

SAINT MARY'S CODE OF ORDINANCES

SAINT MARY'S, ALASKA

**CITY MANAGER: WALTON SMITH
CITY CLERK: THELMA "BAY" JOHNSON
MAYOR: SVEN PAUKAN
RE-CODIFIED: FEBRUARY, 2019**

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TITLE I

GENERAL PROVISIONS

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CHAPTER 1.01

ENABLING ORDINANCE

Sections:

- 1.01.05 – Purpose
- 1.01.10 – Classification
- 1.01.15 – Prior Ordinances Included
- 1.01.20 – Severability
- 1.01.25 – Effective Date
- 1.01.30 – Titles and Chapters Adopted

1.01.05 – Purpose

We, the elected officials of the City of Saint Mary’s, Alaska, mindful of the responsibilities for the welfare of our community which we hold as the City Council of a First Class City incorporated under the constitution and laws of the State of Alaska, and in order to provide local government services to our people to meet their needs, do adopt this revised Code of Ordinances for the City of Saint Mary’s.

1.01.10 – Classification

This ordinance is of a general and permanent nature.

1.01.15 – Prior Ordinances Included

This Code includes all ordinances and ordinance revisions adopted prior to October, 1994. However, this Code of Ordinances supersedes all previous Codes and Ordinances.

Prior Ordinances remain in force for the trial and punishment of all past violations of them, and for the recovery of any taxes, penalties, and forfeitures already incurred, and for the

preservation of all rights, remedies, and obligations existing by them and so far as they apply, to any office, trust, proceeding, right, contract, or event already affected by them.

1.01.20 – Severability

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

1.01.25 – Effective Date

This code shall be effective immediately upon adoption.

1.01.30 – Titles and Chapters Adopted

The attached titles and chapters constitute the code of Ordinances for the City of Saint Mary's as adopted.

SAINT MARY'S CODE OF ORDINANCES

TITLE I – GENERAL PROVISIONS

- 1.01 – ENABLING ORDINANCE
- 1.02 – GENERAL PROVISIONS
- 1.03 – CITY DATA
- 1.04 – ORDINANCES, RESOLUTIONS & TECHNICAL CODES

TITLE II – ADMINISTRATION

- 2.01 – CITY COUNCIL
- 2.02 – MAYOR
- 2.03 – COUNCIL MEETINGS
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- 2.05 – CITY CLERK–CITY TREASURER
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- 2.11 – DIVISION OF POLICE
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- 2.13 – DIVISION OF FRESHWATER & WASTEWATER UTILITY SYSTEMS
- 2.14 – DIVISION OF MAINTENANCE AND CUSTODIAL SERVICES
- 2.15 – DEPARTMENT OF THE PORT OF SAINT MARY'S
- 2.16 – PLANNING COMMISSION
- 2.17 – DEPARTMENT OF PARKS AND RECREATION
- 2.18 – BUDGET AND FINANCE ADVISORY COMMITTEE
- 2.19 – LIBRARY DEPARTMENT
- 2.20 – SOLID WASTE COLLECTION AND DISPOSAL
- 2.25 – DEPARTMENT OF EMERGENCY MANAGEMENT

TITLE III – ELECTIONS

- 3.01 – CITY ELECTIONS–IN GENERAL
- 3.02 – ELECTION OFFICIALS
- 3.03 – CANDIDATES–NOMINATIONS
- 3.04 – NOTICE OF ELECTIONS
- 3.05 – ELECTION EQUIPMENT
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3.09 – CONTEST OF ELECTION

TITLE IV – REVENUE AND FINANCE

4.01 – FISCAL POLICIES

4.02 – ASSETS–DISBURSEMENTS

4.03 – BUDGET FORM AND SCOPE

4.04 – BUDGET PROCEDURES

4.05 – PROCUREMENT POLICY

4.06 – SALES TAX

4.07 – COOPERATIVE AGREEMENTS

4.08 – CITY BUSINESS LICENSE (REPEALED FEB. 3, 1998)

4.09 – EXCISE ON CIGARETTES AND TOBACCO PRODUCTS (REPEALED OCT. 11, 2017)

4.10 – ALCOHOLIC BEVERAGE USE TAX (REPEALED OCTOBER 11, 2017)

TITLE V – CITY PERSONNEL

5.01 – PERSONNEL POLICIES AND PROCEDURES

TITLE VI – ACQUISITION AND DISPOSAL OF CITY PROPERTY

6.01 – REAL PROPERTY ACQUISITION

6.02 – EMINENT DOMAIN–ADVERSE POSSESSION

6.03 – REAL PROPERTY SALES BY THE CITY

6.04 – LEASE OF CITY LANDS

6.05 – DISPOSITION OF CITY–OWNED PERSONAL PROPERTY

6.06 – DISPOSAL OF CERTAIN CITY PROPERTY

TITLE VII – GENERAL WELFARE

7.01 – OPERATION OF MOTORIZED VEHICLES

7.02 – CURFEW/MINOR OFFENSES

7.03 – OPERATING HOURS OF RECREATIONAL ESTABLISHMENTS

7.04 – NEGLIGENT DRIVING

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7.06 – MINORS RIDING WITHOUT PARENT'S CONSENT

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7.15 – PLASTIC BAG LITTER CONTROL

7.16 – IMPORTATION OF ALCOHOLIC BEVERAGES

TITLE VIII – PLANNING, PLATTING, AND ZONING

8.01 – PLANNING FUNCTION

8.02 – PLATTING ADMINISTRATION

8.03 – BUILDING AND LAND USE ADMINISTRATION

8.04 – BOARD OF ADJUSTMENT

8.05 – APPEALS

CHAPTER 1.02

GENERAL PROVISIONS

Sections:

- 1.02.05 – Code Cite and Designation
- 1.02.10 – Definitions
- 1.02.15 – Grammatical Interpretation
- 1.02.20 – Effect of Repeal of Ordinances
- 1.02.25 – Severability of Ordinances and Parts of Code
- 1.02.30 – General Penalty
- 1.02.35 – Laws of Alaska, Violations, Ordinances Not Exclusive
- 1.02.40 – Amendments to Code, Effect of New Ordinances
- 1.02.45 – Distribution
- 1.02.50 – Supplements
- 1.02.55 – Time Ordinances Take Effect

1.02.05 – Code Cite and Designation

The ordinances in the following chapters and sections shall be called the "Code of Ordinances, City of Saint Mary's, Alaska."

1.02.10 – Definitions

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

1. **CITY:** The City of Saint Mary's, Alaska.
2. **CLERK:** The City Clerk.
3. **CODE:** The Code of Ordinances, City of Saint Mary's, Alaska.
4. **COUNCIL:** The City Council of Saint Mary's.
5. **PERSON:** A corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person.
6. **STATE:** The State of Alaska.
7. **PUBLISH:** 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.

1.02.15 – Grammatical Interpretation

- A. **TENSE:** Words in the present tense include the past and future tense, and words in the future tense include the present tense.
- B. **NUMBER:** Words in the singular number include the plural, and words in the plural number include the singular.

C. **GENDER:** Words of 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.

1.02.20 – Effect of Repeal of Ordinances

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

1.02.25 – Severability of Ordinances and Parts of Code

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

1.02.30 – 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 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). Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

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

1.02.35 – 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 Saint Mary's, Alaska, except where the state has exclusive jurisdiction over the offense.

1.02.40 – Amendments to Code, Effect of New Ordinances

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

- B. Amendments to this Code shall be made by specific reference to the section number of this Code in substantially the following language: "Chapter _____, Section _____, of the City of Saint Mary's, Alaska, is hereby amended to read as follows:"
- C. If a new chapter or section is to be added to this Code, substantially the following language shall be used: "The Code of Ordinances of the City of Saint Mary's, Alaska, is hereby amended by additions of the following chapter (or sections):" The provisions to be repealed must be specifically repealed by section or chapter number.

1.02.45 – Distribution

This Code with amendments shall be made available to the public for inspection on request. A reasonable fee for the cost of photocopying all or parts of this Code may be charged to anyone requesting copies. A copy of this Code shall be furnished to the courts as needed or upon the request of the court.

1.02.50 – Supplements

Supplements to this code shall be typed or printed and included within this Code within 60 days after the council passes the law.

1.02.55 – Time Ordinances Take Effect

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

CHAPTER 1.03

CITY DATA

Sections:

- 1.03.05 – Name of Municipality-Form of Government
- 1.03.10 – City Limits

1.03.05 – Name of Municipality-Form of Government

- A. The City of Saint Mary's shall continue as a municipal corporation under the name: "City of Saint Mary's, Alaska."
- B. The government of the City shall be that commonly known and designated as mayor-city manager.

1.03.10 – City Limits

The boundaries of the city are as follows: (metes and bounds description)

Beginning at the protracted NW corner of Section 7, T23N, R77W, Seward Meridian; thence east to the protracted NE corner of Section 12, T23N, R76W, S.M.; thence south to the protracted SE corner of Section 36, T23N, R76W, S.M.; thence west to the protracted SW corner of Section 34, T23N, R76W, S.M.; thence south to the protracted SE corner of Section 4, T22N, R76W, S.M.; thence west to the protracted SW corner of Section 4, T22N, R76W, S.M.; thence north to the protracted SE corner of the NE 1/4 of Section 32, T23N, R76W, S.M.; thence west to the protracted SW corner of the NE 1/4 of Section 32, T23N, R76W, S.M.; thence north to the protracted NW corner of the NE 1/4 of Section 32, T23N, R76W, S.M.; thence west to the protracted NE corner of Section 31, T23N, R76W, S.M.; thence south to the protracted SE corner of Section 31, T23N, R76W, S.M.; thence west to the protracted SW corner of the SE 1/4 of Section 35, T23N, R77W, S.M.; thence north to the protracted NW corner of the SE 1/4 of Section 35, T23N, R77W, S.M.; thence west to the protracted SW corner of the NW 1/4 of Section 35, T23N, R77W, S.M.; thence north to the protracted NW corner of Section 35, T23N, R77W, S.M.; thence west to the protracted SW corner of Section 27, T23N, R77W, S.M.; thence north to the protracted SE corner of the NE 1/4 of Section 28, T23N, R77W, S.M.; thence west to the protracted SW corner of the NE 1/4 of Section 28, T23N, R77W, S.M.; thence north to the protracted NW corner of the NE 1/4 of Section 28, T23N, R77W, S.M.; thence west to the protracted SW corner of

Section 20, T23N, R77W, S.M.; thence north to the protracted SE corner of the NE 1/4 of Section 19, T23N, R77W, S.M.; thence west to the protracted SW corner of the NE 1/4 of Section 19, T23N, R77W, S.M.; thence north to the protracted NW corner of the NE 1/4 of Section 19, T23N, R77W, S.M.; thence west to the protracted SW corner of Section 18, T23N, R77W, S.M.; thence north to the protracted NW corner of Section 7, T23N, R77W, S.M.; the point of beginning;

excepting that portion of Section 31, T23N, R76W, S.M., which is not enclosed in the Andreefsky (Lower Yukon) (Saint. Mary's) Airport Survey, pursuant to Order Number 67-6 of the Superior Court of the State of Alaska, Second Judicial District, which provided for the incorporation of the City of Saint Mary's;

containing 51.9 square miles, more or less, situated in the Second Judicial District, State of Alaska.

CHAPTER 1.04

ORDINANCES, RESOLUTIONS, & TECHNICAL CODES

Sections:

- 1.04.05 – Acts of the Council
- 1.04.10 – Acts Required to Be By Ordinance
- 1.04.15 – Ordinance Procedure
- 1.04.20 – Ordinance Form and Content
- 1.04.25 – Emergency Ordinances
- 1.04.30 – Signature
- 1.04.35 – Ordinances Confined to Single Subject
- 1.04.40 – Repeal Shall Not Revive Any Ordinances
- 1.04.45 – Codes of Regulations
- 1.04.50 – Formal Acts by Resolution
- 1.04.55 – Resolutions-Reading-Hearing-Adoption-Posting
- 1.04.60 – Rules and Regulations

1.04.05 – Acts of the Council

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

1.04.10 – Acts Required to Be By Ordinance

In addition to other actions, which Alaska Statutes Title 29 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 the sale of city property;
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. adopt the city budget;
8. make appropriations and supplemental appropriations or transfer appropriations;
9. grant, renew, or extend a franchise;
10. regulate the rate charged by a public utility;
11. approve the transfer of a power to a borough;

12. adopt, modify, or repeal the comprehensive plan, zoning, and subdivision ordinances, building and housing codes, and the official map;
13. provide for the retention or sale of tax-foreclosed property;
14. exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.025.

1.04.15 – Ordinance Procedure

- A. A proposed ordinance may be presented for consideration by a member of the council, by the mayor, or the manager, in writing, at any regular or special meeting of the council. Upon presentation, a proposed ordinance shall be rejected, deferred, reworded, or accepted as introduced. Promptly after acceptance by motion the council shall publish the proposed ordinance and 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. The public hearing 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 it may adopt it with or without amendment. The council shall type or 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 three public places for at least five days. Those three public places shall include the city office, post office, and Saint Mary's public school, unless the council provides otherwise.

1.04.20 – Ordinance Form and Content

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

1. heading and serial number;
2. **title:** a short summary of the ordinance's provisions and any penalty imposed therein shall be included in a title at the head of the ordinance;
3. **enacting clause:** the enacting clause shall read: "BE IT ORDAINED AND ENACTED BY THE CITY OF SAINT MARY'S:"
4. **substantive part of the ordinance:** the provisions of the ordinance will follow the enacting clause;
5. dates of introduction, first reading, and public hearings;
6. date of adoption;
7. **signatures:** space shall be provided for the signature of the mayor;

8. **attestation:** the enactment and passage date of the ordinance shall be attested by the clerk by signature;
9. **Code section numbers:** ordinances, which amend, add to, or repeal sections of the Code shall refer to the Code section by number.

1.04.25 – 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 at 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 type or 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 charge by a public utility for its services.
- C. Emergency ordinances are effective for sixty days.

1.04.30 – Signature

Each ordinance shall be signed by the mayor at its adoption and attested by the clerk.

1.04.35 – 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.

1.04.40 – Repeal Shall Not Revive Any Ordinances

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

1.04.45 – 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 days before adoption of the regulations at least five copies of the code of regulations must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The council may sell the adopted code to the public.

1.04.50 – 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 Saint Mary's, Alaska";
 2. the space for a number to be assigned—"Resolution No. ____";
 3. a short and concise title descriptive 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:”
 6. provision for signature after the date by the mayor;
 7. an attestation by the clerk.
- 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 forth in "A" above.
- C. Resolutions shall not be included in the Code, but shall be kept separately by the clerk and available for public inspection.

1.04.55 – 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 shall be posted in full on the city bulletin board or in other places as the council may direct. 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.

1.04.60 – Rules and Regulations

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

TITLE II

ADMINISTRATION

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CHAPTER 2.01

CITY COUNCIL

Sections:

- 2.01.05 – City Council-Composition
- 2.01.10 – Qualifications of Council members
- 2.01.15 – Election of Council members-Terms
- 2.01.20 – Terms of Council members
- 2.01.25 – Oath of Office
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- 2.01.40 – Conflicts of Interest
- 2.01.45 – Prohibitions
- 2.01.50 – Vacancies
- 2.01.55 – Filling a Vacancy
- 2.01.60 – Employment of Council Members

2.01.05 – City Council-Composition

The council shall consist of six members elected by the voters at large.

2.01.10 – Qualifications of Council members

- A. Council members shall be qualified city voters.
- B. A council member who ceases to be eligible to be a city voter immediately forfeits his or her office.

2.01.15 – Election of Council members-Terms

An election will be held annually on the first Tuesday in October to choose council members according to the schedule provided in Section 2.01.20 of this Chapter.

2.01.20 – Terms of Council members

The following transition schedule for election of council members is adopted in order that council members will serve three-year staggered terms.

1. At the regular city election in 1979, the following councilmember seats shall be filled and the terms shall be as follows:
 - (a) seat "C", two-year term;
 - (b) seat "D", three-year term;
 - (c) seat "F", three-year term.
2. At the regular city election in 1980, the following councilmember seats shall be filled and the terms shall be as follows:
 - (a) seat "A", one-year term;
 - (b) seat "B", three-year term;
 - (c) seat "E", three-year term.
3. At the regular city election in 1981, the following councilmember seats shall be filled and the terms shall be as follows:
 - (a) seat "A", three-year term;
 - (b) seat "C", three-year term.
4. After the regular city election, the council provides for the following council member seats and the terms thereof:
 - (a) seats "D" and "F", three-year terms, beginning in 1982;
 - (b) seats "B" and "E", three-year terms, beginning in 1983;
 - (c) seats "A" and "C", three-year terms, beginning in 1984.

2.01.25 – Oath of Office

- A. All council members before entering upon the duties of office shall affirm in writing the following oath and affirmation; "I, _____, do solemnly swear that I will support the constitution of the United States and State of Alaska and the laws and ordinances of the City of Saint Mary's, Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of _____, so help me, God."
- B. The oath is filed with the municipal clerk.

2.01.30 – Compensation of Council and Citizen Advisory Board Members for Meeting Attendance

- A. Each council member shall receive compensation according to the following schedule:
 - 1. Work Session, \$75.00;
 - 2. Regular Meetings, \$100.00;
 - 3. Special Meetings, \$100.00.
 - 4. Committee Meetings, \$50.00
- B. Compensation is paid only for meetings scheduled. The compensation of council members shall not be changed during their term of office. For the purpose of this subsection, a term of office is one year from October to October.
- C. A Council member or a designate of the Council who attends a meeting or other similar event for or on behalf of the City of Saint Mary's shall be paid at the special meeting rate for each day of the meeting and each day of travel to and from the meeting site. This provision shall not apply to a designate of the Council who is an employee of the City or a person otherwise compensated for attendance. Appointed Council Members and Citizens shall be paid **\$50.00** for each Advisory Committee of Board meeting they attend.

2.01.35 – Salaries of Elected Officers Not to Be Varied

The council may fix by ordinance the salaries of elected officers before they are elected. Salaries may not be changed during a term of office. An elected officer may not receive any other compensation for service to city. Per diem payments or reimbursements for expenses are not compensation under this section.

2.01.40 – Conflicts of Interest

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

2.01.45 – Prohibitions

No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position because of race, color, sex, creed, national origin or, unless otherwise contrary to law, because of political opinions or affiliations. Alaska Statutes 18.80.010-300 is applicable beyond the scope of this ordinance.

2.01.50 – Vacancies

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

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

2.01.55 – Filling a Vacancy

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

2.01.60 – Employment of Council Members

Elected Officials may be hired by the City for employment. Elected Officials will be considered on the basis of merit with all other job applicants.

Effect of amendments: Ordinance 96-02, passed by the City Council August 6, 1996, amended the election date(2.01.15); revised the term of office in one year (2.01.30(B)).

Ordinance 2010-09 amended council and citizen stipends, as well as Mayor compensation/stipend.

CHAPTER 2.02

MAYOR

Sections:

- 2.02.05 – Mayor as Executive
- 2.02.10 – Qualifications
- 2.02.15 – Compensation of Mayor
- 2.02.20 – Oath of Office
- 2.02.25 – Mayor's Vote
- 2.02.30 – Veto
- 2.02.35 – Vacancy
- 2.02.40 – Vice-Mayor
- 2.02.45 – Mayor Is Ex-Officio Officer

2.02.05 – Mayor as Executive

The mayor is elected at large for a term of three years and until a successor is elected and has been qualified. He or she shall preside at the council meetings, act as ceremonial head of the city, and sign documents on the city's behalf upon council authorization.

2.02.10 – Qualifications

- A. The mayor shall be a qualified city voter.
- B. If the mayor ceases to be eligible to be a city voter, he or she immediately forfeits his office.

2.02.15 – Compensation of Mayor

The mayor of the city shall receive compensation as outlined in 2.01.30 - Compensation of Council Members.

2.02.20 – Oath of Office

The mayor before entering upon the duties of office shall affirm in writing an oath of office as provided in Chapter 2.01.25 of this Code.

2.02.25 – Mayor's Vote

The mayor is not a council member and may vote only in the case of a tie.

2.02.30 – Veto

The mayor may veto any ordinance, resolution, motion, or other action of the council and may, by veto, strike or reduce items in appropriation ordinances for school budget items except in a city outside an organized borough. The mayor shall submit to the council at its

next regular meeting a written statement advising of his or her veto and giving reasons therefore. A veto is overridden by the vote of two-thirds of the authorized membership of the council.

2.02.35 – Vacancy

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

2.02.40 – Vice-Mayor

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

2.02.45 – Mayor Is Ex-Officio Officer

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

CHAPTER 2.03

COUNCIL MEETINGS

Sections:

- 2.03.05 – Meetings Public
- 2.03.10 – Regular Council Meetings
- 2.03.15 – Special Meetings
- 2.03.20 – Notice
- 2.03.25 – Executive Session

2.03.05 – Meetings Public

Meetings of the council shall be public. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

2.03.10 – Regular Council Meetings

- A. All regular meetings of the council shall be held on the second Wednesday of each month at 3:00 p.m. including work sessions on the first Thursday of each month which will also be at 3:00 p.m.
- B. The usual place of council meetings shall be at the Community Hall. In the event of any condition which renders the meeting place unfit to conduct any regular meeting of the council, the meeting may be moved to such other place as the council may choose, provided notice is given.

2.03.15 – Special Meetings

- A. Special meetings of the council are those meetings, which are called by the mayor or any two members of the council for a time different than that fixed for the regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings.
- B. Advance notice of at least twenty-four hours preceding a special meeting shall be given each council member. The notice shall specify the time, place, and subject matter of the meeting. No business shall be transacted at the meeting, which is not mentioned in the notice. Such notice shall be served personally on each member of the council or left at his or her usual place of business or residence by the clerk or the clerk's designee.

2.03.20 – Notice

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time, and place of the meeting is posted not less than twenty-four hours before the time of the meeting.

2.03.25 – Executive Session

- A. The following subjects may be discussed in an executive session:
 - 1. matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
 - 2. subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion.

- B. The following shall be discussed in executive session when the best interests of the city so require:
 - 1. negotiations with labor organizations representing city employees;
 - 2. discussions of pending or threatened lawsuits in which the city has an interest.

