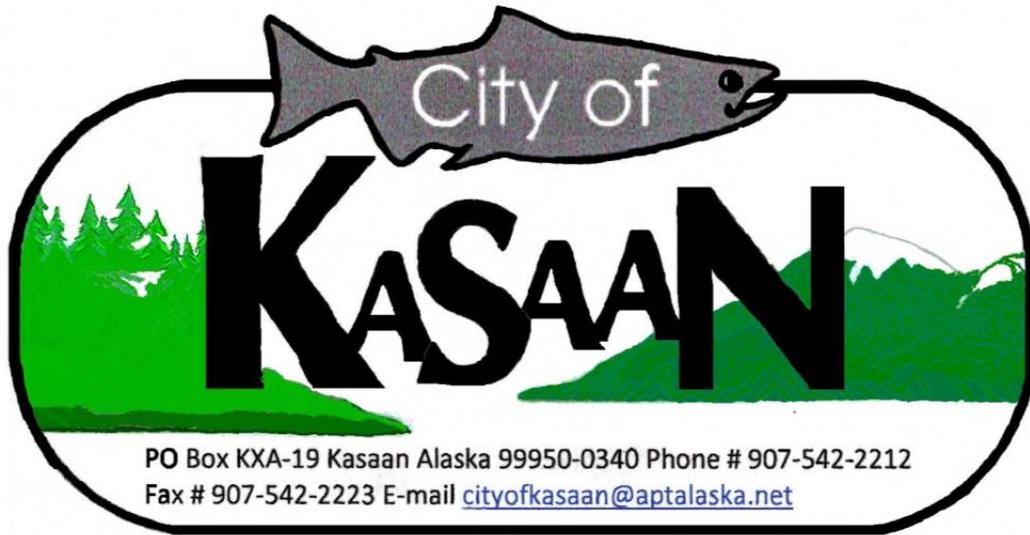


City of Kasaan

Municipal Code

NOTE: The ordinances or sections of ordinances provided on these pages are not the official versions and are provided for informational purposes only. While every effort has been made to ensure accuracy of the information presented herein, if the most current version or precise language of an ordinance is required, it is recommended that you contact the municipality from which it came.



CITY OF KASAAN

CODE OF

ORDINANCES

September 11, 2012

TITLE 1.

GENERAL PROVISIONS.

Chapters:

Chapter 1.01. Enabling Ordinances

Chapter 1.02 City Data

Chapter 1.03 Ordinances – Resolutions

Chapter 1.01.

Enabling Ordinances.

Sections:

Section 1.01.010	Code Cite and Designation
Section 1.01.020	Definitions
Section 1.01.030	Grammatical Interpretation
Section 1.01.040	Effect of Repeal of Ordinance
Section 1.01.050	Severability of Ordinances and Parts of Code
Section 1.01.060	General Penalty
Section 1.01.070	Laws of Alaska – Violations – Ordinances Not Exclusive
Section 1.01.080	Amendments to Code – Effect of New Ordinances
Section 1.01.090	Distribution
Section 1.01.100	Time Ordinances Take Effect

1.01.010. Code Cite and Designation.

The ordinances in the following titles and sections shall be called the “Code of Ordinances, Kasaan, Alaska”.

(Ordinance KA-87-5)

1.01.020. Definitions.

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

- (A) ‘City’ means the City of Kasaan, Alaska.
- (B) ‘Code’ means the Code of Ordinances, Kasaan, Alaska.
- (C) ‘Person’ means a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person.
- (D) ‘State’ means the State of Alaska.
- (E) ‘Publish’ means to post a notice within the city in three locations, one of which shall be the city office, for a period of not less than five days.
(Ordinance KA-87-5)

1.01.030. Grammatical Interpretation.

- (A) Words in the present tense include the past and future tense, and words in the future tense include the present tense.
- (B) Words in the singular number include the plural, and words in the plural number include the singular.

- (C) Words in the masculine gender include the feminine and the neuter and when the sense so indicates, words of the neuter gender may refer to any gender.
(Ordinance KA-87-5)

1.01.040. Effect of Repeal of Ordinance.

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.
(Ordinance KA-87-5)

1.01.050. Severability of Ordinances and Parts of Code.

Any ordinance enacted before or after the adoption of this code which lacks a severability clause shall be constructed 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.”

(Ordinance KA-87-5)

1.01.060. 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, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00). Unless otherwise specifically provided, upon the second conviction such person shall be punished by a fine of not more than five hundred dollars (\$500.00), or not more than thirty days’ imprisonment, or both. Each act of violation and everyday upon which such violation shall occur shall constitute a separate offense.

(Ordinance KA-87-5 and Ordinance KA 12-004)

1.01.070. Laws of Alaska – Violations – Ordinances Not Exclusive.

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 Kasaan, Alaska, except where the state has exclusive jurisdiction over the offense.

(Ordinance KA-87-5)

1.01.080. Amendments to Code – Effect of New Ordinance.

- (A) All ordinances passed after the adoption of this code which amends, repeals, or in any way affect this code shall be numbered according to the numbering system of this code. Repealed titles, 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:

“Section ____ of the Code of Ordinances of the City of Kasaan, Alaska, is hereby amended to read as follows:”

- (B) If a new title or section is to be added to this code, substantially the following language shall be used:

“The Code of Ordinances of the City of Kasaan, Alaska is hereby amended by addition of the following titles [or section].”

- (C) The provisions to be repealed must be specifically repealed by section or title number.
(Ordinance KA-87-5 and Ordinance KA 12-004)

1.01.090. Distribution.

This code with amendments shall be made available to the public for inspection on request. A copy of this code shall be furnished to the courts as needed or upon request of the court.
(Ordinance KA-87-5)

1.01.100. Time Ordinances Take Effect.

An ordinance which has been approved by the city council shall be effective 24 hours after passage, unless otherwise stated in this ordinance.
(Ordinance KA-87-5)

Chapter 1.02.

City Data.

Sections:

Section 1.02.010	Name of Municipality – Form of Government
Section 1.02.020	City Limits

1.02.010. Name of Municipality – Form of Government.

- (A) The City of Kasaan shall continue as a municipal corporation under the name “The City of Kasaan, Alaska”.
- (B) The government of the city shall be that commonly known and designated as the mayor-council form.
(*Ordinance KA-87-6*)

1.02.020. City Limits.

- (A) The boundaries of the City of Kasaan are as follows:
 - (1) beginning at the NE corner of section 18, unsurveyed T73S, R8GE Copper River Meridian Alaska;
 - (2) thence cast to the mid-point of the southern boundary of section 8, T73S, R86E;
 - (3) thence north to the mid-point of the northern boundary of section 8, T73S, R86E;
 - (4) thence west to the SE corner of section 6, T73S, R86E;
 - (5) thence north to the NE corner of section 6, T73S, R86E;
 - (6) thence west to the NW corner of section 1, T73S, R86E;
 - (7) thence south to the SW corner of section 1, T73S, R86E;
 - (8) thence west to the NE corner of section 10, T73S, R85E;
 - (9) thence west along the north boundary of section 10, T73S, R85E to a point 1,000 feet offshore;
 - (10) thence southeasterly at a distance of 1,000 feet offshore to a point intersecting the eastern boundary of section 19, T73S, R86E;
 - (11) thence north to the point of beginning, containing approximately 6.75 square miles, more or less.
- (B) The boundaries of the city as above described were the effective city limits as of May 25, 1976.
(*Ordinance KA-87-6*)

Chapter 1.03.

Ordinances – Resolutions.

Sections:

Section 1.03.010	Acts of the Council
Section 1.03.020	Acts Required to be by Ordinances
Section 1.03.030	Ordinance Procedure
Section 1.03.040	Ordinance Form and Content
Section 1.03.050	Emergency Ordinances
Section 1.03.060	Signatures
Section 1.03.070	Ordinances Confined to Single Subject
Section 1.03.080	Repeal Shall Not Revive Any Ordinance
Section 1.03.090	Codes of Regulations
Section 1.03.100	Formal Acts by Resolution
Section 1.03.110	Resolutions – Reading – Hearing – Adoption – Posting
Section 1.03.120	Rules and Regulations

1.03.010. Acts of the Council.

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

(Ordinance KA-87-7)

1.03.020. Acts Required to be by Ordinances.

In addition to other actions with Alaska Statutes Title 29 ‘Municipal Government’ requires to be by ordinance, the council shall use ordinances to:

- (1) establish, alter, or abolish municipal departments;
- (2) amend or repeal an existing ordinance;
- (3) fix the compensation of members of the council;
- (4) provide for sale of city property valued at more than twenty-five dollars (\$25.00);
- (5) provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- (6) provide for levying of taxes;
- (7) make appropriations and supplemental appropriations or transfer appropriations;
- (8) grant, renew, or extend a franchise;
- (9) regulate the rate charged by a public utility;
- (10) approve the transfer of a power to a borough;
- (11) adopt, modify, or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes, and the official map.

(Ordinance KA-87-7)

1.03.030. Ordinance Procedure.

- (A) A proposed ordinance may be presented for consideration only by a member of the council or by the mayor at any regular or special meeting of the council. Upon presentation, a proposed ordinance shall be rejected, deferred, rewarded, or accepted as introduced. Promptly after acceptance by motion the council shall publish the proposed ordinance and a notice setting out

the time and place for a public hearing on the proposed ordinance. The public hearing of a proposed ordinance shall follow publication by at least five days; it may be held at a regular or special 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. All interested persons shall have an opportunity to be heard. If the proposed ordinance is amended after the hearing as to any matter of major substance, the proposed ordinance shall be treated as a newly-introduced proposed ordinance. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The council shall print and make available copies of adopted ordinances.

- (B) As used in this section, the term '*publish*' means that the proposed ordinance and notice of hearing shall be posted in a general location for at least five days.
(*Ordinance KA-87-7*)

1.03.040. Ordinance Form and Content.

All ordinances enacted by the council shall be in substantially the following form.

- (A) The proposed ordinance shall have a heading and number.
- (B) Title. A short summary of the ordinance's provisions shall be included in a title at the head of the ordinance. The title shall make reference to any penalties imposed by the ordinance.
- (C) Enacting clause. The enacting clause shall read: "Be it enacted by the City of Kasaan Council as follows:".
- (D) Substantive part of the ordinance. The provisions of the ordinance will follow the enacting clause.
- (E) Signatures. Appropriate places shall be provided for the signatures of the mayor and city clerk.
- (F) Attestation. The enactment and passage date of the ordinance shall be attested by the city clerk.
- (G) Code section numbers. Ordinances which amend, add to, or repeal sections of the code of ordinances shall refer to the code sections by number.
(*Ordinance KA-87-7*)

1.03.050. Emergency Ordinances.

- (A) To meet a public emergency, the council may adopt ordinances effective on adoption. Every emergency ordinance must contain a statement by the council of why an emergency exists and a statement of the facts about the emergency. The ordinance may be adopted, amended and adopted, or rejected at the meeting in which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The council must print and make available copies of adopted emergency ordinances.
- (B) An emergency ordinance may not be used to levy taxes, to grant, renew, or extend a franchise, or to regulate the rate charged by the public utility for its services.

- (C) Emergency ordinances are effective for sixty days.
(*Ordinance KA-87-7*)

1.03.060. Signatures.

Each ordinance shall be signed by the mayor at its adoption and attested by the city clerk.
(*Ordinance KA-87-7*)

1.03.070. 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.
(*Ordinance KA-87-7*)

1.03.080. Repeal Shall Not Revive Any Ordinance.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed.
(*Ordinance KA-87-7*)

1.03.090. 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 fifteen (15) days before adoption the regulations, at least five copies of the code of regulations must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The council may sell the adopted code to the public.
(*Ordinance KA-87-7*)

1.03.100. Formal Acts by Resolution.

- (A) 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:
- (1) the heading “City of Kasaan, Alaska”;
 - (2) the space for a number to be assigned as “Resolution No. ____”;
 - (3) a short and concise title description of its subject and purpose;
 - (4) short premises or whereas clauses descriptive of the reasons for the resolution, if necessary;
 - (5) the resolving clause “be it resolved:”; and
 - (6) provisions for signature after the date, designated lines for the signatures of the mayor and city clerk, and an attestation.
- (B) 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 for in subsection (A) above.
- (C) Resolutions shall not be included in any municipal code of ordinances.
(*Ordinance KA-87-7*)

1.03.110. Resolutions – Reading – Hearing – Adoption – Posting.

- (A) Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.
- (B) On any vote to pass the 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.
- (C) After adoption, every resolution, unless it shall specify a later date, shall become effective following 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.
(Ordinance KA-87-7)

1.03.120. Rules and Regulations.

Any rule or regulation made by any administrative officer or board or commission shall be posted for ten (10) days following its approval by the city council in three public places.
(Ordinance KA-87-7)

TITLE 2.

ADMINISTRATION.

Chapters:

Chapter 2.01. City Council

Chapter 2.02. Mayor

Chapter 2.03. Meetings

Chapter 2.04. Procedures

Chapter 2.05. City Clerk – City Treasurer

Chapter 2.06. Responsibility of Officers and Employees

Chapter 2.07. Documents – Reports – Records

Chapter 2.01.

City Council.

Sections:

Section 2.01.010	City Council – Composition
Section 2.01.020	Qualifications of Council Members
Section 2.01.030	Election of Council Members –Terms
Section 2.01.040	Oath of Office
Section 2.01.050	Compensation of Council Members
Section 2.01.060	Conflicts of Interest
Section 2.01.070	Prohibitions
Section 2.01.080	Vacancies
Section 2.01.090	Filling a Vacancy

2.01.010. City Council – Composition.

The council shall consist of seven members elected by the voters at large.
(Ordinance KA-87-8)

2.01.020. Qualifications of Council Members.

The council members shall be qualified city voters. The council members must physically reside in the city for thirty (30) days immediately preceding election or being seated to fill a vacancy. A council member who ceases to be eligible to be a city voter immediately forfeits his office.
(Ordinance KA-87-8)

2.01.030. Election of Council Members – Terms.

An election is held annually on the first Tuesday of October to choose council members for one, two, or three year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following the certification of election.
(Ordinance KA-87-8)

2.01.040. Oath of Office.

- (A) All officers elected or appointed before entering upon the duties of office shall affirm in writing the following oath and affirmation:

“I, _____, do solemnly swear that I will support the constitution of the United States and State of Alaska and the laws and ordinances of the City of Kasaan, State of Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of Kasaan, so help me God.”

- (B) The oath is filed with the municipal clerk.
(Ordinance KA-87-8)

2.01.050. Compensation of Council Members.

No compensation shall be paid for attending any regular or special meetings of the council.
(Ordinance KA-87-8)

2.01.060. Conflict of Interest.

A council member or other officer or employee of the city shall disqualify himself from participating in any official action in which he has a substantial financial interest.
(*Ordinance KA-87-8*)

2.01.070. Prohibitions.

No person may be appointed or removed from a city office or in any way favored or discriminated against with respect to a city position because of his race, color, sex, creed, national origin, or, unless otherwise contrary to law, because of his political opinions or affiliations. Alaska Statutes Title 18.80 is applicable beyond the scope of this ordinance.
(*Ordinance KA-87-8*)

2.01.080. Vacancies.

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

- (1) fails to qualify or take office within thirty (30) days after his election or appointment;
- (2) is physically absent from the city for a ninety-day period, unless excused by council;
- (3) resigns and his resignation is accepted;
- (4) is physically or mentally unable to perform the duties of his office;
- (5) is removed from office;
- (6) has unexcused absences from three consecutive regular meetings;
- (7) is convicted of a felony or of an offense involving a violation of his oath of office.

(*Ordinance KA-87-8 and Ordinance KA 12-004*)

2.01.090. Filling a Vacancy.

If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall designate a person to fill the vacant seat. The person appointed serves until the next regular city election and until his successor qualifies.

(*Ordinance KA-87-8 and Ordinance KA 12-004*)

Chapter 2.02.

Mayor.

Sections:

Section 2.02.010	Mayor as Executive
Section 2.02.020	Mayor Pro-Tempore
Section 2.02.030	Compensation of Mayor

2.02.010. Mayor as Executive.

- (A) The mayor is elected by and from the council. The mayor is the chief executive officer of the city. He shall preside at council meetings; act as ceremonial head of the city, and sign documents on the city's behalf upon council authorization.
- (B) The mayor shall:
- (1) appoint city employees and administrative officers, except as provided otherwise. He may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his department;
 - (2) suspend or remove by written order city employees and administrative officers, except as provided otherwise;
 - (3) supervise enforcement of city law;
 - (4) prepare the direction of the annual budget and city construction program for the council;
 - (5) execute the budget and construction program as adopted;
 - (6) make monthly financial reports to the council on city finances and operations;
 - (7) report to the council at the end of each fiscal year on the finances and administrative activities of the city;
 - (8) prepare and make available for public distribution an annual report on city affairs;
 - (9) serve as city personnel officer;
 - (10) execute other powers and duties specified in Title 29 or lawfully prescribed by the council.

(Ordinance KA-87-9 and Ordinance KA 12-004)

2.02.020. Mayor as Pro-Tempore.

Should the office of the mayor become vacant, or if the existing mayor is disabled or unable to act, the council may appoint a mayor pro-tempore to serve until the mayor resumes his official duties or until a new mayor is qualified.

(Ordinance KA-87-9)

2.02.030. Compensation of Mayor.

No compensation shall be paid for attending any regular or special meetings of the council.

(Ordinance KA-87-9)

Section 2.02.030 Compensation of Mayor The Mayor's compensation shall be set by the city council by resolution annually. The Mayor's compensation may not be reduced during the term of office of the Mayor. (Ordinance KA-10-12-003)

Chapter 2.03.

Meetings.

Sections:

Section 2.03.010	Meetings Public
Section 2.03.020	Regular Council Meetings
Section 2.03.030	Special Meetings
Section 2.03.040	Notice
Section 2.03.050	Executive Session

2.03.010. Meetings Public.

Meetings of all municipal bodies shall be public. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings.
(*Ordinance KA-87-10*)

2.03.020. Regular Council Meetings.

- (A) All regular meetings of the council shall be held every third Tuesday of each month, at 7:00 p.m., unless it is deemed impossible due to lack of quorum or it has been established by the council that meeting date and/or time should be changed with proper reason.
(*Ordinance KA-92-01-21*)
- (B) The usual place of council meetings shall be at the David S. Peele Community Hall; provided, however, that the event of any condition which renders the meeting place unfit to conduct any regular meeting of the city council, the meeting may be moved to a proper place chosen by the council.
(*Ordinance KA-87-10*)

2.03.030. Special Meetings.

- (A) Special meetings may be held at the call of the presiding officer or at least one-third of the members of the council for a time different than that fixed for regular council meetings.
- (B) An oral or written advanced notice must be given at least twenty-four (24) hours prior to the set meeting, with reasonable efforts made to notify all members.
- (C) A special meeting may be conducted with less than twenty-four (24) hours' notice if all members are present or if absent members have waived in writing the requested 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 minutes for the meeting.
- (D) The notice shall specify the time, place, and subject matter of the meeting. No business shall transact at the meeting which has not been mentioned in the notice.
(*Ordinance KA-87-10*)

2.03.040. Notice.

A notice shall be posted at least twenty-four (24) hours prior to the meeting. The notice shall include the date, time, and place of meeting.
(*Ordinance KA-87-10*)

2.03.050. Executive Session.

- (A) The city council shall prescribe when it is deemed necessary to go into executive session.
- (B) The meeting must first be convened as a public meeting and the question of holding executive session shall be determined by a vote of the body in the form of a motion. Subjects that haven't been made as a motion before entering into executive session may not be discussed. No action may be taken at the executive session.
- (C) Any discussions made in executive session should be kept only between council members. Any member who violates this provision shall be removed from office.
(*Ordinance KA-87-10*)

Chapter 2.04.

Council Procedures.

Sections:

Section 2.04.010	Mayor the Presiding Officer at Council Meetings
Section 2.04.020	Meetings – Order of Business
Section 2.04.030	Minutes
Section 2.04.040	Council Rules – Speaking – Rules of Conduct
Section 2.04.050	Motions – Second Required
Section 2.04.060	Motions – Disposition – Withdrawal
Section 2.04.070	Motions – Reduction to Writing
Section 2.04.080	Motions – Rescinding Vote
Section 2.04.090	Voting – Quorum
Section 2.04.100	Duties of the Clerk at Council Meetings

2.04.010. Mayor the Presiding Officer at Council Meetings.

- (A) The mayor shall preside at all meetings of the council. He shall preserve order among the council members 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 spectators in the city council room during sessions of the council.
- (B) In the temporary absence or disability of the mayor, or mayor pro-tempore, any member of the city council may call the council to order at any duly-called meeting to elect a president pro-tempore from among its number and the president pro-tempore shall exercise all the powers of mayor during temporary absence or disability of the mayor and may also vote.
(Ordinance KA-87-11)

2.04.020. Meeting – Order of Business.

At every regular meeting of the city council, the order of business shall be as follows unless items are not needed or items are added:

- (1) Call to Order;
 - (2) Roll Call, Establish Quorum;
 - (3) Approval of Agenda;
 - (4) Approval of Minutes;
 - (5) Reports;
 - (6) Guest Appearance;
 - (7) Correspondence;
 - (8) Old Business – Ordinances and Hearings;
 - (9) New Business – Ordinances and Resolutions;
 - (10) Public Comment;
 - (11) Council Comments;
 - (12) Announcements;
 - (13) Adjournment.
- (Ordinance KA-87-11 and Ordinance KA 12-004)*

2.04.030. Minutes.

Minutes of all regular and special meetings shall be taken. All minutes of regular and special meetings shall be kept in the journal of the proceedings of the council. The minutes are a public record and are to be made available to anyone upon request.

(Ordinance KA-87-11)

2.04.040. Council Rules – Speaking – Rules of Conduct.

(A) A council member about to speak shall respectfully address the mayor or 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.

(B) 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.

(Ordinance KA-87-11)

2.04.050. Motions – Second Required.

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

(Ordinance KA-87-11)

2.04.060. Motions – Disposition – Withdrawal.

After a motion is seconded and stated or read by the mayor or presiding officer, it shall be disposed of by vote, but the council member making the motion may withdraw it at any time before the vote, if the second agrees.

(Ordinance KA-87-11 and Ordinance KA 12-004)

2.04.070. Motions – Reduction to Writing.

Any motion must be reduced to writing if the mayor or presiding officer requires or if any council member demands.

(Ordinance KA-87-11)

2.04.080. Motions – Rescinding Vote.

Any vote on a motion may be rescinded by vote of the majority of the council.

(Ordinance KA-87-11)

2.04.090. Voting – Quorum.

(A) Four council members constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.

(B) The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All council members present shall vote unless the council, for special reasons, permits a member to abstain.

(C) The mayor or presiding officer shall declare all votes. He shall declare the result.

- (D) Every member who shall be present when a question is put, where he is not disqualified by personal interest, shall vote, unless the council for special reason excuses him. Application to be so excused must be made before the vote and shall be decided without debate.
(Ordinance KA-87-11)

2.04.100. 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 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 clerk pro-tempore, with all the powers, duties, and obligations of the city clerk.
(Ordinance KA-87-11)

Chapter 2.05.

City Clerk – City Treasurer.

Sections:

Section 2.05.010	Appointment – Term
Section 2.05.020	City Clerk
Section 2.05.030	Additional Duties of the Clerk
Section 2.05.040	Acting Clerk
Section 2.05.050	Treasurer
Section 2.05.060	Additional Duties of the Treasurer

2.05.010. Appointment – Term.

The city clerk shall be appointed by the council. He shall hold office at the pleasure of the council.

(Ordinance KA-87-12)

2.05.020. City Clerk.

(A) The city clerk shall:

- (1) give notice of the time and place of council meetings to the council and to the public;
- (2) attend council meetings and keep the minutes;
- (3) arrange publication of notices, ordinances, and resolutions;
- (4) maintain and make available for public inspection an indexed file including the city ordinances, resolutions, rules, regulations, and codes;
- (5) attest deeds and other documents;
- (6) perform other duties specified in this title or prescribed in this title or prescribed by the mayor or by the council.

(B) The council may combine the office of clerk with that of treasurer.

(Ordinance KA-87-12)

2.05.030. Additional Duties of the Clerk.

(A) The city clerk shall record and certify all actions of the council.

(B) The city clerk shall have the power to administer all oaths required by law.

(C) The city clerk shall be custodian of the city seal and the official records of the city.

(D) The city clerk shall give to the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts, or agreements.

