p.m., attendance at council meetings
CLASSIFICATION - Temporary - Short Term or Long Term

MINIMUM QUALIFICATIONS

1. High School graduate
2. General knowledge of financial, bookkeeping and office procedures required.
3. Ability to type required, experience with computers preferred.
4. Experience in dealing with the public.
5. Ability to perform assigned duties with a minimum of supervision and work cooperatively with others.
6. Ability to prepare accurate reports.

JOB DUTIES

Under the supervision of the City Clerk and/or bookkeeper keeps a complete set of records of the financial transactions of the City: verifies and enters details of transactions as they occur in account and cash journals from items, such as sales slips, invoices, check stubs, etc.. Summarizes details on separate ledgers, using calculator and computer, and transfers data to general ledger. Balances books and compiles records to show statistics, such as cash receipts and expenditures, accounts payable and receivable, profit and loss, and other items pertinent to operation of city business. Calculates employee wages from timecards and prepares paychecks. Prepares withholding, unemployment and other tax reports. Computes, types and mails monthly statements to utility customers. Balances checkbooks and ledgers, reconciles bank statements. Prepares grant progress and other reports. Prepares financial reports and presents to the City Clerk and City Council. Performs other duties as assigned. This position performs the duties of the bookkeeper on a short term basis when the bookkeeper's position is temporarily vacant or the bookkeeper is on approved leave. This position may also assist the bookkeeper when special projects or circumstances require.

APPOINTMENT - by City Council
SUPERVISOR - Mayor
WAGE - Salary as determined by City Council
WORKSITE - City Office
HOURS OF WORK - M - F, 9:00 a.m. - 12:00 p.m., 1:00 p.m. - 5:00 p.m., attendance at City Council and other meetings required may work additional hours & days as necessary
CLASSIFICATION - Permanent Full Time, the City Clerk however holds office at the pleasure of the City Council

MINIMUM QUALIFICATIONS

1. High School graduate
2. General knowledge of financial, bookkeeping and office procedures required.
3. Ability to type and experience with computers preferred.
4. Experience in dealing with the public.
5. Ability to supervise and work cooperatively with others.
6. Demonstrated ability to administratively manage and supervise projects.
7. Ability to draft and prepare correspondence with State, federal, non-profit agencies.
8. Ability to deal with State, federal, non-profit agencies.
9. Ability to prepare and follow budgets.
10. Ability to work with a minimum of supervision and carry out delegated personnel and managerial duties.

JOB DUTIES

Under the immediate supervision of the Mayor and under the direction of the City Council the City Clerk shall carry out all duties as directed: These include the management of the city office, day to day administrative supervision of projects and such personnel and managerial duties as delegated by the Mayor. The City Clerk shall give notice of the time and place of meetings to the City Council and to the public; attend meetings of the City Council and keep the journal; arrange publication of notices, ordinances, and resolutions; maintain and make available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations and codes; attest deeds and other documents; perform other duties specified in Title 29 or prescribed by the Mayor or City Council. The City Clerk shall prepare or supervise preparation of tax reports, financial reports, grant progress reports and shall insure that these reports are accurate and timely filed. The City Clerk shall contact and deal with State, federal, non-profit agencies to insure efficient provision of services to citizens. The City Clerk shall make application for grants and State and federal funding available. The City Clerk shall route mail received by the City and insure the City Council and Mayor are aware of filing and other deadlines. Performs other duties as assigned.

Appendix C
City of Nondalton
Personnel Policies

CITY OF NONDALTON
JOB DESCRIPTION
FIRE CHIEF

APPOINTMENT - by City Council
SUPERVISOR - City Council
WAGE - Determined by the City Council
WORKSITE - CITY OFFICE, CITY & ENVIRONS
HOURS OF WORK - monthly report at City Council meeting, required
CLASSIFICATION - Volunteer

MINIMUM QUALIFICATIONS

1. Desire to do the work.
2. Ability to work cooperatively with others with minimal supervision.
3. Good physical health, ability to lift 70 pounds.
4. Experienced in first aid, EMT training and certification preferred.
5. Ability to prepare and carry out budgets, prepare reports, make materials and equipment inventories and orders.
6. Experience with pumps, hoses, small engines required.
7. Ability to attend periodic training sessions.
8. Ability to supervise and work closely with subordinates.