- C. If expected subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting, and the question of holding an executive session to discuss matters that come within the exceptions contained in subsections "A" and "B" of this Section shall be determined by vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless pertaining to the main question. No action may be taken at the executive session.

CHAPTER 2.04

COUNCIL PROCEDURES

Sections:

- 2.04.05 – Mayor the Presiding Officer at Council Meetings
- 2.04.10 – Meetings-Order of Business
- 2.04.15 – Minutes
- 2.04.20 – Council Rules-Speaking-Rules of Conduct
- 2.04.25 – Motions-Second Required
- 2.04.30 – Motions-Disposition-Withdrawal
- 2.04.35 – Motions-Reduction to Writing
- 2.04.40 – Motions-Rescinding Vote
- 2.04.45 – Voting-Quorum
- 2.04.50 – Duties of the Clerk at Council Meetings
- 2.04.55 – Overriding Mayor's Vote

2.04.05 – Mayor the Presiding Officer at Council Meetings

- A. The mayor shall preside at all meetings of the council. He or she shall preserve order among the council members and is responsible for the conduct of all meetings according to the rules of the council. The mayor may at any time make such rules as are considered proper to preserve order among the attending public during sessions of the council.
- B. In the temporary absence or disability of the mayor or vice-mayor, any member of the council may call the council to order at any properly-called meeting to elect a president pro tempore from among its members. The president pro tempore shall exercise all the powers of mayor during such temporary absence or disability of the mayor or vice-mayor.

2.04.10 – Meetings-Order of Business

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

1. Call to order;
2. Roll Call
3. Adoption of Agenda
4. Minutes of Previous Meeting
5. People to Be Heard
6. Reports
7. Correspondence
8. Old Business
9. New Business

10. Hearings, Ordinances, and Resolutions
11. Date of Next Meeting
12. Adjournment

2.04.15 – 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 public record and are to be made available to anyone upon request.

2.04.20 – 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 discuss only the subject under debate and shall not refer to any other member of the council except in a respectful manner.

2.04.25 – Motions-Second Required

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

2.04.30 – Motions-Disposition-Withdrawal

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

2.04.35 – Motions-Reduction to Writing

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

2.04.40 – Motions-Rescinding Vote

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

2.04.45 – Voting-Quorum

- A. Four council members constitute a quorum. Four affirmative or "Yes" votes are required for passage of an ordinance, resolution, or motion.
- B. The final vote on each ordinance, resolution, or substantive motion is 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 and the result.

- D. Every member who is present when a question is put, when not disqualified by personal interest, shall vote, unless the council for special reason excuses the person from voting. Applications to be so excused must be made before the vote and shall be decided without debate.

2.04.50 – Duties of the Clerk at Council Meetings

The clerk shall give notice of council meetings, attend all meetings of the council and keep the journal of its proceedings, and authenticate by signature and record in full in a book or file kept for that purpose all ordinances and resolutions indexed and open to public inspection. In case of the temporary absence of the city clerk, the council may appoint an acting clerk who will have all the powers, duties, and obligations of the clerk.

2.04.55 – Overriding Mayor's Vote

At least a two-thirds vote of the authorized membership of the council is required to override any permitted veto by the mayor. The mayor's veto—permitted on any ordinance, resolution, motion, or other action of the council, or when striking or reducing items in appropriation ordinances except for a school budget item in a city outside an organized borough—is subject to veto by the council. The council is entitled to receive a written statement advising of the mayor's veto and the reasons therefore at the first council meeting held after the veto is made.

CHAPTER 2.05

CITY CLERK–CITY TREASURER

Sections:

- 2.05.05 – Appointment-Term
- 2.05.10 – Clerk
- 2.05.15 – Additional Duties of the Clerk
- 2.05.20 – Acting Clerk
- 2.05.25 – Treasurer
- 2.05.30 – Additional Duties of the Treasurer

2.05.05 – Appointment-Term

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

2.05.10 – Clerk

- A. The 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 journal;
 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 Code or prescribed by the mayor, council, or City Manager.
- B. The council may combine the office of clerk with that of treasurer.

2.05.15 – Additional Duties of the Clerk

The clerk shall:

1. record and certify all actions of the council;
2. have the power to administer all oaths required by law;
3. be custodian of the city seal and the official records of the city;
4. 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;
5. be the city election registrar and shall be responsible for the calling and supervision of all city elections.

2.05.20 – Acting Clerk

In case of the temporary absence of the clerk, the council may appoint an acting clerk who is to have all the powers and obligations of the clerk.

2.05.25 – 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 or she 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 treasurer shall perform the duties of the treasurer.

2.05.30 – Additional Duties of the Treasurer

The treasurer shall:

- 1. assist manager in matters pertaining to the maintenance of all accounts of the city, and the maintenance and care of all property used by the city;
- 2. assist in compiling the annual budget of the city based upon detailed department estimates and work programs and control it under the direction of the mayor and city manager;
- 3. assist in preparing and submitting to the mayor and city manager such financial reports and other data as may be required;
- 4. assist in prescribing and controlling such procedures as are necessary to protect city funds and property; and
- 5. perform such other duties as the mayor, council, and city manager may require.

CHAPTER 2.06

CITY ATTORNEY

Sections:

- 2.06.05 – City Attorney
- 2.06.10 – Duties of City Attorney

2.06.05 – City Attorney

There may be a city attorney who shall be appointed by the city manager, subject to approval by the council. The city attorney shall hold office at the pleasure of the council.

2.06.10 – Duties of City Attorney

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. take the necessary steps to arrange for the prosecution of violations of the city ordinances upon the request of the council;
3. represent the city in all matters, civil and criminal, in which the city is interested;
4. draft any ordinance when required by the council or mayor;
5. perform other such duties as may be required by the council or the ordinances of the city;
6. attend meetings of the council;
7. report to the council promptly all suits brought against the city;
8. call to the attention of the council and the mayor all matters of law affecting the city;
9. render all opinions in writing, as far as it is practicable;
10. maintain a record of all opinions rendered and turn such record over to his or her successor in office.

CHAPTER 2.07

RESPONSIBILITY OF OFFICERS AND EMPLOYEES

Sections:

2.07.05 – Conduct in Office-Investigations-Oath-Records-Reports

2.07.05 – 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 make investigations in municipal affairs and compel the production of books, papers, and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee of the city.
- B. All officers of the city shall, before entering upon the duties of office, individually take an oath in writing to honestly, faithfully, and impartially perform and discharge the duties of his or her office and trust, which oath shall be filed with the clerk. The oath is provided in Chapter 2.01.25 of this Code.
- C. All records and account 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 or her jurisdiction and shall provide a system of filing. No public records, reports, correspondence, or 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.
- D. Every department head shall make a monthly report to the council of the activities of the department for the preceding month and present a calendar of upcoming activities for the upcoming month. Subject to the mayor's approval, the department head may appoint someone familiar with the activities of the department to prepare and make the monthly report to the council, or the department head may submit a written report and calendar to the mayor in advance of the council meeting.

CHAPTER 2.08

DOCUMENTS–REPORTS–RECORDS

Sections:

- 2.08.05 – Documents-Assent-Approval-Attestation
- 2.08.10 – Documents to File with the State
- 2.08.15 – Retention, Disposal of Public Records

2.08.05 – Documents-Assent-Approval-Attestation

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

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

2.08.10 – Documents to File with the State

The city shall file with the Department of Community and Regional Affairs:

1. maps and descriptions of all annexed or excluded territory;
2. a copy of an audit;
3. tax assessment figures as requested.

2.08.15 – 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 clerk as having no legal or administrative value or historical interest.

CHAPTER 2.09

CITY MANAGER

Sections:

- 2.09.05 – Appointment–Term
- 2.09.10 – Powers and Duties
- 2.09.15 – Compensation of City Manager
- 2.09.20 – Appointment of Temporary or New Manager.

2.09.05 – Appointment–Term

- A. The city manager shall be appointed by a majority vote of the council. He or she shall serve at the pleasure of the council, unless a contract of employment provides otherwise.
- B. An elected city official may not be appointed city manager sooner than one year after leaving office, except that, by an affirmative vote of five council members, the council may at any time appoint one of its members or other elected city officials to serve as city manager.

2.09.10 – Powers and Duties

The city manager is the chief administrative officer of the city. The city manager shall carry out the following powers and duties:

1. appoint city employees and administrative officers, except as provided otherwise in AS 29.34.360 and AS 14.14.065. He or she may authorize necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his or her department;
2. suspend or remove by written order city employees and administrative officers except as provided otherwise in AS 29.23.360 and AS 14.14.065;
3. supervise enforcement of city law;
4. prepare the annual budget and capitol improvement program for the council;
5. execute the budget and capitol 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 of city affairs;

9. serve as city personnel officer unless the council authorizes him or her to appoint a personnel officer;
10. draft personnel rules for city employees and officers as directed to do so by the council;
11. execute other powers and duties specified in Title 29 of the Alaska Statutes or lawfully prescribed by the council.
12. be administrative director over all city departments, ultimately responsible for approval, performance and accomplishment of all personnel, legal, risk management, contractual, budgetary, procurement, fiscal accountability, public relations and other administrative matters within a given department and its divisions.

2.09.15 – Compensation of City Manager

The city manager shall receive compensation at a rate determined by resolution or by a contract of employment.

2.09.20 – Appointment of Temporary or New Manager.

In the absence or disability of the city manager, the council shall appoint a temporary city manager. If the office becomes vacant, the council shall appoint a new city manager.

CHAPTER 2.10

DEPARTMENT OF PUBLIC SAFETY

Sections:

- 2.10.05 – Creation
- 2.10.10 – Function
- 2.10.15 – Director
- 2.10.20 – Qualifications
- 2.10.25 – Term of Employment
- 2.10.30 – Appointment of Officers or Employees
- 2.10.35 – Rules and Regulations
- 2.10.40 – Personnel Rules

2.10.05 – Creation

There shall be a department of public safety code structure for the city. This department ordinarily consists of an operational division of police and an operational division of fire. The city manager, as is the case with all City departments, is the administrative head of the department. As budgetary constraints demand, the City Council may suspend the operations of a paid division of police or paid division of fire through the mechanism of the City fiscal year Operating Budget or Amended Budget.

2.10.10 – Function

As feasible, this department of public safety operationally consists of the division of police and the division of fire, with the essential personnel of both divisions being comprised of paid City employees. The city manager functions as the administrative director of the department. As budgetary constraints demand, the functioning of a paid police force or paid division of fire may be suspended by the City Council through the mechanism of the enactment of the annual City fiscal year Operating Budget or Amendment Budget process.

2.10.15 – Division Heads

As feasible, there operationally exists the office of the head of the division of police, that of the police chief; and the head of the division of fire, that of the fire chief. The heads of the two divisions are appointed by the city manager subject to confirmation by the council. All officers and other employees assigned to the divisions of this department shall perform their duties subject to the supervision of their respective division heads. The police chief and fire chief shall have all duties and powers provided by this Chapter or as may otherwise be provided by this Code to the division of police and the division of fire. The division head is the police chief and the fire chief for the division of police and the division of fire, respectively. The division heads respectively may be referred to as the

police chief or the fire chief. Unless otherwise required, the city manager, as department administrative director, is not to interfere in the subsidiary day-to-day professional and technical policing or fire combating operations of the two divisions, as supervised by their division heads.

2.10.20 – Qualifications

The division heads shall be technically qualified through training and experience to handle the duties of the office. At the earliest possible date to the degree that it is economically feasible, the city shall assist each division head in receiving the training necessary to fulfill his or her responsibilities as police chief and fire chief, respectively.

2.10.25 – Term of Employment

The police chief and the fire chief shall serve at the pleasure of the city manager, subject to review by the council. Reasonable written notice shall be given to either division head prior to termination. A police chief or fire chief shall have the right to a public hearing before the council prior to termination for disciplinary reasons, if he or she so demands in writing to the city manager and council.

2.10.30 – Appointment of Officers or Employees

The city manager may authorize the heads of the two divisions to appoint, suspend, or remove officers or employees in the department, as provided in Chapter 2.09 of this Code. If the city manager does not delegate authority to the police chief or fire chief to appoint, suspend, or remove officers or employees of their respective divisions, the city manager shall consult with and consider any recommendations from the division head before appointing, suspending, or removing officers or other employees of either department.

2.10.35 – Rules and Regulations

The police chief and fire chief, in conjunction with the city manager, are responsible for formulating and prescribing the rules and regulations for the conduct of their respective division staff. The city manager and council shall approve any rules or regulations before they become effective. Once effective, the rules and regulations are binding on all respective division personnel.

2.10.40 – Personnel Rules

Nothing in this Chapter prevents or restricts the City Council from providing for a personnel system which specifies the terms and conditions of employment of the police chief or fire chief and of their subordinate personnel. Any personnel system adopted by the City Council shall supersede the provisions of this Chapter unless otherwise provided in the personnel system.

CHAPTER 2.11

DIVISION OF POLICE

Sections:

- 2.11.05 – Division of Police
- 2.11.10 – Appointment of Police Chief
- 2.11.15 – Powers and Duties of the Division of Police
- 2.11.20 – Police Chief
- 2.11.25 – Rules and Regulations
- 2.11.30 – Conduct of Members
- 2.11.35 – Custody of Stolen Property
- 2.11.40 – Policemen-Regular and Special

2.11.05 – Division of Police

In accordance with 2.10.05 and 2.10.10, there shall be a division of police structure for the City that ordinarily consists of an operational division of police. The appointed police chief is the head of the division.

2.11.10 – Appointment of Police Chief

Appointment is made as provided in Chapter 2.10.15 of this Code.

2.11.15 – Powers and Duties of the Division of Police

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

2.11.20 – Police Chief

The police chief is the commanding officer of the division of police. His or her duties shall include, but are not necessarily limited to, the following:

1. be responsible for the enforcement of law and order;
2. direct the police work of the city;
3. be responsible for the maintenance and care of all property used by the division of police;
4. maintain and staff the city jail or other holding facilities and be responsible for the prisoners; and
5. perform such other duties as may be required by the city manager.

2.11.25 – Rules and Regulations

- A. The police chief, in conjunction with the city manager, is responsible for formulating and prescribing the rules and regulations for the conduct of members of the division of police. The city manager and council shall approve any rules and regulations before they become effective. Once effective, the rules and regulations are binding on all division employees.
- B. The rules and regulations for the conduct of members of the division of police shall include a list of maximum punishments for minor disciplinary infractions such as tardiness, discourtesy, and failure to wear proper uniform. For minor infractions the police chief may suspend any employee of the division for a reasonable period of time whenever in his or her judgment such action is for the benefit of the division. Any such suspension is subject to review by the city manager or council.
- C. The rules and regulations adopted for the division of police may include, in addition to those concerning the conduct of its members, matters pertaining to uniforms and equipment to be worn or carried, hours of service, vacations and other authorized leave time approval from immediate supervisors, plus all other similar matters necessary or desirable for the better efficiency of the division.

2.11.30 – Conduct of Members

It shall be the duty of every member of the division of police to conduct himself or herself in a proper and law-abiding manner and to avoid the use of unnecessary force in carrying out his or her duties. Each member of the division shall obey the orders and directions of the director or those acting under his authority and command.

2.11.35 – Custody of Stolen Property

- A. The police chief shall have custody of all lost, stolen, abandoned, or otherwise unclaimed property which comes into the possession of the division, except vehicles which are otherwise provided for by State law.
- B. Under direction of the council, and after consulting with the police chief, the city manager shall establish rules and regulations for the storage of unclaimed property, including schedules for charges and fees for storage.

2.11.40 – Policemen-Regular and Special

- A. The number of regular and special policemen shall be determined by, and each such policeman shall be appointed by, the city manager, except as he or she may delegate this power to the police chief as provided by Chapter 2.09 of this Code.
- B. Special policemen shall have the powers vested in the regular city policemen. Such special policemen shall, however, serve on a temporary basis and only when and specifically required by the police chief, and they shall function only under the direction of a police chief. They shall assist the police chief whenever called upon

and whenever so called shall be compensated for services rendered as determined by the city manager unless otherwise provided by ordinance.

2.11.45 – Other Law Enforcement Officers

The City, through the Alaska State Troopers and the Regional Alaska Native Non-Profit Corporation, may request that the City receive a Village Public Safety

Officer for the purposes of dealing with specified misdemeanors and other appropriate

matters strictly pertaining to municipal law. Personnel, training and insurance costs for

the position would be covered by the Alaska State Troopers, with the City providing

housing and other amenities as required. Moreover, the City may also hire a Village

Police Officer, for whom the City is obligated to cover all salary, training and insurance

costs.

CHAPTER 2.12 DIVISION OF FIRE

Sections:

- 2.12.05 – Division of Fire
- 2.12.10 – Appointment of Fire Chief
- 2.12.15 – Powers and Duties of the Division of Fire
- 2.12.20 – Fire Chief
- 2.12.25 – Rules and Regulations
- 2.12.30 – Conduct of Members
- 2.12.35 – Volunteer Fire Department
- 2.12.40 – Equipment
- 2.12.45 – Definitions

2.12.05 – Division of Fire

In accordance with 2.10.05 and 2.10.10, there shall be a division of fire structure for the city that ordinarily consists of an operational division of fire combatants. The appointed fire chief is the head of the division. As fire chief, the division head likewise is the head of the volunteer fire department.

2.12.10 – Appointment of Fire Chief

Appointment is made as provided in Chapter 2.10.15 of this Code.

2.12.15 – Powers and Duties of the Division of Fire

It is the duty of the division of fire to extinguish fires; rescue persons endangered by fire; to resuscitate and administer first aid to persons injured in or about burning structures or elsewhere in case of an emergency; promote fire prevention; and unless otherwise provided, enforce all ordinances relating to fires, fire prevention, and safety of persons threatened by fire.

2.12.20 – Fire Chief

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

1. determine the organization of the division of fire and provide for its staffing, subject to the provisions of Chapter 2.09 of this Code.
2. establish and enforce rules and regulations for the conduct of members of the division;
3. train and drill the members of the division, including periodic fire drills as deemed necessary;

4. maintain possession and custody of all fire equipment, buildings, and all other property of the division of fire;
5. prepare and maintain records of all fires, inspections, fire-fighting equipment, personnel, and other information about the work and status of the division and make periodic written reports to the city manager or council;
6. provide suitable arrangements and equipment for reporting fires or other emergencies and for notifying all members of the division to assure prompt response to such incidents;
7. assign equipment or manpower in response to calls for outside aid where mutual aid agreements are in force and in other cases only when the absence of such equipment will not jeopardize protection in the city;
8. supervise fire inspection;
9. recommend to the city manager or council needed fire-fighting equipment;
10. prepare and submit, upon request a tentative budget for the division to the city manager and council;
11. assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires;
12. perform such other duties as may be required by the city manager.

2.12.25 – Rules and Regulations

- A. The fire chief, in conjunction with the city manager, is responsible for formulating and prescribing the rules and regulations for the conduct of members of the division of fire. The city manager and council shall approve any rules or regulations before they become effective. Once effective, the rules and regulations are binding on all division employees.
- B. The rules and regulations for the conduct of members of the division of fire shall include a list of the maximum punishments for minor disciplinary infractions, such as failure to obey orders, or intoxication by the division's members while on the job. For minor infractions the fire chief may suspend or discharge any member of the division whenever in his or her judgment such action is for the benefit of the division. Any suspension is subject to review by the city manager or council.
- C. The rules and regulations adopted for the division of fire may include, in addition to those concerning the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the division.
- D. The rules and regulations shall include a boundary description of the area served by the division.
- E. All city employees are active members of the division of fire.

2.12.30 – Conduct of Members

It shall be the duty of every member of the division of fire to conduct himself or herself in a professional manner and to refrain from conduct, which brings discredit to any member or to the division. No member of the division of fire shall be or become intoxicated while performing his or her job responsibilities.

2.12.35 – Volunteer Fire Department

- A. Volunteer firemen shall be appointed by the city manager unless this power to appoint, suspend, or remove is delegated to the fire chief as authorized in Chapter 2.09 of this Code. The volunteer fire department shall be organized by the fire chief and all volunteer firemen are subject to his or her command and authority.
- B. Members of the volunteer fire department may be organized into a voluntary association by electing their own officers and by adopting by-laws and a constitution.
- C. The functions and duties of the officers for the volunteer fire department shall not interfere with those of the division of fire. The voluntary association shall in no way limit the power of the fire chief. All property used by the volunteer fire department is and remains the property of the city and all expenses of the volunteer fire department shall be paid according to the approved manner as provided in this Chapter.
- D. From time to time in such amounts as the council deems advisable, payments may be made to the volunteer fire department for the purpose of giving that association funds with which to reimburse members for clothing damage while attending fires and for such other purposes in keeping with its functions.
- E. Members of the volunteer fire department may be paid an expense allowance for volunteer fire, ambulance, and other emergency work as provided by the council by resolution from time to time.

2.12.40 – Equipment

- A. No person shall use any fire apparatus or other equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the division of fire or the volunteer fire department.
- B. No person shall enter any place where fire apparatus or other equipment is housed or handle fire apparatus or other equipment belonging to the division unless accompanied by, or having the special permission of, an officer or authorized member of the division of fire.

2.12.45 – Definitions

For purposes of this Chapter, "employees" include members of the volunteer fire department, where appropriate, unless otherwise noted, except that members of the

volunteer fire department are not subject to the rules and regulations of any personnel system which may be adopted by the council, unless the personnel rules and regulations affirmatively provide that the members of the volunteer fire department are to be included.

CHAPTER 2.13

DIVISION OF FRESHWATER & WASTEWATER UTILITY SYSTEM

Sections:

- 2.13.05 – Definitions of General Terms
- 2.13.10 – Service Area
- 2.13.15 – Description of Service
- 2.13.20 – Application for Service
- 2.13.25 – Main Extensions
- 2.13.30 – Services
- 2.13.32 – Interruption of Services
- 2.13.35 – Commercial Meters
- 2.13.40 – Water Rates
- 2.13.45 – Notices
- 2.13.50 – Billing and Payment
- 2.13.55 – Administration and Enforcement
- 2.13.60 – Discontinuance of Service
- 2.13.65 – Restoration of Service
- 2.13.70 – Unusual Demands
- 2.13.75 – Access to Property
- 2.13.80 – Responsibility for Equipment
- 2.13.85 – Fire Hydrants
- 2.13.90 – Penalties
- 2.13.95 – Suspension of Rules
- 2.13.100 – Easement
- 2.13.105 – Constitutionality and Saving Clause

2.13.05 – Definitions of General Terms

- A. **APPLICANT:** Whenever the word applicant is used, it shall mean the person or persons, firm or corporation, making application for water and sewer service from the Department under the terms of these regulations.
- B. **CUSTOMER OR USER:** Whenever the words customer or user are used, it shall mean an applicant who has been accepted and who received water and sewer service from the Department.