(E) The city clerk shall be the city election registrar and shall be responsible for the calling and supervision of all city elections.

(Ordinance KA-87-12)

2.05.040. Acting Clerk.

In case of the temporary absence of the city clerk, the council may appoint an acting city clerk, with all the powers and obligations of the city clerk.
(*Ordinance KA-87-12*)

2.05.050. Treasurer.

- (A) There shall be a city treasurer who shall be appointed by the council.
- (B) The treasurer is the custodian of all city funds. He shall keep an itemized account of money received and disbursed.
- (C) The treasurer shall give bond to the municipality in a sum which the council directs.
- (D) The clerk shall perform the duties of treasurer.
(*Ordinance KA-87-12*)

2.05.060. Additional Duties of the Treasurer.

The treasurer shall:

- (1) be responsible for all matters pertaining to the maintenance of all accounts of the city, and the maintenance and care of all property used by the city;
- (2) compile the annual budget of the city based upon detailed department estimates and work programs and control it under direction of the mayor;
- (3) prepare and submit to the mayor such financial reports and other data as may be required;
- (4) prescribe and control such procedures as are necessary to protect city funds and property;
- (5) perform such other duties as the mayor or council may require.
(*Ordinance KA-87-12*)

Chapter 2.06.

Responsibility of Officers and Employees.

Sections:

Section 2.06.010 Conduct in Office – Investigations – Oath – Records – Reports

2.06.010. Conduct in Office – Investigations – Oath – Records – Reports.

- (A) The council, the mayor, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, or officer of the city and to make investigations in municipal affairs and complete the production of books, papers, and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee of the city.
- (B) All officers of the city, including mayor and councilmen, shall before entering upon duties of his office, severally take an oath in writing to honestly, faithfully, and impartially perform and discharge the duties of his office and trust, which oath shall be filed with the city clerk.
- (C) All records and accounts of every office and department of the city shall be open to inspection by any person. Except, that records and documents the disclosure of which would tend to defeat the lawful purpose for which they were intended, may be withheld from inspection. Such records as are required by state law or city ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing. No public records, reports, correspondence and other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the city clerk.
(*Ordinance KA-87-13*)

Chapter 2.07.

Documents – Reports – Records.

Sections:

Section 2.07.010	Documents – Assent – Approval – Attestation
Section 2.07.020	Documents to File with the State
Section 2.07.030	Retention, Disposal of Public Records

2.07.010. Documents – Assent – Approval – Attestation.

All legal documents requiring the assent of the city shall be:

- (1) approved by the city council;
- (2) signed by the mayor on behalf of the city;
- (3) attested to thereon by the city clerk.

(Ordinance KA-87-14)

2.07.020. Documents to File with the State.

The city shall file with the State Department of Commerce, Community, and Economic Development:

- (1) maps and descriptions of all annexed or excluded territory;
- (2) a copy of an audit or statement of annual income and expenditures;
- (3) tax assessment figures as requested.

(Ordinance KA-87-14)

2.07.030. Retention, Disposal of Public Records.

- (A) The mayor shall prepare a schedule of records specifying the records to be:
 - (1) retained permanently;
 - (2) destroyed;
 - (3) disposed of routinely in the regular course of public business.

- (B) The records retention schedule shall list with sufficient detail for identification records without legal or administrative value or historical interest to be destroyed, and periodically disposed of by the city. Records to be destroyed shall be certified by the city clerk as having no legal or administrative value or historical interest.

(Ordinance KA-87-14)

TITLE 3.
ELECTIONS.

Chapters:

- Chapter 3.01. City Duration of Residency Requirements
- Chapter 3.02. City Elections in General
- Chapter 3.03. Candidates – Nominations
- Chapter 3.04. Notice of Elections
- Chapter 3.05. Election Equipment
- Chapter 3.06. Election Procedures
- Chapter 3.07. Canvassing of Election Returns
- Chapter 3.08. Absentee Voting

Chapter 3.01.

City Duration of Residency Requirements.

Sections:

Section 3.01.010	Determination of Residency
Section 3.01.020	City Council Qualifications

3.01.010. Determination of Residency.

The city council shall prescribe the general requirements for establishing duration of residency for members of the governing body.

(Ordinance KA-87-15)

3.01.020. City Council Qualifications.

A qualified voter who shall have resided in the city during the 30 days immediately preceding the election may be a candidate for the city council.

(Ordinance KA-87-15)

Chapter 3.02.

City Elections in General.

Sections:

Section 3.02.010	Administration of Elections
Section 3.02.020	Voter Qualification
Section 3.02.030	General Election – Time
Section 3.02.040	Special Election – Time
Section 3.02.050	Expenses
Section 3.02.060	Time Off for Voting
Section 3.02.070	Majority Elections

3.02.010. Administration of Elections.

The city council shall prescribe the general rules for conducting city elections.
(*Ordinance KA-87-03*)

3.02.020. Voter Qualification.

A person may vote if he is qualified to vote in state elections, has been a resident of the city for 30 days immediately preceding the election, is registered to vote in state elections, and is not disqualified under Article V of the State Constitution.
(*Ordinance KA-87-03*)

3.02.030. General Election – Time.

On the first Tuesday of October of each year, a general election will be held in the city for purpose of filling vacant city offices. The determination of other matters may be placed on the ballot.
(*Ordinance KA-87-03*)

3.02.040. Special Election – Time.

The city council, by resolution, may order that a special election be held.
(*Ordinance KA-87-03*)

3.02.050. Expenses.

The city shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags, other supplies, and any wages due judges and clerks. Salaries for the election judges and clerks shall be set by the council. However, all expenses of a recount shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount. If the recount is requested by voters, each of them shall be individually liable for the total amount of such expenses.
(*Ordinance KA-87-03*)

3.02.060. Time Off for Voting.

Any qualified voter who does not have time to vote at any city, borough, state, or national election may, without loss of pay, take off working time that will enable him to vote.
(*Ordinance KA-87-03*)

3.02.070. Majority Elections.

If no candidate receives in excess of 40 percent of the votes cast for his respective office, the council shall hold a runoff election between the two candidates receiving the greatest number of votes for the office. Notice of a runoff election shall be published at least five days before the election.
(*Ordinance KA-87-03*)

Chapter 3.03.

Candidates – Nominations.

Sections:

Section 3.03.010	Candidates – Qualifications
Section 3.03.020	Declaration of Candidacy – Form and Filing
Section 3.03.030	Declaration of Candidacy – Time for Filing
Section 3.03.040	Declaration of Candidacy – Record
Section 3.03.050	Declaration of Candidacy – Withdrawing Candidacy

3.03.010. Candidates – Qualifications.

No person shall hold any elective city office or be eligible to seek election to any elective office unless he is a qualified voter of the city.
(*Ordinance KA-87-16*)

3.03.020. Declaration of Candidacy – Form and Filing.

A person who wishes to become a candidate for an elected office shall complete and file a declaration of candidacy. The declaration shall be completed under the oath before the city clerk and on a form provided by the city clerk. The declaration shall state definitely:

- (1) the full name of the candidate and the manner in which he wishes his name to appear on the ballot;
- (2) the full residence address of the candidate;
- (3) the office for which the candidate declares;
- (4) that the candidate is a qualified voter and resident of the city; and
- (5) that the candidate agrees to serve if elected to the office of council member for the term received.

(*Ordinance KA-87-16*)

3.03.030. Declaration of Candidacy – Time for Filing.

A declaration of candidacy shall be filed with the city clerk not earlier than 60 days or later than 20 days before the election.

(*Ordinance KA-87-16 and Ordinance KA 12-004*)

3.03.040. Declaration of Candidacy – Record.

The city clerk will maintain a record containing the name and address of every person who has filed a declaration of candidacy and also the date and time of the filing.

(*Ordinance KA-87-16*)

3.03.050. Declaration of Candidacy – Withdrawing Candidacy.

A candidate may withdraw his declaration of candidacy through the last day for filing declarations by submitting a written notice of withdrawal with the city clerk.

(*Ordinance KA-87-16*)

Chapter 3.04.

Notice of Elections.

Sections:

Section 3.04.010	Notice of Election
Section 3.04.020	Contents of Election Notice

3.04.010. Notice of Election.

The city clerk shall give at least 20 days' notice of each general election and 20 days' notice of each special election by posting in a general location within the city and, if the city has precincts, in two or more places in each voting precinct of the city.

(Ordinance KA-87-17)

3.04.020. Contents of Election Notice.

Notices for general or special elections must contain the following:

- (1) the date of the election;
- (2) the office to be filled or the propositions to be voted upon;
- (3) the time the polling places will be open and closed;
- (4) the location of city polling places;
- (5) a boundary description of the voting precinct or a reference to the Alaska Administrative Code sections establishing precinct boundaries;
- (6) the procedure for declaring candidacy; and
- (7) whether the election is general or special.

(Ordinance KA-87-17)

Chapter 3.05.

Election Equipment.

Sections:

Section 3.05.010	Election Booths
Section 3.05.020	Furnishing Instruction Cards
Section 3.05.030	Ballots – Printing and Inspection
Section 3.05.040	Ballots – Form
Section 3.05.050	Sample Ballots
Section 3.05.060	Distribution of Registration Index and Original Register

3.05.010. Election Booths.

The city clerk shall use the booth that is used during state elections. The city clerk shall provide at each booth enough supplies and materials to enable each voter to mark his ballot hidden from observation. The voting booth shall be within plain view of the judges, clerks, voters, and other persons at the polling places. At least three sides of the booth shall be shielded for voters' privacy.

(Ordinance KA-87-18)

3.05.020. Furnishing Instruction Cards.

- (A) The city clerk will furnish to each election board instructions for the guidance of voters covering the following:
- (1) how to obtain ballots;
 - (2) the manner for marking them;
 - (3) the method for obtaining information; and
 - (4) how to obtain a new ballot to replace any ballot destroyed or spoiled.
- (B) The clerk will furnish a necessary number of these instruction sheets to the election judges in each voting place.
- (Ordinance KA-87-18)*

3.05.030. Ballots – Printing and Inspection.

In all city elections, the city clerk will be responsible for the printing of ballots. The ballots will be printed and in the possession of the city clerk at least 20 days before the election and available for inspection by the candidates or the public.

(Ordinance KA-87-18 and Ordinance KA 12-004)

3.05.040. Ballots – Form.

- (A) A ballot shall show the list of candidates and issues to be decided at the election.
- (B) Before the list of candidates for each office, there will 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.
- (C) The names of each candidate shall be printed under to the office and seat for which the candidate is running.
- (D) Somewhere on the ballot, so as to be clearly visible, will be printed the words:

- (1) “Official Ballot”;
 - (2) the date of the election; and
 - (3) the signature of the clerk who had the ballots printed.
- (E) The ballots will be printed on plain white paper and numbered in consecutive order. The names of the candidates will be printed in capital letters of the same size. A square not less than one-quarter of an inch shall be printed by each name of a candidate and by each blank provided for write-in candidates.
- (F) The names of candidates shall be printed as they appear upon the petitions filed with the city clerk, except that any honorary or assumed title or prefix shall be omitted.
- (G) Following the names of the offices and candidates, there shall be placed on the ballot all propositions and questions to be voted upon. The words “Yes” and “No” shall be placed below the statement of each proposition and question.
(Ordinance KA-87-18 and Ordinance KA 12-004)

3.05.050. Sample Ballots.

The city clerk will have a number of sample ballots printed. The sample ballots will be printed on non-white paper and clearly labeled as a “Sample Ballot”. Sample ballots will be delivered to the election board in each polling place.
(Ordinance KA-87-18)

3.05.060. Distribution of Registration Index and Original Register.

Prior to the opening of the polls, the city clerk shall deliver a registration list and an original register to the election officials in the voting place. The original register will provide enough space to allow voters to sign their name and enter their address. A record shall be kept in the original register of the names of persons who request to vote but are refused and a brief statement of basis for being refused the right to vote. The signing of the register is a declaration by the voter that he is qualified to vote.
(Ordinance KA-87-18)

Chapter 3.06.

Election Procedures.

Sections:

Section 3.06.010	Time for Opening and Closing Polls
Section 3.06.020	Distribution of Ballots
Section 3.06.030	Preparation of Ballot Box
Section 3.06.040	Voting Procedure
Section 3.06.050	Marking of Ballots by Voters
Section 3.06.060	Challenging Voters
Section 3.06.070	Questioning a Voter's Ballot
Section 3.06.080	Challenged Ballots – Disposition
Section 3.06.090	Ballots – Counting and Tallying
Section 3.06.100	Defective and Unused Ballots
Section 3.06.110	Election Certificate
Section 3.06.120	Majority Decision of Election Board
Section 3.06.130	Prohibitions Near Election Polls

3.06.010. Time for Opening and Closing Polls.

- (A) On the day of any election, each election board shall open the polls for voting at eight o'clock in the morning and shall keep the polls open during the time between these hours. However, if the polling hours for state elections are set for any different time period, the polls will be open concurrent with the time period of state elections. The election board members shall report to the polling place half an hour before the polls open on an election day.
- (B) Fifteen minutes before the closing of the polls, a judge or clerk shall announce to all persons present the time remaining before 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.
(Ordinance KA-87-19 and Ordinance KA 12-004)

3.06.020. Distribution of Ballots.

- (A) The city clerk shall deliver the ballots to the election board before the polls open on election day. The ballots shall be delivered in separate sealed packages with the number of ballots enclosed in each package clearly marked on the outside. A receipt for each package shall be taken from the election board to which it is delivered and saved by the city clerk. No ballots shall be taken from the polling place before the closing of the polls.
- (B) The clerk shall keep the follow records:
- (1) the number of ballots delivered to the various polling places;
 - (2) the name of the persons whom the ballots are delivered; and
 - (3) the time the ballots are delivered.
- (C) When the ballots are returned, the clerk shall record the following:
- (1) the number of 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.
(*Ordinance KA-87-19*)

3.06.030. Preparation of Ballot Boxes.

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 those present that the ballot box is empty, the box will be sealed and not opened again until the polls are finally closed. At such time, only the election judges shall open the ballot box.
(*Ordinance KA-87-19*)

3.06.040. Voting Procedure.

- (A) A voter shall give the judges and clerks his name and shall write his name and residence on the first available line of the registration book. If any judge or clerk present believes the voter is not identifiable, he immediately shall challenge the voter.
- (B) If the voter is not challenged, he shall be given one ballot and shall retire alone to a voting booth. There and without delay, the voter shall prepare his ballot by marking the boxes opposite the names of the candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for that purpose. The voter shall mark the boxes for 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. Said clerk or judge shall tear the number off and deposit the ballot in the ballot box if the ballot bears the same number as the ballot given to the voter by the judges and clerks.
- (C) A voter who by accident or mistake spoils his ballot shall, upon returning the spoiled ballot to the judges and clerks, be given another ballot. A voter who is blind or otherwise incapable of marking his ballot shall be assisted in doing so by a judge or clerk if he requests such assistance.
(*Ordinance KA-87-19*)

3.06.050. Marking of Ballots by Voters.

- (A) A voter may mark his ballot only by the use of cross marks, checks, or plus signs that are clearly spaced in the square beside the name of the candidate the voter desires to designate.
- (B) Failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
- (C) 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.
- (D) 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.
- (E) The voter's mark shall be counted only if it is mostly inside the square provided or touching the square so as to indicate clearly that the voter intended the particular square to be designated.
- (F) Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates made properly.
- (G) An erasure or correction invalidates only that section of the ballot in which it appears.

- (H) Write-in votes are not invalidated by writing in the name of a 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.
- (I) 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.
(Ordinance KA-87-19 and Ordinance KA 12-004)

3.06.060. Challenging Voters.

An election judge and election clerk shall challenge, or other qualified voter in the city may challenge, a person attempting to vote if the challenger has good reason to believe that the challenged person is not qualified to vote. All challenges shall be made in writing explaining the reason for the challenge. Before voting, a challenged person shall take an oath and sign an affidavit provided by the city clerk attesting to the fact he meets all the qualifications of a voter, that he is not disqualified, and that he has not already voted at the same election. He shall also state the place from which he came immediately before living in the city and the length of time of his residence in the former place. After the challenged person has taken the oath and signed the affidavit, the person may vote. If the challenged person refuses to take the oath or sign the affidavit, the person may not vote.
(Ordinance KA-87-19)

3.06.070. Questioning a Voter's Ballot.

If his registration is in question, a voter shall be allowed to vote and any election official shall consider the ballot a questioned ballot.
(Ordinance KA-87-19)

3.06.080. Challenged ballots – Disposition.

After a challenged or questioned voter has cast his ballot, the challenged voter will insert the ballot into a small blank envelope and seal it. This envelope shall be placed in the signed oath and affidavit envelope. The oath and affidavit envelope shall be sealed and inserted into a larger envelope. The envelope will be delivered to the city clerk. The city clerk will present these materials to the canvass committee and assist the canvass committee in determining the validity of the challenged ballot.
(Ordinance KA-87-19)

3.06.090. Ballots – Counting and Tallying.

- (A) Immediately after the polls close and the last vote has been cast, the election judges will open the box containing the ballots. The ballots will be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated in the original registry. If the number of ballots drawn from the ballot box does not match the number of ballots indicated by the registration book, the ballots shall be recounted until the election board finds that there is an unexplained error or that the number of ballots cast matches the number of ballots indicated by the registration tally. If a discrepancy is determined to exist between the number of votes cast and the registration tally, it shall be explained in detail on the tally paper or papers and the explanation shall be signed by the election judges.

- (B) The counting of 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 election officials. Only the appointed election officials may handle the ballots. The judges shall remove ballots from the box one by one and tally the number of votes for each candidate. They shall check for disqualifying marks or defects. The election judges shall cause the vote tally to be counted without adjournment until the count is complete.
(*Ordinance KA-87-19*)

3.06.100. Defective and Unused Ballots.

If a voter marks more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his ballot any voter's choice for any office or issue, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended or any choice intended by the voter. Ballots not counted shall be marked "Defective" on the back and ballots to which objection has been made shall be marked "Objected To" on the back. An explanation of the defect or objection shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope marked on the outside with the label "Defective and Objected Ballots". All ballots not voted on and all ballots spoiled by voters shall be returned by the judges to the city clerk, who shall give a receipt for them and keep a record of the number and condition of ballots returned to him, indicating when and by which judge each was returned.
(*Ordinance KA-87-19*)

3.06.110. Election Certificate.

After the votes are announced and counted, a certificate will be drawn stating the number of votes each person has received and designating the office for which he has run. The poll lists and tallies will be attached to the certificate. The certificate will be signed by the election judges and the registration index, original register, tallies or tally papers, oaths of judges, oaths of voters, other papers, and the certificate will be placed in an envelope. The envelope will be marked "Election Returns" and delivered to the city clerk.
(*Ordinance KA-87-19*)

3.06.120. 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 election.
(*Ordinance KA-87-19*)

3.06.130. Prohibitions Near Election Polls.

During the hours the polls are open, no person who is in the polling place or within 100 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition, or question.
(*Ordinance KA-87-19*)

Chapter 3.07.

Canvassing of Election Returns.

Sections:

Section 3.07.010	Canvass Committee – Meeting – Postponing canvass
Section 3.07.020	Canvass to Be Made Public
Section 3.07.030	Investigation of Challenged Ballots
Section 3.07.040	Challenged Ballots – Subpoenas
Section 3.07.050	Canvass Committee – Reports – Contents
Section 3.07.060	Results of Election – Public Declaration
Section 3.07.070	Certificate of Election

3.07.010. Canvass Committee – Meeting – Postponing Canvass.

The canvass committee will meet on the first Friday after the election and canvass all absentee and challenged ballots executed in the election. The canvass may be postponed from day to day for cause but not exceeding three days total.

(Ordinance KA-87-20)

3.07.020. Canvass to Be Made Public.

- (A) The canvass of all challenged and questioned ballots will be made in public by opening the returns and announcing the results thereof in front of those present.
- (B) Absentee ballots shall be counted by the city clerk and two or more assistants in the follow manner:
 - (1) all ballot envelopes shall be removed from the return envelopes and placed in a ballot box;
 - (2) the return envelopes shall be delivered to the city clerk; and
 - (3) the absentee ballots shall one by one be removed from the ballot box, taken out of the ballot envelopes, and counted in the same manner in which ballots cast at the polls are counted.
- (C) The canvass shall include a review and comparison of the tallies of paper ballots with election certificates to correct any mathematical error in the count of paper ballots.
- (D) If the city clerk finds an unexplainable error in the tally of paper ballots, he may count the ballots from the ballot box.
(Ordinance KA-87-20)

3.07.030. Investigation of Challenged Ballots.

The canvass committee may request the assistance of the city clerk or the mayor to investigate the challenges made. Any city elector may appear to give testimony concerning the challenged ballots. The canvass committee will deliver the finding. The council may uphold or reject a challenge. If a challenge is upheld, the ballot challenged will not be opened and counted, but will be saved as are other ballots. If a challenge is rejected, the ballot will be counted with the absentee ballots. The city clerk will notify a voter whose ballot is not counted that the challenge against his ballot was upheld.

(Ordinance KA-87-20)

3.07.040. Challenged Ballots – Subpoenas.

The council may order testimony of witness and issue subpoenas while investigating challenged ballots. The subpoenas may be enforced by the court upon certification as provided by the state of civil procedure concerning the enforcement of administrative and state agency subpoenas.

(Ordinance KA-87-20)

3.07.050. Canvass Committee – Report – Contents.

The canvass committee will submit a report of its findings to the council before noon of the Monday following the election. The report will show:

- (1) the number of ballots cast in the election;
- (2) the names of the person voted for 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;
- (5) a proposed disposition of all challenged, absentee, write-in, questioned, and voided ballots; and
- (6) other matters which the canvass committee may determine to be necessary.

(Ordinance KA-87-20)

3.07.060. Results of Election – Public Declaration.

- (A) If a contest is not declared under the provisions of Sections 3.07.010 through 3.07.070, the results of the election shall be publicly declared by the council and entered in the minutes of a special meeting of the council on the first Monday following the election.
- (B) If a contest is declared and resolved, the result of the election shall be publicly declared by the council and entered in the minutes of a special meeting of the council within a week after the contest is resolved.

(Ordinance KA-87-20)

3.07.070. Certificate of Election.

The city council will authorize the city clerk to make and deliver a certificate of election to every person elected. The certificate of election will be signed by the mayor and clerk. It shall display the corporate seal of the city.

(Ordinance KA-87-20)

Chapter 3.08.

Absentee Voting.

Sections:

Section 3.08.010	Absentee Voting – Eligible Persons
Section 3.08.020	Absentee Ballots – Application – Filing
Section 3.08.030	Absentee Ballots – Delivery
Section 3.08.040	Notation of Ballot Number and Date of Application
Section 3.08.050	Completion and Return of Absentee Ballots
Section 3.08.060	Absentee Voting at Clerk’s Office – Surrender of Ballot
Section 3.08.070	Absentee Ballots – Executing Outside City
Section 3.08.080	Absentee Ballots – Receipt
Section 3.08.090	Absentee Ballots – Voting Supplies
Section 3.08.100	Liberal Construction

3.08.010. 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.
(*Ordinance KA-87-21*)

3.08.020. Absentee ballots – Application – Filing.

- (A) A person who seeks to vote by absentee ballot may file by submitting an application to the city clerk in person, by mail, by fax, or by email.
- (B) An application made by mail, fax or by email must be received by the city clerk not more than 20 days or less than seven days before a city election. An application made in person must be filed with the city clerk not more than 20 days before the city election and not later than noon on the day before an election.
- (C) The application must be signed by the applicant and show his place of residence.
- (D) 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 clerks’ office for an absentee voter’s ballot.
(*Ordinance KA-87-21 and Ordinance KA 12-004*)

3.08.030. Absentee ballots – Delivery.

- (A) Upon receipt of an application for an absentee voter’s ballot, the clerk shall provide the applicant with an acknowledgement that the application was received. The clerk will then check the latest state registration listings to determine whether the applicant is registered in accordance with Alaska Statutes 15.07. If the applicant is properly registered, the clerk will deliver an official ballot for the election to the applicant personally or by mail to the address given by the applicant, with identification envelope and a pre-paid return envelope. No absent voter’s ballot will be mailed to a voter who resides within the city’s boundaries.
- (B) Ballots delivered personally shall be completed before the clerk at the time of delivery.