JOB DESCRIPTION

Directs activities of the City Fire Department. Supervises and coordinates activities of the Fire Department. Directs training of personnel and administers laws and regulations affecting the Fire Department. Evaluates fire prevention and fire control policies by keeping abreast of new methods and conducting studies of departmental options. Supervises firefighters engaged in operation and maintenance of fire station and equipment. Prepares fire protection plans for the City and environs. Coordinates mutual fire protection plans with surrounding communities. Surveys buildings, grounds and equipment to estimate needs of the department and prepare departmental budget. Administers departmental budget. Confers with officials and community groups and conducts public relations campaigns to present need for changes in laws and policies and to encourage fire prevention. Investigates causes of fire and inspects buildings for fire hazards. Assumes personal command at fires. Responds to fire alarms and determines from observation nature and extent of fire, condition of building, danger to adjacent buildings, and source of water supply and directs firefighting crews accordingly. Trains firefighters in use of equipment and methods of extinguishing all types of fire. Evaluates efficiency of personnel. Compiles report of each fire call, listing location, type, probable cause, estimated damage and disposition. May respond to emergency calls to render first aid. Recommend corrective measures for fire hazards or safety violations to building owners.

CITY OF NONDALTON, ALASKA

ORDINANCE NO. 92-06

AN ORDINANCE amending Chapter 75, Appendix C of the Code of Ordinances for the City of Nondalton, Alaska, to add the following:

Appendix C	CITY OF NONDALTON
City of Nondalton	JOB DESCRIPTION
Personnel Policies	PUBLIC WORKS DIRECTOR

APPOINTMENT	By Mayor with City Council approval
SUPERVISOR	Mayor (and as delegated)
WAGE	Salary as determined by City Council
WORKSITE	Nondalton, Alaska
HOURS OF WORK	6 hours per. day, Monday - Friday, and as needed
CLASSIFICATION	Permanent Full Time

MINIMUM QUALIFICATIONS

1. High School Diploma or GED.
2. Desire to do the work.
3. Ability to work with minimum supervision and carry out duties.
4. Good physical health; ability to lift 70 pounds.
5. Able to travel for city on short notice to attend specialized training, seminars, and other work-related activities.
6. Ability to work cooperatively with and assist State and Federal agencies such as IHS/PHS, VSW, ADEC, EPA, and others.
7. Knowledgeable about heavy equipment operations including construction and repairs.
8. Ability to read and follow instructions from manuals, identify and order parts, materials, and supplies.
9. good math skills and ability to work with decimals and fractions.
10. Experience with pumps, electrical motors, small engines, gas motors, diesel motors and hydraulics.

DESCRIPTION OF DUTIES

1. Supervise and direct maintenance and operations of all Public Works Activities including, but not limited to, Water and Sewer systems Operation, Streets and Roads maintenance and Damage Prevention Strategies, and City Property, Equipment and Building Maintenance and Upkeep.
2. Attend all regularly scheduled council meetings and furnish monthly written reports to the City Council. Develop budget proposals on all public works activities (i.e., cost proposals on proposed improvement projects and yearly maintenance cost analyses).
3. Assist the city council in preparing and administering a Budget Component for Public Works activities including, but not

CITY OF NONDALTON
JOB DESCRIPTION
PUBLIC WORKS DIRECTOR CONT...

limited to, any additional wages needed, equipment repairs, parts and supply ordering, etc.

4. Maintain records of all water and sewer operations, including daily water testing, monthly water samples, yearly repair expenditures, and facilities upkeep.
5. Direct maintenance operations on Streets and Roads and provide City Council with proposed budget and maintenance execution loan for project.
6. Supervise working conditions and direct all maintenance needed on all City owned facilities and equipment.
7. Supervise all public works employees including but not limited to, Water/sewer, Streets and Roads Maintenance and Construction, and Maintenance and Operations of city buildings
8. Regulate, and maintain records of city owned fuel (i.e., gas and heating fuel) and fuel storage facilities, including disbursement of fuels to city owned buildings and equipment.
9. Work with Mayor in preparing fiscal year budget for Public Works budget component.
10. Other duties as assigned.

DATE INTRODUCED: 6/9/92

FIRST READING: 6/9/92

PUBLIC HEARING: 6/11/92

PASSED and APPROVED by the NONDALTON CITY COUNCIL this 11
day of JUNE, 1992.


THOMAS J. GREENE, MAYOR

ATTEST:

CITY CLERK