2.13.10 – Service Area

The water and sewer service area shall be such area within the corporate limits of the City of Saint Mary's (the City). Any extension to this service area must be approved by the Regulatory Commission of Alaska. Service area may be established, altered, operated, or abolished by the City Council by ordinance.

2.13.15 – Description of Service

A. **Supply**: Water service shall be provided by the Utility Board (the Department) which will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to customers at adequate pressure and to avoid so far as is reasonably possible any shortage or interruption in delivery.

The City shall not be liable for damage resulting from interruption in service by the Utility Board for improvements and repairs. Whenever possible, and when time permits, all customers affected by such interruption will be notified prior to shutdown by notice through the news media.

B. **Quality**: The Department will exercise reasonable diligence to supply safe and potable water at all times.

C. **Ownership of Water and Sewer System**: All water and sewer mains, valves, fittings, hydrants and other appurtenances, except customers' service lines as defined in Section 2.13.30(A) shall be the property of the City.

D. **Classes of Service**: The classes of service shall be as follows:

1. **Residential Service** - Residential services shall consist of all services for domestic purposes supplied to a single-family dwelling unit.
2. **School Service** - School service shall consist of services provided to the School District or other private schools.
3. **Commercial Services** - Commercial services shall consist of all services where water and sewer is supplied for commercial or business establishments, or for multi-dwelling units.

If water is supplied to a customer for use in both a single family dwelling unit and a business establishment, the commercial rate shall apply for the combined uses.

4. **Contract Services** - Contract services shall consist of those services for industrial or independent water and sewer district purposes under contracts authorized by the City Council.

When the applicants' requirement for water and sewer services are large or unusual or necessitate considerable special service equipment or service capacity, the City Council reserves the right to make a special contract, the provisions of which are different from and have exception to the regularly published water and sewer rates and regulations. All special contracts shall be in writing, signed by the applicants, approved by the City Council, and signed by the Mayor and City Clerk.

5. **Resale of Water** - Resale of water shall be permitted only under special contract in writing between the City Council and the party selling the water.
6. **Service Preference** - In the case of shortage of supply, the Department has the right to give preferences in the matter of furnishing services to customers and interests as public convenience and necessity requires. Water and sewer service to users outside the city limits shall be at all times subject to the prior and superior right of the customers within the city limits.

2.13.20 – Application for Service

- A. **Application Form**: Each applicant for water and sewer service shall sign an application form provided by the City Clerk giving the date of application, location of the premises to be served, the date the applicant desires service to begin, the purpose for which service is to be used, and the address to which bills are to be sent. In signing this ordinance, the customer agrees to abide by this ordinance. The application is a request for service and does not bind the City to furnish service.
- B. **Deposits and Establishment of Credit**: At the time application for service is made, the applicant shall establish his credit with the City Clerk.
 1. **Establishment of Credit**: - the credit of the applicant shall 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 the estimated bill for two months but not less than \$150.00 and no service shall be furnished until the deposit is made with the clerk.
 2. **Deposits**: At the time the deposit is given the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event that service is discontinued, the deposit will be applied to the closing bill, and any amount in excess of the closing bill will be refunded. The City will pay interest on the deposit when the account is closed.
 3. **Forfeiture of Deposit**: If an account becomes delinquent and it is necessary to turn off service, the deposit shall be applied to the unpaid balance due. Water and sewer service will not be restored to that premises until the cash deposit is replaced together with a service charge as provided in Section 2.13.50(B)(4).
- C. **Application amendments**: Customers desiring a material change in the size, character, or extent of equipment or operation which would result in a material change in the amount of water used shall give the Department written notice of such change, prior to such change, and application for service shall be amended.

Customers desiring a change in the size, location, or number of services shall fill out an amended application.

2.13.25 – Main Extensions

- A. **Within the City Limits:** Freshwater and wastewater mains shall be extended outside the City limits only with prior approval of the Regulatory Commission of Alaska. Water main extensions to areas within the City limits not presently served with water and sewer services shall be installed only after authorization by the City Council.
- B. **Outside the City Limits:** Freshwater and wastewater mains shall be extended outside the City limits only with prior approval of the Regulatory Commission of Alaska. Water and sewer mains will be extended outside the City limits only at the expense of the customers served. The main extensions shall become the property of the City at the time installed. The City Council shall determine the size of the main extensions and all extensions shall be made of suitable material approved by the City Council. Extensions outside the City limits shall be installed by the Department or by the City Council.
- C. **Locations of Extensions:** The Department will make water and sewer main extensions only on rights of way, easements, or publicly-owned property. Easements or permits secured for main extensions shall be obtained in the name of the City along with all rights and title to the main at the time of installation.

2.13.30 – Services

- A. **Definition:** The customer service line shall be that part of the piping from the main line to the dwelling or point of use.
- B. The customer shall own, install, and maintain the customer service line.
- C. **Service Connection Charge:** At the time the application files for service where no service previously existed, or if he is filing for a change in service size or location, he shall submit with his application the service connection charge. This charge is to cover the actual cost to the Department to install the service from the main to the dwelling, plus 10%.
- D. **Service Installation Procedure:** All connections to the City water and sewer system shall be made at the expense of the user. Costs of the connection and all appropriate regulations, including the use of self-help and the use of City equipment, shall be established by the City Council.
- E. **Service Installation Code:** All individual water and sewer connections, repairs, or modifications shall be made only under the terms and conditions as set forth by the Uniform Plumbing Code (1970) and such further regulations as the City may make.
- F. **Customers' Plumbing:** Plumbing code - the customers' plumbing which shall include the customer service line and all plumbing, piping, fixtures, and other

appurtenances intended to carry water, sewer, or drainage shall comply with the plumbing code.

- G. It shall be a violation of this ordinance for customers to operate, cause, or permit unauthorized operations or appurtenances on the service connection.

2.13.32 – Interruption of Services

A. Utility Caused Service Interruptions-Unscheduled Interruptions:

The Utility Division undertakes reasonable care and diligence to provide a constant supply of water at a minimum average system pressure; however, it reserves the right, at any time and without notice to turn-off the water in its mains for the purpose of making repairs or extensions or for any other reasonable purpose. The Utility will not be liable for a deficiency or failure, regardless of cause, in the supply of water or water pressure nor any damage thereby caused. Any damage caused by interruption of service to Customer premise equipment, such as boilers or water heaters, will be borne by the Customer. Any day in which unscheduled interruptions last more than 10 hours per day, will be considered as a non-chargeable Utility day, based on a 30 day month, in determining a Customers monthly Freshwater and Wastewater Utility fee.

B. Utility Caused service Interruptions-Scheduled Interruptions:

The Utility Division will provide advance notice for scheduled temporary interruptions in service. The Utility will make an effort to contact all Customers 24 hours in advance of the scheduled interruption in service, stating the probable duration of the interruption in service. Scheduled interruptions will not last more than 7 hours per day.

2.13.35 – Commercial Meters

- A. **Meter Requirement:** The City is hereby authorized to require installation of a water meter at the expense of any commercial or industrial consumer upon the consumer's line and charge for such service at an established meter rate as set forth by resolution.
- B. **Location of Meters:** Meters shall be placed either inside or under a heated building at such suitable place as is most convenient and as is approved by the Department. The meters will not be located where damage to the meter or its related parts may occur.
- C. **Joint Use of Meters:** The joining of several customers to take advantage of single minimum charges and large quantity rates is prohibited except under special contract with the City, in writing from the City Council.

2.13.40 – Water Rates

The water rates to be charged for service over a specified minimum, charges for specified commercial users, schools, and residential customers shall be published in a separate schedule. This schedule "A" attached to this ordinance shall become part of this section by reference.

2.13.45 – Notices

- A. **Notices to Customers:** Notices to customers from the Department will normally be given in writing and either mailed or delivered to the customer at his last known address. Where conditions warrant and in emergencies, the Department may notify either by telephone or messenger.
- B. **Notices from Customers:** Notices from the customer to the Department may be given in writing or orally by the customer or his authorized representative at the office of the City Clerk in the City Hall or to an agent of the Department duly authorized to receive notices or complaints.

2.13.50 – Billing and Payment

A. **Mailing Bills:**

1. The City Manager or his or her designee shall adhere to the following billing procedures for the freshwater and wastewater utility systems:
 - a. The rates and charges that shall be included in monthly billing statements or invoices are established by the City Council in Chapter 2.13 of the Code.
 - b. Billing statements shall be mailed on or before the tenth working day of each month.
 - c. Billing statements shall contain the date of billing, previous balance due (if any), payment made during the previous month, charges incurred during the previous month, total amount currently due and owing, and the final due date for charges billed; plus, any other information deemed appropriate by the City at its sole discretion.
2. Failure to adhere to the above described billing procedures by the City employees may result in discipline, up to and including, termination of employment.

B. **Delinquent Accounts:**

1. The customer shall pay the full amount of each billing statement by the final day of the billing month or the account becomes delinquent. The City, within ten days of the account becoming

delinquent, shall send a “Notice of Account Delinquency” to the Customer.

2. Interest on delinquent accounts shall be paid at the rate of fifteen percent (15%) per annum; e.g., interest for the first two months of delinquency would be determined by multiplying the water/sewer payment owed x .15 x 2/12th. Interest on delinquent accounts shall begin when an account is delinquent for 60 days, retroactive to the first day of delinquency.

3. The amount of the delinquent payment, with interest, shall constitute a lien on real and personal property of the customer whose account is delinquent.

4. The City may also collect from the delinquent customer all expenses that relate to the City’s effort to collect, including but not limited to:

- (a) cost of collection;
- (b) attorney’s fees and costs;
- (c) recorder’s fees; and
- (d) court costs.

C. **Past Due Notice:** All Customers whose monthly invoice statements are not paid in full by the final day of the month a “Notice of Account Delinquency” has been sent to the Customer, will be sent a “Past Due Notice” by the city Administrator or his or her designee. The Past Due Notice shall state the amount due including any applicable interest, or other charges. It shall also include and explanation of the possible actions that the City will take if the customer does not make payment in full on his or her account within ten (10) days of the mailing of the Past Due Notice, and indicate that such possible actions include: not providing further water and/or wastewater services, providing service on a cash only basis, taking whatever legal action is necessary to collect on the debt (including payment from Customer Permanent Fund Dividend cheques) or other action permissible under law.

D. **Nonpayment of Charges:**

1. If a Customer does not pay on time the full amount noted in the Past Due Notice, including but not limited to any interest and the costs of collection described in Subsection 2.13.50 B-2, the City may take any of the following actions: discontinue water and/or wastewater services, provide service on a cash only basis, take whatever legal action is

necessary to collect on the debt, or take any other action permissible under law.

2. The City may, in its sole and exclusive discretion, allow a Customer to enter into a written payment plan to pay off a delinquent account. Failure to comply with the payment plan may make the Customer ineligible for water and/or wastewater services from the City in the future. As long as a Customer complies with a payment plan entered into by the Customer and the City, the City shall pursue no other actions to collect unpaid rates or charges.
3. The City may, in its sole and exclusive discretion, allow a Customer who is not a City employee to enter into a written work in lieu of payment plan and perform casual work for the City, in lieu of entering into a written payment plan, to pay off a delinquent account. Failure to comply with a work in lieu of payment plan may make the Customer ineligible for water and/or wastewater services from the City in the future. As long as a Customer complies with a work in lieu of payment plan entered into by the Customer and the City, the City shall pursue no other actions to collect unpaid rates or charges.
4. The City may, in its sole and exclusive discretion, allow a Customer who is a City employee to deduct amounts owed to the City from the employee's pay checks to pay off a delinquent account by entering into a written agreement to make such deductions, only if such deductions will not reduce the employee's wage rate below the applicable statutory minimum wage and/or overtime rates. Failure to comply with the written agreement may make the City employee ineligible for water and/or wastewater services from the City in the future. As long as the City employee complies with the written agreement entered into by the City employee and the City, the City shall pursue no other actions to collect unpaid rates or charges.

E. **Discontinuance of Future Services – Notice Process and Right of Appeal**

1. In consideration of health and safety concerns of customer households and in order to avoid freezing both of main freshwater and wastewater pipelines as well as service pipelines, the City, except for emergency purposes, will not attempt to disconnect and discontinue freshwater and wastewater services from 16 October through 31 May of any given year. However, from 1 June through 15 October, the City may disconnect and discontinue water and/or wastewater services (hereafter "discontinue

services”) for the following reasons and as these are detailed in 2.13.60 of the Code.

- a. nonpayment of billing statements;
 - b. noncompliance with any of the provisions of this Section 45;
 - c. the Customer’s water or wastewater valves or other equipment is malfunctioning or the customer will not allow the City access to such equipment;
 - d. an immediate hazard exists; or
 - e. necessity of the City to comply with an order or regulation of any government agency with proper jurisdiction.
2. Except as provided in subsection 3 below, the City shall notify the delinquent customer in writing that water an/or wastewater services will be discontinued at least fifteen (15) days before the discontinuance occurs. Notification shall occur both by mailing the notice to the Customer and by placing the notice at the entrance to the building where the service is provided. The notice must contain, at a minimum, the following information:
- a. the name and address of the Customer whose services are to be discontinued;
 - b. the date on or after which services will be discontinued unless the Customer takes appropriate action;
 - c. an explanation of the reason(s) for the proposed discontinuance, including a statement of any delinquent amount owing to the City;
 - d. if the discontinuance is premised on failure to pay water or wastewater billing statements,
 - i. a statement advising the Customer to contact the City Clerk for information regarding a possible payment plan and/or other procedures that the City may offer to avoid discontinuance of services; and
 - ii. a list of governmental or social service assistance agencies (if any) which the City is aware of that may offer water or wastewater service assistance payments to qualified customers;
 - e. a specific request that if the Customer’s residence is occupied by a person seriously ill, elderly, disabled, or dependent on life support systems, the Customer should notify the City immediately of that circumstance for consideration in avoiding discontinuance of services;
 - f. a statement advising the customer that the City’s stated reason for discontinuing services may be disputed and potentially resolved by contacting the City Manager, within five working days of the Customer

having received the Notice, at the City's address and/or telephone number; and

g. a statement that the City retains the right to discontinue services, after it shall have allowed a customer, who disputes the amount that is owed, the opportunity of a hearing with the City Manager; and if, following the hearing, the City continues to find that the reason for discontinuance of services is just.

3. If the City has been informed that a residence is occupied by a person who is seriously ill, elderly, disabled, or dependent is on life support systems, the City shall provide the notice required by subsection 2 above at least thirty (30) days before discontinuing services. Additionally, if after giving notice in accordance with subsection 2 above, the City thereafter learns that a residence is occupied by a person who is seriously ill, elderly, disabled, or dependent on life support systems, the City shall extend the discontinuance date by an additional fifteen (15) days and notify the Customer accordingly.
4. Customer Complaints: The City Division of Freshwater & Wastewater Utility Systems wants to resolve customer complaints as quickly as possible. The Utility will respond to the substance of each service complaint or other customer complaint within 10 working days of its receipt. If the Utility does not resolve a complaint to the customer's satisfaction, the customer may refer the matter to the Regulatory commission of Alaska, 701 West Eighth Avenue, Suite 300, Anchorage, Alaska 99501. The Commission's telephone number is (907) 276-6222; toll free at 1-800-390-2782, or TDD (907) 276-4533.

- F. Landlord is Responsible for Utility Bills of Tenants: Until such time as the City of Saint Mary's is able to provide for metering and shut off of water to each water and sewer customer, all owners of rental units are responsible for the payment of water and sewer service to rental units. For purposes of this section, a rental unit is any structure or part of a structure leased by the owner whether for consideration or not.
- G. Payment of Bills: Each bill rendered shall be due when mailed. If the bill is not paid by the last day of the month in which mailed, the account shall be considered delinquent.
 1. Delinquent Notice - a reminder of account delinquency shall be sent at the discretion of the City Clerk to each delinquent account on or after ten days from the date the account became delinquent.
 2. Turn-Off Notice - on or before the fifteenth day after the account became delinquent, a turn off shall be sent to the customer. Said notice shall state a date on or after which the water will be turned off if the

delinquent account is not paid in full prior thereto. Such date will not be less than 5 nor more than 15 days from the date of the notice. A delivery to the address on record of the customer shall be considered a delivery to the customer.

3. Service Turn-Off - on the date set for turn off, the meter reader or other agent of the City shall turn off service.
4. Service Charge - in all instances where water and sewer service has been turned off because of delinquent accounts, a \$75.00 service charge shall be made for restoration of services and replacement of cash deposit as stated in Section 2.13.20(B) shall be required.

H. **Landlords Responsible for Utility Bills of Tenants:** Until such time as the City of Saint Mary's is able to provide for metering and shut off of water to each water and sewer customer, all owners of rental units are responsible for the payment of water and sewer service to rental units. For purposes of this section, a rental unit is any structure or part of a structure leased by the owner whether for consideration or not.

2.13.55 – Administration and Enforcement

- A. This ordinance shall be administered and enforced by the City Manager. The City Council shall have the authority to establish and regulate monthly rates for the water and sewer system and collection services for all customers, but no person shall be bound by any such rate unless it shall have been posted for public inspection for five consecutive days after its adoption at the City Office, the Post Office, the Mission, the Saint Mary's Public School, and stores within Saint Mary's, Alaska.
- B. A current file of all rates adopted by the City Council under this ordinance shall be available for public inspection during the regular business hours at the City Office.
- C. All monies collected for water and sewer services will be used strictly for maintenance, extension, repair, capital improvement, and operation of the system.
- D. All monies collected for water and sewer service will be separately accounted for by the City Treasurer and disbursed by action of the City Council. Two members of the City Council must approve any disbursement of the above mentioned funds.
- E. The City Council shall adopt such additional regulations, provisions, and procedures pertaining to water and sewer services as it deems proper.
- F. The water and sewer system shall be operated by a system operator. The operator shall be nominated by the Mayor and approved by the City Council and shall serve at the pleasure of the City Council. Remuneration for the system operator's efforts shall be set by the City Council by resolution. The City Clerk shall act as the system's Treasurer.

- G. The City Clerk and the System Operator shall develop a written quarterly report for the City Council. This report shall itemize all incomes and disbursements from the operation and maintenance of the system. The report shall be approved and filed in the City records.

2.13.60 – Discontinuance of Service

- A. **On Customer Request:** Each customer about to vacate any premises supplied with water and sewer service by the Department shall give the Department written notice of his intentions at least two days prior thereto specifying the date service is to be discontinued. Otherwise, he will be responsible for all water supplied to such premises until the Department receives notice of such removal. At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires service to be discontinued, a bill will be rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.
- B. **Non-Payment of Bills:** A customer's water and sewer service may be discontinued if the water and sewer bill is not paid in accordance with the procedures listed in Section 2.13.50.
- C. **Improper Customer Facilities:**
1. **Unsafe Facilities** - The Department may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment using water are dangerous, unsafe, or not in conformity with the plumbing code of the City.
 2. **Cross Connections** - A cross connection is defined as any physical connection between the water system and another water source. Such cross connections are unlawful. The Department will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross is eliminated.
- Customers using water from one or more sources in addition to receiving water from the Department on the same premises shall maintain separate systems for each. The Department's water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot or, if in the ground, by not less than five feet.
- D. **Water Waste:** Where water is wastefully or negligently used on a customer's premises seriously affecting the general service, the Department may discontinue service if such conditions are not corrected after notice by the Department. Allowing water to run rather than providing reasonable and proper insulation is considered wasting water.

- E. **Service Detrimental to Others:** The Department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.
- F. **Fraud or Abuse:** The Department will refuse or discontinue service to any premises where it is deemed necessary to protect the Department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the Department that the condition or conditions exist.
- G. **Unauthorized Turn-On:** Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be turned off at the main. The charges for shutting off the water at the main shall be computed at actual cost to the Department plus 50% billed to the offending customer or premises until such charges are paid and the Department has reasonable assurance that the violation will not recur.
- H. **Non-Compliance With Regulations:** The Department may, upon five days notice, discontinue service to a customer's premises for failure to comply with any of the provisions of this ordinance.
- I. **Abandoned Structure Utility Disconnect:** An Abandoned Structure shall be classified as “any structure, private or otherwise, that has not been occupied in for more than six (6) months. The City Manger, by certified mail, shall notify the property owner of the utility’s intent to turn off water, waste water, solid waste and electrical service when, any one of the following has occurred: 1) City Manger is notified that the subject structure has not been occupied at least a period of sic (6) months; 2) it is well determined that the structure is abandoned and people, other than the property owner is accessing the structure; 3) the Fire Chief has declared the structure as an unsafe structure; and/or 4) the Alaska State Troopers has notified the City Manager that the structure is an attractive nuisance and utilities need to be disconnected to restrict unauthorized access/use of the structure.

2.13.65 – Restoration of Service

- A. Restoration of service after discontinuance for non-payment of bill shall be made after payment of current and past-due charges and the restoration charge and posting a deposit as herein provided.
- B. Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, or non-compliance with this ordinance will be made only after the irregularity has been corrected and the Department has been assured that the irregularity will not occur again.

2.13.70 – Unusual Demands

When an abnormally large quantity of water is desired for filling a swimming pool, pond, or for other purposes, arrangements must be made with the Department prior to taking such water.

Permission to take water in unusual quantities will be given only if the Department and other customers are not inconvenienced.

2.13.75 – Access to Property

All duly appointed employees of the Department, under the direction of the superintendent of the Department, 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 and sewer service is being used. The Department does not, however, assume the duty of inspecting the customer's line, plumbing, or equipment and shall not be responsible therefore.

2.13.80 – Responsibility for Equipment

- A. **Responsibility for Customer Equipment:** 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 loss or damage due to interruption of service or temporary changes in pressure.
- B. The customer shall be responsible for valves on his premises being turned off when water service is turned on.