(Ordinance KA 12-004 and Ordinance KA 12-005)

3.08.060. Absentee voting at Clerk's Office – Surrender of Ballot.

A voter who receives an absentee voter's ballot may, on any day prior to the day of the election, appear at the office of the city clerk and execute his ballot in the following manner:

- (A) The voter will first display the ballot to the clerk to show that the ballot has not been previously marked. He then will proceed to mark the ballot in the voting booth at the clerk's office. The voter will place the ballot in the envelope provided to him in the manner that permits the clerk to see the number of the ballot. The voter will then hand the envelope to the clerk, who will examine it. If the clerk determines that the ballot is numbered correctly, he will tear the printed number off and permit the voter to enclose the ballot in the identification envelope.
- (B) The voter will then make out and swear to the affidavit printed on the face of the envelope and deliver it to the clerk.
- (C) If an absentee voter returns to the city on Election Day, he will not be allowed to vote unless he surrenders the absentee voter's ballot and any other supplies mailed to him.
(Ordinance KA-87-21 and Ordinance KA 12-004)

3.08.070. Absentee Ballots – Executing Outside City.

After receiving an absentee voter's ballot, the voter may appear on any day prior to and including the day of the election before a notary public, clerk, or officer of any city, state, territory, or district within the United States. Before the officer, he may complete his ballot as set out in Section 3.08.060 of this chapter.

(Ordinance KA-87-21)

3.08.080. Absentee Ballots – Receipt.

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 canvassing committee.

(Ordinance KA-87-21)

3.08.090. Absentee Ballots – Voting Supplies.

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 ordinance.

(Ordinance KA-87-21)

3.08.100. Liberal Construction.

This ordinance will be liberally interpreted so as to accomplish the purposes set forth.

(Ordinance KA-87-21)

TITLE 4.

REVENUE AND FINANCES.

Chapters:

- Chapter 4.01. Fiscal Policies
- Chapter 4.02. Assets – Disbursements
- Chapter 4.03. Budget Form and Scope
- Chapter 4.04. Budget Procedure
- Chapter 4.05. Short Term Investment Policy

Chapter 4.01.

Fiscal Policies.

Sections:

Section 4.01.010	Budget and Construction Program
Section 4.01.020	City Obligations
Section 4.01.030	Fiscal Year
Section 4.01.040	Funds Designated
Section 4.01.050	Audit of City Government Accounts

4.01.010. Budget and Construction Program.

- (A) The mayor shall arrange for the preparation of a budget and construction program. The budget and construction spending proposals shall be submitted as an ordinance.
- (B) After public hearing, the council may approve budgets with or without amendments and shall appropriate the funds required.
(Ordinance KA-87-22)

4.01.020. City Obligations.

- (A) A bond, contract, lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be made by ordinance and approved by the voters.
- (B) The council may make supplemental and emergency appropriations. No payment may be authorized or made and no obligation incurred unless an appropriation has been made by ordinance.
- (C) The council may authorize contracts for construction improvements to be financed wholly or partly by the issuance of bonds.
(Ordinance KA-87-22 and Ordinance KA 12-004)

4.01.030. Fiscal Year.

The fiscal year of the municipality shall begin on the first day of July and end on the last day of June in the following calendar year.
(Ordinance KA-87-22)

4.01.050. Audit of City Government Accounts.

Prior to the end of each fiscal year, the council may designate a qualified individual who, as of the end of the fiscal year, shall make an independent audit or financial statement. Such person shall have no personal interest, direct or indirect, in the financial affairs of the city or of any of its officers.
(Ordinance KA-87-22 and Ordinance KA 12-004)

Chapter 4.02.

Assets – Disbursements.

Sections:

Section 4.02.010	Treasury
Section 4.02.020	Accounting
Section 4.02.030	Checks
Section 4.02.040	Insufficient Funds in Bank Account

4.02.010. Treasury.

- (A) The treasurer shall be responsible for the collection, custody, and disbursement of all moneys from whatever source.
- (B) Operating cash shall be kept in one financial institution to be designated by resolution.
- (C) The treasurer shall invest city money upon directive of the council in any of the following types of investments:
 - (1) bonds, notes, or other obligations;
 - (2) certificates of deposit or savings accounts of any bank.*(Ordinance KA-87-23 and Ordinance KA 12-004)*

4.02.020. Accounting.

- (A) All accounting functions for all city departments and offices are the responsibility of the treasurer.
- (B) The treasurer shall provide on a monthly basis to the council the following statements:
 - (1) a summary statement of cash receipts and disbursements;
 - (2) reconciliation statements from banks, investments, and funds; and
 - (3) a statement of expenditures compared with appropriations.*(Ordinance KA-87-23)*

4.02.030. Checks.

All checks on the treasury of the city shall be signed by the treasurer, mayor, and council. Two signatures are to be used for all checks. All checks prior to issuance shall be approved to be within budget allowances by the council.
(Ordinance KA-87-23)

4.02.040. Insufficient Funds in Bank Account.

No city check may be written at any time when funds are insufficient. Willful violation of this provision shall result in a fine of not more than five hundred dollars (\$500.00).
(Ordinance KA-87-23)

Chapter 4.03.

Budget Form and Scope.

Sections:

Section 4.03.010	Scope of Budget
Section 4.03.020	Anticipated Revenues
Section 4.03.030	Anticipated Revenues Compared with Other Years
Section 4.03.040	Proposed Expenditures
Section 4.03.050	Proposed Expenditures Compared with Other Years
Section 4.03.060	Budget Summary

4.03.010. Scope of Budget.

- (A) The budget shall be a complete financial plan for all the operations of the municipality, showing dollar reserves, anticipated revenues, and proposed expenditures.
- (B) The budget shall include a comparative statement of actual expenditures and actual revenues for the preceding fiscal year and the budgeted current fiscal year.
- (C) Proposed expenditures shall not exceed total anticipated revenues and reserves.
(*Ordinance KA-87-24*)

4.03.020. Anticipated Revenues.

Anticipated revenues shall be composed of '*Taxes*', '*Licenses and Permits*', '*Intergovernmental Revenue*', '*Charges for Services*', '*Fines and Forfeits*', '*Misc. Revenue*', and '*Cash Reserves*'.
(*Ordinance KA-87-24*)

4.03.030. Anticipated Revenues Compared with Other Years.

In the column opposite the items of anticipated revenues, there shall be placed the amount of each such item actually received in the preceding fiscal year.
(*Ordinance KA-87-24*)

4.03.040. Proposed Expenditures.

Proposed expenditures shall be itemized. Separate provisions shall be included in the budget for at least:

- (1) interest, amortization of principal, and redemption charges on the public debt for which the faith and credit of the municipality is pledged;
- (2) administration, operation, and maintenance of each office, department, or agency of the municipality;
- (3) council's budgetary reserve;
- (4) expenditures proposed for construction projects including provisions for down payments on capital projects.

(*Ordinance KA-87-24 and Ordinance KA 12-004*)

4.03.050. Proposed Expenditures Compared with Other Years.

In a parallel column opposite the several items of proposed expenditures, there shall be placed the amount of each such item actually spent in the preceding fiscal year and the budget for the current fiscal year.

(Ordinance KA-87-24)

4.03.060. Budget Summary.

At the head of the budget there shall appear a summary of the budget, which need not be itemized. Principal sources of anticipated revenues, and kinds of expenditures by department, shall be stated in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

(Ordinance KA-87-24)

Chapter 4.04.
Budget Procedure.

Sections:

Section 4.04.010	Budget Public Record
Section 4.04.020	Publication of Notice of Public Hearing
Section 4.04.030	Public Hearing on Budget
Section 4.04.040	Further Consideration of Budget
Section 4.04.050	Adoption of Budget – Vote Required
Section 4.04.060	Effective Date of Budget – Certification – Copies Made Available
Section 4.04.070	Quarterly Budget Amendment

4.04.010. Budget Public Record.

The budget, the budget message, the construction improvement program, and all supporting schedules shall be a public record in the office of the clerk, open to the public for inspection by anyone. The mayor shall cause to be prepared for distribution to interested persons copies of the budget and budget message.
(Ordinance KA-87-25)

4.04.020. Publication of Notice of Public Hearing.

The council shall determine the place and time of the public hearing on the budget and shall post such notice in three places in the city. The council shall include in the notice a summary of the budget and capital improvement program and a statement setting out the time and place for a public hearing. This notice shall be posted at least two weeks prior to the hearing.
(Ordinance KA-87-25)

4.04.030. Public Hearing on Budget.

At the time and place so advertised, the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.
(Ordinance KA-87-25)

4.04.040. 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.
(Ordinance KA-87-25)

4.04.050. Adoption of Budget – Vote Required.

The budget shall be adopted by favorable votes of at least a majority of all the members of the council preferably by May first and not later than May thirty-first.
(Ordinance KA-87-25)

4.04.060. Effective Date of Budget – Certification – Copies Made Available.

Upon adoption of the budget, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted shall be certified by the mayor and the city clerk and filed in the office of the clerk. The budget so certified shall be printed, mimeographed, or otherwise reproduce and sufficient copies shall be made available for the use of all officers, departments, and agencies and for interested persons and civic organizations through the clerk's office.
(Ordinance KA-87-25)

4.04.070. Quarterly Budget Amendment.

The annual budget shall be amended quarterly.
(Ordinance KA-12-004)

Chapter 4.05.

Short Term Investment Policy.

Sections:

Section 4.04.010	Investment of Operating Funds
Section 4.04.020	Treasury Management
Section 4.04.030	Permissible Investments
Section 4.03.040	Proposed Expenditures
Section 4.03.050	Proposed Expenditures Compared with Other Years
Section 4.03.060	Budget Summary

4.05.010. Investment of Operating Funds.

- (A) Safety of principal is the foremost investment objective of the City of Kasaan. Each investment transaction shall seek to first ensure that capital losses are avoided, whether they are from securities defaults or erosion of market value. The City of Kasaan seeks to attain market rates of return on its investments, consistent with constraints imposed by its safety objectives and cash flow considerations that restrict placement of public funds. All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction that might impair public confidence in the City of Kasaan.
(Ordinance KA 13-003)

4.05.020. Treasury Management.

The responsibility for conducting investment transactions resides with the mayor. The mayor shall not deposit funds in any depository that is not a member of the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA) or the Securities Investor Protection Corporation (SIPC). Investments shall be made with judgment and care – under circumstances then prevailing – which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.
(Ordinance KA 13-003)

4.05.030. Permissible Investments.

- (A) Operating funds of the City of Kasaan may be invested in:
- (1) federally insured or fully collateralized certificates of deposit of banks and credit unions maturing within two years;
 - (2) U.S. Government Treasury, agency and instrumentality securities;
 - (3) notes or bonds issued by the state of Alaska or its political subdivisions or other states of the United States, maturing within two years, with a credit rating of A-/A3 or better from two national ratings agencies, maturing within two years;
 - (4) repurchase agreements collateralized by U.S. Treasury securities and marked to market. If repurchase agreements are overnight investments or if securities are collateralized in excess of 102 percent, marked to market is not necessary;

- (5) a state investment pool formed within the state of Alaska and comprised of agencies of the state and/or its political subdivisions;
 - (6) money market mutual funds whose portfolios consist entirely of U.S. Government securities.
- (Ordinance KA 13-003)*

TITLE 5.

CITY PERSONNEL.

Chapters:

Chapter 5.01. Hiring Policies

Chapter 5.02. Employment of City Council Members

Chapter 5.03. City Attorney

Chapter 5.01.

Hiring Policies.

Sections:

Section 5.01.010	Merit System
Section 5.01.020	Promotion
Section 5.01.030	No Discrimination
Section 5.01.040	Minimum Age
Section 5.01.050	Municipal Residents
Section 5.01.060	Nepotism

5.01.010. Merit System.

Hiring and grading of city employees shall be made on the basis of merit and fitness.
(*Ordinance KA-87-26*)

5.01.020. Promotion.

When well qualified individuals are available, appointments to fill vacancies shall be by promotion from within the municipal services.
(*Ordinance KA-87-26*)

5.01.030. No Discrimination.

There shall be no discrimination in the employment procedure, including appointment, promotion, demotion, suspension, or removal for racial, political, national origin, religious, or other non-merit reasons.
(*Ordinance KA-87-26 and Ordinance KA 12-004*)

5.01.040. Minimum Age.

Minimum age for municipal employment shall be in accordance with state law.
(*Ordinance KA-87-26*)

5.01.050. Municipal Residents.

Other qualifications being equal, preference in employment or promotion shall be given to residents of the city area.
(*Ordinance KA-87-26*)

5.01.060. Nepotism.

No persons may be employed in a position supervised by a family member. If an employee and his supervisor should marry, they shall elect which employee may continue with the department and which employee shall terminate or transfer. 'Family member' means spouse, father, mother, brother, sister, or child. The council may, by resolution, provide an exception on a case-by-case basis.
(*Ordinance KA-87-26*)

Chapter 5.02.

Employment of City Council Members.

Sections:

Section 5.02.010	<i>[Reserved]</i>
Section 5.02.020	General Provisions
Section 5.02.030	Application
Section 5.02.040	Applications Reviewed
Section 5.02.050	Qualification
Section 5.02.060	Temporary Employment

5.02.010. *[Reserved].*

5.02.020. General Provisions.

City council members may be employed by the City of Kasaan, but only as provided by ordinance.

(Ordinance KA-87-2)

5.02.030. Application.

Applications for city employment by the City of Kasaan shall be reviewed and employees hired by the city council solely on the merit basis.

(Ordinance KA-87-2)

5.02.040. Applications Reviewed.

If and when a city council member applies for city employment, all applications for the position shall be reviewed by the city council at a regular or special city council meeting.

(Ordinance KA-87-2)

5.02.050. Qualification.

A city council member shall be hired for city employment only if the qualifications of the city council member are better than the qualifications of all other applicants.

(Ordinance KA-87-2 and Ordinance KA 12-004)

5.02.060. Temporary Employment.

Elected city 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.

(Ordinance KA-87-2)

Chapter 5.03.

City Attorney.

Sections:

Section 5.03.010	Appointment
Section 5.03.020	Duties

5.03.010. Appointment.

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

(Ordinance KA-91-01-14)

5.03.020. Duties.

The city attorney may:

- (1) be charged with the performance of all legal services of the city, including those of legal advisor to the council, the mayor, and to all departments and offices of the city;
- (2) upon the request of the city council, take necessary steps to arrange for the prosecution of violations of the city ordinances;
- (3) represent the city in all matters, civil and criminal, in which the city is interested;
- (4) draft any ordinance when required by the city council or mayor;
- (5) perform such other duties as may be required by the city council or the ordinances of the city;
- (6) attend meetings of the city council when requested;
- (7) report to the city council promptly all suits brought against the city;
- (8) call to the attention of the city council and the mayor all matters of law affecting the city;
- (9) render all opinions in writing, as far as is practical;
- (10) maintain a record of all of his opinions rendered and turn such record of all of his opinions rendered over to his successor in office.

(Ordinance KA-87-2 and Ordinance KA 12-004)

TITLE 6.

ACQUISITION, AND DISPOSAL OF CITY PROPERTY.

Chapters:

- Chapter 6.01. Rental Property Acquisition
- Chapter 6.02. Eminent Doman – Adverse Possession
- Chapter 6.03. Real Property Sales by the City
- Chapter 6.04. Lease of City Lands
- Chapter 6.05. Disposition of City-Owned Personal Property
- Chapter 6.06. Extraterritorial Jurisdiction
- Chapter 6.07. Watershed – General Provisions
- Chapter 6.08. Watershed – Use Permit
- Chapter 6.09. Watershed – Uses
- Chapter 6.10. Watershed – Variance Procedures
- Chapter 6.11. Watershed – Violations and Penalties
- Chapter 6.12. Watershed – Abrogation and Greater Restrictions
- Chapter 6.13. Watershed – Amendments
- Chapter 6.14. City Equipment, Tools, and Supplies Procedures

Chapter 6.01.

Real Property Acquisition.

Sections:

Section 6.01.010	Acquisition and Ownership – Authority
Section 6.01.020	Real Property Defined
Section 6.01.030	Acquisition – Form
Section 6.01.040	Acquisition and Ownership – Rights and Powers
Section 6.01.050	Acquisition – Dictation by Plat
Section 6.01.060	Industrial Sites
Section 6.01.070	Federal and State Aid
Section 6.01.080	Real Property as Security

6.01.010. Acquisition and Ownership - Authority.

The city may acquire, own, and hold real property within or outside the city boundaries by any means or conveyance.

(Ordinance KA-87-27)

6.01.020. Real Property Defined.

As used in this ordinance, ‘*real property*’ includes any estate in land, easement, right-of-way, lease, permit, license, franchise, future interest, building, fixture, or any other right, title, or interest in land or building.

(Ordinance KA-87-27 and Ordinance KA 12-004)

6.01.030. Acquisition – Form.

- (A) The city may acquire, own, and hold real property by warranty or quit claim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease tax deed, will, or any other lawful method or mode of conveyance or grant. Real property shall be held in the name of “The City of Kasaan”. Any instrument requiring execution by the city shall be signed by the mayor and attested by the city clerk. The form of any conveyance may be approved by an attorney.
- (B) Only upon a specific resolution of the council, the mayor may act on its behalf in the acquisition of real property or interest in real property when that property to be acquired is for a valuable consideration.
- (C) Prior to approval, the mayor is to furnish the council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition, but the failure to furnish the council any such material shall not affect the validity of any acquisition or purchase of real property by the city.
- (D) Unless otherwise provided by the council, the city shall purchase marketable title in the real property. Unless otherwise provided by ordinance or resolution, or upon council approval of a purchase, the mayor is authorized to obtain title insurance, to execute any instruments, and to take all steps necessary to complete and close the purchase and acquisition of the real property.
(Ordinance KA-87-27)

6.01.040. Acquisition and Ownership – Rights and Powers.

The city may exercise all rights and powers in the acquisition, ownership, and holding of real property as if the city were a private person.
(*Ordinance KA-87-27*)

6.01.050. Acquisition – Dedication by Plat.

The city may not acquire any real property by means of a dedication by plat until the dedication of the real property is accepted in writing and signed by the mayor.
(*Ordinance KA-87-27*)

6.01.060. Industrial Sites.

The city may acquire, own, and hold real property, either inside or outside the city boundaries, for sites available for new industries which will benefit the city.
(*Ordinance KA-87-27*)

6.01.070. Federal and State Aid.

The city may apply for, contract, and do all things necessary to cooperate with the United States Government and the State of Alaska for the acquisition, holding, improvement, or development of real property within and outside the city boundaries.
(*Ordinance KA-87-27*)

6.01.080. Real Property as Security.

The council may pledge, mortgage, or otherwise secure city real property for the payment of city bonds or other indebtedness when required, as authorized by law.
(*Ordinance KA-87-27*)

Chapter 6.02.

Eminent Domain – Adverse Possession.

Sections:

Section 6.02.010	Eminent Domain
Section 6.02.020	Adverse Possession

6.02.010. Eminent Domain.

The city may exercise the powers of eminent domain and declaration of taking the performance of an authorized power or function of the municipality, in accordance with state statute. Before exercising the power, the council shall request or petition the Department of Commerce, Community, and Economic Development for permission to exercise the power. The council may not exercise the power of eminent domain or declaration of taking without the formal approval of the Department of Commerce, Community, and Economic Development. The exercise of the 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 special election called for that purpose. A majority of the qualified voters voting on the question is required for approval of the ordinance.

(Ordinance KA-87-28 and Ordinance KA 12-004)

6.02.020. Adverse Possession.

The city cannot be divested of the title to real property by adverse possession.

(Ordinance KA-87-28)

Chapter 6.03.

Real Property Sales by the Clerk.

Sections:

Section 6.03.010	Powers to Dispose of Real Property
Section 6.03.020	Sale or Disposition – Form
Section 6.03.030	Sale or Disposition – Rights and Powers
Section 6.03.040	Property Exchanges
Section 6.03.050	Public Sale – When Required
Section 6.03.060	Public Sale Procedures
Section 6.03.070	Minimum Acceptable Offer
Section 6.03.080	Conditions of Sale

6.03.010. Powers to Dispose of Real Property.

The city may sell, convey, exchange, transfer, donate, dedicate, direct, or assign to use, or otherwise dispose of city-owned real property by any lawful means or conveyances.
(Ordinance KA-87-29)

6.03.020. Sale or Disposal – Forms.

The city may sell or dispose of real property by any lawful means. Any instrument requiring execution by the city shall be signed by the mayor and attested by the city clerk.
(Ordinance KA-87-29)

6.03.030. Sale or Disposal – Rights and Powers.

The city shall have and may execute all rights and powers in the sale and disposal of real property as if the city were a private person. The city may sell or dispose of any real property, including property acquired or held for or devoted to a public use, when in the judgment of the city council it is no longer required for city purposes.
(Ordinance KA-87-29)

6.03.040. Property Exchanges.

The council may approve after public notice the conveyance and exchange of a parcel of city property for an equivalent parcel of property owned by another person subject to such conditions as the council may impose on the exchange, whenever, in the judgment of the city council, it is advantageous to the city to make the property exchange.
(Ordinance KA-87-29)

6.03.050. Public Sale – When Required.

Unless otherwise provided in this ordinance, real property no longer used or useful for a public use or purpose shall be sold to the highest bidder at a public sale. Public sale shall not be required where the real property of the city is subject to any term or condition restricting or limiting the ability of the city to obtain the fair market value of the property.
(Ordinance KA-87-29)

6.03.060. Public Sale Procedures.

Real property of the city, except as provided otherwise in this ordinance, and except land acquired by tax foreclosure, shall be sold or otherwise permanently disposed of as follows.

- (A) Appraisal:
An estimated value of the property by a qualified appraiser or the assessor shall be made.
- (B) The mayor may, if in his opinion it is in the best interests of the city to do so, recommend to the council that such parcels of land be sold. Such recommendation shall outline the proposed development of the property, if the mayor determines such a plan to be necessary, the estimated value of the property as made by a qualified appraiser, and the recommended terms and conditions of sale
- (C) After receipt of the recommendations, the council may, by resolution or ordinance, as required by Section 1.03.020 (D), direct the sale or lease of such lands under such terms and conditions as it requires. The resolution or ordinance must contain a brief description of the land, its area and general location, estimated value, proposed use, term of any lease, computed annual minimum rental or minimum sale price, limitations, if any, and time and place set for the auction or bid opening if applicable.
(Ordinance KA-87-29 , KA0-04-04-001 and Ordinance KA 12-004)

6.03.070. Minimum Acceptable Offer.

If the sale is conducted by bid or auction and there are no acceptable offers, the mayor may negotiate for the sale or lease of the land, but the council must, approve the terms and price of any such negotiated sale or lease before such sale or lease shall be binding upon the city.
(Ordinance KA-87-29 and KA0-04-04-001)

6.03.080. Conditions of Sale.

The council, in the resolution or ordinance authorizing the sale of real property, shall set forth the terms and conditions of the public sale. The council may authorize a negotiated disposal or may require a bid or auction in which case the council may reserve the right to reject any and all bids received at the public sale if the highest bid is below the fair market value and cost of sale or is not made by a responsible bidder. The resolution or ordinance shall provide if the sale is for cash or cash deposit and purchase agreement. The authorization of any public sale by the city council authorizes the mayor to take all steps and execute all instruments necessary and in compliance with the authorization to complete and close the sale. The mayor or his designee shall negotiate or conduct the sale and give to the buyer a receipt for all moneys received by the other cash payments within the times required by the ordinance shall forfeit any cash paid to the city.
(Ordinance KA-87-29 and KA0-04-04-001)

Chapter 6.04.

Lease of City Lands.

Sections:

Section 6.04.010	Property Available for Lease
Section 6.04.020	Term of Lease
Section 6.04.030	Lease Procedure
Section 6.04.040	Fair Rental Value
Section 6.04.050	Adjustment of Rental
Section 6.04.060	Transfer of Lessee's Interest
Section 6.04.070	Improvements and Chattels
Section 6.04.080	Inspection of Leased Premises
Section 6.04.090	Easement and Right-of-Way
Section 6.04.100	Condemnation of Premises – Lease Termination

6.04.010. Property Available for Lease.

All real property, including tide, submerged, or shore lands, which the city owns, or in which the city has right, title, and interest, or to which the city may become entitled, may be leased as provided in this ordinance. The term '*property*' as used in this ordinance includes any and all interested in real property.

(Ordinance KA-87-30 and Ordinance KA 12-004)

6.04.020. Term of Lease.

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

(Ordinance KA-87-30)

6.04.030. Lease Procedure.

The provisions of Section 6.03.060 on the method of disposition of city-owned property apply to all leases of city land authorized by this ordinance. The council may lease property to a party if it determines the lease to be in the best interest of the public.

(Ordinance KA-87-30)

6.04.040. Fair Rental Value.

Property shall be leased for a fair rental value. '*Fair rental value*' means the highest price described in terms of money for which the property would rent, or exposed for rent for a reasonable time in the open market, for the use permitted by the city.

(Ordinance KA-87-30)

6.04.050. Adjustment of Rental.

A lease having a term for more than two (2) years shall provide for adjustment of rentals at specified intervals during the term of lease and the intervals shall be every two (2) years. This section may or may not be incorporated in each lease by reference and is enforceable as if fully stated in the lease.

(Ordinance KA-87-30)

6.04.060. Transfer of Lessee's Interest.

A lessee may sublease or assign the lease only upon approval of the transfer by the city in writing.

(Ordinance KA-87-30)

6.04.070. Improvements and Chattels.

The lease shall provide the terms, conditions, and limitations of the removal or reversion of improvements or chattels upon the lease premises after termination of the lease. The retiring lessee may, with the consent of the mayor, sell the improvements to the succeeding lessee. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice to the lessee, be sold at public sale to be provided by regulations of the mayor. The proceeds of such sales shall be deposited into the city general fund.

(Ordinance KA-87-30 and Ordinance KA 12-004)

6.04.080. Inspection of Leased Premises.

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

(Ordinance KA-87-30)

6.04.090. Easements and Right-of-Way.

The city expressly reserves the right, without compensation or adjustment in rentals to the lessee, to grant surface, underground, or overhead utility easements or right-of-way in or upon the leased property.

(Ordinance KA-87-30)

6.04.100. Condemnation of Premises – Lease Termination.

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

(Ordinance KA-87-30)

Chapter 6.05.

Disposition of City-Owned Personal Property.

Sections:

Section 6.05.010	Disposition of Personal Property Under Five Hundred Dollars
Section 6.05.020	When Competitive Bidding is Not Required for Sale of Surplus of Obsolete Goods
Section 6.05.030	Surplus Stock
Section 6.05.040	Declaration of Obsolescence

6.05.010. Disposition of Personal Property Under Five Hundred Dollars.

- (A) Personal property, other than surplus stock, that is valued at less than five hundred dollars (\$500.00) may be disposed of upon such notice and terms considered reasonable by the mayor, taking into consideration the value of the article, the reason for disposal, and the general preference of disposal by competitive bid. The mayor shall report disposals to the council if so required.
- (B) Personal property valued at more than five hundred dollars (\$500.00), but less than twenty-five thousand dollars (\$25,000.00) shall be disposed of in the manner provided for land under twenty-five thousand dollars.
(Ordinance KA-87-29, Section 6(B))
- (C) Personal property valued at more than twenty-five thousand dollars (\$25,000.00) shall be disposed of in the manner provided for land over twenty-five thousand dollars.
(Ordinances KA-87-29, Section 6(C) and KA-87-31)

6.05.020. When Competitive Bidding is Not Required for Sale of Surplus or Obsolete Goods.

The mayor may sell the following without giving an opportunity for competitive bidding:

- (1) surplus or obsolete supplies, materials, or equipment whose total value does not exceed one thousand dollars (\$1,000.00) in a single transaction;
- (2) supplies, materials, or equipment when sold at a price at least as great as that paid by the city for the same.

(Ordinance KA-87-31 and Ordinance KA 12-004)

6.05.030. Surplus Stock.

- (A) All using agencies shall submit to the mayor at such times and in such form as he shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.
- (B) The mayor shall have the authority to transfer surplus stock to other using agencies and provide for proper fiscal transfer of such.
- (C) The mayor, with approval of the council, shall have the authority to sell all supplies or equipment which has become unsuitable for public use, or to exchange the same for, or trade in the same on any new supplies or equipment.

- (D) Sales of surplus city supplies or equipment appraised at over one thousand dollars (\$1,000.00) under this section shall be made to the highest responsible bidder. The mayor shall conduct the sale and issue their certificates of sale to the purchaser of surplus city supplies or equipment.
(Ordinance KA-87-31)

6.05.040. Declaration of Obsolescence.

No surplus or obsolete supplies, materials, or equipment of a value of more than one thousand dollars (\$1,000.00) may be sold until the council shall have declared them obsolete or surplus.
(Ordinance KA-87-31)

Chapter 6.06.

Extraterritorial Jurisdiction.

Sections:

Section 6.06.010 Extraterritorial Jurisdiction Powers Approved

6.06.010. Extraterritorial Jurisdiction Powers Approved.

As authorized by state statute, the city may provide for and maintain parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility services, airports, streets and roads (including ice roads), trails, transportation facilities, wharves, harbors, and other marine facilities outside its boundaries and may regulate their use and operation to the extent that the jurisdiction in which they are located does not regulate them.
(Ordinance KA-92-02-22 and Ordinance KA 12-004)

Chapter 6.07.

Watershed – General Provisions.

Sections:

Section 6.07.010	Title for Citation – Jurisdiction
Section 6.07.020	Finding and Purpose of Provisions
Section 6.07.030	Definitions
Section 6.07.040	Establishment of Watershed

6.07.010. Title for Citation – Jurisdiction.

Chapters 6.07 through 6.13 of the city of Kasaan Code of Ordinances shall be known and cited as the '*Kasaan Watershed Management Ordinance.*' As authorized by AS 29.35.020(b)(1), this ordinance shall be applicable to all lands and waters within the municipal watershed of the City of Kasaan, which watershed is located within and outside the municipal boundary of Kasaan, and is described as the watershed of Linkum Creek and its tributaries. This watershed will be herein referred to as the '*Kasaan Watershed.*'
(Ordinance KA-88-02-09)

6.07.020. Finding and Purpose of Provisions.

- (A) The City of Kasaan finds that the water supply for the City of Kasaan is derived entirely from the Kasaan Watershed. The city further finds that contamination caused by uncontrolled development in the watershed would pose substantial danger to the health and safety of the people and businesses of the City of Kasaan.
- (B) The city also recognizes that the area within the Kasaan Watershed will be in private ownership and that the rights of the private landowner to utilize its lands must be accommodated consistent with the need to protect the City of Kasaan water supply. In the case of timber harvest and silvicultural activities in the Kasaan Watershed, such activities shall fully comply with the Alaska Forest Practices Act, the Alaska Forest Resources and Practices Regulations, General Industry Standards as described in the Alaska Department of Natural Resources forest Practices Field Manual, Department of Environmental Conservation water quality standards, and such other state and federal laws and regulations governing forest operation.
- (C) Advanced minerals exploration, development, and production shall fully comply with the Alaska Department of Environmental Conservation water quality standards, and such other applicable state and federal laws and regulations governing minerals activities.
- (D) These chapters are therefore adopted to provide for watershed management to protect and enhance the public health and safety by preventing contamination by sewage, sediment, and other pollutants of the city's water supply.
(Ordinance KA-88-02-09)

6.07.030. Definitions.

- (A) '*Advanced minerals exploration*' includes all mechanized trenching, multiple site (six or more) surface exploration drilling, and underground exploration drilling for the purpose of finding a potential ore body.

- (B) *'Alaska Forest Practice Act'* means the laws of the State of Alaska embodied in AS 41.17, governing forestry activities that representing the practical means to assure continuous growth and harvest of timber to protect Alaska's forest, wildlife, soil, and water resources.
- (C) *'Alaska Forest Resources and Practices Regulations'* means the regulations of the Alaska Department of Natural Resources embodied in 11 AAC 95, which represent the Forest Practices, Procedures, and Standards.
- (D) *'Buffer strips'* means the retained strips of grass, shrubs, trees, or other erosion-resisting vegetation.
- (E) *'Cable yarding system'* means an engineered logging system involving the transport of logs from the area being harvested to central loading point by means of steel cables whereby the logs are generally, partially, or fully lifted off the ground.
- (F) *'Conditional use'* means a permitted use which, because of characteristics particular to such use, or because of size, technological process or equipment, or because of the exact location with reference to surroundings, requires a special degree of control to make such uses consistent with the protection of the Kasaan Watershed.
- (G) *'Drilling solution'* means the fluids kept in circulation in a bore hole to clean away chippings and to cool the drill bit.
- (H) *'Erosion'* means the wearing away of the land surface by gravity, wind, or water.
- (I) *'Fertilizers'* means any material in concentrated form which is directly applied to a land area for the specific purpose of enriching soil for the production of trees or other vegetative crops.
- (J) *'Forest Practices Field Manual'* means the manual, dated October 1981, which describes the best management practices which may be used to achieve the standards contained in the Forest Practice Regulations.
- (K) *'Herbicides'* means a chemical that controls or destroys undesirable plants.
- (L) *'Hydrographic boundary'* and *'watershed boundary'* mean the drainage basin of a stream commencing at the ridge line and terminating at the water intake.
- (M) *'Logging Roads'* means roads prepared for the purpose of travel exclusively by log trucks, timber harvesting machinery, and other vehicles necessary for timber harvest and forest management activities.
- (N) *'Minerals development'* means activities which are designed to define the extent of a potential ore body and include tunneling, sinking shafts, mechanized bulk sampling, and feasibility studies.
- (O) *'Minerals production'* means commercial extraction from the earth or waters of any metallic or non-metallic mineral, sand, gravel, peat, or construction rocks.
- (P) *'Off-road vehicles'* means forms of motorized transportation that do not require prepared surfaces and can be used to reach remote areas.

- (Q) *'Person'* means any individual, public or private corporation, political subdivision, government agency, municipality, industry, partnership, association, firm, trust, estate, or any other entity.
- (R) *'Pesticide'* means any substance used to control such pests or rates, weeds, insects, algae, and fungi.
- (S) *'Pollutants'* means matter or energy whose nature, location, or quantity produces undesirable environmental effects.
- (T) *'Potentially significant'* means any activity which may foreseeably result in prolonged or substantial damage or prolonged or substantial reduction in the quality of water.
- (U) *'Preliminary minerals exploration'* includes all mapping, hand trenching, hand sample gathering, rock chip sampling, air and ground geophysics, geochemical sampling, and surface exploration drilling that disturbs less than one-half acre per site.
- (V) *'Property owner'* means that person or entity that has fee simple title or other interest in property within the designated watershed.
- (W) *'Refuse'* means all solid or liquid waste materials.
- (X) *'Roads'* means any street, highway, or other course, paved or unpaved, for the purpose of motor vehicle travel, with the exception of logging roads.
- (Y) *'Run-off'* means that portion of water from rain snowmelt, or irrigation that is not absorbed by soil and flows over the ground surface to return to streams.
- (Z) *'Selective logging'* means the removal of all or a portion of the mature trees from a forested area, whereby immature and low value trees are not harvested.
- (AA) *'Sewage'* means the total or organic waste and wastewater generated by residential and commercial establishments.
- (BB) *'Silviculture'* means the art of producing and tending a forest, the application of the knowledge of silvics in the treatment of a forest, and the theory and practice of controlling and managing forest establishment composition and growth.
- (CC) *'Solid waste disposal'* means the final placement of refuse that cannot be salvaged or recycled.
- (DD) *'Surface water'* means water on the earth's surface that is exposed to atmosphere, such as rivers, lakes, streams, and the oceans.
- (EE) *'Timber harvest operations'* means timber harvesting and activities associated with timber harvesting or forest development, such as construction of logging roads and water crossings for timber harvesting purposes which are conducted in accordance with the Alaska Forest Practices Act.

- (FF) *'Toxic substances'* means those minerals, or combinations of minerals, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available, cause death, disease, behavioral abnormalities, including malfunction in reproduction, or physical deformations, in affect organisms or their offspring; the term includes those substances identified as a toxic pollutant under 307(A) of the Clean Water Act of 1977.
- (GG) *'Tractor yarding'* means any system of harvesting timber in which a track or rubber-tired vehicle furnishes the motive power whether by direct hauling or skidding.
- (HH) *'Variance'* means government permission for a delay or exception in the application of a given law, ordinance, or regulation.
- (II) *'Waste'* means unwanted materials left over from construction, manufacturing processes, or refuse from places of human or animal habitation.
- (JJ) *'Waters'* means any creek, river, tributary, pond, lake, or other surface drainage area.
- (KK) *'Watershed intake facility'* means a structure, either natural or man-made, and improvements used for the purpose of impounding water and facilitating its transport to other locations.
(Ordinance KA-88-02-09)

6.07.040. Establishment of Watershed.

The watershed of the City of Kasaan is hereby established as the following area.

- (A) *'Linkum Creak,'* the area composed of the following sections within the Township 73S, Range 86E of the Copper River Meridian, Alaska:
 - (1) the S1/2SW1/4SE1/4 of Section 5;
 - (2) that portion of Section 8 which drains into Linkum Creek;
 - (3) that portion of SE1/4 of Section 7 which drains into Linkum Creek;
 - (4) the N1/2N1/2 of Section 17; and
 - (5) that portion of the NE1/4 Section 18 which drains into Linkum Creek and is at or upstream of the watershed intake facility. The watershed consists of 900 acres, more or less. The location and boundaries of the watershed are set forth on the watershed map which accompanies this ordinance and is incorporated herein.
- (B) Prior to any operations, a buffer strip shall be established and marked on the ground. The buffer strip shall be variable width, no less than one hundred (100) feet from each bank of Linkum Creak. This buffer will be established along a natural terrain break (in most cases, the first bench) above the stream, and will afford the protection of preventing solid and/or debris from entering the watercourse. This buffer must only be established for those areas affected by proposed operations. Special attention will be afforded areas with exposed soil or obvious recent slope failures adjacent to the watercourse. The purpose of the buffer strip is to provide a filter of undisturbed vegetation adjacent to the watercourse.
(Ordinance KA-91-08-20)

Chapter 6.08.

Watershed – Use Permit.

Sections:

- Section 6.08.010 Watershed Use Permit or Forest Practices Notification Required
Section 6.08.020 Watershed Use Permit or Forest Practices Notification Procedure

6.08.010. Watershed Use Permit or Forest Practices Notification Required.

No person shall engage in any use referred to in Section 6.09.030 and .040 of this code until he/she has first obtained a watershed use permit from the City of Kasaan and he/she assures compliance with conditions imposed by that permit of Section 6.09.030 and .040. Except that, timber harvest operations and silvicultural activities regulated by the Forest Practices Act and Forest Practices Regulations of the State of Alaska do not require a watershed use permit. Timber harvest operations and silvicultural activities in the watershed must be in compliance with the Forest Practices Notification process in 11 AAC 95.030. The City of Kasaan will receive a copy of the notification concurrent with the submission to the Alaska Department of Natural Resources. This notification must, in addition to Forest Practices Notification requirements, include the operational procedures that will be implemented to achieve compliance described in Subsections 6.09.040(A) and (B) of this ordinance.

(Ordinance KA-88-02-09)

6.08.020. Watershed Use Permit or Forest Practices Notification Procedure.

- (A) A watershed use permit applicant shall submit his/her watershed use permit application or his/her Forest Practice Notification required by 11 AAC 95.030 to the office of the mayor of the City of Kasaan. The mayor or his/her designee shall represent the city throughout the watershed permit or Forest Practices Notification procedure, unless otherwise stated. The application or notification shall include the following:
- (1) use or uses proposed;
 - (2) location of each use;
 - (3) duration of each use;
 - (4) description of the manner in which the applicable provisions of Section 6.09.040 will be met; and
 - (5) indications of the manner in which the applicant has complied or will comply with all applicable state or federal laws and regulations affecting water quality.
- (B) In addition, the city may require the applicant, at his/her own expense, to submit engineering and other technical studies that will show the impact of the proposed development of the hydrology of the affected area within the Kasaan Watershed. Request for engineering and other technical studies shall be reasonable and practical, consistent with the type of activity that will occur.
- (C) When a permit is required under Section 6.08.010, the city will, within sixty (60) days of receipt of the application, approve or deny issuance of the watershed use permit. In formulating this decision, the city shall consult with the state and federal agencies whose regulations affect water quality. If the permit is denied, the city shall put in writing any conditions it has imposed to ensure compliance with the provisions of Sections 6.09.030 and .040 and with the state and federal regulations affecting water quality. Upon approval, the city shall issue the permit.

- (D) For a Forest Practices Notification required under Section 6.08.010, the city will, within thirty (30) days of receipt of a Forest Practices Notification, notify the landowners as to whether or not the timber harvest operations or silvicultural activities proposed by the notification comply with the municipal watershed ordinance. The city may, after review of the notification, and within thirty (30) days of receipt of the notification, recommend additional forestry management practices to be instituted by the landowner to ensure protection of the municipal watershed. In the event the city finds that the proposed activities do not comply with the municipal watershed ordinance, the city shall notify the landowner and the Department of Environmental Conservation that the proposed activity may violated a municipal ordinance and the city shall consult with the state and federal agencies whose regulations affect water quality. The city shall substantiate in writing the reasons that the proposed forest practices activities may cause water quality degradation or violate the municipal watershed ordinance. The Alaska Department of Environment Conservation will exercise its jurisdictional responsibilities to ensure the forest practices activities do no violated state water quality requirements or the municipal watershed ordinance.
- (E) Any person affected by a city action taken under this ordinance may appeal that action to the next higher level by filing a written notice of appeal with the city clerk within thirty (30) days of the action appealed. Actions of the mayor are appealable to the city council. Any further appeal must be made to the Superior Court within thirty (30) days after the council's decision, with written notice of appeal to be given to the city.
(Ordinance KA-88-02-09 and Ordinance KA 12-004)

Chapter 6.09.

Watershed – Use.

Sections:

Section 6.09.010	Watershed Uses
Section 6.09.020	Watershed Uses Prohibited
Section 6.09.030	Watershed Uses Permitted
Section 6.09.040	Watershed Uses Subject to Conditions

6.09.010. Watershed Uses.

The following watershed uses are allowable, subject to property owners' approval, without a watershed use permit:

- (1) traditional and customary food harvest;
- (2) trapping;
- (3) preliminary mineral exploration;
- (4) road maintenance;
- (5) access to and maintenance of the municipal water system;
- (6) reforestation and silvicultural management activities.

(Ordinance KA-88-02-09)

6.09.020. Watershed Uses Prohibited.

The following watershed uses are prohibited:

- (1) residential development;
- (2) recreational improvements;
- (3) off-road recreational vehicles;
- (4) fish passes providing access to anadromous fish above the water intake facility.

(Ordinance KA-88-02-09)

6.09.030. Watershed Uses Permitted.

Commercial, industrial, or other uses not prohibited in Section 6.09.020 will be allowed to occur, provided a watershed use permit or Forest Practices Notification is submitted as required under Section 6.08.020. The permit or notification shall be subject to conditions as the mayor and city council may prescribe.

(Ordinance KA-88-02-09)

6.09.040. Watershed Uses Subject to Conditions.

- (A) Timber harvest operations and silvicultural activities are allowable conditional uses in Kasaan's watershed subject to Section 6.08.020(D) or a watershed use permit and the following conditions:
- (1) In the designated buffer strip, described in Section 6.07.040, timber harvesting will be by selective logging practices only, subject to an agreed upon plan between the City of Kasaan and the property owner.
 - (2) There shall be no construction of logging roads on the land where the slope exceeds thirty-four degrees (34°) or seventy percent (70%).

- (3) All logs shall be yarded using cable yarding systems or helicopters. No logs shall be yarded through surface waters inside the buffer strip described in Section 6.07.040 of the watershed. Tractor logging is prohibited.
 - (4) All cutover areas shall be reforested in compliance with the Alaska Forest Practices Regulations 11 AAC 95.170.
 - (5) There shall be no application of fertilizer, herbicides, insecticides, or other toxic substances, except for minimal fertilization in connection with erosion control re-vegetation.
 - (6) All fuel trucks and other motorized equipment, except stationary yarders, shall be stored and maintained outside the watershed boundaries. All equipment maintenance, except for emergency repairs, shall be conducted outside the watershed. All waste, debris, and litter shall be disposed of outside of the watershed boundary.
 - (7) The provisions of the Alaska Forest Practices Act of 1979, AS 47.17.0.0, ET. SEQ., and the regulations promulgated thereunder shall be strictly complied with as minimum standard of water quality protection.
 - (8) A water quality monitoring program will be conducted, as needed, by the timber owner and the City of Kasaan, and the Department of Environmental Conservation.
 - (9) Any operational activity causing impact to the watershed which is deemed potentially significant to the water quality as determined by the Alaska Department of Environmental Conservation will cease until the problem is remedied and adequate protective safeguard satisfactory to the Department are put into place.
 - (10) There shall be a clean-up and removals of all refuse out of the watershed area periodically and after completion of the project.
 - (11) Timber harvest and silvicultural activities shall be planned to minimize potential impacts from surface water stream channels of the Kasaan Watershed.
- (B) Advanced minerals exploration, development, and production are allowable conditional uses in the Kasaan Watershed subject to the following conditions:
- (1) In the designated buffer strip, as described in Section 6.07.040, only subsurface mineral development and production are permissible, subject to any agreed upon plan and permit between the City of Kasaan and the property owner.
 - (2) Ingress and regress to facilitate preliminary exploration, advanced minerals exploration, bulk sampling, mine development, and mineral extraction shall be accessed, where possible, by utilizing road development in the area.
 - (3) A water quality monitoring program will be conducted, as needed, by the City of Kasaan and the Department of Environmental Conservation.
 - (4) Any operational activity causing impact to the watershed which is deemed potentially significant to the water quality, as determined by the Alaska Department of Environmental Conservation, will cease until the problem is remedied and adequate protective safeguards satisfactory to the Department are put into place.
 - (5) Storage of fuels, drilling solution, or other potential pollutants within the municipal watershed will be minimized, but must be properly contained and protected with appropriate safeguards to prevent spills or discharges from entering any water body within the watershed.
 - (6) All worker camp facilities shall be located outside the watershed.
 - (7) There shall be a clean-up and removal of all refuses out of the watershed area periodically and after completion of the project.
 - (8) Mineral exploration, development, and production shall be planned to minimize potential impacts from surface run-off and erosion within the watershed subject to the provisions of this ordinance.

- (C) A date shall be set for public hearing on the variance after the application is received and found to be complete. Not less than fourteen (14) days before the hearing, notice shall be posted on the public notice board at city hall and mailed or given to the applicant for the variance. The notice shall:
- (1) contain a summary description of the proposed project and its location;
 - (2) identify the specific conditions prescribed in Section 6.09.020 and .030 from which a variance is sought; and
 - (3) give the date, time, and place of a the hearing.
- (D) The city council shall conduct an inquiry to find whether the standards for issuance of the variance have been met. The city council must make general findings of facts sufficient to support its decision as specified in Subsection (B) hereof. A concurring vote of a majority of the city council will be required to grant a variance. In granting any variance, the city council may prescribe conditions and safeguards to assure conformity with the purpose and intent of all relevant planning and land use ordinances. Violation of any such condition or safeguard when made a part of the terms of the variance shall be deemed an unlawful act and shall become null and void if the variance is no exercised within one (1) year of the date it is granted or if characters of the use permitted by the variance is altered or discontinued.
- (E) Any further appeal of a variance decision must be made to the Superior Court within thirty (30) days after the council's decision, with proper notification to the City of Kasaan.
(Ordinance KA-88-02-09)

Chapter 6.10.

Watershed – Variance Procedure.

Sections:

Section 6.10.010 Variance Procedure

6.10.010. Variance Procedure.

- (A) The city council shall bear and decide requests for variances from this ordinance.
- (B) An application for a variance shall be submitted in writing to the city council. A request for a variance should be initiated by the party seeking the use or his/her authorized representative. The application must state with particularity the release sought and must specify the facts or circumstances that are alleged to show that the application meets the following standards with respect to variances from the Watershed Variance Ordinance:
 - (1) special circumstances exist which are peculiar to the use involved and which are not applicable to other uses in the same watershed; and
 - (2) the special circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience; and
 - (3) granting the variance would be in harmony with the objectives of the Watershed Management Ordinance and not injurious to the watershed or otherwise detrimental to the public welfare or clearly unpractical, unreasonable, or undesirable to the general public; and
 - (4) granting the variance will not permit a use that is not otherwise permitted in the watershed area in which the property lies;
 - (5) the variance granted is the minimum variance that will make possible reasonable use of the watershed area.
- (C) A date shall be set for a public hearing on the variance after the application is received and found to be complete. Not less than fourteen (14) days before the hearing, notice shall be posted on the public notice board at City Hall and mailed or given to the applicant for the variance. The notice shall:
 - (1) contain a summary description of the proposed project and its location;
 - (2) identify the specific conditions prescribed in Section 6.09.020 and .030 from which a variance is sought; and
 - (3) give the date, time, and place of the hearing.
- (D) The city council shall conduct an inquiry designed to find whether the standards for issuance of the variance have been met. The city council must make general findings of facts sufficient to support its decision as specified in Subsection (B) hereof. A concurring vote of a majority of the city council will be required to grant a variance. In granting any variance, the city council may prescribe conditions and safeguards to assure conformity with the purpose and intent of all relevant planning and land use ordinances. Violation of any such condition or safeguard when made a part of the terms of the variance shall be deemed an unlawful act and shall become null and void if the variance is not exercised within one (1) year of the date it is granted or if characters of the use permitted by the variance is altered or discontinued.