2.13.85 – Fire Hydrants

- A. **Operation:** No person or persons other than those designated and authorized by the Department shall attempt to draw water from a hydrant belonging to the Department or in any manner damage or tamper with it. Any person in violation of this regulation will be prosecuted according to the law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where temporary service has been granted an auxiliary external valve will be used to control the flow of water.
- B. **Damage to Fire Hydrants:** Any person who damages a fire hydrant shall be responsible for its complete repair and return to service. Failure to do so will result in a penalty as outlined in Section 2.13.90 of this ordinance.
- C. **Moving a Fire Hydrant:** When a fire hydrant has been installed in the location specified by the proper authority, the Department has fulfilled its obligation. If a property owner or other party desires to change the location of the hydrant, he shall bear all costs of such changes. Any changes in the location of the fire hydrant must be approved by the Department and the Fire Department.

2.13.90 – Penalties

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of \$10.00 for the first offense, \$50.00 for the second offense, and \$200.00 for each offense thereafter.

2.13.95 – Suspension of Rules

No employee of the Department is authorized to suspend or alter any of the provisions herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property which would put water and sewer system operation in jeopardy.

2.13.100 – Easement

Each applicant and user gives and grants to the City an easement and right of way on and across his property for the installation of water and sewer service lines and necessary valves and equipment in connection therewith.

2.13.105 – Constitutionality and Saving Clause

If any clause, sentence, paragraph, section, or portion of this ordinance for any reason is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this ordinance but shall be confined in its operation to the clause, sentence, paragraph, section, or portion of this ordinance directly involved in the controversy in which the judgment is rendered.

*Ordinance 2012-002 amended 2.13.60 by adding I. Abandoned Structure Utility Disconnect effective 9/6/11.
Ordinance 2012-005 amended the residential and commercial rates Schedule A effective 7/1/12*

SCHEDULE A

Saint Mary's Freshwater & Wastewater Utilities System

Effective July 1, 2012

Residential Water - \$43.45 per month
Residential Sewer - \$37.55 per month
Elder Water - \$33.50 per month
Elder Sewer - \$33.50 per month
Honey bucket pickup - \$33.50 per month

Effective July 1, 2013

Residential Water - \$51.40 per month
Residential Sewer - \$44.60 per month
Elder Water - \$39.50 per month
Elder Sewer - \$39.50 per month
Honey Bucket pickup - \$33.50 per month

Effective July 1, 2014

Residential Water - \$59.35 per month
Residential Sewer - \$51.65 per month
Elder Water - \$46.00 per month
Elder Sewer - \$46.00 per month
Honey Bucket pickup - \$33.50 per month

SCHEDULE A

Commercial Meter Rates

Effective July 1, 2012

Water - \$.15 cents/per gallon
Sewer - \$.15 cents/per gallon
Bulk Water - \$.15 cents/per gallon

CHAPTER 2.14

DIVISION OF MAINTENANCE AND CUSTODIAL SERVICES

Sections:

- 2.14.05 – Road Maintenance Service
- 2.14.10 – Road Maintenance Service Area – Streets included
- 2.14.15 – Addition of New Roads

2.14.05 – Road Maintenance Service

The City of Saint Mary's, pursuant to A.S. 29.48.030, assumes all powers necessary to provide road maintenance and construction services within the City Limits set forth in Chapter 1.03.10 of the Code of Ordinances for the City of Saint Mary's.

2.14.10 – Road Maintenance Service Area – Streets included

The following streets shall be regularly maintained by the City of Saint Mary's and for purposes of this chapter shall constitute the Road Maintenance Service Area for which the City of Saint Mary's shall provide road maintenance and construction services: Shepherd Street, River Street, Kris Jane Street, Kass'aq Road, Yup'ik Road, Stevens Street, Tyson Street, Dixon Circle, Paukan Avenue, Afcan Street, Paula Avenue, Street Mary's Boulevard, Panik Avenue, Qetunraq Avenue, Tutgaraurlug Avenue, Aana Avenue, Aata Avenue, Cowboy Way, Kamuck Way, Yuncarvik Avenue, Dock Access Road, and portions of Airguard Road not maintained by the State of Alaska. All other roads not specifically designated and not maintained by the State of Alaska or other organizations shall be maintained on the basis of need and the availability of equipment.

2.14.15 – Addition of New Roads

The City Council may add new roads to the Road Maintenance Service Area by resolution.

CHAPTER 2.15

DEPARTMENT OF THE PORT OF SAINT MARY'S

Sections:

- 2.15.05 – Creation
- 2.15.10 – Function
- 2.15.15 – Port Director
- 2.15.20 – Qualifications
- 2.15.25 – Term of Employment
- 2.15.30 – Appointment of Officers and Employees
- 2.15.35 – Moorage, Parking, and Public Use Restricted to Specific Areas
- 2.15.40 – Personnel Rules
- 2.15.45 – The Tariff
- 2.15.50 – Contract for Port Management
- 2.15.55 – Penalties for Violation

2.15.05 – Creation

There shall be a Department of Port of Saint Mary's for the City. The port director is the head of the department.

2.15.10 – Function

It shall be the function of the Port of Saint Mary's to execute the duties provided in the Tariff or as may otherwise be provided by the Council. The Tariff is adopted by the Council by resolution after consulting with and considering recommendations from the port director.

2.15.15 – Port Director

There shall be the office of port director. The port director is appointed by the city manager subject to confirmation by the council. All officers and employees assigned to this department shall perform their duties subject to the director's supervision. The director shall have all duties and powers provided by this Chapter or as is provided in the Tariff.

2.15.20 – Qualifications

The port director shall be technically qualified through training and experience to handle the duties of the office.

2.15.25 – Term of Employment

The port director shall serve at the pleasure of the city manager, subject to review by the council. Reasonable written notice shall be given to the port director prior to termination. A port director shall have the right to a public hearing before the council prior to termination if he or she so demands in writing to the city manager and council.

2.15.30 – Appointment of Officers and Employees

The city manager may authorize the port director to appoint, suspend, or remove officers or employees in the department, as provided in Chapter 2.09 of this Code. If the city manager does not delegate authority to the director to appoint, suspend, or remove officers or employees of the department, the city manager shall consult with and consider any recommendations from the director before appointing, suspending, or removing officers or employees of the department.

2.15.35 – Moorage, Parking, and Public Use Restricted to Specific Areas

The port director is responsible for prescribing the rules and regulations for the conduct of the department. The city manager and 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.

- A. Upon recommendation of the Port Director the Council will establish areas for public use as well as restrict certain areas from Public use.
- B. Based upon the review of the council, the Port Director will post notices indicating:
 - Commercial Traffic (for loading and unloading) Only
 - Boat launching and Retrieval Only
 - Parking Prohibited
 - Designated Parking Areas
 - Designated Storage Areas
 - Transient and Commercial Moorage
 - Only, Fishing Prohibited
 - Fishing Permitted
 - No Pedestrians
- C. Failure to observe the restrictions upon dock use will result in penalties indicated in Section 2.15.55.
- D. No vehicle, Cargo, or vessel may be stored at the Port of Saint Mary's without prior approval of the Port Director.
- E. The Port Director may Tow and/or Impound vehicles that are left for more than 24 hours in a restricted area. Vehicles or vessels stored without approval may be impounded. Impounded vehicles will be assessed an impound fee in addition to charges for towing.

2.15.40 – Personnel Rules

Nothing in this Chapter prevents or restricts the council from providing for a personnel system which specifies the terms and conditions of employment of the port director and of the employees or officers within the department. Any personnel system adopted by the council shall supersede the provisions of this Chapter unless otherwise provided in the personnel system.

2.15.45 – The Tariff

The Tariff shall name the rates, charges, rules and regulations for warfare, wharf demurrage, and other terminal services and privileges defined therein. The Tariff shall also contain a description of the geographic or jurisdictional area served by or under the authority of the Department. The port director is in charge of administering the provisions of the Tariff. The port director shall suggest to the council any recommended changes in the Tariff. The council shall make any changes in the Tariff by resolution.

2.15.50 – Contract for Port Management

The City Council may contract for the management of the Port and for the duties of port director. Contracts under this section must be approved by ordinance and must comply with the provisions of Alaska Statutes, Title 29.

2.15.55 - Penalties for Violation of 2.15.35

- A. For operating a vehicle in a restricted commercial area, \$25 for each offense.
- B. For parking in a commercial area, or in an area not designated for parking (including the boat ramp areas), \$25 for each offense. Each 24-hour period of continuous parking shall constitute a separate offense.
- C. For Docking or mooring a boat for more than 6 hours at the transient and commercial moorage areas, \$50 per offense, with each 24 hour period constituting a separate offense.
- D. Items stored without permission, including vehicles, cargo or other items may be impounded and or stored by the Port. Impounded items will be stored at the rate of \$25/day. Impounded items may be sold to pay the costs of penalties and storage fees after proper notice is made.
- E. Violations of restricted use areas detailed in 2.15.35 (B) will be penalized at the rate of \$25 per offense.

CHAPTER 2.16

PLANNING COMMISSION

Sections:

- 2.16.05 – Planning Commission Established-Purpose
- 2.16.10 – Commission Membership
- 2.16.15 – Commission Officials
- 2.16.20 – Vacancies
- 2.16.25 – Meetings
- 2.16.30 – Order of Business
- 2.16.35 – Office and Staff
- 2.16.40 – Formal Acts by Resolution
- 2.16.45 – Funds
- 2.16.50 – Planning Functions
- 2.16.55 – Additional Functions

2.16.05 – Planning Commission Established-Purpose

There is hereby established the planning commission for the city to constitute a department of the City and to perform the area wide functions of planning, platting, and zoning for the City. (See Chapters 90, 91, 92, and 93 of this Code.)

2.16.10 – Commission Membership

- A. The planning commission shall consist of no less than three and no more than seven residents. Membership shall be set by resolution of the City Council.
- B. Members shall be appointed by the mayor for a term of three years, subject to confirmation by the council. Appointments to fill vacancies are for the unexpired term. Any compensation and expenses of the planning commission and its staff are paid as directed by the council by resolution.

2.16.15 – Commission Officials

- A. The commission shall elect a chairman to conduct the affairs of the commission, a vice-chairman to serve as chairman in his or her absence, a clerk to cause the preparation of the journal of the commission's proceedings, and an assistant clerk to serve as clerk in the clerk's absence.
- B. The chairman is head of the department of planning.

2.16.20 – Vacancies

A vacancy shall be declared and filled as above provided under the following conditions:

1. if a person nominated and confirmed to membership fails to qualify and take office within thirty days;
2. if a member departs from the city with the intent to remain away for a period of ninety or more days or moves his residence from the area he was appointed to represent for a period of ninety or more days;
3. if a member's resignation is submitted and accepted by the council;
4. if a member is physically unable to attend commission meetings for more than ninety days; and
5. if a member misses three or more consecutive regular meetings, unless excused by the commission.

2.16.25 – Meetings

- A. Regular meetings shall be held once a month at a time and place chosen by the commission. Special meetings may be called by the commission chairman or shall be called by him or her at the request of two members.
- B. The clerk shall cause to be kept minutes and a journal of all meetings which shall be a public record. Minutes and records shall be filed with the clerk.
- C. Meetings shall be conducted under such rules of order as may be provided by the commission.

2.16.30 – Order of Business

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

2.16.35 – Office and Staff

- A. The council shall make every effort to provide the commission with office space suitable for its needs and adequate to file its journals, resolutions, records, reference materials, correspondence and maps, plats and charts, all of which shall constitute public records of the city.
- B. Upon request by the commission, the council shall make every effort to furnish secretarial assistance to the commission at each regular meeting to assistance in preparing its journals and resolutions, and as required, to prepare its correspondence under the direction of the commission chairman and clerk.

2.16.40 – Formal Acts by Resolution

- A. All formal actions of the commission shall be by resolution bearing:

1. the heading of "City of Saint Mary's Planning Commission";
 2. the space for the serial number to be assigned - "Resolution, Serial No. ";
 3. a short and concise title descriptive of its subject and purposes;
 4. 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 above, "Adopted (date)"; and the designated line for the signatures of the commission chairman and the commission clerk.
- B. All resolutions adopted by the commission, whether at the instance of and presented by third parties, or on the motion of and instance of the commission, shall conform to that set forth in subsection "A" above.

2.16.45 – Funds

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

2.16.50 – Planning Functions

The planning functions of the planning commission are as follows:

1. to prepare from time to time plans for the systematic development of the city as a place of residence and business;
2. to investigate and report upon the location and design of any public building, dock, beach, ski ground, statute, memorial, park, parkway, boulevard, street or alley, playground, public street, alley, or grade thereof before final action is taken by the city or any department, office or agency;
3. to investigate and prepare, under such directions and conditions as the council may from time to time request, the commission's recommendation on a capital improvements program, and to review the same periodically and revise it from time to time but not less frequently than annually. The annual capital improvement programs shall constitute permanent records of the commission which shall be a public record;
4. to investigate and recommend to the council for adoption by ordinance, with such amendments as the commission believes necessary and proper because of local conditions, such published codes of technical regulations as relate to the functions of planning, platting, and zoning;
5. to investigate and prepare, from time to time, and to initiate on its own motion in the absence of directions from the council, reports on the availability of public lands by selection, transfer at less than appraised

value, and otherwise, for city purposes. In this regard, special attention shall be given to acquisition of lands for public recreation;

6. to investigate and prepare reports on the location and establishment of:
 1. outdoor public recreation;
 2. trap, skeet, rifle and pistol ranges;
 3. public campgrounds;
7. to investigate and approve easements for utility corridors and to review and approve the height of utility line crossings over public roads. Providers of utility services are required to submit proposals for utility line heights over public roads to the Planning Commission at least thirty (30) days before said lines are scheduled for installation. The Planning Commission is to review proposed easements and line heights for consistency with City plans for development and the need for mobility and access on public roads. A proposal for line height above a public road will be deemed approved if the Planning Commission takes no action upon the proposal within thirty (30) days after the proposal was submitted to the Planning Commission.

2.16.55 – Additional Functions

- A. The planning commission shall also prepare and recommend to the council:
 1. a zoning ordinance to implement plans prepared in accordance with Section 2.16.50 of this chapter.
 2. a subdivision ordinance;
 3. the official map of the city;
 4. modifications to the documents specified in 1 through 3 of this subsection.
- B. The commission shall publish notice of and hold at least one hearing before submitting its recommendations under "A" of this section to the council.
- C. The commission shall:
 1. act as the platting board;
 2. act upon requests for variances;
 3. act upon requests for conditional uses.
- D. Subject to AS 29.33.245, no platting request, variance, or conditional use may be granted except upon an affirmative vote of the majority of the commission.

CHAPTER 2.17

DEPARTMENT OF PARKS AND RECREATION

Sections:

- 2.17.05 – Creation
- 2.17.10 – Appointment-Term
- 2.17.15 – Duties of Director
- 2.17.20 – Parks and Recreation Board-Creation
- 2.17.25 – Composition-Appointment-Term
- 2.17.30 – Removal-Vacancies-Composition
- 2.17.35 – Organization-Meetings
- 2.17.40 – Powers and Duties of Board
- 2.17.45 – Bingo-Administration-Committee
- 2.17.50 – Powers and Duties of Board
- 2.17.55 – Bingo Collection/Disbursement Procedures
- 2.17.60 – Other Committees
- 2.17.65 – Definitions

2.17.05 – Creation

There is created a department of parks and recreation for the city. The director of the department of parks and recreation is the head of the department.

2.17.10 – Appointment-Term

The director is appointed by the mayor for a three-year term, subject to review by the council.

2.17.15 – Duties of Director

- A. The director, subject to the supervision and control of the mayor, shall have charge of and direct the recreational programs and activities sponsored or carried on by the city, including any parks, playgrounds, and any municipal facilities used in connection therewith.
- B. The director is a member of the parks and recreation board provided herein and is its chairman.

2.17.20 – Parks and Recreation Board-Creation

There is created a parks and recreation board for the city.

2.17.25 – Composition-Appointment-Term

- A. The parks and recreation board shall consist of five members who are appointed by the mayor for three-year terms, except that the director is a member of the board. Appointments are subject to review by the council. Members shall be city residents.
- B. Each person appointed to the board shall be in charge of the following city recreational activities or programs:
 - 1. bingo;
 - 2. Eskimo dances;
 - 3. Teen Club;
 - 4. special events or other activities.
- C. In appointing board members, the mayor shall give first consideration to those who are currently involved in or are working with the recreational activities or programs mentioned in "B" above.

2.17.30 – Removal-Vacancies-Composition

- A. Members may be removed by the mayor with the approval of the council if it is in the interest of the city.
- B. Vacancies shall be filled for the remainder of the unexpired term.
- C. Members shall serve without compensation, but the council may provide for reimbursement by resolution.

2.17.35 – Organization-Meetings

- A. As soon as is practicable after appointment, members of the board shall elect among themselves a vice-chairman and secretary-treasurer.
- B. The board shall determine the time and place of its regular meetings. The chairman may call special meetings as necessary.

2.17.40 – Powers and Duties of Board

The board shall have the following powers and duties:

- 1. act in an advisory capacity to the director, mayor, and council in matters of parks and recreation policies regarding
 - 1. development of parks and open space areas;
 - 2. recreation activities and programs; and
 - 3. budgetary and other fiscal matters.
- 2. investigate, study, and advise the director, mayor, and council as to feasible projects that will further the development of parks and open space and the program of recreational activities. Such studies shall be made with the purpose of determining the public requirements and the financial capacity of the city to support such projects;

3. act in an advisory capacity to the director in the coordination of plans in connection with new park and open space areas and recreational facilities;
4. investigate, study, and advise the director, mayor and council on suitable locations for statutes, monuments, historical markers, or other objects of an historical nature which may be placed in public areas in the city;
5. plan, establish, and coordinate city recreational programs, including bingo, Eskimo dances, Teen Club and other recreational activities approved by the city which use city facilities open to the public.

2.17.45 – Bingo-Administration-Committee

A. Each November, the Bingo Committee shall be approved and appointed by the Council. The committee members shall meet as soon as practicable following appointment, and elect from among themselves a Primary and an Alternate person responsible for the gaming activities. Should a vacancy occur during the year, the primary and alternate members shall fill the vacancy, subject to confirmation by the Council. Should either a primary or alternate position become vacant, the vacancy shall be filled by the Council upon recommendation of the committee members.

B. Subject to the powers of the council, the bingo committee may plan, establish, coordinate, and direct the bingo activities of the city.

C. The net proceeds from gaming activities are for charitable purposes only. Seventy-five percent of the Bingo net proceeds shall be appropriated by the City to Public Safety purposes (Fire and Police Departments) for the City of Saint Mary's.

D. Bingo shall have totally separate accounting. Bingo shall establish a separate checking account, and shall have a fiscal year from January 1 through December 31. All Bingo expenses, supplies, payrolls and payroll expenses shall be paid from the Bingo account.

E. The City Manager, Mayor, and two Bingo committee members shall all be authorized signers for the Bingo account. All checks shall require two signers.

F. Bingo pay periods shall be twice a month, on the 1st and the 16th of each month. Should a pay period end on a Friday or a weekend, the payroll shall be done the following Monday.

G. The board member in charge of the committee shall make a monthly report to the city council of the financial collections and disbursements of the city's bingo activities as further specified in Section 2.17.55.

H. Bingo committee members are considered to be part-time, temporary personnel for purposes of other City benefits, beyond those mandated by law.

I. Members may be removed by the mayor with the approval of the council if it is in the interest of the city. 2.17.50 – Powers and Duties of Board

- A. Subject to the powers of the board, the bingo committee may plan, establish, coordinate, and direct the bingo activities of the city.
- B. The board member in charge of the committee shall make a monthly report to the board of the financial collections and disbursements of the city's bingo activities as further specified in Section 2.17.55.

2.17.55 – Bingo Collection/Disbursement Procedures

The following procedures govern the management of the bingo activities of the city:

1. Not more than 25 percent of the gross amount collected from each bingo session from bingo participants shall be retained by the city. All expenses incurred in the operation of the city's bingo activities shall come from the said amount retained.
2. The monthly report required by Section 2.17.50 shall include figures showing the amount of gross receipts for each bingo session during the month and the payments for winnings to participants. The amount retained by the city shall be turned over to the city clerk on a monthly basis. All expenses incurred in the operation of the city's bingo activities shall be receipted and turned over to the city clerk on a monthly basis.
3. In addition to the requirements of "1" and "2" of this section, the bingo committee shall abide by the "Rules and Regulations for the Authorized Games of Chance and Skill" provided in Chapter 15 of the Alaska Administrative Code. In the event that the provisions of "1" and "2" of this section conflict with the Alaska Administrative Code provisions mentioned in this section, said Alaska Administrative Code provisions shall prevail.

2.17.60 – Other Committees

Subject to review by the council, the board may authorize additional committees to be formed to administer city recreational activities or programs.

2.17.65 – Definitions

As used in this chapter, "Board" means the parks and recreation board.

CHAPTER 2.18

BUDGET AND FINANCE ADVISORY COMMITTEE

Sections:

- 2.18.05 – Creation
- 2.18.10 – Composition and Appointment
- 2.18.15 – Term
- 2.18.20 – Functions
- 2.18.25 – Meetings
- 2.18.30 – Definitions

2.18.05 – Creation

There is created a Budget and Finance Advisory Committee for the city.

2.18.10 – Composition and Appointment

The committee shall be composed of the mayor, city manager, one council member, and one city resident. The Mayor shall appoint the council member and the city resident to serve on the committee.

2.18.15 – Term

Members shall serve as long as they hold office, but in the case of the city resident member, he or she shall serve for a period not to exceed the mayor's term of office.

2.18.20 – Functions

The committee may provide advisory recommendations to the council concerning the Saint Mary's District School Budget, the budget for the City, and any other financial matters which concern the city as determined by the mayor.

2.18.25 – Meetings

- A. The committee shall meet at such times as determined by the mayor as is necessary to carry out the committee's functions.
- B. All meetings of the committee are open to the public.
- C. Adequate notice of committee meetings shall be posted.

2.18.30 – Definitions

For purposes of this chapter, "committee" shall mean "Budget and Finance Advisory Committee."