- (E) Any further appeal of a variance decision must be made to the Superior Court within thirty (30) days after the council's decision, with proper notification to the City of Kasaan.
(*Ordinance KA-88-02-09*)

Chapter 6.11.

Watershed – Violations and Penalties.

Sections:

Section 6.11.010	Abatement of Violations
Section 6.11.020	Penalties

6.11.010. Abatement of Violations.

- (A) When a violation of the ordinance is discovered, the city shall notify the person responsible for the violation by certified mail or by personal delivery and by notice posted at the site of the violation. The notice shall specify the violation and order abatement as soon as is necessary to protect the public health.
- (B) If the violation is not corrected within the specified period, the city attorney is authorized to initiate an action to enjoin the violation and to recover civil penalties.
(Ordinance KA-88-02-09)

6.11.020. Penalties.

Every act or omission prohibited by this chapter is unlawful and any person who commits a violation is liable for a civil penalty not to exceed one thousand dollars (\$1,000.00) for each violation. Each act or omission is a violation and every day upon which a violation occurs constitutes a new and separate violation.
(Ordinance KA-91-08-20)

Chapter 6.12.

Watershed – Abrogation and Greater Restrictions.

Sections:

Section 6.12.010 Abrogation and Greater Restrictions

6.12.010. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, conveyances, or deed restrictions. However, where this ordinance and other ordinances, easements, conveyances, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ordinance KA-88-02-09)

Chapter 6.13.

Watershed – Amendments.

Sections:

Section 6.13.010 Amendments

6.13.010. Amendments.

- (A) Amendments of provisions of this ordinance or of the boundaries of the watershed areas may be initiated by the mayor or the city council.
- (B) Any person may request an amendment to this ordinance if supported by a petition of at least forty percent (40%) of the registered voters in the City of Kasaan.
- (C) A request to initiate an amendment to this ordinance shall be submitted to the city clerk, who shall forward immediately the request to the city council.
- (D) A public hearing on the proposed amendment shall be held by the city council.
- (E) The city council shall consider and act upon the proposed ordinance at its earliest convenient time.
(Ordinance KA-88-02-09)

Chapter 6.14.

City Equipment, Tools, and Supplies Procedures.

Sections:

Section 6.14.010	City Equipment Purposes
Section 6.14.020	Authorized Users of Motorized City Equipment
Section 6.14.030	Penalties for Improper Use of City Equipment
Section 6.14.040	Inventory of City Equipment
Section 6.14.050	Care of City Equipment, Tools, and Supplies
Section 6.14.060	Other Provisions of City Equipment
Section 6.14.065	Safety Provisions
Section 6.14.070	Inventory of City Equipment, Users, and Usage

6.14.010. Amendments.

All city-owned equipment, tools, and supplies have specific uses and authorized users as follows:

- (1) motor vehicles, including off-road vehicles, such as three-wheeled bikes and four tracks, and non-motorized carts with tanks or other equipment in or on them;
 - (2) heavy equipment, such as loaders, graders, back-hoes, caterpillars, etc.
- (Ordinance KA-91-06-19)*

6.14.020. Authorized Users of Motorized City Equipment.

- (A) Only hired city employees who possess a valid Alaska driver license may use vehicles for their assigned tasks as in their job descriptions.
 - (B) Only those with written permission from the mayor or his authorized designee are allowed to operate city-owned equipment.
 - (C) Any other persons wishing to use the equipment must get written permission from the mayor or his authorized designee.
- (Ordinance KA-91-06-19 and Ordinance KA 12-004)*

6.14.030. Penalties for Improper Use of City Equipment.

Penalties for non-authorized, non-emergency use of city equipment by city employees shall include first a written warning from the mayor or city council. If the non-authorized use continues, then fines will be imposed for each violation. City employees are subject to dismissal after two (2) written warnings of violations of this ordinance. Any other parties who borrow or take city equipment, tools, or supplies without permission, in violation of this ordinance, are subject to criminal prosecution. The Village Public Safety Officer is responsible for reclaiming and returning city-owned property from any unauthorized users, using his/her authority to make arrests when appropriate.

(Ordinance KA-91-06-19)

6.14.040. Inventory of City Equipment.

The city treasurer shall maintain a current inventory of all city-owned equipment, tools, and supplies for purposes of good management. Any unexplained missing materials shall be reported to the Village Public Safety Officer and the city council in writing within twenty-four (24) hours of discovery of the disappearance of the city property.

(Ordinance KA-91-06-19)

6.14.050. Care of City Equipment, Tools, and Supplies.

- (A) The city maintenance person shall be responsible for keeping track of storing and maintaining any and all tools and equipment he uses in daily work.
- (B) Tools and equipment shall be stored in a locked shed or vehicles at the end of the workday. Any tools or equipment which comes up missing because of carelessness of city employees shall be replaced by the employee who fails to keep track of or store the missing equipment or tools properly.
- (C) All city equipment shall be stored on city property, unless otherwise prescribed.
- (D) All city equipment and tools shall be marked with the City of Kasaan name and inventory number.
(Ordinance KA-91-06-19 and Ordinance KA 12-004)

6.14.060. Other Provisions of City Equipment.

- (A) Other city equipment, tools, and supplies not requiring a driver license shall be subject to the same requirements on proper storage, inventory, usage, and maintenance. All employees shall be informed of this ordinance and shall have copies available in their manuals for reference, as needed.
- (B) Because of the current scarcity of certain office equipment in Kasaan, such as computers, typewriters, facsimile machines, etc., certain restricted uses of office equipment are permitted under the following circumstances:
 - (1) permission of the mayor, city treasurer, or city clerk must be obtained, and their on-site supervision is required;
 - (2) private use must not interfere with the duties of city administration workers and any long distance or toll charges must be paid by the user.*(Ordinance KA-91-06-19)*

6.14.065. Safety Provisions.

Rate of rental for all equipment will be set forth by resolution.

(Ordinance KA-91-06-19 and Ordinance KA 12-004)

TITLE 7.
UTILITIES

Chapters:

- Chapter 7.01 Garbage Utility Services
- Chapter 7.02 Water Utility Services
- Chapter 7.03 Fuel Utility Services
- Chapter 7.04 Regional Solid Waste Management Authority

Chapter 7.01.

Garbage Utility Services.

Sections:

Section 7.01.010	Definitions
Section 7.01.020	Authority to Establish and to Operate a Garbage Utility Service
Section 7.01.030	Garbage Service and Quality
Section 7.01.035	Suitable Containers and Trash Bags Required
Section 7.01.040	City Property and Customer Property
Section 7.01.050	Date of Garbage Pick-Up
Section 7.01.060	Classes of Service
Section 7.01.070	Residential Service
Section 7.01.080	Commercial Service
Section 7.01.085	Senior Service
Section 7.01.090	Application for Service
Section 7.01.100	Deposits and Establishment of Credit
Section 7.01.110	Deposits – Terms
Section 7.01.115	Waiver or Return of Deposit
Section 7.01.120	Deposit – Forfeiture
Section 7.01.130	Garbage Rates
Section 7.01.140	Notices to Customers
Section 7.01.150	Notices from Customers
Section 7.01.160	Accounting Records
Section 7.01.170	Billing Period
Section 7.01.180	Billing – Proration
Section 7.01.190	Bills – Disputed
Section 7.01.200	Bills – Payment by Due Date
Section 7.01.205	Non-Sufficient Funds (NSF)
Section 7.01.210	Bills – Discontinuance/Delinquent Notice for Delinquencies
Section 7.01.220	Service Discontinuance for Delinquent Accounts – Method
Section 7.01.230	Installment Payments for Delinquent Accounts
Section 7.01.240	Discontinuance of Service – Customer Request
Section 7.01.250	Temporary Discontinuance of Service – Customer Request
Section 7.01.260	Change of Applicant Name and Billing Address
Section 7.01.270	Discontinuance of Service – Noncompliance With Regulations
Section 7.01.280	Service Restoration
Section 7.01.290	Non-Liability of City for Damages – Customer Responsibilities
Section 7.01.300	Special Waste
Section 7.01.310	Prohibited Substance
Section 7.01.320	Customer Responsibility for Damage to City Equipment

7.01.010. Definitions.

For the purposes of this chapter and Sections 7.01.010 through 7.01.320, the following terms shall have the meanings prescribed.

- (A) ‘*Applicant*’ means the person or persons, firm, or corporation making application for garbage services from the City of Kasaan under the terms of this ordinance.

- (B) *'Customer'* or *'user'* means an applicant who receives garbage services from the city.
- (C) *'Clerk'* means the city clerk.
(*Ordinance KA-89-01-11*)

7.01.020. Authority to Establish and to Operate a Garbage Utility Service.

The City of Kasaan (hereinafter *'the city'*), through its city council, is empowered to purchase, construct, establish, maintain, and operate necessary facilities for the purposes of providing garbage utility service in the city.
(*Ordinance KA-89-01-11*)

7.01.030. Garbage Services and Quality.

Garbage service shall be provided by the city, which will exercise reasonable diligence and care to deliver a continuous and sufficient service of garbage pick-up to the customer and to avoid so far as reasonably possible any interruption in pick-up. The city shall not be liable for damage resulting from interruption in service of lack of service. Temporary suspension of service by the city for improvements and repairs will be necessary. Whenever possible, and when time permits, all customers affected will be notified prior to suspension of service by posted notice. Customer service shall be in accordance with the city of Kasaan garbage system code and shall be subject to approval by the garbage maintenance supervisor.
(*Ordinance KA-89-01-11, Ordinance KA 12-004*)

7.01.035. Suitable Containers and Trash Bags Required.

The city may, at its option, require the customer to provide two suitable trashcans as a condition of service. All household waste must be contained in bags in the trash can or the customer will not receive service until they comply.
(*Ordinance KA-11-006*)

7.01.040. City Property and Customer Property.

All customer-owned covered trashcans shall be placed on the side of the city-owned streets for pick-up
(*Ordinances KA-89-01-11 and KA-11-006*)

7.01.050. Date of Garbage Pick-Up.

Garbage will be picked up every Friday morning of each month unless otherwise stated by the city office.
(*Ordinances KA-89-01-11 and KA-11-006*)

7.01.060. Classes of Service.

The classes of garbage service shall be *'residential'*, *'commercial'*, and *'senior'*.
(*Ordinances KA-89-01-11 and KA-11-006*)

7.01.070. Residential Service.

Residential garbage service shall be provided for domestic purposes to single family dwelling units.
(*Ordinances KA-89-01-11 and KA-11-006*)

7.01.080. Commercial Service.

Commercial garbage service shall be provided to commercial or business establishments or multi-dwelling units of more than four units.
(*Ordinance KA-89-01-11*)

7.01.085. Senior Service.

Senior garbage service shall be provided to all residential customers who are 65 years of age or older.
(*Ordinance KA-11-006*)

7.01.090. Application for Service.

(A) Each applicant for garbage service shall sign an application form provided by the clerk identifying:

- (1) the date of application;
- (2) the location of premises;
- (3) whether the applicant has had previous service and location of same;
- (4) the date the applicant desires service to begin;
- (5) the purpose for which service is to be used;
- (6) the address for mailing of the billings;
- (7) the applicant's street address;
- (8) the applicant's mailing address (if different than the billing address);
- (9) whether the applicant is the owner, tenant, or agent of the premises;
- (10) the class of service requested; and
- (11) such other information the city may reasonably require.

(B) In signing the application, the customer agrees to abide by the City of Kasaan Garbage System Code. The application is merely a written request for service and does not bind the city to furnish service. The city may refuse to provide new service that would adversely affect the city's utilities, easements, and/or rights-of-way.
(*Ordinance KA-89-01-11*)

7.01.100. Deposits and Establishment of Credit.

At the time application for service is made, the applicant shall establish his credit with the city through the clerk or bookkeeper. The credit of the applicant will be deemed established if the applicant makes a cash deposit to secure the payment of bills for service. The deposit shall be sum equal to two (2) month's garbage rate charge in effect at the time application is made for garbage service.
(*Ordinance KA-11-006*)

7.01.110. Deposit – Terms.

At the time the deposit is given to the clerk or bookkeeper, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on the account. In the even the service is discontinued, the deposit will be applied to the closing bill first, with any remaining deposit refunded to the customer. The city will not pay interest on any deposit.
(*Ordinances KA-89-01-11 and KA-11-006*)

7.01.115. Waiver or Refund of Deposit.

Customers who have established a positive payment history with the city of at least one year may have deposit requirements waived. Customers, who were required to provide deposits due to poor payment history, or for failing to pay delivery charges as prescribed, may apply to have their deposits refunded after they have reestablished a positive payment history with the city for at least one year.

(Ordinance KA-11-006)

7.01.120. Deposit – Forfeiture.

If an account becomes delinquent and it is necessary to terminate service, the deposit shall be applied to any unpaid balance due. All service deposits can be used to pay any balance due from the customer to the City. Garbage service will not be restored to the premises or that customer at different premises until all outstanding bills due the city from the customer have been paid and the cash deposit replaced.

(Ordinances KA-89-01-11, KA-11-006 and KA 12-009)

7.01.130. Garbage Rates.

The garbage rates to be charged for each class of service shall be set forth in the most current garbage rate schedule adopted and approved by resolution of the city council and incorporated herein by reference.

(Ordinance KA-89-01-11)

7.01.140. Notices to Customers.

Notices from the city to the customer will normally be given in writing and delivered to him/her at his/her last known address. Where conditions warrant and in emergencies, the city may notify the customer either by telephone or messenger.

(Ordinance KA-89-01-11)

7.01.150. Notices from Customers.

Notices from the customer to the city may be given by the customer or his/her authorized representative in writing at the office of the clerk in the city office or to the mayor, who is authorized to receive notices or complaints. If written notice is given to the mayor, he/she must notify the clerk so the notice can be properly filed thereafter.

(Ordinance KA-89-01-11)

7.01.160. Accounting Records.

The city will keep an accurate account on its books and such account so kept shall be offered at all times.

(Ordinance KA-89-01-11)

7.01.170. Billing Period.

Billings shall be mailed on the first week of each month for that month.

(Ordinances KA-89-01-11 and KA-09-05-002)

7.01.180. Billing – Proration.

Opening or closing bills, or bills that for any reason cover a period that contains ten percent (10%) more days or ten percent (10%) fewer days than in the normal billing period, shall be prorated.

(Ordinance KA-89-01-11)

7.01.190. Bills – Disputed.

When a customer disputes the correctness of a bill, he/she shall deposit the amount of the disputed bill with the clerk at the time the complaint is lodged to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service, as provided under this chapter.

(Ordinance KA-89-01-11)

7.01.200. Bills – Payment by Due Date.

Each bill rendered shall be considered due upon receipt. All bills not paid by the next billing cycle shall be considered delinquent, unless arrangements have been made with the clerk or bookkeeper in writing that specifies another due date. Bills not paid by the due date shall be subject to a two dollar (\$2.00) late payment charge.

(Ordinances KA-93-10-28, KA-09-05-002, and KA-11-006)

7.01.205. Non-Sufficient Funds (NSF).

There shall be a twenty-five dollar (\$25.00) NSF fee charged on all returned checks. Customers will not be allowed to pay by check after two checks are returned within a one-year period.

(Ordinance KA-11-006)

7.01.210. Bills – Discontinuance/Delinquency Notice for Delinquency.

Within ten (10) days after an account becomes delinquent, the water will be turned off if the delinquent account is not paid in full prior thereto.

(Ordinances KA-89-01-11, KA-09-05-002, and KA-11-006)

7.01.220. Service Discontinuance for Delinquent Accounts – Method.

If delinquent bills are not paid within a ten-day period, the garbage maintenance person of the city shall discontinue garbage service and leave a notice that the service has been discontinued until all delinquent amounts have been paid in full.

(Ordinances KA-89-01-11 and KA-09-05-002)

7.01.230. Installment Payments for Delinquent Accounts.

In cases of extreme hardship, the city mayor or his/her designee shall have the discretion of maintaining a satisfactory installment plan in writing for payment of the overdue amount. Should the customer breach the terms of any such agreement, garbage collection service will be immediately discontinued without further notice.

(Ordinances KA-89-01-11 and KA-09-05-002)

7.01.240. Discontinuance of Service – Customer Request.

Each customer about to vacate any premises supplied with garbage services by the city shall give the city written notice of his/her intentions to discontinue garbage service, specifying the date service is to be discontinued; otherwise, the customer will be responsible for all garbage pick-up services supplied to such premises until the city receives such notice of discontinuance.
(*Ordinance KA-89-01-11 and Ordinance KA 12-004*)

7.01.250. Temporary Discontinuance of Service – Customer Request.

A customer may request a temporary discontinuance of garbage service upon five (5) days written notice to the city. The customer will be charged a five dollar (\$5.00) service charge to have such service restored.
(*Ordinance KA-89-01-11*)

7.01.260. Change of Applicant Name and Billing Address.

When an owner of the customer's premises requests in writing that service be changed from the name of the customer into the owner's name only and that the billing address be changed to the owner's address, and provided that the customer and owner are not in violation of any of the provisions of this chapter, such request shall be honored by the city upon the city's receipt of a five dollar (\$5.00) service charge to perform such change.
(*Ordinance KA-89-01-11*)

7.01.270. Discontinuance of Service – Noncompliance with Regulations.

Garbage pickup may be discontinued for any reason at the discretion of the city. Reasons for discontinuance of service may include, but are not limited to, account delinquency or noncompliance with regulations.
(*Ordinances KA-89-01-11 and KA-11-006*)

7.01.280. Service Restoration.

Service restoration after discontinuance of service for violation of Section 7.01.270 will be made after the irregularity has been corrected and the city has been assured that the irregularity will not reoccur. Service will then continue only at the discretion of the city. The restoration charge shall be twenty-five dollars (\$25.00) plus past due amounts accrued and any other charges due that the city may have incurred to correct the irregularity or to repair any damages that may have occurred due to the irregularity.
(*Ordinance KA-89-01-11*)

7.01.290. Non-Liability of City for Damages – Customer Responsibility.

The city shall not be liable for any loss or damage of any nature whatsoever cause by any defect in the customer's trashcans, nor shall the city be liable for the loss or damage due to interruption of service or temporary changes in pick-up date. The customer shall be responsible for his/her trash cans prior to and after pick-up services are made.
(*Ordinance KA-89-01-11*)

7.01.300. Special Waste.

It is unlawful for any person to place, or authorize another to place, in any collection container, refuse receptacle, or dumpster the following items:

- (1) household hazardous waste;
- (2) paint;
- (3) batteries;
- (4) antifreeze;
- (5) chlorine;
- (6) acetylene;
- (7) masonry in excess of one-half inch thick;
- (8) concrete;
- (9) ferrous metals with a thickness greater than one-eighth inch in diameter;
- (10) wood with a thickness greater than two inches;
- (11) steel cable more than three-eighths inch in diameter;
- (12) copper with a thickness greater than one-half inch thick;
- (13) tires; or
- (14) pressurized tanks or canisters.

(Ordinance KA-11-006)

7.01.310. Prohibited Substances.

- (A) It is unlawful for any person to place or deposit, or permit another to place or deposit, in any collection container:
- (1) any hazardous or poisonous wastes;
 - (2) saturated oily wastes;
 - (3) liquid petroleum products;
 - (4) bulk liquids;
 - (5) liquid septic tank pumping;
 - (6) commercial fish processing waste;
 - (7) radioactive material;
 - (8) asbestos containing waste;
 - (9) liquid solvents;
 - (10) strong acids or bases;
 - (11) explosives; or
 - (12) polychlorinated biphenyls.
- (B) Violators of this section shall be subject to a three hundred dollar (\$300.00) fine plus any city costs incurred by the city for environmental cleanup of illegally disposed of waste described in this section.
- (Ordinance KA-11-006)*

7.01.320. Customer Responsibility for Damage to city Equipment.

Customers shall be liable for any damage to equipment owned by the city which is caused by an act of the customer or his/her tenants, agents, employers, contractors, licensees, or permittees. Damage to equipment shall include but is not limited to all service appurtenances.

(Ordinance KA-89-01-11)

Chapter 7.02.

Water Utility Services.

Sections:

Section 7.02.010	Definitions
Section 7.02.020	Authority to Establish and to Operate a Water Utility Service
Section 7.02.030	Water Supply and Quality
Section 7.02.040	City Property – Customer Property
Section 7.02.050	Ownership and Maintenance
Section 7.02.060	Classes of Service
Section 7.02.070	Residential Service
Section 7.02.080	Commercial Service
Section 7.02.085	Senior Service
Section 7.02.088	Religious Affiliate Service
Section 7.02.090	Standby Fire Service
Section 7.02.100	Application for Service
Section 7.02.110	Deposits and Establishments of Credit
Section 7.02.115	Waiver or Refund of Deposit
Section 7.02.120	Deposit – Terms
Section 7.02.130	Deposit – Forfeiture
Section 7.02.140	Water Rates
Section 7.02.150	Standby Fire Protection Service – Charges
Section 7.02.160	Notice to Customers
Section 7.02.170	Notice from Customers
Section 7.02.180	Accounting Records
Section 7.02.190	Billing Period
Section 7.02.200	Billings – Proration
Section 7.02.210	Bills – Disputed
Section 7.02.220	Bills – Payment by Due Date
Section 7.02.225	Non-Sufficient Funds (NSF)
Section 7.02.230	Bills – Turnoff – Delinquency Notice for Delinquencies
Section 7.02.240	Service Turnoff for Delinquent Accounts – Method
Section 7.02.250	Installment Payments for Delinquent Accounts
Section 7.02.260	Discontinuance of Service – Customer Request
Section 7.02.270	Temporary Discontinuance of Service – Customer Request
Section 7.02.280	Change of Applicant Name and Billing Address
Section 7.02.290	Discontinuance of Service – Noncompliance with Regulations
Section 7.02.300	Service Restoration
Section 7.02.310	Access to Premises for Inspection
Section 7.02.320	Non-Liability of City for Damages – Customer Responsibilities
Section 7.02.330	Equipment Remains City Property – Access
Section 7.02.340	Protection from Damage – Penalty for Violation
Section 7.02.350	Customer Responsibility for Damage to City Equipment
Section 7.02.360	Fire Hydrant Restrictions

7.02.010. Definitions.

For the purposes of this chapter and Sections 7.02.010 through 7.02.340, the following terms shall have the meanings prescribed.