CHAPTER 2.19

LIBRARY DEPARTMENT

Sections:

- 2.19.05 – City Library-Creation
- 2.19.10 – Librarian
- 2.19.15 – Librarian-Duties
- 2.19.20 – Library Board-Creation
- 2.19.25 – Library Board-Duties
- 2.19.30 – Library Board-Vacancies
- 2.19.35 – Use of Library

2.19.05 – City Library-Creation

There is created a Library Department for the City. The Department shall be responsible for the operation of the Saint Mary's City Library.

2.19.10 – Librarian

The librarian of the City of Saint Mary's shall be responsible for and shall supervise and control the Library Department. The Librarian will be responsible for the supervision of the City Library during open hours, establishing, with the assistance of the Library Board, the library procedures, preparing the annual budget for the library, preparing and making application for grants to assist the library program, and organizing special library activities.

2.19.15 – Librarian-Duties

The Librarian of the City library shall be responsible for and shall have control of the Library Department. The Librarian will be responsible for the supervision of the City Library during open hours, establishing, with the assistance of the Library Board, the library procedures, preparing the annual budget for the library, preparing and making application for grants to assist the library program, and organizing special library activities.

2.19.20 – Library Board-Creation

There is created a Library Board which shall act in an advisory capacity to the Librarian and to the City. The Board shall consist of two members appointed by the City Council after two years from the date of appointment. A new mayor shall have the option of appointing new members to the Board. The Library Board shall meet as often as required but in no event less than four times annually.

2.19.25 – Library Board-Duties

- A. Establish operational policies for the library program, and submit same to the City Council for annual approval. Annual review of library policies will be submitted for review by the first Tuesday of February. All policies of the program established by the Library Board are effective until review by the Council and remain effective unless specifically disapproved by the Council.
- B. Assist the Librarian in the preparation of the annual budget request to the City Council.
- C. Assist the Librarian in the preparation and submission of grant applications for the development of the library program.
- D. Make recommendations through the City Manager to the Mayor and the City Council concerning the Library Department and its programs.
- E. In addition, the Board may solicit donations of money and/or property for the benefit of the Library. Any money donations shall be deposited to the City Treasury in a reserve account dedicated for public library use. If property, it shall be accepted by deed or other conveyance subject to approval by the City Council. Such property shall be disposed of for public library purposes as the Council may direct.

2.19.30 – Library Board-Vacancies

- A. In the event of a vacancy on the Library Board, the Mayor shall appoint a person to fill the vacancy, subject to confirmation by the City Council.
- B. If any Library Board member is absent for three (3) consecutive meetings, the seat of that member shall be declared vacant, unless such absences are considered excused by the remaining members of the Board.

2.19.35 – Use of Library

All persons shall be extended the privilege of using the library, subject to observing the rules established for the use of the library. The Librarian may prohibit any person from using the library who willfully or persistently violates said rules. No person shall fail to leave the library when ordered to do so by the Librarian or other person in charge.

CHAPTER 2.20

SOLID WASTE COLLECTION AND DISPOSAL

Sections:

- 2.20.05 – Policy and Purpose
- 2.20.10 – Definitions
- 2.20.15 – Solid Waste Collection Service Required
- 2.20.20 – Service Requests, Rates, and Billings
- 2.20.25 – Solid Waste Storage
- 2.20.30 – Solid Waste Collection
- 2.20.35 – Administrative Policies
- 2.20.40 – Disposal Requirements
- 2.20.45 – Disposal Rate
- 2.20.50 – Hazardous and Toxic Wastes
- 2.20.54 – Burning Refuse at the City Land Fill
- 2.20.55 – Charges
- 2.20.60 – Penalties

2.20.05 – Policy and Purpose

It is hereby declared to be the purpose of Chapter 2.20 of this code to regulate the storage, collection, processing, recovery and disposal of solid waste in order to protect the public safety, health and welfare, and to enhance the environment of the people of Saint Mary's.

2.20.10 – Definitions

As used in Chapter 2.20, each of the following terms shall have the meaning herein:

1. **“City Manager”** is the director of the Department of Solid Waste services or his designee.
2. **“Hazardous or Toxic Waste”** is waste that requires special handling to avoid illness or injury to persons or damage to property.
3. **“Putrescible Solid Waste”** is organic solid waste matter capable of being decomposed by microorganisms.
4. **“Secured Load”** means a load of solid waste which has been tied or covered in a vehicle in a manner that will prevent any part of the solid waste from leaving the vehicle while the vehicle is moving.
5. **“Solid Waste”** is useless, unwanted or discarded material with insufficient liquid content to be free flowing.

6. **“Solid Waste Collection”** is the act of removing solid waste from a central storage point of a primary generating source to a place of solid waste disposal.
7. **“Solid Waste Disposal”** is the orderly process of finally disposing of solid waste.
8. **“Solid Waste Storage”** is the interim containment of solid waste, in an approved manner, after generation and prior to collection and disposal.
9. **“City”** is the municipal government of the City of Saint Mary’s.

2.20.15 – Solid Waste Collection Service Required

Every person residing in or occupying a building within the limits of the City of Saint Mary’s shall use the system of solid waste collection and disposal provided by the city. The City Manager may exempt a person from this requirement if the City Manager determines that the person requires solid waste collection and disposal services which cannot be provided by the city system.

2.20.20 – Service Requests, Rates, and Billings

- A. It shall be the responsibility of the customer to apply for solid waste collection service by contacting the City office. All applications shall remain in effect until the customer requests the city to discontinue service. It shall be the responsibility of the customer to notify the city of any changes that may affect the monthly charges.
- B. Billing
 1. Billing for solid waste service collection will commence with the date of occupancy and be paid immediately to the first day of the following month. The City shall have the right to determine how and to whom solid waste services are to be billed. Failure to receive a bill or failure to apply for service does not relieve the customer of responsibility for the charges.
 2. All solid waste collection charges shall be the obligation of the owner of the property served by the City. In the case of an apartment or apartment complex where the tenants receive individual bills, the total of which does not equal the current rate which would be billed to the property owner on a single billing, the owner shall be responsible for the difference due the City. Credit for vacant residential units may be extended if the period of vacancy exceeds one month and the customer notifies the City ten days in advance of the scheduled vacancy.
 3. In the event of overcharges of solid waste collection services, credit adjustments will be limited to the most recent six-month period prior to the discovery and notification of the error.

C. Services Categories, Rates, and Fees for the City Solid Waste Collection

The following categories of service exist for the solid waste collection service. The Council shall establish the rates for these service categories by resolution.

1. Conventional Can or Bag Service

(a) Basic Monthly Charge

This rate covers the scheduled weekly collection of a maximum of four collection units, each consisting of one conventional 32-gallon garbage can or two approved paper or plastic bags. The customer shall place all cans or bags of collection as close as practicable to the path of travel of the collection vehicle along the public right-of-way.

Type of Service	Monthly Rate
Single Family Residential	\$13.00
Multiple Family Residential	\$13.00

(b) Charges for Additional Services

- 1) Cans or bags in excess of the weekly limit will be collected only if the customer requests the service at least 24 hours in advance of the scheduled collection. An additional charge for each item above the weekly limit shall be set.
- 2) The City will not be required to collect refuse at other than the scheduled collection time. Estimates for special services will be quoted at the customer's request.
- 3) The City will provide carryout service subject to the following terms and conditions. Carryout service is available only for containers that do not have to be returned to the customer. Carryout service is available only for containers that are placed outdoors in plain view of the collection crew. The collection crew will not enter a building to collect a container unless prior arrangements have been made with the City.

The charge for carryout service is in addition to the collection charge levied under 2.20.20 (C)(1). Upon application, the City Council may waive charges for carryout service for persons living alone who are elderly or disabled.

B. City Permit Accounts and Commercial Accounts not covered under 2.20.20(A)

1. Individuals or firms that regularly use the city processing and disposal facility may obtain a permit that authorizes the extension of credit for

processing and disposal service transactions. Applications shall be signed by an authorized agent of the individual or firm applying for the permit, and shall specify the size(s) of vehicle to be used for carrying solid waste and the number of times a month the vehicles shall make disposal at the city disposal facility. The individual or firm must make every effort to accurately estimate the volume of solid wastes to be hauled to the dump within a month.

2. Charges for which credit is extended under a permit account will be billed annually for the City fiscal year, beginning each July 1, and ending the following June 30. Payment is due 10 days after the bill is mailed.
3. Failure to maintain a permit account in a current condition may subject the permit to cancellation at any time without notice to the permit holder.
4. Fee Schedule for Permit and Commercial Accounts:

Type of Business	Annual Rate
Retail Dry Goods	\$1,200
Air Freight	\$1,200
Restaurant/Snack Bar	\$600
Schools	\$1,200
Others	Based Upon Permit Application

5. Appeal Process: Commercial accounts may appeal their fees in writing to the council within 30 days following the billing, and must show just cause for reduction in their fees.
6. Annual Commercial Permit Accounts DO NOT include the dumping of vehicles, building demolition, or excess loads of any type.
7. The City reserves the right to refuse certain types of refuse or refuse from commercial accounts which have become delinquent.

2.20.25 – Solid Waste Storage

- A. No person shall keep on or about his property any solid waste unless it is kept in a container of a type described by this Chapter. Metal and plastic containers shall be equipped with tightly fitting covers and suitable handles, shall be no larger than 32 gallons in capacity and shall not exceed 20 pounds in weight when empty. They shall be so loaded that they can be conveniently handled without spilling the contents. Bags shall be securely tied or fastened at the top and shall not contain any rips, tears or holes. The weight of any one bundle or container shall not exceed 75 pounds. The bundles shall not be of a size greater than one-half cubic yard and

shall not exceed four feet in any dimension. Bulky items, such as tree trimmings that will not conveniently fit inside a container, must be bundled and securely tied or boxed. All containers shall be kept in a clean and sanitary condition by the owner or customer. Containers without handles or lids or with sharp edges or holes shall be considered solid waste and, after written notice to the customer has been left with the container on the previous collection date, may, without liability, be collected and discarded by the City.

- B. Solid waste shall not be stored longer than the period between scheduled collections.
- C. All putrescible solid waste shall be drained of surplus liquids and shall be securely wrapped in paper or placed in watertight bags before being placed in the containers.
- D. Solid wastes shall not, except on the scheduled collection day, be stored on or in any public right-of-way. The customer shall place the containers at the street for collection. Emptied containers shall be removed from view on the same day that collection is made.
- E. No person shall deposit solid wastes upon any property or in any container owned by another unless he does so with the consent of the property owner.
- F. No person having the care, as owner, lessee, agent, or occupant, of any premises shall store solid wastes for collection purposes except in a clean and sanitary manner and in accordance with all other applicable federal, state, and city statutes, ordinances, rules, and regulations. The City reserves the right to clean such premises if not properly kept, and to add the cost thereof to the utility bill off such person.

2.20.30 – Solid Waste Collection

- A. Solid wastes shall be collected pursuant to schedules established by the City Manager.
- B. All solid wastes shall be collected and disposed of at intervals sufficient to protect the public health and well being.
- C. The municipality may contract for the collection of solid wastes.

2.20.35 – Administrative Policies

The City Manager may adopt additional policies to implement this chapter subject to approval of the City Council by resolution.

2.20.40 – Disposal Requirements

All solid waste generated within the City shall, unless exempted in writing by the City Council, be disposed of by delivery to state-permitted solid waste processing and disposal facilities located in the City of Saint Mary's

2.20.45 – Disposal Rate

The City Council shall, by ordinance, establish charges for solid waste disposal services. The Council will post proposed changes in the rates for at least 5 days prior to adoption.

2.20.50 – Hazardous and Toxic Wastes

- A. Except as provided in this chapter:
 - 1. No person shall dispose of hazardous or toxic wastes within the city limits; and
 - 2. No person shall dispose of hazardous or toxic wastes generated within the city limits.
- B. Hazardous and toxic wastes that the City Manager determines can be safely and efficiently disposed of at the city disposal facilities shall be separately contained, clearly identified and delivered to a designated disposal facility upon such reasonable notice as the City Manager may require.
- C. Hazardous and toxic wastes which the City Manager determines cannot be both safely and efficiently disposed of at the city disposal facilities shall be disposed of in such a manner as to prevent any hazard, damage, or injury to persons or property, and shall, in addition, be disposed of in accordance with any and all applicable federal, state and city statutes, ordinances, rules and regulations.

2.20.54 – Burning Refuse at the City Land Fill

A. Only specific, designated employees of the City are authorized to burn refuse at the City Landfill, under the direction of the Director of Public Works.

B. ALL other individuals are specifically prohibited from burning refuse, and/or adding to any burning refuse, regardless if the fire was legally set by the City or illegally set by unauthorized persons.

2.20.55 – [Repealed Feb. 7, 1995]

2.20.60 -Penalties

A. Any person violating Section 2.20.54 (B) of this ordinance shall, upon conviction thereof, be punished by a fine of \$500.00 for each infraction thereof.

B. Violation of any other section of this ordinance shall be punishable by a fine of \$300.00 for each infraction thereof.

CHAPTER 2.25

DEPARTMENT OF EMERGENCY MANAGEMENT

Sections:

- 2.25.10 – Department Established
- 2.25.20 – Purpose
- 2.25.30 – Emergency Response Plan
- 2.25.40 – No Governmental or Private Liability

2.25.10 – Department Established

There is established a Department of Emergency Management. Executive and administrative duties are vested in the office of the Mayor, who may appoint such other personnel as shall be found necessary to properly and safely accomplish the purpose of the Department of Emergency Management.

2.25.20 – Purpose

It is the desire of the City to protect and preserve the lives, health, safety, and well being of the people living in, near or visiting the city. To this end, the Department of Emergency Management shall be responsible for implementing the approved emergency operations plan, and shall be the liaison agency with the Alaska Division of Homeland Security and Emergency Management.

2.25.30 – Emergency Response Plan

There shall be an emergency response plan developed jointly with the Alaska Division of Homeland Security and Emergency Management, which shall be adopted by ordinance and may be amended by resolution with notification to the Alaska Division of Homeland Security and Emergency Management.

2.25.40 – No Governmental or Private Liability

A. No emergency management agency or authorized emergency response personnel while in proper performance of his/her required duties shall be held liable for any damage sustained to persons or property as a result of emergency response activity except and unless as provided under applicable law.

B. No person owning or controlling real property, who allows the use of that property for emergency response activities shall be held liable for death or injury resulting from that use, except and unless as provided under applicable law.

TITLE III ELECTIONS

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CHAPTER 3.01

CITY ELECTIONS–IN GENERAL

Sections:

- 3.01.05 – Administration of Elections
- 3.01.10 – Voter Qualifications
- 3.01.15 – General Election-Time
- 3.01.20 – Special Election-Time
- 3.01.25 – Expenses
- 3.01.30 – Time Off for Voting
- 3.01.35 – Majority Elections

3.01.05 – Administration of Elections

The council shall prescribe the general rules for conducting city elections.

3.01.10 – Voter Qualifications

A person may vote only if he or she is a United States citizen qualified to vote in state elections, has been a resident of the city for 30 days immediately preceding the election, is now registered to vote in state elections, and is not disqualified under Article V of the State Constitution.

3.01.15 – General Election-Time

On the first Tuesday in October of each year a general election will be held in the city for the purpose of filling vacant city offices. The determination of other matters may be placed on the ballot.

3.01.20 – Special Election-Time

The council, by resolution, may order that a special election be held.

3.01.25 – 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 and 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.

3.01.30 – Time Off for Voting

Any qualified voter who does not have time to vote at any city, state, or national election may, without loss of pay, take off working time in order to vote.

3.01.35 – Majority Elections

If no candidate receives in excess of 40 percent of the votes cast for office, the council shall hold a runoff election for that office. Notice of a runoff election shall be published at least five days before the election.

Effect of amendments: Ordinance 96-02 passed by the City Council August 6, 1996, amending 3.01.15 the date of the general election.

CHAPTER 3.02

ELECTION OFFICIALS

Sections:

- 3.02.05 – General Election Duties of Clerk
- 3.02.10 – Election Judges and Clerks
- 3.02.15 – Filling Vacancies in Election Board
- 3.02.20 – Election Officials-Oath
- 3.02.25 – Canvass Committee

3.02.05 – General Election Duties of Clerk

The clerk or the clerk's designee will perform the duties necessary for the administration of city elections. The election duties of the clerk include, among others, obtaining from the State of Alaska a list of voters registered in accordance with Alaska Statutes 15.07.040. The clerk may publish notices urging voter registration and may cooperate with the State of Alaska in encouraging city residents to register.

3.02.10 – Election Judges and Clerks

- A. Before each city election, the council shall appoint three judges for each city polling place to constitute the election board for each polling place. One judge in each polling place shall be designated chairman by the council and shall be responsible for the election in that polling place. The clerk may appoint up to three additional election clerks at any polling place when necessary to facilitate the orderly conduct of the election or to relieve the judges or election clerks of undue hardship.
- B. Each judge or election clerk must be a qualified voter of the city.

3.02.15 – Filling Vacancies in Election Board

If an appointed judge or election clerk fails to appear and subscribe to the oath on election day or becomes unable to work during the time of the election or canvass, the election board members present shall elect, by a majority voice vote, a qualified voter to fill the vacancy.

3.02.20 – Election Officials-Oath

The clerk will choose an election judge from each polling place to appear before the clerk and take the oath set out in this section. This election official will administer the same oath to all other election judges and election clerks at his or her polling place. The oath will be as follows: "I, name, do solemnly swear that I will honestly and faithfully perform the duties of election. All of this I will faithfully perform to the best of my ability, so help me, God.

3.02.25 – Canvass Committee

The council shall serve as a canvass committee which will canvass all votes after the election judges have completed their tally of votes.

CHAPTER 3.03

CANDIDATES–NOMINATIONS

Sections:

- 3.03.05 – Candidates–Qualifications
- 3.03.10 – Declaration of Candidacy–Form And Filing
- 3.03.15 – Declaration of Candidacy–Time For Filing
- 3.03.20 – Declaration of Candidacy–Record
- 3.03.25 – Declaration of Candidacy–Time For Withdrawing Candidacy

3.03.05 – Candidates–Qualifications

No person shall hold any elective city office or be eligible to seek election to any elective office unless he or she is a qualified voter of the city.

3.03.10 – 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 oath before the clerk and on a form provided by the 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 full mailing address of the candidate;
4. The office for which the candidate declares;
5. That the candidate is a qualified voter and resident of the city;
6. That the candidate agrees to serve for a full term if elected to the office.

3.03.15 – Declaration of Candidacy–Time For Filing

A declaration of candidacy shall be filed with the clerk not earlier than thirty days nor later than ten days before the election.

3.03.20 – Declaration of Candidacy–Record

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

3.03.25 – Declaration of Candidacy–Time For Withdrawing Candidacy

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

CHAPTER 3.04

NOTICE OF ELECTIONS

Sections:

- 3.04.05 – Notice of Election
- 3.04.10 – Contents of Election

3.04.05 – Notice of Election

The clerk shall give at least ten days' notice of each general election and twenty days' notice of each special election by posting notice in three places within the city. In addition, public notice shall be made at each voting precinct of the city.

3.04.10 – Contents of Election

Notices for general or special elections must contain the following:

1. The date of the election;
2. The offices to be filled or the propositions to be voted upon;
3. The time the polling places will open and close;
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.

CHAPTER 3.05

ELECTION EQUIPMENT

Sections:

- 3.05.05 – Election Booths
- 3.05.10 – Furnishing Instruction Cards
- 3.05.15 – Ballots–Printing and Inspection
- 3.05.20 – Ballots–Form
- 3.05.25 – Sample Ballots
- 3.05.30 – Registration Index and Original Register– Distribution to Precinct Officials

3.05.05 – Election Booths

The clerk will provide booths at each polling place with enough supplies and materials to enable each voter to mark the ballot in privacy. At least three sides of each booth shall be in plain view of the judges and clerks, voters, and other persons at the polling places.

3.05.10 – Furnishing Instruction Cards

- A. The 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 the necessary number of these instruction sheets to the election judges in each voting place.

3.05.15 – Ballots–Printing and Inspection

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

3.05.20 – 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. Under the title of each office and below the printed names of the candidates, there will be printed the number of candidates to be elected to office.
- 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. an example of 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 the same size. On each line on which the name of the candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side will be printed.
- F. The names of candidates shall be printed as they appear on the petitions filed with the 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.

3.05.25 – Sample Ballots

The 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 voting place.

3.05.30 – Registration Index and Original Register– Distribution to Precinct Officials

Prior to the opening of the polls, the clerk shall deliver a registration list and an original register to the election officials in every 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 offer 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.

CHAPTER 3.06

ELECTION PROCEDURES

Sections:

- 3.06.05 – Time for Opening and Closing Polls
- 3.06.10 – Distribution of Ballots
- 3.06.15 – Preparation of a Ballot Box
- 3.06.20 – Voting Procedure
- 3.06.25 – Marking of Ballots by Voters
- 3.06.30 – Challenging Voters
- 3.06.35 – Questioning a Voter's Ballot
- 3.06.40 – Challenged Ballots–Disposition
- 3.06.45 – Ballots–Counting and Tallying
- 3.06.50 – Defective and Unused Ballots
- 3.06.55 – Election Certificate
- 3.06.60 – Majority Decision of Election Board
- 3.06.65 – Prohibitions Near Election Polls

3.06.05 – 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, close the polls for voting at eight o'clock in the evening, and keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 in the morning of an election day.
- B. Fifteen minutes before the closing of the polls, a judge or election 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.

3.06.10 – Distribution of Ballots

- A. The clerk shall deliver the ballots to the election board before the polls are opened 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 of it. A receipt for each package shall be taken from the election board to which it is delivered and saved by the clerk. No ballots shall be taken from the polling place before the closing of the polls.

- B. The Clerk shall keep the following records:
 - 1. the number of ballots delivered to the various polling places;
 - 2. the name of the persons to 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.