- (A) *'Applicant'* means the person or persons, firm, or corporation making application for water services from the City of Kasaan under the terms of this ordinance.
- (B) *'Customer'* or *'user'* means an applicant who receives water services from the city.
- (C) *'Customer service lines'* means that part of the piping installed on the customer's or other private property to the city's water main connection.
- (D) *'Clerk'* means the city clerk.
(*Ordinances KA-89-01-10 and KA-11-007*)

7.02.020. Authority to Establish and Operate A Water Utility Service.

The City of Kasaan (hereinafter *'the city'*), through its city council, is empowered to purchase, construct, establish, maintain, and operate necessary facilities for the purpose of providing water utility service in the city.
(*Ordinance KA-89-01-10*)

7.02.030. Water Supply and Quality.

Water service shall be provided by the city, which will exercise reasonable diligence and care to deliver a continuous and sufficient supply of safe and potable water to the customer at adequate pressure and to avoid, so far as reasonably possible, any shortage or interruption in delivery. The city shall not be liable for damage resulting from interruption in service or by the lack of service. Temporary suspension of service by the city for improvements and repairs will be necessary. Whenever possible, and when time permits, all customers affected will be notified prior to shut downs posted notice. Where pumping is required to service a customer at an elevation too high to be serviced by gravity, the city may, at its option, require a customer to provide a suitable pump as a condition of service. Customer service lines shall be in accordance with the City of Kasaan Water System Code and shall be subject to approval by the water maintenance supervisor.
(*Ordinance KA-89-01-10, Ordinance KA 12-004*)

7.02.040. City Property – Customer Property.

All water mains, valves, fittings, hydrants, and other appurtenances, except customer service lines, shall be the property of the city. The customer shall own, install, and maintain the customer service line.
(*Ordinance KA-89-01-10*)

7.02.050. Ownership and Maintenance.

Except for customer service lines, the city shall own, install, and maintain all services and installations. Maintenance on such city property shall only be performed by authorized employees of the city.
(*Ordinance KA-89-01-10 and Ordinance KA 12-004*)

7.02.060. Classes of Service.

The classes of service shall be *'residential'*, *'commercial'*, *'senior'* and *religious affiliation*.
(*Ordinances KA-89-01-10 and KA-11-007*)

7.02.070. Residential Service.

Residential service shall be provided to single family dwelling units.
(Ordinance KA-89-01-10)

7.02.080. Commercial Service.

Commercial service shall consist of all service where water is supplied for a commercial or business establishment, or multi-dwelling units of more than four units.
(Ordinance KA-89-01-10)

7.02.085. Senior Service.

Senior service shall be provided to all residential customers who are 65 years of age or older.
(Ordinance KA-11-007)

7.02.088 Religious Affiliate Service.

Religious affiliate service shall consist of all service where water is supplied for any legal religious organization that holds a valid and current 501 C3 exemption with the IRS.

7.02.090. Standby Fire Service.

Standby fire service shall consist of service where water is available or used for fire protection only.
(Ordinance KA-89-01-10)

7.02.100. Application for Service.

- (A) Each applicant for water service shall sign an application form provided by the clerk giving:
- (1) the date of application;
 - (2) the location of premises;
 - (3) whether the applicant has had previous service and location of same;
 - (4) the date the applicant desires service to begin;
 - (5) the purpose for which service is to be used;
 - (6) the address for mailing of the billings;
 - (7) the applicant's street address;
 - (8) the applicant's mailing address (if different than the billing address);
 - (9) whether the applicant is the owner, tenant, or agent of the premises;
 - (10) the class of service requested; and
 - (11) such other information the city may reasonably require.
- (B) In signing the application, the customer agrees to abide by the City of Kasaan Water System Code. The application is merely a written request for service and does not bind the city to furnish service. The city may refuse to provide new service between October fifteenth and April first due to frozen ground or other conditions that would adversely affect the city's utilities and/or easements and rights-of-way.
(Ordinance KA-89-01-10)

7.02.110. Deposits and Establishment of Credit.

At the time application for service is made, the applicant shall establish his credit with the city through the clerk/bookkeeper. The credit of the applicant will be deemed established if the applicant makes a cash deposit to secure the payment of bills for service. The deposit shall be a sum equal to two (2) month's water rate charge in effect at the time application is made for water services. The deposit shall be held for one (1) year, then credited to the account unless forfeited. (*Ordinances KA-89-01-10 and KA-09-05-001*)

7.02.115. Waiver or Refund of Deposit.

Customers who have established a positive payment history with the city for at least one (1) year may have deposit requirements waived. Customers who were required to provide deposits due to poor payment history or for failing to pay delivery charges as prescribed may apply to have their deposits refunded after they have reestablished a positive payment history with the city council for at least one (1) year. (*Ordinance KA-11-007*)

7.02.120. Deposit – Terms.

At the time the deposit is given to the clerk/bookkeeper, the applicant will be given a receipt for same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill first, with any remaining deposit refunded to the customer. The city will not pay interest on any deposit (*Ordinances KA-89-01-10, KA-09-05-001, and KA-11-007*)

7.02.130. Deposit – Forfeiture.

If an account becomes delinquent and it is necessary to terminate service, the deposit shall be applied to any unpaid balance due. All service deposits can be used to pay any balance due from the customer to the City. Water service will not be restored to the premises or to that customer at different premises until all outstanding bills due the city from the customer have been paid and the cash deposit replaced. (*Ordinances KA-89-01-10, KA-11-007 and KA 12-009*)

7.02.140. Water Rates.

The water rates to be charged for each class of service shall be as set forth in the most current water rate schedule adopted and approved by resolution of the city council and incorporated herein by reference. (*Ordinances KA-89-01-10 and KA-11-007*)

7.02.150. Standby Fire Protection Service – Charges.

No charge will be made for water used in standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. (*Ordinance KA-89-01-10*)

7.02.160. Notices to Customers.

Notices from the city to the customer will normally be given in writing and delivered to him/her at his/her last known address. Where conditions warrant and in emergencies, the city may notify the customer by telephone or messenger. (*Ordinance KA-89-01-10*)

7.02.170. Notices from Customers.

Notices from the customer to the city may be given by the customer or his/her authorized representative in writing at the office of the clerk in City Hall or to the mayor, who is authorized to receive notices or complaints. If written notice is given to the mayor, he/she must notify the clerk so the notice can be properly filed thereafter.
(*Ordinance KA-89-01-10*)

7.02.180. Accounting Records.

The city will keep an accurate account on its books and such account so kept shall be offered at all times.
(*Ordinance KA-89-01-10*)

7.02.190. Billing Record.

Billings shall be mailed at the first week of each month for that month.
(*Ordinance KA-89-01-10*)

7.02.200. Billings – Proration.

Opening or closing bills, or bills that for any other reason cover a period containing ten percent (10%) more days or ten percent (10%) fewer days than in the normal billing period shall be prorated.
(*Ordinance KA-89-01-10*)

7.02.210. Bills – Disputed.

When a customer disputes the correctness of a bill, he/she shall deposit the amount of the disputed bill with the clerk at the time the complaint is lodged to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service, as provided under this chapter.
(*Ordinance KA-89-01-10*)

7.02.220. Bills – Payment by Due Date.

Each bill rendered shall be due upon receipt. All bills not paid by the next billing cycle shall be considered delinquent unless arrangements have been made with the clerk/bookkeeper in writing that specifies another due date. Bills not paid by the due date shall be subject to a two dollar (\$2.00) late payment charge.
(*Ordinances KA-89-10-29 and KA-09-05-001*)

7.02.225. Non-Sufficient Funds (NSF).

There shall be a twenty-five dollar (\$25.00) NSF fee charged on all returned checks. Customers will not be allowed to pay by check after two checks are returned within a one-year period.
(*Ordinance KA-11-007*)

7.02.230. Bills – Turnoff – Delinquency Notice for Delinquencies.

Within ten (10) days after an account becomes delinquent, the water will be turned off if the delinquent account is not paid in full prior thereto.

(Ordinances KA-89-01-10, KA-09-05-001, and KA-11-007)

7.02.240. Service Turnoff for Delinquent Accounts – Method.

If delinquent bills are not paid within a ten-day period, the water maintenance person of the city shall shut off the water and leave a notice that the water has been turned off until all delinquent amounts have been paid in full.

(Ordinances KA-89-01-10 and KA-11-007)

7.02.250. Installment Payments for Delinquent Accounts.

In cases of extreme hardship, the city mayor, or his/her designee, shall have the discretion of maintaining a satisfactory installment plan in writing for payment of the overdue amount. Should the customer break the terms of any such agreement, water service will be immediately discontinued without further notice.

(Ordinances KA-89-01-10 and KA-09-05-001)

7.02.260. Discontinuance of Service – Customer Request.

Each customer about to vacate any premises supplied with water service by the city shall have the city written notice of his/her intentions to discontinue water service, specifying the date service is to be discontinued; otherwise, the customer will be responsible for all water supplied to such premises until the city receives such notice of discontinuance.

(Ordinance KA-89-01-10 and Ordinance KA 12-004)

7.02.270. Temporary Discontinuance of Service – Customer Request.

A customer may request a temporary discontinuance of water service upon five (5) days' written notice to the city. The customer will be charged a five dollar (\$5.00) service charge to have such service restored.

(Ordinance KA-89-01-10)

7.02.280. Change of Applicant Name and Billing Address.

When an owner of the customer's premises requests in writing that service be changed from the name of the customer into the owner's name only and that the billing address be changed to the owner's address, and provided that the customer and owner are not in violation of any of the provisions of this chapter, such request shall be honored by the city upon the city's receipt of a five dollar (\$5.00) service charge to perform such change.

(Ordinance KA-89-01-10)

7.02.290. Discontinuance of Service – Noncompliance with Regulations.

Water services may be discontinued for any reason at the discretion of the city. Reasons for discontinuance of service may include but are not limited to:

- (1) account delinquency; or
- (2) noncompliance with regulations.

(Ordinances KA-89-01-10 and KA-11-007)

7.02.300. Service Restoration.

Service restoration after discontinuance of service for violation of Section 7.02.290 will be made after the irregularity has been corrected and the city has been assured that the irregularity will not reoccur. Service will then continue only at the discretion of the city. The restoration charge shall be twenty-five dollars (\$25.00), plus past due amounts accrued to correct the irregularity or to repair any damages that may have occurred due to the irregularity.
(*Ordinances KA-89-01-10 and KA-11-007*)

7.02.310. Access to Premises for Inspection.

The customer shall receive a twenty-four (24) hour notice of inspection from the city. After that time, the water maintenance person, under direction of the mayor, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purpose of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The city does not, however, assume any duty of inspecting the customer's line, plumbing, and equipment and shall not be responsible therefore.

(*Ordinances KA-89-01-10 and KA-11-007*)

7.02.320. Non-Liability of City for Damages – Customer Responsibilities.

The city shall not be liable for any loss or damage of any nature whatsoever, caused by any defect in the customer's line, plumbing, or equipment, nor shall the city be liable for changes in pressure. The customer shall be responsible for valves on his/her premises being turned off when the water service is turned on.

(*Ordinance KA-89-01-10*)

7.02.330. Equipment Remains City Property – Access.

City equipment on the customer's premises remains the property of the city and may be repaired, replaced, or removed by the city maintenance person at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace, or remove city equipment and the customer shall in no way interfere with the city's operations. The customer must keep vicious dogs or other animals secured or confined at all times when maintenance is being performed by the city maintenance person on the customer's premises.

(*Ordinance KA-89-01-10*)

7.02.340. Protection from Damage – Penalty for Violation.

It is unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the city water system, and any such person shall be subject to immediate arrest and, upon conviction, shall be punishable by a fine not to exceed three hundred dollars (\$300.00) or imprisonment not in excess of thirty (30) days or both, at the discretion of the court.

(*Ordinance KA-89-01-10*)

7.02.350. Customer Responsibility for Damage to City Equipment.

The customer shall be liable for any damage to equipment owned by the city which is caused by an act of the customer, his tenants, agents, employers, contractors, licensees, or permittees. Damage to equipment shall include, but is not limited to, breaking off seals and locks, and other service appurtenances.

(Ordinances KA-89-01-10 and KA-11-007)

7.02.360. Fire Hydrant Restrictions.

No person or persons other than those designated and authorized by the city shall open any fire hydrant belonging to the city; attempt to draw water from it, or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve.

(Ordinance KA-89-01-10)

Chapter 7.03.

Fuel Utility Services.

Sections:

Section 7.03.010	Definitions
Section 7.03.020	Authority to Establish and to Operate a Fuel Utility Service
Section 7.03.030	Fuel Sales
Section 7.03.040	Application for Service
Section 7.03.050	Deposits and Establishment of Credit
Section 7.03.055	Required Deposit for Existing Customers
Section 7.03.060	Deposit Terms
Section 7.03.065	Waiver or Refund of Deposit
Section 7.03.070	Deposit Forfeiture
Section 7.03.080	Bills – Payment by Due Date
Section 7.03.085	Non-Sufficient Funds (NSF)
Section 7.03.090	Fuel Rates
Section 7.03.095	Senior Fuel Rates
Section 7.03.100	Delivery Charge
Section 7.03.110	Accounting Records
Section 7.03.130	Discontinuance of Service
Section 7.03.140	Service Restoration
Section 7.03.150	Billing Period

7.03.010. Definitions.

For the purposes of this chapter and Sections 7.03.010 through 7.03.080, the following terms shall have the meanings prescribed.

- (A) *‘Residential customer’* means a person or persons who receive fuel from the city for residential use.
- (B) *‘Business customer’* means a person, persons, business, firm, or corporation who receives fuel from the city for a business use.
- (C) *‘Clerk’* means the city clerk.
(Ordinance KA-93-10-27)

7.03.020. Authority to Establish and Operate A Fuel Utility Service.

The City of Kasaan (hereinafter '*the city*'), through its city council, is empowered to purchase, construct, establish, maintain, and operate necessary facilities for the purpose of providing fuel utility service in the city, fuel services being gasoline, diesel, and propane.
(*Ordinance KA-93-10-27*)

7.03.030. Fuel Sales.

The city maintenance person, or his/her designee, who is authorized to pump and sell fuel shall do so at the specified time as set forth by the city or at other hours as time allows. Fuel may be purchased at other hours in case of emergencies.
(*Ordinance KA-93-10-27*)

7.03.040. Application for Service.

Each applicant for fuel service shall sign an application form provided by the clerk giving date of application, location of premises, whether the applicant has had previous account, and the address for mailing of the billings. The application is merely written request for service and does not bind the city to furnish service. The city may refuse service.
(*Ordinance KA-93-10-27*)

7.03.050. Deposits and Establishment of Credit.

At the time application for service is made, the applicant shall establish his/her credit with the city through the clerk. The credit of the applicant will be deemed established if the applicant makes a cash deposit to secure the payment of bills for service. The deposit shall be a sum of three hundred dollars (\$300.00).
(*Ordinances KA-93-10-27 and KA-11-01-001*)

7.03.055. Required Deposit for Existing Customers.

Existing customers who fail to pay fuel delivery charges as prescribed shall have all future fuel services stopped until all outstanding balances are paid and a deposit of three hundred dollars (\$300.00) is made.
(*Ordinance KA-11-01-001*)

7.03.060. Deposit Terms.

At the time the deposit is given to the clerk, the applicant will be given a receipt for same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded to the customer. The city will not pay interest on any deposit.
(*Ordinance KA-93-10-27*)

7.03.065. Waiver or Refund of Deposit.

Customers who have established a positive payment history with the city of at least one (1) year may have deposit requirements waived. Customers who were required to provide deposits due to poor payment history or for failing to pay delivery charges as prescribed may apply to have their

deposits refunded after they have reestablished a positive payment history with the city for at least one (1) year.

(Ordinance KA-11-01-001)

7.03.070. Deposit – Forfeiture.

If an account becomes delinquent and it is necessary to terminate service, the deposit shall be applied to any unpaid balance due. All service deposits can be used to pay any balance due from the customer to the City. Fuel service will not be restored to the customer until all outstanding bills due to the city from the customer have been paid and the cash deposit is replaced.

(Ordinances KA-93-10-27, KA-11-01-001 and KA-12-009)

7.03.080. Bills – Payment and Due Date.

The due date for payment for fuel service is the next business day following the delivery of fuel, unless an ongoing service agreement between the city and the customer has been established. Each bill rendered shall contain the final date of which payment is due. If the bill is not paid by that date, the account shall be considered delinquent, unless arrangements have been made with the clerk in writing that specifies another due date. Bills not paid by the due date shall be subject to a two dollar (\$2.00) late payment fee.

(Ordinances KA-93-10-27 and KA-11-01-001)

7.03.085. Non-Sufficient Funds (NSF).

There shall be a twenty-five dollar (\$25.00) NSF fee charged on all returned checks. Customers will not be allowed to pay by check after two checks are returned within a one-year period.

(Ordinance KA-11-01-001)

7.03.090. Fuel Rates.

The fuel rates to be charged for services shall be as set forth by the most current fuel charges that the city pays for said fuel, plus delivery and operation costs.

(Ordinance KA-93-10-27)

7.03.095. Senior Fuel Rates.

There will be a reduced rate for seniors 65 years of age and older. The fuel rates to be charged for services shall be as set forth by the most current fuel charges that the city pays for said fuel, plus delivery and operation costs.

(Ordinance KA-11-01-001)

7.03.100. Delivery Charge.

There shall be a ten cent (\$0.10) per gallon charge added to the per gallon price for fuel delivered. The city council may amend this price by resolution.

(Ordinance KA-11-01-001)

7.03.110. Accounting Records.

The city will keep an accurate account on its books and such account so kept shall be offered at all times.

(Ordinance KA-93-10-27)

7.03.130. Discontinuance of Service.

Fuel service may be discontinued for any reason at the discretion of the city. Reasons for discontinuance of service may include but are not limited to:

- (1) account delinquency;
- (2) noncompliance with regulations; and
- (3) unsafe or inadequate equipment.

(Ordinances KA-93-10-27 and KA-11-01-001)

7.03.140. Service Restoration.

Service restoration after discontinuance of service for violation of Section 7.03.130 will be made after the irregularity has been corrected and the city has been assured that the irregularity will not reoccur. The restoration charge shall be twenty-five dollars (\$25.00), plus amounts accrued and other charges due that the city may have incurred to correct the irregularity.

(Ordinance KA-93-10-27)

7.03.150. Customer Billing Period.

Billings for customers with an ongoing service agreement with the city shall be mailed once a month.

(Ordinances KA-93-10-27 and KA-11-01-001)

Chapter 7.04.

Regional Solid Waste Management Authority.

Sections:

Section 7.04.010	Creation
Section 7.04.020	Participating Municipalities
Section 7.04.030	Purpose
Section 7.04.040	Boundaries
Section 7.04.050	Powers
Section 7.04.060	Limitations
Section 7.04.070	Debt
Section 7.04.080	Administration
Section 7.04.090	Board of Directors
Section 7.04.100	Bylaws and Regulations
Section 7.04.110	Meetings
Section 7.04.120	Subject to Public Record and Open Meetings Laws
Section 7.04.130	Development Plan
Section 7.04.140	Annual Report
Section 7.04.150	Audits
Section 7.04.160	Fidelity Bond
Section 7.04.170	Taxation
Section 7.04.180	Withdrawal
Section 7.04.190	Dissolution
Section 7.04.200	Further Acts

7.04.010. Creation.

- (A) The council of the City of Kasaan hereby authorizes the creation of a regional solid waste management authority pursuant to the Regional Solid Waste Management Authority Act (AS 29.35.800 – 29.35.925), which authority shall be known as the Southeast Alaska Solid Waste Authority (“Authority”). The Authority shall be a public corporation of the City of Kasaan and any Other Participating Municipalities, if any, identified in this ordinance.
- (B) The City of Kasaan intends, subject to voter approval of this ordinance to create the Authority irrespective of whether one or more Other Participating Municipalities identified in Section 2(b) below join the Authority.
pollution.
(Ordinance KA 12-002)

7.04.020. Participating Municipalities.

- (A) The City of Kasaan shall be known as “Participating Municipality.”
- (B) Subject to the approval of substantially similar ordinances as provided in AS 29.35.805, one or more municipalities located within the boundaries of the Authority may join with the City of Kasaan as “Other Participating Municipalities” authorizing and creating the Authority.

- (C) The City of Kasaan and any of the Other Participating Municipalities shall be known individually as a “Participating Municipality” and shall be known collectively as the “Participating Municipalities.”
(*Ordinance KA 12-002*)

7.04.030. Purpose.

The Authority is authorized and created to provide environmentally sound and cost-effective management of solid waste, including storage, collection, transportation, separation, processing, recycling and disposal to protect the public health, safety, and welfare, to strive to improve the environment within its boundaries, to recover resources and energy as practical, and to reduce pollution.

(*Ordinance KA 12-002*)

7.04.040. Boundaries.

The boundaries of the Authority shall include all the land, the tidelands and the submerged lands in the territory bounded on the north by the northern boundary of the City and Borough of Yakutat as such as described in the Certificate of Boundaries, which the State of Alaska issued on April 2, 1997, and which may be amended from time to time, which, if amended, shall be incorporated by the Authority without further action by the Participating Municipalities, on the east by the International Boundary of the United States and Canada, on the south by the International Boundary of the United States and Canada, and on the west by the United States territorial limits. With respect to the boundaries of the Authority that extend into the Dixon Entrance or the Gulf of Alaska, notwithstanding the foregoing description, the jurisdictional limits of the Authority extend only to the limits of the State of Alaska’s jurisdiction under AS 44.03.010.

(*Ordinance KA 12-002*)

7.04.050. Powers.

(A) The authority may:

- (1) sue and be sued;
- (2) have a seal and alter it;
- (3) acquire an interest in a project as necessary or appropriate to provide financing for the project, whether by purchase, gift, or lease;
- (4) lease to others a project acquired by the Authority on the terms and conditions the authority may consider advisable, including, without limitation, provisions for purchase or renewal;
- (5) sell, by installment sale or otherwise, exchange, donate, convey, or encumber in any manner by mortgage or by creation of another security interest, real or personal property owned by it or in which it has an interest, including a project, when, in the judgment of the Authority, the action is in furtherance of the Authority’s purposes;
- (6) accept gifts, grants, or loans, under the terms and conditions imposed under the gift, grant, or loan, and enter into contracts, conveyances, or other transactions with a federal agency or an agency or instrumentality of the state, a municipality, a federally-recognized tribe, a Section 8(1) minority business, a non-profit 501(c)(3) foundation, a private organization, or another person;
- (7) deposit or invest its funds, subject to agreements with bondholders;
- (8) purchase or insure loans to finance the costs of projects;

- (9) provide physical security as to any project of the Authority within the boundaries of the Authority;
- (10) enter into loan agreements for one or more projects on the terms and conditions the authority considers advisable;
- (11) acquire, manage, and operate projects the Authority considers necessary or appropriate to serve the Authority's purposes;
- (12) assist private lenders to make loans to finance the costs of projects through loan commitments, short-term financing, or otherwise;
- (13) charge fees or other forms of remuneration for the use or possession of projects under the agreements described in this subsection; other agreements relating to the projects, covenants, or representations made in bond documents relating to the projects; or regulations of the Authority relating to the projects;
- (14) regulate land use within the area of any project of the Authority in a manner not prohibited by the planning and zoning ordinances of any participating municipalities of the Authority;
- (15) defend and indemnify a current or former member of the Board, employee, or agent of the authority against all costs, expenses, judgments, and liabilities, including attorney fees, incurred by or imposed on that person in connection with a civil or criminal action in which the person is involved because of the person's affiliation with the Authority if the person acted in good faith on behalf of the Authority and within the scope of the person's official duties and powers;
- (16) purchase insurance to protect and hold harmless its employees, agents, and board members from an action, claim, or proceeding arising out of the performance of, purported performance of, or failure to perform in good faith, duties for the Authority or arising out of employment with the Authority and to hold them harmless from expenses connected with the defense, settlement, or monetary judgments from that action, claim, or proceeding; the purchase of insurance is subject to the discretion of the board; insurance purchased under this paragraph is not compensation to the insured person; and
- (17) protect its assets, services, and employees by purchasing insurance or providing for certain self-insurance retentions.

- (B) The Authority shall maintain casualty, property, business interruption, marine, boiler and machinery, pollution liability, and other insurance in amounts reasonably calculated to cover potential claims against the Authority or a municipality for bodily injury, death or disability, and property damage that arise from or are related to Authority operations and activities.
(*Ordinance KA 12-002*)

7.04.060. Limitations.

The Authority is not limited except as expressly set forth herein or in statute.
(*Ordinance KA 12-002*)

7.04.070. Debt.

Subject to the provisions of AS 29.35.825 – 29.35.850, as amended, the Authority may borrow money and may issue bonds on which the principal and interest are payable:

- (1) exclusively from the income and receipts of, or other money derived from, the project financed with the proceeds of the bonds;

- (2) exclusively from the income and receipts of, or other money derived from, designated projects or other sources, whether they are financed, insured, or guaranteed in whole or in part with the proceeds of the bonds; or
- (3) from its income and receipts or a designated part or parts of them.

(Ordinance KA 12-002)

7.04.080. Administration.

- (A) The Authority shall be governed by a Board of Directors (“Board”), which shall exercise the powers of the Authority.
- (B) The Board shall hire a chief executive officer of the Authority who shall be an at-will employee and serve at the pleasure of the Board.