3.06.15 – Preparation of a Ballot Box

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

3.06.20 – Voting Procedure

- A. A voter shall give the judges and election clerks his or her name, and write his or her name and residence on the first available line of the registration book. If any judge or election clerk present believes the voter is not identifiable, he or she shall immediately challenge the voter.
- B. If the voter is not challenged, he or she shall be given one ballot and shall retire alone to a voting booth. There the voter without delay shall prepare his or her ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him or her on the blank lines provided for that purpose. The voter may also mark the boxes for questions and propositions. Before leaving the voting booth, the voter shall fold his or her ballot in a manner displaying the number on the ballot and deliver it to one of the judges or election clerks, who 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 election clerks.
- C. A voter who by accident or mistake spoils his or her ballot shall, upon returning the spoiled ballot to the judges and election 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 election clerk if request is made for such assistance.

3.06.25 – Marking of Ballots by Voters

- A. A voter may mark his or her ballot only by the use of cross mark, "X" marks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
- B. A 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 office, the votes for candidates for that office shall not be counted.
- E. The mark shall be counted only if it is mostly inside the square provided or touches 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.

3.06.30 – Challenging Voters

The election judges and election clerks shall challenge, or other qualified voter in the city may challenge, a person attempting to vote if the challenger has a 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 person so challenged shall take an oath and sign an affidavit provided by the city clerk attesting to the fact that he or she meets all the qualifications of a voter; that he or she is not disqualified, and that he or she shall also state the place from which he or she came immediately before living in the city and the length of time of 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.

3.06.35 – Questioning a Voter's Ballot

If a person's registration is in question, said person shall be allowed to vote and any election official shall consider the ballot a questioned ballot.

3.06.40 – Challenged Ballots–Disposition

After a challenged or questioned voter has cast his or her 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 challenge.

3.06.45 – Ballots–Counting and Tallying

- A. Immediately after the polls close and the last vote has been cast, the election judges will open the boxes containing the ballots. 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 register. 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 the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one and tally the number of votes for each candidate and for or against each issue. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.

3.06.50 – Defective and Unused Ballots

If a voter shall mark more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his or her ballot any voter's choice for any office to be filled, 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 to be chosen 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 the voters shall be returned by the judges to the clerk, who shall give a receipt for them and keep a record of the number and condition of ballots returned, indicating when and by which judge each was returned.

3.06.55 – Election Certificate

After the votes are announced and counted, a certificate will be prepared stating the number of votes each person has received and designating the office for which he or she had run. The poll lists and tallies will be attached to the certificate. The certificate will be signed by the election judges. The registration index, original register, tallies or tally papers, oath 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 clerk.

3.06.60 – Majority Decision of Election Board

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

3.06.65 – 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.

CHAPTER 3.07

CANVASSING OF ELECTION RETURNS

Sections:

- 3.07.05 – Canvass Committee–Meeting–Postponing Canvass
- 3.07.10 – Canvass to be Made Public
- 3.07.15 – Investigation of Challenged Ballots
- 3.07.20 – Challenged Ballots–Subpoenas
- 3.07.25 – Canvass Committee–Report–Contents
- 3.07.30 – Results of Election–Public Declaration
- 3.07.35 – Certificate of Election

3.07.05 – 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 in total.

3.07.10 – Canvass to be Made Public

- A. The canvass of all absentee 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 following manner:
 - All ballot envelopes shall be removed from return envelopes, and placed in a ballot box.
 - The return envelopes shall be delivered to the city clerk.
 - 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 the election certificates to correct any mathematical error in the count of paper ballots.
- D. If the city clerk finds an unexplained error in the tally of paper ballots, he or she may count the ballots from the ballot box.

3.07.15 – Investigation of Challenged Ballots

The canvass committee may request the assistance of the clerk or the mayor to investigate the challenges made. Any city voter may appear to give testimony

concerning the challenged ballots. The canvass committee will deliver the challenged ballots to the council and submit a report of their findings. The council may accept 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. The clerk will notify a voter whose ballot is not counted that the challenge against him was upheld.

3.07.20 – Challenged Ballots–Subpoenas

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

3.07.25 – 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 persons voted for and the proposition voted upon;
3. the offices voted for;
4. the number of votes cast for each candidate and the number of votes cast for and against each proposition voted on at the election;
5. a proposed disposition of all challenge, absentee, write-in, questioned, and voided ballots; and
6. other matters which the canvass committee may determine to be necessary.

3.07.30 – Results of Election–Public Declaration

- A. If a contest is not begun under the provisions of Chapter 3.09, the result 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.

3.07.35 – 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.

CHAPTER 3.08

ABSENTEE VOTING

Sections:

- 3.08.05 – Absentee Voting–Eligible Persons
- 3.08.10 – Absentee Ballots–Application–Filing
- 3.08.15 – Absentee Ballots–Delivery
- 3.08.20 – Notation of Ballot Number and Date of Application
- 3.08.25 – Completion and Return of Absentee Ballots
- 3.08.30 – Absentee Voting at Clerk's Office–Surrender of Absentee Voter's Ballot
- 3.08.35 – Absentee Ballots–Executing Outside City
- 3.08.40 – Absentee Ballots–Receipt
- 3.08.45 – Absentee Ballots–Voting Supplies
- 3.08.50 – Liberal Construction

3.08.05 – 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.

3.08.10 – Absentee Ballots–Application–Filing

- A. A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the clerk.
- B. An application made by mail must be received by the clerk no earlier than twenty days or later than three days before a city election. An application made in person must be filed with the clerk not more than fifteen days before the city election, and not later than noon on the day before a city election.
- C. The application must be signed by the applicant and show his or her place of residence.
- D. Nothing in this section is intended to limit the clerk in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the clerk's office for an absentee voter's ballot.

3.08.15 – Absentee Ballots–Delivery

Upon receipt of an application for an absentee voter's ballot, the clerk shall consult the voter 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

to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, an identification envelope and a return envelope. If the absentee voter's ballot is personally delivered, it shall be completed before the clerk at the time of delivery. No absentee voter's ballot will be mailed to a voter who resides within the city's boundaries.

3.08.20 – Notation of Ballot Number and Date of Application

Upon personal delivery or the mailing of absentee voter's ballot, the clerk will enter on the space provided in the voter registration index the number of the ballot and the date the ballot was delivered or mailed. Before the election the clerk will send the election judges a list of voters who have voted absentee.

3.08.25 – Completion and Return of Absentee Ballots

The identification envelope and return envelope provided to the voter will be of a form, size, and weight as determined by the clerk. The identification envelope will have printed on its face an affidavit as follows:

"IDENTIFICATION ENVELOPE"

State of Alaska)

)

)

I, _____, state I am a resident of and a voter in the city of Saint Mary's, Alaska and I hereby enclose my ballot.

VOTER _____.

(SEAL)

(Residence address within the City)

SUBSCRIBED AND SWORN before me, this ____ day of _____, 19__, at __m. I hereby certify that in my presence this affidavit enclosed a ballot and handed me this envelope sealed, that he or she signed this affidavit, and that I acknowledged his (her) signature and affidavit, all in accordance with the law.

Official's Signature

(SEAL)

Title of Officer

NOTICE: After receiving the sealed envelope from the person taking you affidavit when voting outside the office of the city clerk of the City of Saint Mary's, you must immediately return it by mail, postage prepared, to the City Clerk, P.O. Box 163.

MARKED BALLOT ENCLOSED TO BE
OPENED ONLY BY

CANVASSING COMMITTEE

3.08.30 – Absentee Voting at Clerk's Office–Surrender of Absentee Voter's 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 clerk and execute his or her ballot in the following manner:

1. The voter will first display the ballot to the clerk to show that the ballot has not been previously marked. He or she 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 or her in a 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, the clerk will tear the printed number off and permit the voter to enclose the ballot in the identification envelope.
2. The voter will then make out and swear to the affidavit printed on the face of the envelope. The voter will seal the envelope and deliver it to the clerk.
3. The voter will certify the affidavit printed on the identification envelope by writing or stamping his or her name across the seal. The clerk will deposit the envelope in a safe place in the clerk's office, to be kept there until it is delivered to the canvassing committee.
4. If an absentee voter returns to the city on election day, he or she will not be allowed to vote unless he or she surrenders the absentee voter's ballot and any other supplies mailed to said absentee voter.

3.08.35 – 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. The voter may complete his or her ballot as set out in 3.08.30 before said officer.

3.08.40 – 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.

3.08.45 – Absentee Ballots–Voting Supplies

All supplies necessary for the voter to cast and return his or her ballot will be furnished by the clerk. No city official may make any charge for services rendered to any voter under the provisions of this Chapter.

3.08.50 – Liberal Construction

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

CHAPTER 3.09

CONTEST OF ELECTION

Sections:

- 3.09.05 – Contest of Election
- 3.09.10 – Recount Expenses–Appeal
- 3.09.15 – Contest of Election–Investigation
- 3.09.20 – Ballot Recount
- 3.09.25 – Prohibited Practices Alleged
- 3.09.30 – Sustained Charges–Recount
- 3.09.35 – Determination of Tie Votes

3.09.05 – Contest of Election

- A. Any candidate or any ten qualified voters may contest the election of any person and the approval or rejection of any question or proposition.
- B. A candidate or voter who believes that prohibited practices occurred at an election will appear before the council at the special council meeting held on the first Monday following the election. He or she will deliver a sworn written notice of contest, which will state with particularity the provisions of the law which he or she believes were violated and the specific acts he or she believes to be misconduct. A notice shall read:

"NOTICE OF ELECTION CONTEST"

The undersigned believes that prohibited practices occurred at the election held on _____.

The undersigned states that the following laws were violated: _____.

The undersigned states that the above provisions of the law were violated in the following manner: _____.

Signature of person contesting

SUBSCRIBED AND SWORN to before me, this _____ day of _____,
19 ____.

Notary Public in and for Alaska

My Commission Expires: _____.

3.09.10 – Recount Expenses–Appeal

- A. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning vote and a losing vote on the result contested is more than two percent.
- B. No person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the city, has exhausted his administrative remedies before the city council and has commended, within ten days after the council has finally declared the election results, an action in the superior court in the city's judicial district. If no such action is commenced within the 10-day period the election and election results shall be conclusive, and valid in all respects.

3.09.15 – Contest of Election–Investigation

The city council will order an investigation to be made by the city clerk and/or the mayor if a notice of contest is received. Investigation proceedings will be public.

3.09.20 – Ballot Recount

If only a recount of ballots is demanded, the election board where the error allegedly occurred shall recount the ballots.

3.09.25 – Prohibited Practices Alleged

When the contestant alleges prohibited practices, the council will direct the city clerk to produce the original register books for the election.

3.09.30 – Sustained Charges–Recount

If the charges alleged by the contestant are upheld, the canvassing committee will make a recount and report immediately to the council. The council will then certify the correct election returns as provided in 3.07.30 of this Code.

3.09.35 – Determination of Tie Votes

If, after a recount and appeal, two or more candidates tie in having the highest number of votes for the same office, the mayor shall notify the candidates who are tied. The mayor shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by lot. After the determination has been made by lot, the mayor shall so certify.

TITLE IV

REVENUE AND FINANCE

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CHAPTER 4.01

FISCAL POLICIES

Sections:

- 4.01.05 – Budget and Construction Program
- 4.01.10 – City Obligations
- 4.01.15 – Fiscal Year
- 4.01.20 – Funds Designated
- 4.01.25 – Audit of City Government Accounts

4.01.05 – 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.

4.01.10 – 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 non-code ordinance.
- 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.

4.01.15 – 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.

4.01.20 – Funds Designated

- A. Funds designated for the city shall be:
 - 1. General Fund;
 - 2. Federal Revenue Sharing Fund;
 - 1. Federal Reserve Fund;
 - 3. Capital Project Funds (as needed);
 - 4. Enterprise Funds;
 - 1. Water & Sewer;

2. Capital Asset Reserve Fund;
5. Debt Service Fund;
6. Internal Service Fund;
7. Trust and Agency Fund;
8. General Fixed Asset Account Group;
9. General Long Term Debt Account Group;
10. Other funds as created by resolution of the City Council.

- B. Capital Asset Reserve Fund – Appropriation:** The City Council of Saint Mary’s appropriates to a Capital Asset reserve Fund an amount equal to five percent (5%) of the combined balances as of January 1, 1985 of the General Fund, Water and Sewer Fund, and those Capital Project Funds established from direct Municipal Grants to the City from the State of Alaska. The City Council may appropriate additional sums from the designated funds to the Capital Asset reserve Fund as it may from time to time deem fitting and proper.
- C. Capital Asset Reserve Fund – Purpose:** The purpose of the Capital Asset reserve Fund is to establish a reserve fund to offset depreciation and to help provide for the future operation and maintenance of buildings and facilities constructed or to be constructed by the City, and to provide for the operation, maintenance and replacement of vehicles and or her equipment purchased by the City.
- D. Capital Asset Reserve Fund – Limitations and Exceptions:**
1. *Limitations:* The City Council shall not appropriate any amounts from the Capital Asset Reserve Fund until July 1, 1991. After July 1, 1991 the City council may appropriate only the annual earnings of the fund or purposes consist with paragraph 4c. The Council may accumulate annual earnings for appropriation but may not appropriate and amount that will reduce the balance of the fund as of July 1 1994.
 2. *Exceptions:* The City Council may, in an emergency, disregard the limitations of paragraph 4d (1) and appropriate from the Capital Asset Reserve Fund After passage of an appropriation ordinance which sets forth: the amount to be appropriated, the emergency conditions, and a finding that other funds are not available or are inadequate to alleviate the emergency conditions. Said ordinance shall pass only upon a vote of at least four council members.
- E.** The City Council may abolish the Capital Asset Reserve Fund upon passage of an ordinance, said ordinance to pass only upon a vote of at least four council members. Upon abolition the balance of the Capital Asset Reserve Fund shall be deposited in the General Fund unless other funds are specifically designated by the Council.

4.01.25 – Audit of City Government Accounts

Prior to the end of each fiscal year the council shall designate a qualified individual who, at the end of the fiscal year, shall make an independent audit. Such person shall have no personal interest, direct or indirect, in the financial affairs of the city or of any of its officers.

CHAPTER 4.02

ASSETS–DISBURSEMENTS

Sections:

- 4.02.05 – Treasury
- 4.02.10 – Accounting
- 4.02.15 – Checks
- 4.02.20 – Insufficient Funds in Bank Account

4.02.05 – 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 saving accounts of any bank.

4.02.10 – 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. summary statement of cash receipts and disbursements;
 - 2. reconciliation statement–banks–investments –funds;
 - 3. statement of expenditures compared with appropriations.

4.02.15 – Checks

- A. An **authorized signer** is defined as a member of the city council who is not otherwise employed in the city offices. All city council members not otherwise employed by the city shall be authorized signers for checking accounts and investment accounts, for the duration of their terms. The city engineer is also authorized to sign checks on special project accounts.
- B. **Payroll checks** include only those checks printed at the end of a regular payroll period, for the sole purpose of compensating the city’s employees for services rendered.

- C. A *check* shall be considered to include all instruments written to satisfy obligations, as well as forgiveness of bills and/or credits issued to an entity who owes a debt to the city.
- D. A check request shall be submitted for each check to be issued, except for checks paying regular payroll obligations. Checks to be issued to pay regular payroll obligations may be requested as a group, on one check request form. The check request shall be approved by either the city manager or the city clerk/treasurer. Check requests shall remain on file for a period of three years.
- E. No check shall be approved and issued by the same person. No authorized signer may approve or issue a check.
- F. All checks drawn on the treasury of the city, except for checks paying regular payroll obligations, shall be signed by two authorized signers.
- G. Payroll checks shall be signed by one authorized signer, to facilitate the timely disposition of payroll.

4.02.20 – Insufficient Funds in Bank Account

No city check may be written at any time when funds are insufficient. Willful violation of this provision and conviction shall result in a fine of not more than five hundred dollars (\$500).

CHAPTER 4.03

BUDGET FORM AND SCOPE

Sections:

- 4.03.05 – Scope of Budget
- 4.03.10 – Anticipated Revenues
- 4.03.15 – Anticipated Revenues Compared with Other Years
- 4.03.20 – Proposed Expenditures
- 4.03.25 – Proposed Expenditures Compared with Other Years
- 4.03.30 – Budget Summary

4.03.05 – 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.

4.03.10 – Anticipated Revenues

Anticipated revenues shall be composed of "taxes," "licenses and permits," "intergovernmental revenue," "charges for services," "fines and forfeits," "miscellaneous revenue," "cash reserves," and others as needed for proper accounting purposes.

4.03.15 – Anticipated Revenues Compared with Other Years

In the anticipated column opposite the items of anticipated revenues there shall be placed the amount of each such item actually received in the preceding fiscal year.

4.03.20 – 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.

4.03.25 – 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.

4.03.30 – 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 manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

CHAPTER 4.04

BUDGET PROCEDURES

Sections:

- 4.04.05 – Budget Public Record
- 4.04.10 – Publication of Notice of Public Hearing
- 4.04.15 – Public Hearing on Budget
- 4.04.20 – Further Consideration of Budget
- 4.04.25 – Adoption of Budget–Vote Required
- 4.04.30 – Effective Date of Budget–Certification–Copies Made Available

4.04.05 – 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 public inspection by anyone. The mayor shall cause to be prepared for distribution to interested persons copies of the budget and budget message.

4.04.10 – 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.

4.04.15 – 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.

4.04.20 – 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 in proposed expenditures fixed by law. The council may not vary the titles, descriptions, or conditions of administration specified in the budget.

4.04.25 – Adoption of Budget–Vote Required

The budget shall be adopted by majority vote of the council, preferably by May 1st, but not later than May 31st.

4.04.30 – Effective Date of Budget–Certification–Copies Made Available

Upon adoption of a 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, the city manager, and the clerk, and filed in the office of the clerk. The budget so certified shall be printed, mimeographed, or otherwise reproduced, 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.

CHAPTER 4.05

PROCUREMENT POLICY

Sections:

- 4.05.05 – Purpose
- 4.05.10 – Purchasing Agent and Scope of Authority
- 4.05.20 – Purchasing Agent-Other Powers and Duties
- 4.05.25 – Requisitions and Estimates
- 4.05.30 – Requirement of Prior City Council Approval
- 4.05.35 – Procurement Procedures: Professional Services Agreements
- 4.05.40 – Procurement Procedures: Capital Project Pre-Construction and Construction Services
- 4.05.45 – Contracts Over Seventy-Five Thousand Dollars
- 4.05.50 – Notice Inviting Requests for Proposals and Bids
- 4.05.55 – Close-out and Release of Claims

4.05.10 – Purpose

This City of Saint Mary’s procurement policy is to define and establish mechanisms whereby the City’s procurement of and contracting for: materials and supplies; equipment; program professional services; and capital project pre-construction and construction services—is accomplished in a transparent and competitive manner and controlled by prescribed procedures. It also is established to protect the City from entering into open-ended contracts having frequent change orders and amendments.

4.05.10 – Purchasing Agent and Scope of Authority

- A. The City shall have a purchasing agent with the responsibility and authority to conduct and accomplish all purchasing of supplies, materials, equipment, and contractual services for the offices, departments and agencies of city government.

- B. The City manager or by delegated authority, the City Financial Officer, shall be the City purchasing agent and contract officer.

- C. Concerning capital projects, the City Council may direct that a Project designated Representative be appointed, with delegated authority from the City Manager, to function as the City’s contract and procurement officer for a particular capital improvement project.

D. The purchasing agent shall have the responsibility and authority to purchase or contract for supplies, materials, equipment, and contractual services needed by any City department or division and also, to dispose of surplus City personal property in accordance with City ordinances and such rules and regulations as may be prescribed and approved by the Council.

E. All purchasing agent procurement approvals, except in emergency situations, shall be in compliance with the Council approved budget categories contained in the current City fiscal year operating budget or amended budget. The purchasing agent shall direct City department directors and division heads not to submit purchase requests, except in emergency situations, that are not included in the current fiscal year operating budget.

F. The purchasing agent will have authority to join other governmental entities in cooperative purchasing ventures (e.g. fuel purchases) when the best interests of the city would be served and such purchases are in accord with City and State law.

G. The purchasing agent, without further council approval, may authorize purchases and contractual services covered in the current city fiscal year operating budget or in an emergency situation, not in excess of eight thousand dollars (\$8,000.00) in accordance with established requisition and contractual procedures. Equipment purchases are those where the unit price of the item is \$5,000 or more.

H. The purchasing agent will attempt to purchase supplies, that are used by various City departments, in bulk purchases and may transfer supplies, materials and equipment to and between City departments, divisions and offices.

4.05.20 – Purchasing Agent-Other Powers and Duties

The purchasing agent shall:

A. Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City.

B. Recommend and draft, as necessary, proposed amendments and modifications of existing policies and practices related to purchasing.

C. Keep informed of current developments in the field of purchasing, prices, market conditions and new products; and secure for the City the benefits of research done in the societies, trade organizations, plus private businesses and organizations. In particular, the purchasing agent should

become informed concerning current developments directly affecting those industries, particularly the commercial fishery and tourism industries, on which the economy of the City is most dependent.

D. Inspect, arrange for inspection and, as feasible, supervise the inspection of all deliveries of materials/supplies and performance of contractual services, in order to determine their conformance with the specifications set forth in the City's invoice orders or contracts.

4.05.25 – Requisitions and Estimates

A. All city departments and divisions requiring supplies, with the approval of the department or division director, shall file, ordinarily on a quarterly basis, with the purchasing agent and as the purchasing agent prescribes, all requisitions or estimates of supplies and contractual services that the department or division may require for a given budget period; insofar as these procurement requisitions and estimates are covered by the current City operating budget or budget amendment. This does not preclude requisitions from department or division directors being made at other times, in order for the department or division to meet previously unforeseen or emergency requisition needs.

B. The purchasing agent shall examine each requisition or estimate and shall have the authority to recommend revisions as to quantity, quality, estimated cost or the need for at least three vendor bids/sales orders.

4.05.30 – Requirement of Prior City Council Approval

A. Each and every purchase of supplies and materials, equipment, consultant professional services agreement, capital project pre-construction and construction contract, or procurement commitment of any nature, in excess of eight thousand dollars (\$8,000) shall require the prior approval of the City Council; except where such expense/commitment approval explicitly is contained as an expense category or line item in the Council approved, current City fiscal year operating budget or amended budget; e.g., City liability insurance and school commitment payment costs.

B. Contracts for professional or technical consultant services in excess of \$8,000, except in the case of emergency facility safety, legal or medical services, shall follow the same general "request for proposal" or bid procedures outlined in Section 4.05.35 and Section 4.05.40 of this Chapter.

C. Concerning capital improvement projects, City Council budget approval shall be given for all such projects – not under contract at the time of enactment of this ordinance – including: a) architect/engineering design

(regardless whether funding sources consider such A/E Design projects as pre-construction or construction projects); b) prime contract as well as force account construction projects; and, c) construction administration/inspection projects. This Council approval shall be received prior to any solicitations for statements of qualifications, requests for proposals or sealed bids being allowed. However, where such projects explicitly have been approved in the City's current fiscal year operating budget or amended budget, the soliciting of SEQ's, RFP's or sealed bids may proceed without further Council approval; e.g., in cases where solicitations are to be conducted by federal and state grantors through approved grant administrators, such as federal EPA grants to the City that the Alaska Native Tribal Health Consortium administers.

D. Change-Orders – Regarding capital project change-orders, the City Council may approve all change-orders, regardless of amount, pertaining to original capital project contract sums that the council previously shall have approved and explicitly included in the current City fiscal year operating budget or amended budget. Such resolution approval shall be contingent on these change-order requests and their financial amounts already having been approved as being justified, in writing, by: the project's construction administrator/inspector; the City manager or project designated representative; the City treasurer, who certifies that adequate City and local matching funds are available to cover payment of the change orders; and, if federal, state or other grantors are involved, by the primary grantor's project manager. The Council shall approve these change-order requests by Resolution for submittal to any involved primary grantor for financial approval and, ultimately, as a request for the grantor to approve an amendment budget increase to the City's grant, in order to cover the grantor's share of the change-order sum.

4.05.35 – Procurement Procedures: Professional Services Agreements-
Program Consultants

A. Concerning City consultant needs for ongoing programs, professional services agreements of more than eight thousand dollars (\$8,000) but no more than thirty five thousand dollars (\$35,000) can be approved, without other formalities, by majority vote of the City Council. All other qualifications being equal, preference will be given to local consultants in this approval process.

B. Regarding City consultant needs for ongoing programs, professional and technical services agreements of more than thirty five thousand dollars (\$35,000) but less than seventy five thousand dollars (\$75,000), shall be approved, except in emergency situations, through the requests for proposals

process or, as considered necessary, by competitive bid. Potential public safety agreements with federal, state or regional non-profit entities are excluded from having to comply with the RFQ or sealed bid process.

4.05.40 – Procurement Procedures: Capital Project Pre-Construction and Construction Services

A. Concerning City consultant needs for capital project pre-construction projects (e.g.,) feasibility studies, planning studies and architect/engineering design projects) as well as construction projects (e.g., construction administrator/inspector projects), professional services agreements of more than eight thousand dollars (\$8,000) but no more than thirty five thousand dollars (\$35,000) can be approved, without other formalities, by majority vote of the City Council.

B. In the case of City consultant needs for capital project pre-construction projects as well as construction projects, professional services agreements of more than thirty five thousand dollars (\$35,000) but less than seventy five thousand dollars (\$75,000), shall be approved, except in emergency situations: a) through the request for proposals process or statement of qualifications process, in which a Professional Engineer – e.g., a State employed civil engineer – the Mayor and the City Manager or project Designated Representative rank the RFQ's and take part in the contract award negotiations; or b) as considered necessary, through a competitive sealed bid process.

C. Regarding City consultant needs for capital project pre-construction projects, as well as construction projects, professional services agreements of seventy five thousand dollars (\$75,000) or more, shall be approved, except in emergency situations: a) through the requests for proposals process, in which the City Council and the Mayor, the City Manager and, as pertinent, the project designated representative, plus at least one professional civil engineer participate as the City's Sponsor Team in the ranking of the RFQ's and the contract award financial negotiations; or b) through a competitive sealed bid process.

D. In reference to city consultant needs for capital project pre-construction projects, City professional services agreements for completing planning evaluations and feasibility studies, will be accomplished through a competitive process that is distinct and separate from the competitive process for procuring a professional services agreement with an architect/engineering design consultant.

E. Concerning City consultant needs for capital project construction projects, City professional services agreements for construction administration/inspection work, will be accomplished through a competitive process that is distinct and separate from the competitive process that procured a pre-construction project-professional services agreement with an architect/engineering design consultant.

F. Regarding Primary Construction Contracts, the contract award of seventy five thousand dollars (\$75,000) or more, shall be made through the competitive sealed bid process. All other factors being equal, the City will allocate the contract funds for an eventual prime construction contract award to the apparent low bidder through a Letter of Intent to contract. The City reserves the right to waive conditions contained in the Letter of Intent.

G. A project Notice to Proceed to contract will be issued to a prime construction contractor (and to the highest ranked pre-construction or construction consultants selected through the RFP process) only after: all project financial negotiations have been successfully concluded with the Contractor; a prime construction contract has been agreed; and, the Contractor has fulfilled to the City's satisfaction, all insurance, bonding and related requirements. Lacking the above, the City will issue a new Letter of Intent to the second ranked bid applicant.

4.05.45 – Contracts Over Seventy Five Thousand Dollars

A. Unless otherwise prohibited or exempted by City Ordinance or because of extreme emergency, all contracts and purchases for an amount estimated to exceed seventy five thousand dollars (\$75,000) shall be by competitive sealed bids or, in the case of professional services consultant agreements, through the request for proposals process.

B. Notwithstanding Subsection A immediately above, the purchasing agent, following City Council approval of the pertinent bid proposal or contract, may enter into contracts or purchases estimated to exceed \$75,000, with a state, municipal government or a federal agency, through a participation in that governmental entity's procurement process. Concerning procurement procedures in similar situations with private business entities (e.g., for a solid waste management burn-box, etc.) the City shall solicit bids and, as necessary, as-build designs of equipment included in the bid, from at least three private Firms. The City council will require documented evidence of such competitive bid efforts prior to awarding any bid.

4.05.50 – Notice Inviting Requests for Proposals and Bids

A. The purchasing agent shall provide adequate notice of City request for bids or proposals, in order to assure competitiveness to all Firms interested in contracting with the City. Original response documents to such City bid or proposal solicitations, shall be submitted in person or by regular mail to the City, prior to the bid/proposal acceptance deadline stated in the notice. Modifications to these original submittals may be submitted – as the City Council or grantor agencies allow - by fax transmittal no later than the bid/proposal deadline. Any faxed or mailed bid/proposal arriving after the established time deadline, shall not be considered in the City’s procurement process.

4.05.55 – Close-Out and Release of Claims

A. The City manager shall prohibit Professional Services Agreements and other contracts with a given consultant contractor, from becoming open-ended contracts continuously being extended through the change-order and amendment process. Instead, the City manager shall close-out all contracts once the consultant contractor satisfactorily has accomplished the originally agreed work, plus any required and related change orders. Final City contractual payment to the contractor only shall occur when the contractor has signed a Release of Claims form, releasing the city from any further contractual obligations toward the contractor.

CHAPTER 4.06

SALES TAX

Sections:

- 4.06.05 – Sales Tax Levy
- 4.06.10 – Definitions
- 4.06.15 – Sales Tax Schedule
- 4.06.20 – Exemptions
- 4.06.25 – Exemption Procedure
- 4.06.30 – Seller to Collect Sales Tax
- 4.06.35 – Filing Returns
- 4.06.40 – Form of Returns
- 4.06.45 – Procedure on Delinquencies
- 4.06.50 – Application for Tax Refund
- 4.06.55 – Record Keeping
- 4.06.60 – Tax as Lien
- 4.06.65 – Rules and Regulations
- 4.06.70 – Period of Limitation
- 4.06.75 – Penalty

4.06.05 – Sales Tax Levy

- A. A sales tax is levied on all sales, rents, and services made in the city, including those made on credit, at the rate of three percent of the selling price.
- B. The burden of the sales tax rests upon the buyer. The tax is to be collected by the seller as further provided in this chapter.
- C. Taxes collected shall be deposited in the general fund of the City of Saint Mary's.

4.06.10 – Definitions

For the purposes of this chapter, the following words or phrases have the meanings contained herein:

- A. **“Buyer”** means the person who, in the ordinary meaning of the term, takes title to, takes possession of, or buys property or receives services for consideration.
- B. **“Property”** means any item, equipment, or other material subject to ownership.
- C. **“Retail sales” or “Sale at retail”** means every sale made to final buyer and not made in consideration of a resale in the regular course of business.
- D. **“Retail sale within the city”** means a retail sale resulting from an offer made from the seller to the buyer within the city or accepted by the buyer within the city, or services and rental taking place wholly within the city.

- E. **“Sale”** means the transfer of rights in the property from seller to a buyer and includes the sale of goods, renting of property, and sale of services.
- F. **“Sale of Service”** means the selling price received for a service provided by an establishment whose principal activity is to furnish service to the consuming public, and includes, but is not limited to, services provided by a barber shop, hotel, restaurant, automobile repair shop, laundry, telephone company , cable television company, and the like; it does not include wages, salaries, or other payment for labor performed for an employer.
- G. **“Seller”** means every person, corporation or other entity whether acting as principal or agent, making sales at retail to a buyer.

4.06.15 – Sales Tax Schedule

- A. The following sales tax schedule shall be used by a seller in computing the tax due and to be paid by a buyer:

Sales Price	Tax	Sales Price	Tax	Sales Price	Tax
.00 - .25	.00	1.01 - 1.35	.04	2.36 - 2.65	.08
.26 - .50	.01	1.36 - 1.65	.05	2.66 - 3.00	.09
.51 - .75	.02	1.66 - 2.00	.06		
.76 - 1.00	.03	2.01 - 2.35	.07		

and continuing at the same intervals for the sales price and the tax.

4.06.20 – Exemptions

The following retail sales are exempt from sales taxation:

1. A casual and isolated sale not made in the regular course of business is exempt.
2. Sale of property or services by a church is exempt except where the sale of services is incidental to a business for profit.
3. Dues or fees paid to clubs, labor unions, and fraternal organizations are exempt.
4. Individual sales of arts and crafts, and cured or smoked fish are exempt.
5. A sale which the city is prohibited from taxing under the constitution and laws of the United States or the Constitution and laws of the State of Alaska is exempt.
6. Freight and wharfage charges arising from the use of the City operated port facilities are exempt, except that fees for warehouse and storage services are taxable.
7. A sale directly to the United States government, the State of Alaska and its political subdivisions, and the city or any departments thereof is exempt.

8. The sale of insurance policies, guaranty bonds and fidelity bonds is exempt.
9. The loaning of money and interest charged for loans is exempt.
10. Medical, dental, and hospital services, and the sale of hearing aids and medical preparations when prescribed by a licensed practitioner, are exempt.
11. A sale to a manufacturer or contractor is exempt if the article becomes a physical part of a manufactured product or structure which when sold is subject to this tax. A “physical part of a manufactured product or structure” means that the article must be easily and easily identifiable in the manufactured article or the structure, as the case may be.
12. The sale of newspapers and periodicals is exempt.
13. Sales made by non-profit organization which do not have paid employees and which do not keep normal business hours are exempt.
14. Sales of goods resulting from orders received from outside the city by mail, telephone, or other similar public communication where delivery of the property ordered is made outside the city by mail or common carrier are exempt.
15. The sale of food and beverages to the public in a school is exempt.
16. A sale for resale of a product, service, or rental to a consumer where the resale is subject to tax is exempt.
17. Wholesale sales are exempt.
18. Sales of home heating fuel and propane are exempt.
19. The service of transportation students to and from school in vehicles is exempt.
20. Sales of raw fish are exempt.
21. Sales of electricity, water/sewer, or services provided by the city are exempt.
22. Receipts from the rent of houses, apartments or other residential units where the renter is an individual or family and the term of lease exceeds one hundred fifty (150 days) are exempt.
23. Sales made to non-profit organizations that are exempt from Federal income tax under Internal Revenue Code §501©(3) are exempt from Saint Mary’s Sales Tax.

4.06.25 – Exemption Procedure

- A. The burden of establishing any tax exemption is on the claimant. No seller may allow an exemption for the reasons hereinafter stated unless the buyer first obtains a certificate of exemption and presents it to the seller at the time of the sale or identifies the certificate by the giving its number. The reasons for exemption are as follows: 1) The buyer is exempt; or 2)The buyer is purchasing for resale from which a sales tax will be collected and the specific retail sale is one in a series of

sales in a regular basis wherein the seller functions as a wholesaler and the buyer as a retailer.

- B. The seller shall indicate the certificate number on the sales slip and account for these sales on the sales tax return in the manner required.
- C. Application for an exemption certificate shall be signed by the buyer if based on his/her tax exempt status, or by the buyer and the seller if based on a sale for resale. The application shall contain the information reasonably required by the City Manager.
- D. Certificate applications shall be reviewed by the City Clerk and, if approved, shall be recorded in the Tax Exemption Certificate Log. A certificate shall then be issued to the applicant.
- E. The certificate shall have on its face the Exemption Certificate Number, the name of the exempt party, the St. Mary's Code of Ordinances §4.06.20 Subsection Number under which the applicant qualifies for tax exempt status, the signature of the clerk, the date of issue, and the month of expiration.
- F. Tax Exemption Certificates shall expire one year from the date of issue.

4.06.30 – Seller to Collect Sales Tax

- A. A seller shall add the three percent sales tax to the selling price which the seller collects at the time of the sale or at the time of collection with respect to credit transaction.
- B. If the buyer refuses to pay the tax, the seller is exempt from any violations or penalties otherwise imposed provided a report is made to the city concerning all facts known about the sale and refusal within three business days of the refusal. Otherwise, if the buyer refuses to pay the tax, the seller is liable therefore. The tax is a debt from the buyer to the seller until paid and is recoverable at law in the same manner as other debts. The buyer is liable to the city for the tax notwithstanding the seller's duty to collect.
- C. The tax shall be stated separately on any sales receipt, sales slip, rent receipts, charge tickets, invoices, statements of account, or other tangible evidence of sale.
- D.

4.06.35- Filing Returns

- A. Sellers shall file returns for taxes collected on a periodic basis as provided in (B) below. On or before the last business day of the period, sellers shall prepare a return for taxes collected during the preceding period on forms furnished by the City. Returns together with full payment of all taxes due shall be filed at the city office
- B. Sellers shall file returns according to the following schedule:

Gross Annual Taxable Sales:	Filing Period:
Less than \$3500/year	Quarterly
\$3500/year or more	Monthly

4.06.40 – Form of Returns

On forms furnished by the City, the seller shall furnish the information specified below, sign the form, and certify that it correctly states the information set forth. The information to be furnished is as follows:

1. total sales made for the month;
2. total taxable sales for the month;
3. total non-taxable sales for the month, to include the amount of sales made outside the city limits, and the amount of all other sales declared to be exempt and the names of those organizations claiming the exempt status;
4. amount of tax due, including the amount of any deduction taken by the seller under the compensatory collection discount provided in this chapter;
5. such other information as may be reasonably required.

4.06.45 – Procedure on Delinquencies

- A. A penalty equal to five percent of the delinquent tax shall be added to the tax for the first month and ten percent for the following month. The penalty shall be collected in the same manner as the tax is collected.
- B. In addition to the above penalty, interest shall accrue at the rate of eight percent on the delinquent tax from the date of delinquency and be collected in the same manner as the delinquent tax is collected.
- C. The City Manager, with approval of the council, may determine that a penalty not be imposed under this section provided notice is given to the City Manager prior to the day taxes are due and circumstances warrant.

4.06.50 – Application for Tax Refund

- A. An application for a tax refund may be filed by any buyer who believes the sale to be exempt.
- B. Applications for refund may be filed by any buyer who believes the sale to be exempt.

- C. Applications for refund shall be furnished to all sellers and shall be given by the seller to any buyer who has paid the tax and desires to request a refund.
- D. The seller shall provide the information specified below and shall sign the application. The information provided shall include:
 - 1. who paid the tax;
 - 2. the amount of tax paid;
 - 3. the fact that payment was made; and
 - 4. the date of payment.
- E. The buyer shall state why he or she claims that the sale is exempt, sign the application, and present it to the City Manager within ten days of the sale. The burden of establishing the sale's exemption is on the buyer.

4.06.55 – Record Keeping

A seller shall retain for three years all of the sales tax returns, reports, forms, records, and supporting schedules required by the City.

4.06.60 – Tax as Lien

The tax, interest, and penalty imposed under this chapter shall constitute a lien in favor of the City upon all the property of the person owing the tax. The lien arises upon delinquency and continues until the liability is satisfied or the lien is foreclosed. The lien is not valid as against a mortgagee, pledgee, purchaser, or judgment lien creditor until notice of the lien is filed in the office of the recorder for the recording district in the manner provided for federal tax liens under AS 43.10.090—43.10.150 which by this reference are incorporated herein as if set forth in full.

4.06.65 – Rules and Regulations

The City Manager may from time to time cause to be promulgated rules and regulation as are necessary and advisable to provide for the application and interpretation of this chapter and to submit them to the council for its adoption or rejection.

The City Manager shall provide methods and forms for reporting and collecting the tax in accordance with this chapter and any regulation adopted thereto.

4.06.70 – Period of Limitation

Any amount of any tax imposed under this chapter may be determined and assessed at any time within a period of three years after the tax became due and payable. The period shall begin on the date when a return is required to be filed. Where no return has been filed, then the period does not begin to run until the discovery of the delinquency occurs. No suit or other proceeding for the collection of the tax shall begin after the expiration of the period.

4.06.75 – Penalty

Any person, firm, or corporation violating any of the provisions of this ordinance shall be fined up to \$100.00 for each offense.

Ordinance 13-02 amended exemptions to remove gasoline from exempt sales effective 10/2012.

CHAPTER 4.07

COOPERATIVE AGREEMENTS

Sections:

- 4.07.05 – Cooperative Agreements Authorized
- 4.07.10 – Sale, Acquisition or Use of Property Excluding Land
- 4.07.15 – Cooperative Purchasing
- 4.07.20 – Supply of Personnel, Information, and Technical Services
- 4.07.25 – Cooperative Use of Facilities and Equipment
- 4.07.30 – Dispute Resolution
- 4.07.35 – Effect of Federal or State Grants
- 4.07.40 – Definitions

4.07.05 – Cooperative Agreements Authorized

The City, through the Mayor or City Manager, and subject to the approval of the City Council, may participate in or sponsor, conduct, or administer a cooperative agreement for the procurement or cooperative use of property, equipment, services, and supplies or the cooperative provision of services or sponsorship of activities with any other public organization in accordance with an agreement entered into between the City and the other public organization.

4.07.10 – Sale, Acquisition or Use of Property Excluding Land

The City may sell or lease property excluding land to another public organization. The City may acquire from, or use any property excluding land belonging to another public organization, with agreement.

4.07.15 – Cooperative Purchasing

The City may enter cooperative purchasing agreements with other public organizations. Where the public administering a cooperative purchasing agreement complies with the agreement, the City, when participating in such purchase, shall be deemed to have complied with the provisions of this ordinance and any other purchasing ordinances, rules, or regulations of the City.

4.07.20 – Supply of Personnel, Information, and Technical Services

The City is authorized upon written request from another public organization, to provide personnel, equipment or other property to the requesting public organization upon terms and conditions acceptable to the City Council. The personnel, equipment, and the information and technical services of the City may be made available to any

other public organization provided that the requirements of the City have precedence over the requesting public organization.

4.07.25 – Cooperative Use of Facilities and Equipment

The City may enter into an agreement for the joint or common use of facilities, for the interchange of any procured items, or the common purchase of common use of capital equipment or facilities with any other public organization subject to terms and conditions acceptable to the City Council.

4.07.30 – Dispute Resolution

The City is authorized to enter into an agreement with any other public organization to establish a procedure to resolve all disputes arising from cooperative agreements.

4.07.35 – Effect of Federal or State Grants

If federal or state grant requirements differ from the provisions of this ordinance or the provisions of any cooperative agreement entered into by the City, nothing herein is intended to absolve the City from any obligation to fully comply with the terms and conditions of federal or state grant requirements.

4.07.40 – Definitions

For the purposes of this chapter, the term “public organization” shall include the federal government, the state government, a municipality, a Native traditional or IRA government, a school district, or any charitable or non-profit organization.

CHAPTER 4.08

CITY BUSINESS LICENSE

[Repealed Feb. 3, 1998]

CHAPTER 4.09

EXCISE TAX ON CIGARETTES AND TOBACCO
PRODUCTS

(REPEALED OCTOBER 11, 2017)

CHAPTER 4.10

ALCOHOLIC BEVERAGE USE TAX

(Repealed October 11, 2017)

TITLE V

CITY PERSONNEL

Chapter: Page:
5.01 – PERSONNEL POLICIES AND PROCEDURES 133

CHAPTER 5.01

PERSONNEL POLICIES AND PROCEDURES

Sections:

- 5.01.05 – Personnel Policies for the City of Saint Mary’s to be Adopted by Resolution
- 5.01.10 – Council to Review Policies at Least on an Annual Basis, and Modify and Amend the Personnel Policies, as Necessary
- 5.01.15 – Distribution of Personnel Policies

5.01.05 – Personnel Policies for the City of Saint Mary’s to be Adopted by Resolution

Personnel Policies for the City of Saint Mary’s are to be adopted by resolution of the Council.

5.01.10 – Council to Review Policies at Least on an Annual Basis, and Modify and Amend the Personnel Policies, as Necessary

The City Council will review the Personnel Policies on at least an annual basis. Based upon this review, or upon the recommendation of the City Manager or a designated Personnel Committee, the Council may amend or adopt new Personnel Policies by Resolution. The Policies will set down the rules and regulations for employees of the City of Saint Mary’s. The policies may be subsequently amended by resolution of the Council to accommodate changes in local practice or procedure, as well as incorporate changes in labor practice dictated by State and Federal law and regulation.

5.01.15 – Distribution of Personnel Policies

All employees and Council members are to have access to the Personnel Policy manual. As policies are modified or added to the Personnel Policy Manual, the amendments will be distributed to all employees to incorporate into copies of the Personnel Policy Manual.