(Ordinance KA 12-002)

7.04.090. Board of Directors.

- (A) Number and apportionment. The Board shall be comprised of members designated as Participating Municipality Directors and At-Large Directors whose number and apportionment shall be as follows:
 - (1) In the event that the Authority is comprised of a single Participating Municipality, the Board shall be comprised of three Directors as follows: one Participating Municipality Director who shall be appointed to represent the appointing Participating Municipality, and two At-Large Directors.
 - (2) In the event that the Authority is comprised of two Participating Municipalities, the Board shall be comprised of three Directors as follows: two Participating Municipality Directors with each Participating Municipality Director appointed to represent the appointing Participating Municipality, and one At-Large Director.
 - (3) In the event that the Authority is comprised of three or more Participating Municipalities, the Board shall be comprised entirely of Participating Municipality Directors whose total number shall equal the number of the Authority’s Participating Municipalities, with each Participating Municipality Director appointed to represent the appointing Participating Municipality.
- (B) Qualifications.
 - (1) Participating Municipality Directors shall be a resident of and shall meet the minimum qualifications for election to the governing body of the Participating Municipality they are appointed to represent.
 - (2) At-Large Directors may reside in any community within the boundaries of the Authority and shall meet the minimum qualifications for election to the governing body of the community within which they reside.
- (C) Appointment – Filling Vacancies.
 - (1) Participating Municipality Directors. To first appoint Participating Municipality Directors to the Board upon creation of the Authority or upon receipt of Board notification of its determination and declaration of vacancy, the governing body of the Participating Municipality shall, not later than sixty calendar days following the date of the notice of vacancy appoint Participating Municipality Directors of the Authority by an affirmative vote of its members at a regular or special meeting.

- (2) At-Large Directors. To first appoint At-Large Directors, if any, to the Board upon creation of the Authority or upon receipt of Board notification of its determination and declaration of an At-Large Director vacancy, the governing bodies of the Participating Municipalities shall appoint individuals to fill At-Large Director vacancies as provided in this section.
 - (a) In the event that the Authority is comprised of a single Participating Municipality, the governing body of the Participating Municipality shall, not later than sixty calendar days following the date of the notice of vacancy, appoint At-Large Directors by an affirmative vote of its members at a regular or special meeting.
 - (b) In the event that the Authority is comprised of two Participating Municipalities, each Participating Municipality shall nominate at least one qualified individual to fill the At-Large Director position. The Board shall appoint the At-Large Director from nominations submitted by the Participating Municipalities. In the event that the Board cannot reach a decision with regard to the appointment of an At-Large Director, the Board shall select the individual for appointment to the At-Large Director position by coin toss.

(D) Terms.

- (1) Participating Municipality Directors shall serve three-year terms; provided, however, that Participating Municipality Directors first appointed after the creation of the Authority shall be randomly assigned to one of the three groups, each group to be as nearly equal in number as possible. The Directors assigned to one such group shall serve one-year terms; the Directors assigned to the second such group shall serve two-year terms; and the Directors assigned to the third such group shall serve three-year terms.
- (2) At-Large Directors shall serve three-year terms; provided, however, that in the event that the Authority is comprised of a single Participating Municipality, one At-Large Director shall be randomly designated as the At-Large Director to serve a full Director term or until the second Participating Municipality, if any, appoints its Participating Municipality Director, and the other At-Large Director shall be randomly designated to serve a full Director term or until the third Participating Municipality, if any, appoints its participating Municipality Director; and provided further that in the event that the Authority is comprised of two Participating Municipalities, the At-Large Director shall serve a full Director term or until the third Participating Municipality, if any, appoints its Participating Municipality Director.

(E) Each director shall hold office for the term of appointment and until a successor has been qualified and appointed.

(F) If otherwise qualified, a Director is eligible to be appointed to the Board for more than one term.

(G) Determination and Declaration of Vacancy. The Board shall declare a Director position vacant when the Director in question:

- (1) fails to qualify or take office within thirty days after appointment;
- (2) is physically absent from the Participating Municipality for one hundred eighty consecutive days unless excused by the Board of Directors;
- (3) resigns and the resignation is accepted;

- (4) is physically or mentally unable to perform the duties of office as determined by two-thirds vote of the Board of Directors;
 - (5) is convicted of a felony or of an offense involving a violation of the oath of office;
 - (6) no longer physically resides in the Participating Municipality; or
 - (7) misses three consecutive regular meetings and is not excused.
- (H) Notice of Vacancy. Upon determination that a Board position is vacant, the Board shall promptly furnish written notice of its determination and declaration of vacancy in the Board to the governing body of the Participating Municipality in the event of a Participating Municipality Director vacancy, or to the governing bodies of all Participating Municipalities in the event of an At-Large Director vacancy.
(*Ordinance KA 12-002*)

7.04.100. Bylaws and Regulations.

- (A) The Board shall adopt bylaws to carry out the purposes and functions of the Authority as soon after the establishment of the Authority as possible and may, from time to time, amend those bylaws. The bylaws may contain any provision not in conflict with Alaska statutes for the management of the business of the Authority and for the conduct of the affairs of the Authority, including the:
- (1) time, place and manner of calling, conducting, and giving notice of meetings of the board and committees of the Board, if any;
 - (2) compensation of the Board of Directors, if any;
 - (3) allowance for per diem and for travel and other necessary and reasonable expenses incurred by Directors in the conduct of the business of the Authority, if any;
 - (4) appointment and authority of committees of the Board, if any;
 - (5) appointment, duties, compensation, and tenure of officers, directors, chief executive officer, and other employees, if any;
 - (6) procedures for adopting regulations;
 - (7) procedures for adopting bylaws;
 - (8) procedures for making annual reports and financial statements; and
 - (9) other matters for the conduct of business by the Board.
- (B) The Board shall adopt regulations to carry out the purposes of the Authority and to facilitate the day-to-day administration, operation and other functions of the Authority. The Board may amend those regulations from time to time.
(*Ordinance KA 12-002*)

7.04.110. Meetings.

- (A) Quorum. A majority of the total membership of the Board constitutes a quorum. A Director 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 Director may recess or adjourn the meeting to a later date.
- (B) Actions. Actions of the Board are adopted by a majority of the total membership of the Board. Each Director shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each member on each ordinance, resolution, or substantive motion

shall be recorded as “yes” or “no”, except that if the vote is unanimous it may be recorded as “unanimous”.

- (C) Journal. The Board shall maintain at its main office or any other office as designated by the Board a journal of its official proceedings. The journal shall be a public record.
(*Ordinance KA 12-002*)

7.04.120. Subject to Public Records and Open Meetings Laws.

The Authority is subject to AS 40.25.110 – 40.25.220 and to AS 44.62.310 and 44.62.312, as amended.
(*Ordinance KA 12-002*)

7.04.130. Development Plan.

- (A) The Authority shall prepare, and shall maintain and keep current by amendment from time to time as necessary or appropriate, an Authority Project Development Plan (“Development Plan”).
- (B) The Development Plan shall contain, for each proposed project:
 - (1) a general project description which shall identify the need for the project, identify development phases, if any, describe any existing improvements in the project area to be affected by the project, describe real and personal property, including municipal real and personal property, proposed to be conveyed or leased to or from the Authority, discuss environmental issues associated with the project, list permits likely to be required to proceed with the project, and provide any other information necessary to adequately describe the project’s purpose and scope;
 - (2) a development schedule including phases, if any;
 - (3) the estimated development cost, including the estimated development cost of project phases, if any;
 - (4) the estimated cost of operation;
 - (5) the proposed method of financing the improvements;
 - (6) identification of anticipated revenues from use fees, leases or other contractual arrangements with respect to each project; and
 - (7) any other information which the Board deems necessary to adequately describe the intent, purpose, schedule, and cost.
- (C) The Authority shall submit the Development Plan and any subsequent amendments to the Development Plan to the governing bodies of the Participating Municipalities for review and for approval by resolution. Before the Authority may consider its Development Plan approved for purposes of the section, all Participating Municipalities must have first approved the Development Plan, including any amendments to that Development Plan, by resolution.
- (D) The Authority shall not undertake any project unless the Board formally determines by resolution that the proposed project is consistent with the approved Development Plan, including any amendments to that Development Plan.
(*Ordinance KA 12-002*)

7.04.140. Annual Report.

Within ninety (90) days following the end of the fiscal year of the Authority, the Board shall distribute to the governing body of each Participating Municipality a report describing the operations and financial condition of the Authority during the preceding fiscal year. The

financial report must itemize the cost of providing each category of service offered by the Authority and the income generated by each category. The financial report may include suggestions for legislation relating to the structure, powers, or duties of the Authority or operation of facilities of the Authority.

(Ordinance KA 12-002)

7.04.150. Audits.

- (A) The Board shall have the financial records of the Authority audited at least once annually by an independent certified public accountant.
- (B) To make the audits the Board shall designate a public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the Authority. The Board may retain a public accountant who also serves as an accountant or auditor for any Participating Municipality upon a vote of two-thirds of the Board.
- (C) Copies of the annual and any additional audits shall be available to the public upon request.
- (D) The Authority shall make all of its financial records available to auditors appointed by the Participating Municipality for examination.

(Ordinance KA 12-002)

7.04.160. Fidelity Bond.

The authority shall obtain a fidelity bond in an amount determined by the Board for Board members and each executive officer for accounts and finances of the Authority. A fidelity bond must be in effect during the entire tenure in office of the bonded person.

(Ordinance KA 12-002)

7.04.170. Taxation.

- (A) Because the Authority, exercising the powers granted by this enabling ordinance under AS 29.35.800 – 29.35.925 as amended, is in all respects for the benefit of the people of the Participating Municipality and the people of the state in general, for their well-being and prosperity, and for the improvement of their social and economic condition, the real and personal property of the Authority and its assets, income, and receipts are exempt from all taxes and special assessments of the state, or a political subdivision of the state, including but not limited to the Participating Municipality.
- (B) Bonds issued by the Authority under AS 29.35.825 are issued for an essential public and governmental purpose; therefore, the bonds, the interest and income from them, and all fees, charges, funds, revenue, income, and other money pledged or available to pay or secure the payment of the bonds or interest on them are exempt from taxation except for inheritance, transfer, and estate taxes.
- (C) Notwithstanding the provisions of (a) of this Section, the Authority may in its sole discretion enter into agreements under which the Authority shall agree to pay to the Participating Municipality payments in lieu of taxes and special assessments on real and personal property of the Authority within the taxing jurisdiction of that municipality.
- (D) Nothing in this Section creates a tax exemption with respect to the interests of a business enterprise or other person, other than the Authority, in property, assets, income, or receipts of

that business enterprise or other person, whether or not financed under the provisions of AS 29.35.800 – 29.35.925 as amended.

(Ordinance KA 12-002)

7.04.180. Withdrawal.

- (A) If the Participating Municipality is participating with one or more other municipalities, it may withdraw from participation without dissolving the Authority by repealing the enabling ordinance adopted under AS 29.35.805(a)(2) or (b); provided that:
- (1) the Participating Municipality intending to withdraw from the Authority shall first provide not less than sixty calendar day's written notice to all Participating Municipalities of its intent to introduce in first reading an ordinance repealing the enabling ordinance adopted under AS 29.35.805(a)(2) or (b); and provided further that
 - (2) the ordinance repealing the enabling ordinance adopted under AS 29.35.805(a)(2) or (b) shall be approved by an affirmative vote of at least two-thirds of the members of the governing body of the withdrawing Participating Municipality, and be approved by a majority of the qualified voters of that Participating Municipality voting on the question of withdrawing from the Authority.
- (B) The Participating Municipality's contributions to the Authority, if any, shall remain the property of the Authority, and the Participating Municipality remains liable for obligations under any agreement with the Authority or other participating Municipalities, if any, unless the agreement is changed by the contractual parties.

(Ordinance KA 12-002)

7.04.190. Dissolution.

- (A) The Participating Municipality or the last remaining Participating Municipality in the event the Authority had once included two or more Participating Municipalities may dissolve the Authority. Dissolution of the Authority requires an affirmative vote of at least two-thirds of the members of the governing body of the single or last remaining Participating Municipality on a dissolution ordinance and approval of that dissolution ordinance by a majority of the qualified voters of that Participating Municipality; provided, however, that:
- (1) all holders of any revenue bonds issued by the Authority and then outstanding are fully repaid including interest, or payment has been fully provided for; and
 - (2) all creditors of the Authority, including but not limited to lenders and trade creditors are fully paid including interest, if any, or other provision has been made for that payment; and
 - (3) all other obligations, agreements and commitments of the Authority, including but not limited to agreements with customers of the Authority, have been satisfied, or other provisions have been made for that satisfaction.
- (B) The dissolution ordinance shall include, but is not limited to:
- (1) schedules and procedures for terminating the Authority's functions and services;
 - (2) schedules and procedures for disposing of all the Authority's assets, including distributing those assets of the Authority which must be re-conveyed in accordance with the provisions of AS 29.35.810(b) as amended to the Participating Municipality; and
 - (3) schedules and procedures for satisfying all other obligations, agreements and commitments of the Authority as set forth in (a) of this Section; and

- (4) provisions for those matters deemed necessary and prudent by the Board for the proper dissolution of the Authority.

(Ordinance KA 12-002)

7.04.200. Further Acts.

The City of Kasaan or the city's designee is authorized to execute those documents and take those actions necessary to establish the Authority as set out in this ordinance, and to otherwise enter into agreements with the Authority and others within the scope and the purpose of the Authority.

(Ordinance KA 12-002)

TITLE 8.

(Reserved).

Chapters:

Chapter 8.01. *(Reserved)*

TITLE 9.

PUBLIC SAFETY.

Chapters:

Chapter 9.01. Public Safety Department

Chapter 9.02. Fire Department

Chapter 9.01.

Public Safety Department.

Sections:

Section 9.01.010	Creation
Section 9.01.020	Appointment of the Chief (V.P.S.O.)
Section 9.01.030	Powers, Duties, and Responsibilities of the Department
Section 9.01.031	Law Enforcement
Section 9.01.032	Fire Protection
Section 9.01.033	Emergency Medical Response
Section 9.01.034	Search and Rescue
Section 9.01.034	Emergency Preparedness
Section 9.01.040	Department Chief (V.P.S.O.)
Section 9.01.050	Rules and Regulations
Section 9.01.060	Conduct of Members
Section 9.01.070	Custody of Public and Stolen Property
Section 9.01.080	Department Members – Regular and Special

9.01.010. Creation.

There shall be a public safety department for the City of Kasaan. The Village Public Safety Officer (V.P.S.O.) is the chief of the department.
(*Ordinance KA-86-06-26*)

9.01.020. Appointment of Chief (V.P.S.O.).

The chief is appointed by the city council and serves at its pleasure. The chief is administratively responsible to the chief executive officer.
(*Ordinance KA-86-06-26*)

9.01.030. Powers, Duties, and Responsibilities of the Department.

The department shall have broad powers in the areas of law enforcement, fire protection, emergency medical response, and search and rescue.
(*Ordinance KA-86-06-26 and KA 12-004*)

9.01.031. Law Enforcement.

It is the duty of the department to:

- (1) apprehend, arrest, and bring to justice all violators of city ordinances;
- (2) to keep the peace;
- (3) to serve all warrants, executions, and other processes properly directed and delivered to them;
- (4) to apprehend and arrest persons violating federal or state law as may be provided by law, and turn these violators over to the proper authorities; and
- (5) in all respects to perform all duties pertaining to the office of Village Public Safety Officer.

(*Ordinance KA-86-06-26 and KA 12-004*)

9.01.032. Fire Protection.

It is the duty of the department to:

- (1) supervise all activities of the Kasaan Volunteer Fire Department;
- (2) attempt to extinguish fires and rescue persons endangered by fire;
- (3) promote fire prevention;
- (4) enforce all ordinances pertaining to fire, fire prevention, and safety of persons threatened by fire; and
- (5) in all respects to perform all duties pertaining to the office of firefighter. The department shall register with the state fire marshal's office as a formally constituted fire department.

(Ordinance KA-86-06-26 and KA 12-004)

9.01.033. Emergency Medical Response.

- (A) The authority and duties contained in this subsection are only to be assumed by individuals who have successfully completed a minimum of Emergency Medical Technician I. It is the duty of the department emergency medical technicians to:
- (1) undertake immediate response in emergency medical situations;
 - (2) stabilize the condition of the victim in preparation for transport;
 - (3) transport the victim to the nearest primary health care facility (i.e. local clinic); and
 - (4) administer first aid to persons injured per state EMS protocol.
 - (5) in all respects to perform all duties pertaining to the office of firefighter. The department shall register with the state fire marshal's office as a formally constituted fire department.
- (Ordinance KA-86-06-26 and KA 12-004)*
- (B) Departmental response to an emergency medical situation will be under the general direction of the local primary health care provider (clinic worker, etc.), unless the V.P.S.O.'s level of medical certification supersedes that of the local primary health care provider. The V.P.S.O. will direct all pre-hospital emergency situations. This is in order to comply with state and national EMS standards. In the absence or unavailability of any recognized primary health care provider, the V.P.S.O. or his designee will exercise that authority. The V.P.S.O. and the primary clinic worker will cooperate in devising protocol for dealing with emergency medical situations.
- (Ordinance KA 12-004)*

9.01.034. Search and Rescue.

It is the duty of the department to:

- (1) develop and direct a search and rescue response team;
- (2) direct local search and rescue operations; and
- (3) coordinate a local search and rescue program with the State Troopers to ensure protocol, coordination and funding for local search and rescue operations.

(Ordinance KA-86-06-26 and KA 12-004)

9.01.035. Emergency Preparedness.

- (A) It is the duty of the department to manage the mitigation of, preparedness to, response to, and recovery from disasters or major emergencies which may occur within the city limits of Kasaan.

- (B) Specific duties and responsibilities include:
- (1) identifying and implementing precautionary measures to mitigate against potential hazards;
 - (2) preparing, maintaining, and annually reviewing a local emergency preparedness plan;
 - (3) providing or arranging for training programs for local government departments and community groups on emergency management;
 - (4) acting as a liaison with state and federal emergency management officials;
 - (5) taking command of the EOC in all emergency situations;
 - (6) keeping the city executive informed of all potential emergency situations; and
 - (7) making provision for emergency information to be disseminated to the public.
- (Ordinance KA-86-06-26)*

9.01.040. Department Chief (V.P.S.O.).

The chief (V.P.S.O.) is the commanding officer of the department. His or her duties shall include, but are not necessarily limited to, the following:

- (1) determine the organization of the department and provide for its staffing;
 - (2) establish and enforce rules and regulations for the conduct of department members;
 - (3) direct the police, fire protection, and emergency rescue work of the city;
 - (4) train and drill the members of the department including fire drills or emergency response drills if necessary;
 - (5) be responsible for the maintenance and care of all property used or in the custody of the department;
 - (6) maintain and staff the city jail or other holding facilities and be responsible for the prisoners;
 - (7) prepare and maintain records of all arrests, fines, search and rescue operations, and responses to emergencies, and other information about the work and status of the department and make periodic written reports to the city council;
 - (8) provide arrangements and equipment for reporting emergency situations and for notifying all members of the department to assure prompt responses to such incidents;
 - (9) supervise fire and public safety hazard inspections;
 - (10) recommend to the chief administrator needed fire protection, emergency medical, and search and rescue equipment;
 - (11) prepare and submit, upon request, a tentative budget for the department to the chief administrator;
 - (12) communicate directly with and coordinate, where possible, department activities with those of other regulatory and enforcement agencies about matters related to department business; and
 - (13) perform such other duties as may be required by the chief administrator.
- (Ordinance KA-86-06-26)*

9.01.050. Rules and Regulations.

The chief (V.P.S.O.) 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.

(Ordinance KA-86-06-26)

9.01.060. 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 of his/her designee. No member of the department shall use unnecessary force in carrying out his/her law enforcement duties.

(Ordinance KA-86-06-26)

9.01.070. Custody of Public and Stolen Property.

- (A) The chief shall have custody of all department 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 property, equipment, and supplies and proper maintenance of same.
- (B) Under direction of the chief administrator, the chief shall establish rules and regulations for the storage of department property.
- (C) No person shall use any department equipment for any private purpose, nor shall any person, without proper authority, take away any department property.
- (D) The above section 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.

(Ordinance KA-86-06-26)

9.01.080. Department Members – Regular and Special.

- (A) The number of regular and special department members shall be appointed by the city council unless this power to appoint, suspend, or remove is delegated to the chief.
- (B) Regular members of the department are salaried city employees and are subject to all benefits which may apply thereto.
- (C) Special members of the department may include special purpose or special response teams, such as:
 - (1) a volunteer fire department;
 - (2) search and rescue teams;
 - (3) emergency medical response teams.
- (D) Such special members shall, however, serve only 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/her 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 serving in other department capacities. For purposes of this section, temporary jail guards are considered special members of the department.

(Ordinance KA-86-06-26)

Chapter 9.02.

Fire Department.

Sections:

Section 9.02.010	Creation
Section 9.02.020	Organization of Membership
Section 9.02.030	Powers and Duties of the Chief
Section 9.02.040	Rules and Regulations
Section 9.02.050	Training and Records
Section 9.02.060	City-Owned Property
Section 9.02.070	Private Vehicles

9.02.010. Creation.

There shall be a volunteer fire department in and for the city to be known as *'The City of Kasaan, Volunteer Fire Department'*. It shall consist of a chief officer who is the director of public safety in and for the City of Kasaan, and as many other officers and firefighters as may be deemed necessary for the effective operation of the division.

(Ordinance KA-87-04)

9.02.020. Organization of Membership.

- (A) Members of the division may organize into a voluntary association with the election of their own bylaws.
- (B) The functions and duties of the volunteer association shall not interfere with those of regular division officers who are charged with the responsibility for all fire service activities of the division. The volunteer association shall in no way limit the power of the chief officer. All property used by the division is and remains the property of the city and all expenses of the division shall be paid by check upon proper voucher by the regular city authorities.
- (C) From time to time, in such amounts as the city council deems advisable, payments may be made to the volunteer association for such purposes in keeping with its functions.

(Ordinance KA-87-04)

9.02.030. Powers and Duties of the Chief.

The chief officer shall be technically qualified through training and experience and shall have the ability to command people, and shall be removed from office only for just cause, and after a public hearing before the city council. The chief officer shall have powers and duties as follows:

- (1) determine the number and kind of companies of which the division is to be composed and shall determine the response of such companies to alarms;
- (2) appoint all other officers and firefighters, paid and volunteer. Such appointments shall be, insofar as possible, following fair and impartial competitive examination. All officers shall be accountable to the chief officer or his designee;
- (3) annually submit a tentative budget for the division upon request of the city council;
- (4) assist proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

(Ordinance KA-87-04)

9.02.040. Rules and Regulations.

The chief officer shall maintain and enforce an up-to-date, comprehensive set of rules and regulations governing the discipline, training, and operation of the fire division. Such rules, regulations, and deletions, charges, or additions shall be effective when filed and approved with the city council. The chief officer shall carry out and strictly enforce these rules and regulations and is authorized to suspend or remove from service any officer or firefighter as provided in the rules and regulations.

(Ordinance KA-87-04)

9.02.050. Training and Records.

Training and records shall be as follows.

- (A) The chief officer or his designee shall, at least one time per month, provide for suitable drills covering the operation and handling of all equipment essential for efficient division operation. In addition, he shall provide, at least four times per year, quarterly sessions of instructions to include such subjects as first aid, water supplies, and other subjects related to fire suppression.
- (B) The chief officer shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires, and other division activities related to fire.
- (C) Current records and comparative data for previous years and recommendations for improving the effectiveness of the division shall be included in an annual report. Such other reports as may be required concerning the division 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 division shall also be prepared.

(Ordinance KA-87-04)

9.02.060. City-Owned Property.

City-owned equipment shall be regarded as follows.

- (A) The chief officer shall be responsible to the city council for recommending such apparatus or other firefighting equipment as may be required to maintain fire division efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the division to assure prompt response to such incidents.
- (B) The chief officer or his designee shall have power to assign equipment for response to calls for outside aide where agreements are in force and in other cases only when the absence of such equipment will not jeopardize protection of this city.
- (C) No person shall use any fire apparatus or equipment for any private purposes, unless that person is designated or assigned to an on-call status, where prompt response is imminent.
- (D) No person shall enter any place where fire apparatus or fire equipment, including hoses, are housed or handle apparatus or equipment belonging to the division unless accompanied by, or having the special permission of, an officer or authorized member of the division.

(Ordinance KA-87-04)

9.02.070. Private Vehicles.

Private vehicles of members or volunteers shall be regarded as follows.

- (A) Each member of the division driving a private vehicle shall be issued a suitable insignia to be attached to the vehicle designating him or her as a member of the division.
- (B) All personal vehicles of the division members shall have right-of-way over all other traffic when responding to an alarm, but shall observe and obey all city traffic ordinances.
(Ordinance KA-87-04)

TITLE 10.

VEHICLES AND TRAFFIC.

Chapters:

Chapter 10.01. Speed Ordinance

Chapter 10.02. Stopping, Standing and Parking

Chapter 10.03. Abandoned Vehicles

Chapter 10.04 Street Signage

Chapter 10.01.

Speed Ordinance.

Sections:

Section 10.01.010	Speed Limit
Section 10.01.020	Driving Under the Influence
Section 10.01.030	Drivers Under the Age of 18
Section 10.01.040	Driving After Dusk
Section 10.01.050	Penalties

10.01.010. Speed Limit.

It shall be unlawful for any motor driven vehicle, including motor scooters, motorcycles, motor driven bicycles, snowmobiles, three- and four-wheeled all-terrain cycles, wheel, and track vehicles to travel within the limits of the city at a speed in excess of the speed limit. Speed Limit Schedule(s) shall be set forth as the most current schedule adopted and approved by resolution of the city council and incorporated herein by reference.

(Ordinance KA-87-01 and KA 13-002)

10.01.020. Driving Under the Influence.

It shall be unlawful for any person to operate a motor propelled vehicle, be it land or water based, within the limits of the city while under the influence of intoxicating liquor, depressant, hallucinogenic, or stimulant drugs or narcotic drugs as defined in Alaska State Statutes.

(Ordinance KA-87-01 and Ordinance KA 12-004)

10.01.030. Drivers Under the Age of 18.

It shall be unlawful for any person under the age of 18 to operate any motor driven cycles, be it two-, three-, or four-wheeled, within the limits of the city while on public property, without wearing a motorcycle helmet. See 'Administrative Procedure Act' in Alaska State Statutes.

(Ordinance KA-87-01 and Ordinance KA 12-004)

10.01.040. Driving After Dusk.

It shall be unlawful to operate any vehicle after dusk without proper operating light(s) in front.

(Ordinance KA-87-01)

10.01.050. Penalties.

Person, persons, companies, firms, partnerships, corporations, or any other entity violating the provisions of this ordinance shall, upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00) or be imprisoned in jail for a period not to exceed thirty (30) days, or both. Such fine and imprisonment shall be set at the discretion of the fining authority.

(Ordinance KA-87-01)

Chapter 10.02.

Stopping, Standing and Parking.

Sections:

- Section 10.02.010 Stopping, Standing and Parking on the Roadway and Other Locations
- Section 10.02.020 Officers Authorized to Remove Vehicles
- Section 10.02.030 Additional Parking Regulations

10.02.010. Stopping, Standing and Parking on Roadway and Other Locations.

Except when necessary to avoid conflict with other traffic, or in compliance with the law, or at the direction of a police officer, mayor or official traffic control advice, no person may:

- (A) Stop, stand or parking a vehicle.
 - (1) on the roadway side of any vehicle stopped or parked at the edge of a street;
 - (2) within an intersection;
 - (3) alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (4) upon any bridge or other elevated structure upon a street;
 - (5) at any place where official signs prohibit;
 - (6) in front of a public or private driveway
- (B) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
 - (1) in front of public or private driveway;
 - (2) within 10 feet of a fire hydrant;
 - (3) at any place where official signs prohibit parking;*(Ordinance KA-87-01 and Ordinance KA 12-004)*

10.02.020. Officers Authorized to Remove Vehicles.

- (A) Whenever the Mayor finds a vehicle standing on a street in violation of this title, the mayor and/or person(s) given the authority by the mayor is authorized to move the vehicle or require the driver or other person in charge to move the vehicle to a position off the street or to a safe place on the roadway.
- (B) The mayor and/or person(s) given the authority by the mayor is authorized to remove or cause to be removed to a place of safety any unattended vehicle left standing on any street, bridge, or causeway in a position or under circumstances as to obstruct the normal flow of traffic or road work.
- (C) The mayor and/or person(s) given the authority by the mayor, is authorized to remove or cause to be removed to a place of safety any vehicle found on the street when:
 - (1) a report has been made that the vehicle has been stolen or taken without the consent of its owner;
 - (2) the person(s) is unable to provide for its custody or removal;

- (3) parked in violation of this title, or;
 - (4) parked in such a manner as to create a significant danger to the safety of people or property.
- (Ordinance KA-87-01 and Ordinance KA 12-004)*

10.02.030. Additional Parking Regulations.

- (A) A permit must be issued by the City of Kasaan when vehicle will be parked for longer the twenty-four (24) hours' time.
 - (B) Except when otherwise provided by ordinance, every vehicle stopped or parked upon a roadway will be removed at owner's expense.
 - (C) The owner of the vehicle which is removed shall pay the City of Kasaan's equipment rental price.
- (Ordinance KA-87-01)*

Chapter 10.03.

Abandoned Vehicles.

Sections:

Section 10.03.010	Abandonment Unlawful
Section 10.03.020	Presumption of Abandonment
Section 10.03.030	Removal of Abandoned Vehicles
Section 10.03.040	Notice to Owners and Lien Holders
Section 10.03.050	Vesting of Title
Section 10.03.060	Redemption
Section 10.03.070	Disposal of Abandoned Vehicles
Section 10.03.080	Disposal Facilities
Section 10.03.090	Towing and Storage Lien on Abandoned Vehicles
Section 10.03.100	Opportunity for Hearing Required
Section 10.03.110	Hearing and Appeals

10.03.010. Abandonment Unlawful.

- (A) A person may not abandon a vehicle upon a highway, vehicular way, or area.
- (B) A person may not abandon a vehicle upon public property without consent of the owner or person in lawful possession or control of the property.
- (C) A person who abandons a vehicle in a place in (a) or (b) of this section is considered responsible for the abandonment of the vehicle and is liable for the cost of its removal and disposition.
- (D) The lawful owner of a vehicle, as shown by the records of the department of motor vehicles is considered responsible for the abandonment of the vehicle and is liable for the cost of its removal and disposition of the abandoned vehicle unless:
 - (1) the vehicle was abandoned by a person driving the vehicle without the permission of the owner,
 - (2) the identity of the person abandoning the vehicle is established and the abandonment was without the consent of the owner.*(Ordinances KA-10-09-001)*

10.02.020. Presumption of Abandonment.

- (A) A vehicle that has left unattended, standing, parked upon or within 10 feet of the traveled portion of a highway, in excess of 48 hours, or a vehicle left standing or parked on private or public property for more than 30 days without the consent of the owner or person in charge of the property may be removed under KMC 10.03.030. The City for good cause may make provisions for parking of vehicles on City property other than specified in this section.
- (B) Notwithstanding other provisions of law, a wrecked or junk vehicle that reasonably appears to have been left unattended, standing, parked upon or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 24 hours, or a wrecked or junk vehicle that reasonably appears to have been left standing or parked in a private property or other public

property in excess of 24 hours and without consent of the owner or person in charge of the property, may be removed under KMC 10.02.030 and treated as an abandoned vehicle, unless the vehicle is reclaimed and removed before removal occurs under KMC 10.03.030.

- (C) The mayor and/or person(s) given the authority by the mayor, is authorized to remove or cause to be removed to a place of safety any vehicle found on the street when:
- (1) a report has been made that the vehicle has been stolen or taken without the consent of its owner;
 - (2) the person(s) is unable to provide for its custody or removal;
 - (3) parked in violation of this title, or;
 - (4) parked in such a manner as to create a significant danger to the safety of people or property.
- (Ordinances KA-10-09-001)*

10.02.030. Additional Parking Regulations.

- (A) In this section
- (1) “Junk Vehicles” means a vehicle that;
 - (a) is a currently registered under AS 28.10, except for a vehicle not currently registered under AS 28.10 and used exclusively for competitive racing,
 - (b) is stripped, wrecked or otherwise inoperable due to mechanical failure,
 - (c) has not been repaired because of mechanical difficulties or because the cost of repairs required to make it operable exceeds the fair market value of the vehicle,
 - (d) is in a condition that exhibits more than one of the following elements:
 - (i) broken glass;
 - (ii) missing wheels or tires;
 - (iii) missing body panels or parts;
 - (iv) missing drive train parts.
 - (2) “Wrecked vehicle” means a vehicle that is disabled and cannot be used as a vehicle without substantial repair.
(Ordinances KA-10-09-001)

10.03.030. Removal of Abandoned Vehicles.

- (A) The Mayor or designated employee of the city may remove or have removed to a place of storage a vehicle abandoned on public or private property.
- (B) Removal of an abandoned vehicle from private property shall be upon written request of the owner or person in lawful possession or control of the property, and on a form prescribed by the City.
- (C) A written report of the removal shall be made by the city employee who removes, or has removed a vehicle under this section, and the report shall be sent immediately to the Alaska State Troopers, Detachment A, Klawock Post and a copy of the report shall be given to the person who stores the property. The report must describe the vehicle, the date, time and place of removal, the grounds for removal, and the place of impoundment of the vehicle.
(Ordinances KA-10-09-001)

10.03.040. Notice to Owners and Lien Holders.

- (A) The City shall request the names and addresses of an abandoned vehicle's owner of record and any lien holders from the Alaska Division of Motor Vehicles or the Alaska State Troopers.
- (B) When a vehicle has been removed under KMC 10.03.030, the city shall within 30 days give notice to the vehicle owner of record and to lien holders of record, stating the grounds for removal and the location of the place of impoundment of the vehicle. If the vehicle is not registered in the State or the name and address of the registered or legal owner or lien holder cannot be ascertained, notice shall be given by publication in a newspaper of general circulation within the city stating the grounds for removal and the place of impoundment of the vehicle
- (C) A written report of the removal shall be made by the city employee who removes, or has removed a vehicle under this section, and the report shall be sent immediately to the Alaska State Troopers, Detachment A, Klawock Post and a copy of the report shall be given to the person who stores the property. The report must describe the vehicle, the date, time and place of removal, the grounds for removal, and the place of impoundment of the vehicle. Any notice given under this section must include the means of disposal if not reclaimed.
(*Ordinances KA-10-09-001*)

10.03.050. Vesting of Title.

Title to an impounded vehicle not reclaimed by the registered owner, a lien holder, or other person entitled to possession of the vehicle within 15 days from the date the notice was given under KMC 10.03.040 vests with the City of Kasaan. However, nothing in this section prohibits a lien under KMC 10.03.090
(*Ordinance KA-10-09-001*)

10.03.060. Redemption.

A person who presents satisfactory proof of ownership or right to possession may redeem a vehicle removed under this chapter at any time before disposal under KMC 10.03.070 (a). by paying the charges of towing, storage, notice, other costs of impoundment and any applicable penalty imposed by law.
(*Ordinance KA-10-09-001*)

10.03.070. Disposal of Abandoned Vehicles.

- (A) Upon satisfaction of the notice and reporting requirements prescribed in this chapter, a vehicle may be disposed of by removal to a scrap processing yard or auto wrecker for disposal or by public auction 20 days after notice of the auction is published in a newspaper of general circulation in the area of municipality in which the vehicle was found and presumed abandoned. The notice of auction must describe the vehicle and specify the place, date, and time at which it will be sold.
- (B) A vehicle disposed of under this section by public auction must be titled under AS 28.10, and may not be subsequently sold without a certificate of title issued by the department.
- (C) Notwithstanding the provisions of this section, a person who disposes of an abandoned vehicle under this section may initiate a civil action against a person named in 10.03.010, if liable, for costs exceeding receipts for the disposal of the vehicle.

(Ordinance KA-10-09-001)

10.03.080. Disposal Facilities.

The City shall place any vehicle stored pending sale or being disposed of at the City Shop.
(Ordinance KA-10-09-001 and Ordinance KA 12-004)

10.03.090. Towing and Storage Lien on Abandoned Vehicles.

A person authorized by contract or other official order to remove an abandoned vehicle has a lien upon a vehicle towed, moved, or stored by and in possession of the person in accordance with Alaska Statutes unless the fee for the removal has been paid by the City.
(Ordinance KA-10-09-001 and Ordinance KA 12-004)

10.03.100. Opportunity for Hearing Required.

- (A) Unless otherwise specifically provided, or unless immediate action of impounding is necessary for the protection of the health, safety, or welfare of the public, the city shall give notice of the opportunity for an administrative hearing before a vehicle is impounded under this section.
- (B) The notice under this section must state the reasons for the cities proposed action and provide for a reasonable attendance date of not less than 7 days after service of the notice. If there is no request for a hearing by the attendance date specified in the notice, the hearing is considered to have been waived.
(Ordinances KA-10-09-001)

10.03.110. Hearing and Appeals.

- (A) The hearing officer shall be the mayor or designate appointed by the mayor.
(Ordinance KA-10-09-001)
- (B) A hearing shall be held in the city council chambers or other suitable place within the City of Kasaan.
- (C) The hearing officer shall grant a hearing delay if the person presents good cause for delay. If a person fails to appear for the hearing at the time and place stated by the city or if the hearing delay was not granted, the person's failure to appear is considered a waiver of the hearing and the city may take appropriate action with respect to the abandoned vehicle.
- (D) A person aggrieved by the decision of the hearing officer may within 30 days after a decision, file an appeal in superior court for judicial review of the hearing officer's decision.
(Ordinance KA-10-09-001)

Chapter 10.04.

Street Signage.

Sections:

Section 10.04.010 Sign Specification

10.04.010. Sign Specifications.

- (A) Sign specifications shall be as follows:
 - 1. Every sign erected within the Kasaan City Limits shall be in conformance with the National Safety Council Standards.

- (B) The City of Kasaan Street Signage Schedule(s) shall be set forth as the most current schedule adopted and approved by resolution of the city council and incorporated herein by reference.
(Ordinance KA 13-005)

TITLE 11.
RESERVED.

TITLE 12.
PURCHASING.

Chapters:

Chapter 12.01. Purchasing

Chapter 12.01.

Purchasing.

Sections:

Section 12.01.010	Public Improvement Contracts
Section 12.01.020	Prior Council Approval – Required When
Section 12.01.030	Requisitions and Estimates
Section 12.01.040	Contracts Over Ten Thousand Dollars
Section 12.01.050	Bids – Notices
Section 12.01.060	Contract Documents – Changes and Addenda
Section 12.01.070	Pre-Bid Conference
Section 12.01.080	Bids- Opening Procedure
Section 12.01.090	Bids – Rejection
Section 12.01.100	Bids – Waiver of Irregularities
Section 12.01.110	Award of Contract
Section 12.01.120	Sealed Bidding – Submission – Exceptions
Section 12.01.130	Contracts of One Thousand Dollars or Less
Section 12.01.140	Contracts Between One Hundred and Ten Thousand Dollars
Section 12.01.150	Insurance Policies
Section 12.01.160	Subdivision Prohibited
Section 12.01.170	Emergency Contracts
Section 12.01.180	Encumbrance of Funds

12.01.010. Public Improvement Contracts.

Contracts for public improvements will be by competitive sealed bids and awarded to the lowest bidder.

(Ordinance KA-04-10)

12.01.020. Prior Council Approval – Required When.

Every contract for, or purchase of, supplies, materials, equipment, or contractual services for more than two thousand dollars will require the prior approval of the city council and under no circumstances may such contracts or purchase be made without first obtaining the approval of the council.

(Ordinance KA-04-10)

12.01.030. Requisitions and Estimates.

- (A) All agencies of the city which use supplies will, either by or with the authorization of the department head under which the using agency operates, file with the purchasing agent requisitions or estimates of their requirements in supplies and contractual services in such a manner, at such times, and for such future periods as the purchasing agent will prescribe.
- (B) A using agent will not be prevented from filing, in the same manner, with the purchasing agent at any time a requisition or estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.

- (C) The purchasing agent will examine each requisition or estimate and shall have the authority to recommend revisions as to quantity, quality, or estimated cost.
(*Ordinance KA-04-10*)

12.01.040. Contracts Over Ten Thousand Dollars.

Unless otherwise prohibited or exempted by the ordinances of the city, all contracts and purchases for any amount estimated to exceed ten thousand dollars (\$10,000.00) shall be by competitive sealed bid.
(*Ordinance KA-04-10*)

12.01.050. Bids – Notice.

- (A) Notice inviting competitive sealed bids will be published once in a newspaper of general circulation published in the city and by posting in at least three separate places in the city at least fourteen days preceding the last day set for the receipt of bids. The notice required therein will:
- (1) include a general description of the work, or materials, or service; and
 - (2) state where bid forms and specifications may be secured, the closing time for submission of bids and place of submission, and the time and place of opening of bids.
- (*Ordinance KA-04-10*)
- (B) Bids deposits if they are required will be prescribed in the public notices inviting the bids.
(*Ordinance KA-04-10*)
- (C) The city will also invite sealed bids from all responsible prospective contractors who have requested that their names be added to a bidder list, which the city shall maintain, by sending them a copy of such notice or such other notice as will acquaint them with the proposed contract. Failure of any person on the bidders list to receive such invitation to bid shall not invalidate the bidding procedures.
(*Ordinance KA-04-10 and Ordinance KA 12-004*)

12.01.060. Contract Documents – Changes and Addenda.

No official or officer, and the bid documents will so state, shall make any oral interpretations which may affect the substance of the contract documents. Addenda will be issued when questions arise which might affect the bids. The purchasing agent will be certain that all bidders receive the addenda which should be delivered by certified mail with a return receipt requested, by telegram, or by hand delivery. When delivered by hand, receipt of the addenda should be obtained. When an addenda is issued less than four working days before the time for receipt of bids the addendum will contain a new bid date which will be at least four working days after the normal receipt of the addendum by the prospective bidder. Receipt of addenda will be acknowledged as part of the bid submitted.
(*Ordinance KA-04-10*)

12.01.070. Pre-Bid Conference.

All department heads or the purchasing agent may provide for a pre-bid conference at least seven days prior to the time for submission of bids or upon the request of any bidder. All points of clarifications and questions answered at the conference which may affect the bid will be issued in the form of addenda.
(*Ordinance KA-04-10*)

12.01.080. Bids – Opening Procedure.

- (A) Sealed bids will be submitted personally or by mail to the officer designated in the notice inviting bids and will be identified as bids on the outside of the envelope.
- (B) Bids will be opened in public at the times and place so state in the public notices which will be immediately after the closing time for submission of the bids. Any bidder may review all bids immediately after opening and prior to tabulation or summary.
- (C) A tabulation of all bids received will be forwarded to the council by the purchasing agent with appropriate recommendations for acceptance or rejection of bids. A copy of the tabulation will be furnished to each bidder.
(Ordinance KA-04-10)

12.01.090. Bids – Rejection.

- (A) Upon receipt of the bids, the city council or its delegate will have the authority to:
 - (1) reject defective or non-responsive bids;
 - (2) reject all bids;
 - (3) negotiate with the three lowest responsible bidders, if bid prices are in excess of the money available;
 - (4) resubmit for advertisement of the project for bidding after making substantial changes in the project plans to bring the cost within the limit of money available.
 (Ordinance KA-04-10)

12.01.100. Bids – Waiver of Irregularities.

The city council will have the authority to waive any and all irregularities on any or all bids.
(Ordinance KA-04-10)

12.01.110. Award of contract.

- (A) Contracts will be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, there will be considered:
 - (1) the ability, capacity, and skill of the bidder to perform the contract;
 - (2) whether the bidder can perform the contract within the time specified, without delay or interference;
 - (3) the quality of performance of previous contracts;
 - (4) the previous and existing compliance by the bidder with laws and ordinances relating to the contract; and
 - (5) sufficiency of the financial resources and ability of the bidder to perform the contract.
- (B) If some bids are approximately equal, preference may be given to local bidders, if the cost differential is less than ten percent (10%) between the parties. For the purpose of this chapter, ‘local bidder’ shall be defined as a bidder who:
 - (1) has a current state business license;
 - (2) submits a bid under the name that appears on the current state business license;
 - (3) maintains a business within the boundary of the city ninety (90) days immediately preceding the date of the bid;
 - (4) is not delinquent in the payment of taxes, charges, or assessments owing to the city on the account of the business making the bid.

- (C) The city council may require such document or verification by the person claiming to be local bidder as deemed necessary to establish the requirements of this section.
- (D) When the award is given to other than the lowest bidder, a full and complete written statement of the reasons therefore will be delivered to the unsuccessful low bidder or bidders.
(Ordinance KA-04-10 and Ordinance KA 12-004)

12.01.120. Sealed Bidding – Submission – Exceptions.

The restrictions and provisions of this chapter do not apply:

- (1) to contracts involving the obtaining of professional or specialized services such as, but not limited to, services rendered by architects, attorneys, engineers, and other specialized consultants;
- (2) where calling for bids on a competitive basis is unavailing and impossible, including, but not limited to, situations where rates are set by statute or ordinance or where like items are traded in, or where used items are being purchased;
- (3) where the city's requirements can be met solely by an article or process obtainable only from a single source;
- (4) to placement of insurance coverage;
- (5) when public work is performed by the city with its own employees;
- (6) when it is advantageous to the city to enter into a contract with a bidder for the same supplies or services such bidder is providing another Alaskan local government, the State of Alaska, or the United States where such supplies and services are being provided the other governmental unit on the basis of formal bids submitted, and where the city contract is on substantially the same terms as those bids; or the contract with or through such other governmental unit benefits the city.
- (7) when either competitive procedure has been followed, but no bids or quotations are received. In such case, the purchasing agent may proceed to have the services performed or the supplies purchased without further competitive bidding or quotation;
- (8) to supplies, materials, equipment, or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including war surplus;
- (9) contractual services purchased from a public utility corporation at a price or rate determined by state or other governmental authority.

(Ordinance KA-04-10 and Ordinance KA 12-004)

12.01.130. Contracts of One Hundred Dollars or Less.

Unless otherwise prohibited by the ordinances of the city, purchases of services, supplies, and equipment where the actual cost is one hundred dollars (\$100.00) or less may be made on the open market without competitive bidding or quotations.

(Ordinance KA-04-10)

12.01.140. Contracts Between One Hundred and Ten Thousand Dollars.

- (A) All purchases of supplies and contractual services of a total estimated value of more than one hundred dollars (\$100.00) and less than ten thousand dollars (\$10,000.00) may be made on the open market without newspaper advertisement but otherwise observing the procedure prescribed by this chapter for formal purchasing and sale procedures.

- (B) All open market purchases or sales will, whenever possible, be based on at least three (3) competitive bids and will be awarded to the lowest responsible bidder in accordance with the standards set forth in Sections 12.01.120 and 12.01.040.
- (C) The purchasing agent may solicit either oral or written bids for open market purchases or sales.
- (D) The purchasing agent will keep a record of all open market bids submitted in competition thereon and such records will also be open to public inspection.
(Ordinance KA-04-10)

12.01.150. Insurance Policies.

- (A) The city will purchase policies of insurance by the open market procedures provided in this chapter.
- (B) Open market procedures may not be required for a policy which:
 - (1) has an annual premium or charge less than two hundred fifty dollars (\$250.00);
 - (2) provides liability coverage for a single event;
 - (3) is for property title insurance;
 - (4) has its premium or charge fixed by state statute.
- (C) Open market procedures may not be required for a change in policies in effect, or to acquire policies supplemental to an existing policy if the policies in effect cannot be changed; provided, the change or supplemental policies are approved by the council.
(Ordinance KA-04-10)

12.01.160. Subdivision Prohibited.

No project or contract specifications will be subdivided to avoid the requirements of this chapter. This provision will not apply in the event that funding source is located by the city which will pay a portion of an overall project; in that event, the portion that is being paid from a separate source may be deducted from an overall project or contract.
(Ordinance KA-04-10)

12.01.170. Emergency Contracts.

Whenever, because of emergency, it is deemed necessary and in the public interest by the mayor to enter into any contract without following the competitive bidding procedures as may be required by this chapter, he will authorize such emergency contract if the estimated sum involved is less than ten thousand dollars (\$10,000.00). If the estimated contract sum involved is greater than ten thousand dollars (\$10,000.00), the mayor will refer any proposed emergency contract to the council for its approval and authorization to waive the competitive bid procedures.
(Ordinance KA-04-10)

12.01.180. Encumbrance of Funds.

Except in cases of emergency declared by the mayor or the council, as provided in this chapter, no contract or any change order to an existing contract will be authorized unless there is a sufficient unencumbered balance in the budget appropriation of the using agency or sufficient bond funds available, in excess of actual expenditures or commitment, to cover such contract or change order.
(Ordinance KA-04-10)