TITLE VI

ACQUISITION AND DISPOSAL OF CITY PROPERTY

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CHAPTER 6.01

REAL PROPERTY ACQUISITION

Sections:

- 6.01.05 – Acquisition and Ownership–Authority
- 6.01.10 – Real Property Defined
- 6.01.15 – Acquisition–Form
- 6.01.20 – Acquisition and Ownership–Rights and Powers
- 6.01.25 – Acquisition–Dedication by Plat
- 6.01.30 – Industrial Sites
- 6.01.35 – Federal and State Aid
- 6.01.40 – Real Property as Security

6.01.05 – Acquisition and Ownership–Authority

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

6.01.10 – Real Property Defined

As used in this chapter, "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 a building.

6.01.15 – Acquisition–Form

- A. The city may acquire, own, and hold real property by warranty or quitclaim deed, easement, grant, permit, license deed of trust, mortgage, contract of sale or 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 Saint Mary's." 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 the city 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 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 materials shall not affect the validity of any acquisition or purchase of real property by the city.
- D. Unless otherwise provided by 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.

6.01.20 – Acquisition and Ownership–Rights and Powers

The city shall have and may exercise all rights and powers in the acquisition, ownership, and holding of real property as if the city were a private person.

6.01.25 – Acquisition–Dedication by Plat

The city may not acquire any real property by means of a dedication by plat unless the dedication of the real property is accepted in writing and signed by the mayor.

6.01.30 – Industrial Sites

The city may acquire, own, and hold real property, either inside or outside the city boundaries, for sites available for new industries that will benefit the city.

6.01.35 – 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.

6.01.40 – Real Property as Security

The council may pledge, mortgage, or otherwise secure city real property for the payment of city bonded or other indebtedness when required, as authorized by law.

CHAPTER 6.02

EMINENT DOMAIN–ADVERSE POSSESSION

Sections:

- 6.02.05 – Eminent Domain
- 6.02.10 – Adverse Possession

6.02.05 – Eminent Domain

The city may exercise the powers of eminent domain and declaration of taking in the performance of an authorized power or function of the municipality, in accordance with AS 09.55.240–09.55.460.

6.02.10 – Adverse Possession

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

CHAPTER 6.03

REAL PROPERTY SALES BY THE CITY

Sections:

- 6.03.05 – Power to Dispose of Real Property
- 6.03.10 – Form of Document of Conveyance
- 6.03.15 – Exchange of Properties
- 6.03.20 – Public Sale Procedure—When
- 6.03.25 – Public Sale Procedure
- 6.03.30 – Disposition of Real Property by Means Other Than Public Sale Procedure
- 6.03.35 – Financial Terms
- 6.03.40 – Occupancy Terms
- 6.03.45 – Preference Rights
- 6.03.50 – Sale of After-Acquired Title of Future Interest in Real Property

6.03.05 – Power to Dispose of Real Property

The city may sell, lease or exchange or otherwise dispose of real property or interests therein, including future interests and after-acquired title, by any lawful means of conveyance, subject to the provisions of this chapter.

6.03.10 – Form of Document of Conveyance

No disposal by the city of any interest in real property shall be effective unless the procedure followed by the city complies with the requirements of this chapter and the disposal is reflected in a document of conveyance which meets the following requirements:

1. The document of conveyance must be in a recordable form permitted by State statute;
2. The document of conveyance must be signed by the mayor, or, in the mayor's absence, the vice mayor, attested by the City Clerk, and contain a specific reference to the ordinance or resolution by which the City Council has authorized the conveyance to be made.

6.03.15 – Exchange of Properties

The preferred methods of disposing interests in City lands are lease and sale. The city may dispose of city property by exchanging it for other property only if the following conditions are met:

1. The council determines, in findings set forth in the resolution authorizing the exchange, that the property is not required for city purposes and that the interests of the city in disposing the property would be better served by an exchange for other property than by a sale or lease for cash;
2. The council determines that the property proposed for conveyance to the city in exchange for the city's property is of equal or greater value than the city's property. The council must set forth the relative value determined for the property in the resolution authorizing the exchange;
3. Unless the property is being exchanged with the United States, the State of Alaska, or a political subdivision, exchanges of real property that have been dedicated or used for a municipal purpose are subject to the Public Sale Procedure set out in 6.03.25 of this chapter except for the auction requirement set forth in 6.03.25(3). Where property is being exchanged with the United States, the State of Alaska, or a political subdivision, 6.03.25 need not be applied.

6.03.20 – Public Sale Procedure–When

Public Sale Procedure is required only when the City-owned real property has been dedicated or used for municipal purposes. Public Sale Procedure is not required when the real property to be disposed has not been dedicated or used for a public purpose.

6.03.25 – Public Sale Procedure

When the city sells, leases, exchanges or otherwise disposes of land dedicated or used for municipal purposes, it may do so only by public auction and according to the following procedures:

1. **Appraisal:** An appraisal (estimate of value) shall be made by an appraiser or assessor. The city clerk may act as the assessor for purposes of this section. In the case of a sale or exchange, the appraisal must be an estimate of the fair market value of the property. If the proposed disposal is a lease, the appraisal must estimate both the fair market value and the fair market rental value of the property. Appraisals may be based upon general information as to recent land sales or leases in Saint Mary's or nearby communities, and need not include detailed site-specific evaluation data. The appraised value shall be the minimum legally acceptable price for the property. The appraisal must be reviewed and approved by the city council prior to the conduct of any sale, lease, or exchange.
2. **Notice:** Notice of the city's intent to dispose of the land, and the manner by which the land is to be disposed (i.e., by sale, lease, or exchange, sealed bid or public outcry auction) shall be posted in at least three

public places within the city for at least thirty days prior to the disposal. Notice may also be given by other means considered reasonable by the council. The notice must contain a brief description of the land, its area and general location, the lowest acceptable purchase or rental offer, any terms or conditions affecting the land, any preference rights which may be exercised, and the time and place for an outcry auction or the submission and opening of sealed bids.

3. **Method of Auction:** Public auction may be conducted by the sealed bid and/or the outcry method. The method to be used shall be determined by the city council and shall be set forth in the resolution authorizing the disposition of the land. The city council may reject any and all bids received at a public sale if the highest bid is below fair market value plus costs of the sale, or is not made by a responsible bidder.
4. **Resolution Authorizing Disposition:** Before the disposal of city land dedicated or used for a municipal purpose, the city must also adopt a resolution setting forth:
 1. A finding that the land to be disposed of is no longer needed for municipal purposes,
 2. A finding that the best interests of the city will be served by the disposal,
 3. If the council determines that the land should be disposed by exchange, additional findings as required by 6.03.15 of this chapter must be made,
 4. The terms and conditions upon which the sale, lease, or exchange will be conducted by the city, including method of auction, lowest acceptable purchase or rental offer, time and place for the auction or the submission and opening of sealed bids, application of any preference rights and whether the sale is for cash or cash deposit and purchase agreement.
5. **Permanent Disposition of City Land Valued at Twenty-Five Thousand Dollars (\$25,000) or More:** Whenever the city proposes to sell, exchange or permanently dispose of land dedicated or used for municipal purposes and valued at twenty-five thousand (\$25,000) or more, it must do so in the same manner prescribed in Subsections A, B, C, and D, except that the following additional requirements shall also apply:
 1. The council action authorizing the permanent disposal must be by ordinance rather than by resolution, and
 2. The ordinance must be approved by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted. A notice stating the time of the election and the place of voting, and

a description of the property to be disposed, as well as the terms and conditions of the disposal shall be posted in at least three public places in the city no later than 30 days before the election. The ordinance must be approved by the by the voters before the city disposes of the land.

6. **Deed:** A deed issued by the city in connection with any permanent disposition under this section shall be in the form of a statutory quitclaim deed.

6.03.30 – Disposition of Real Property by Means Other Than Public Sale Procedure

The city may dispose of real property that has not been dedicated or used for municipal purposes as if the city were a private person, subject only to the following procedures:

1. **Resolution Authorizing Disposition:** Before the disposal of city land not used or dedicated for municipal purposes, the city council must adopt a resolution setting forth:
 - (a) A finding that the property is not required for municipal purposes,
 - (b) A finding that the best interests of the city will be served by the disposal,
 - (c) If the council determines that the land should be disposed by exchange, additional findings as required by 6.03.15 of this chapter must be made, and
 - (d) The terms and conditions, including price, upon which the sale, lease, or exchange will be conducted by the city and any preference rights that may apply.
2. **Notice:** Notice and copies of the proposed resolution must be posted in at least three public places ten (10) days prior to action by the city council.
3. **Negotiated Sale, Lease, or Exchange:** In addition to the requirements of Subsection A and B, the following procedures also apply if the city negotiates a sale, lease, or exchange of land:
 1. The resolution must incorporate the terms and conditions of the contract for sale, lease, or exchange, set forth the names of the persons to whom the city proposes to sell, lease, or exchange land, and provide for council approval of the contract,
 2. Copies of the proposed contract for sale, lease, or exchange must be available for public inspection at least ten days (10) prior to council action.

6.03.35 – Financial Terms

Except in the case of an exchange, all disposals of city property under this section shall be made for cash. The council may provide by resolution for the sale of property pursuant to an installment sale agreement, requiring a cash deposit and periodic installment payments. Rent on leases shall be payable as the council may determine. Any lease or installment purchase agreement issued by the city under this chapter shall provide, among other terms and conditions, that upon failure by the purchaser or lessee to make timely payments, the city has the option to terminate the contract or lease and all payments made there under be forfeited to the city.

6.03.40 – Occupancy Terms

In case of land that the city does not presently own, but to which the council expects the city will or may obtain title to in the future, the council may provide by resolution for the issuance of occupancy permits on a non-competitive basis. The occupancy may not be deemed a representation that the city owns the land or that the city has any right or power to determine who shall use the land or to exclude others from its use. An occupancy permit only constitutes a written waiver of objection by the city to permit the holder's use of the land. Occupancy permits issued under this section pursuant to an authorizing council resolution shall be terminable at will by the city upon sixty days notice to the permit holder. The annual fee for an occupancy permit is ten dollars (\$10.00).

6.03.45 – Preference Rights

The council may authorize preference rights for exercise at any specific sale. All preference rights must be granted in the resolution of the council authorizing the specific sale. Preference rights may include, but are not limited to: limiting the specific sale to non-land owners, permitting discounts on price based upon length of residency in the city, or entitling occupancy permit holders to take possession of property for which the permit was issued if the permit holder matches the highest bid received for the parcel at a public sale.

6.03.50 – Sale of After-Acquired Title of Future Interest in Real Property

Upon recommendation of the mayor or city manager, the council may authorize the sale of after-acquired title or future interests in real property to which the city is or may in the future become entitled. When this power is exercised, the council resolution and any deeds issued under this section must contain provision for issuance of a subsequent confirmatory quitclaim deed upon the request of the grantee at such future time as the city may obtain title to the land.

CHAPTER 6.04

LEASE OF CITY LANDS

Sections:

- 6.04.05 – Property Available for Leasing
- 6.04.10 – Term of Lease
- 6.04.15 – Lease Procedures
- 6.04.20 – Fair Rental Value
- 6.04.25 – Adjustment of Rental
- 6.04.30 – Transfer of Lessee's Interest
- 6.04.35 – Improvements and Chattels
- 6.04.40 – Inspection of Leased Premises
- 6.04.45 – Easements and Rights-of-Way
- 6.04.50 – Condemnation of Premises–Lease Termination

6.04.05 – Property Available for Leasing

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

6.04.10 – Term of Lease

No lease shall be for a term of more than twenty-one 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 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 the lease in computing the five-year period of time.

6.04.15 – Lease Procedures

The provisions of 6.04.30, on the method of disposition of city-owned property apply to all leases of city land authorized by this chapter. The council may lease property to a party if it determines the lease to be in the best interest of the public.

6.04.20 – 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, if exposed for rent for a reasonable time in the open market, for the use permitted by the city.

6.04.25 – Adjustment of Rental

A lease having a term for more than two years shall provide for adjustment of rentals at specified intervals during the term of lease, and the intervals shall be no more than ten years. This section may or may not be incorporated in each lease by reference and is enforceable as if fully stated in the lease.

6.04.30 – Transfer of Lessee's Interest

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

6.04.35 – 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 notice to the lessee, be sold at a public sale to be provided by regulations of the mayor. The proceeds of such sale shall be deposited into the city general fund.

6.04.40 – 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.

6.04.45 – Easements and Rights-of-Way

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

6.04.50 – 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 will terminate without any liability to the city. The city shall not be liable in damages or in payment of compensation to the lessee as a result of the condemnation terminating the lease.

CHAPTER 6.05

DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

Sections:

- 6.05.05 – Disposal of Personal Property Under Five-Hundred Dollars (\$500)
- 6.05.10 – When Competitive Bidding Is Not Required for Sale of Surplus or Obsolete Goods
- 6.05.15 – Surplus Stock
- 6.05.20 – Declaration of Obsolescence

6.05.05 – Disposal of Personal Property Under Five-Hundred Dollars (\$500)

- A. Personal property, other than surplus stock, that is valued at less than five-hundred dollars (\$500), 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 requested.
- B. Personal property valued at more than five hundred dollars (\$500), but less than twenty-five thousand dollars (\$25,000), shall be disposed of in the manner provided for land under twenty-five thousand dollars (\$25,000). (6.03.30(B))
- C. Personal property valued at more than twenty-five thousand dollars (\$25,000) shall be disposed of in the manner provided for land over twenty-five thousand dollars (\$25,000). (6.03.30(C))

6.05.10 – 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) 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.

6.05.15 – Surplus Stock

- A. All using agencies shall submit to the mayor at such times and in such form as he or she shall prescribe, reports showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.

- B. **Transfer**: The mayor shall have the authority to transfer surplus stock to other using agencies and provide for proper fiscal transfer of such.
- C. **Sale**: The mayor with approval of the council shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same for, or trade in the same, on any new supplies or equipment.
- D. **Competitive Bidding**: Sales of surplus city supplies or equipment appraised at over one thousand dollars under this section shall be made to the highest responsible bidder.
- E. The mayor shall conduct the sale and issue the certificates of sale to the purchaser of surplus city supplies or equipment.

6.05.20 – Declaration of Obsolescence

No surplus or obsolete supplies, materials, or equipment of a value of more than one thousand dollars (\$1,000) may be sold until the council shall have declared them obsolete or surplus.

CHAPTER 6.06

DISPOSAL OF CERTAIN CITY PROPERTY

Sections:

- 6.06.05 – Conveyance
- 6.06.10 – Reservations Null and Void
- 6.06.15 – Notice
- 6.06.20 – Intent

6.06.05 – Conveyance

Those lots located within the City of Saint Mary's, and owned by the City of Saint Mary's, which were purportedly reserved by various individuals in the past, and which have not been conveyed by the City prior to December 31, 1977, are hereby declared the sole property of the City of Saint Mary's.

6.06.10 – Reservations Null and Void

Any alleged reservation made by individuals for the purchase of said lots is hereby declared null and void, in that no official sanction of the City of Saint Mary's was given to any person to make such a reservation on behalf of the City of Saint Mary's.

6.06.15 – Notice

Notice shall be sent by the city clerk to all individuals who have not been conveyed lots pursuant to their purported reservations, stating the action taken in this ordinance, and notifying these individuals that they may be refunded their "deposit" upon application to the city clerk within 90 days of receipt of the letter of notification.

6.06.20 – Intent

It is the desire and intent of the City of Saint Mary's that it clarify its status as sole owner of the real properties located within the City, said properties having been the subject of "reservations" purportedly made on behalf of the City.

TITLE VII

GENERAL WELFARE

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CHAPTER 7.01

OPERATION OF MOTORIZED VEHICLES

Sections:

- 7.01.05 – Operation on Public and Other Property
- 7.01.10 – Equipment
- 7.01.15 – Equipment Exceptions
- 7.01.20 – Applicability of State Law
- 7.01.25 – Limiting Persons Transported
- 7.01.30 – Age Limit for Drivers
- 7.01.35 – Reporting of Accidents
- 7.01.40 – Vehicle Operating Curfew Hours
- 7.01.45 – Definitions
- 7.01.50 – Penalties
- 7.01.60 – Impound and Hookup Fees

7.01.05 – Operation on Public and Other Property

No person shall drive, operate, stop, or move a snow vehicle, all-terrain vehicle or motorcycle:

1. Upon a roadway, city street, or other properties except when operated on either an authorized path or shoulder adjacent to the roadway of a city street or as near to the right side or the roadway as practicable, and shall exercise due care when passing a standing vehicle or one proceeding in the same direction and shall pass to the left of the other vehicle at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle;
2. In or upon a park or other city-owned property, except as authorized and posted;
3. On private property of another without the expressed permission to do so by the owner or occupant of such property;
4. In a careless, reckless, or negligent manner so as to endanger, or be likely to endanger, the safety of any person or the property of any other persons;
5. Except the person operating the vehicle strictly observes all traffic signs and all traffic rules and regulations.

7.01.10 – Equipment

No person shall drive or operate a snow or all-terrain vehicle or motorcycle unless the vehicle is equipped with:

1. At least one head lamp, with or without non-multiple beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions. Such headlamps shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver;
2. At least one rear lamp exhibiting a red light and plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions;
3. A throttle in operating conditions which, when released by the hand, will return the engine speed to idle;
4. A rear mud flap or apparatus adjusted to prevent rocks, snow and other debris from being thrown behind the vehicle to obstruct the rear lamp or to create a hazard to other vehicles and pedestrians;
5. Standard mufflers for production models in operating conditions that are properly attached and which reduce the noise necessary for the operation of the vehicle, and no person shall use a muffler cutout, by-pass, or similar device on said vehicles.
6. Brakes adequate to control the movement to and to stop and to hold the vehicle under normal conditions of operation.

7.01.15 – Equipment Exceptions

A stop signal lamp, safety glass and self-operating windshield wipers shall not be required equipment.

7.01.20 – Applicability of State Law

All state laws applicable to specific types of vehicles addressed in this ordinance supersede the provisions of this ordinance if found to be a conflict.

7.01.25 – Limiting Persons Transported

- A. A person operating a snow vehicle shall not carry more passengers upon the vehicle than allowed by state law or regulation.
- B. It shall be unlawful to operate or carry a person on an all-terrain vehicle is equipped with a permanent or regular seat suitable for carrying a passenger in addition to the driver of the vehicle.
- C. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any provisions of this section.

7.01.30 – Age Limit for Drivers

No person under the age of 16 years shall drive, operate, stop, or move a snow or all-terrain vehicle or motorcycle on any roadway, city street, or other property excepting that person has a valid learner's permit issued under the authority of and operated in compliance with state law.

7.01.35 – Reporting of Accidents

The operator of a snow or all-terrain vehicle or motorcycle involved in an accident resulting in injury to, or death of a person, or property damage other than to his or her snow vehicle, the estimated amount of which is \$100 or more, shall immediately by the quickest means of communication, give notice of the accident to the nearest State trooper or city police officer.

7.01.40 – Vehicle Operating Curfew Hours

It shall be illegal to operate any form of a motorized vehicle, including snowmobiles, all-terrain vehicles, trucks and cars within the city limits of the City of St. Mary's between the hours of Midnight and 6 a.m., except from May 15-August 15, from 2:00 A.M.-6 A.M. for any purpose or use, other than the excluded uses and conditions, listed below:

1. An emergency, involving an unforeseen condition or circumstance that call for an immediate action including, but not limited to, fire, natural disaster, vehicular accident, life-threatening illness or accidents or any other situation requiring immediate action to prevent physical injury or loss of life.
2. Employment activity, or going to or returning from an employment activity, without detour or stop.
3. Going or returning, without any detour or stop, a governmental, school, religious, or ANCSA Corporation, a civic organization or another similar entity.
4. Subsistence activity.
5. The exercise of First Amendment right protected by the United States Constitution.
6. Any use of motorized vehicle that is specifically authorized, in advance and in writing, by the City Manager at least five (5) days prior to the use.

7.01.45 –Definitions

As used in this chapter:

1. The term "city street" includes the same definitions as set forth in Title 13, Alaska Administrative Code, Section 10.055.
2. The term "roadway" means the main-traveled portion of the city street used for vehicular traffic exclusive of the shoulder of a city street.

3. The term "snow vehicle" includes every motor-propelled vehicle or device primarily designed to travel over ice or snow that is supported in part by skis, belts, cleats, tracks, or low-pressure tires.
4. The term "all-terrain vehicle" means any motor-propelled vehicle that by nature if design is capable of negotiating carried terrain an off-road passage. This grouping includes all vehicles commonly referred to as "three-wheelers" and "four-wheelers".
5. The term "motorcycle" includes all two-wheeled, motor-propelled vehicle commonly referred to as motorcycles, street motorcycles, competition motorcycles, motor scooters, motorbikes and mopeds.

7.01.50 – Penalties

- A. First Violation: Warning and Vehicle Impoundment
- B. Second Violation: \$50.00 and Vehicle Impoundment
- C. Third Violation: Third and Each Successive Violation-a minimum fine of one hundred (\$100.00) dollars with a maximum limit of two hundred fifty dollars (\$250.00) and vehicle impoundment.

7.01.60-Impound and Hookup Fees

- A. The City shall charge a hook-up fee of fifty (\$50.00) dollars for each vehicle that is transported to the impound lot. The impound fee shall be seventy five (\$75.00) dollars per every twenty four hour cycle starting at 12:01 a.m. And ending at Midnight the following day; fractional days shall be counted as a full day. Impound fees shall be payable by cash or money order to the City Clerk, in full and prior to having the vehicle released from impound lot.
- B. It shall be illegal for any non-authorized person to enter the City impound lot for any reason. Such action shall constitute an act of trespassing punishable by a two hundred fifty (\$250.00) dollar fine. If the vehicle is not picked up within thirty (30) days, it will become the property of the City and the City Manager may designate it for the city use or the City may elect to sell the vehicle, outright.

CHAPTER 7.02

CURFEW/MINOR OFFENSES

Sections:

- 7.02.010 – Findings
- 7.02.020 – Definitions
- 7.02.030 – Offenses
- 7.02.040 – Penalties
- 7.02.050 – Exceptions
- 7.02.060 – Constitutionality and Savings Clause

7.02.010 Findings

- A. The incidence of Minor Consuming Alcohol offenses is on the increase within St. Mary's. Arrests occur most often after 11:00 PM at night.
- B. Associated with Minor Consuming Alcohol offenses is an increase in vandalism, burglary, and other crimes against property and persons.
- C. The City Council of the City of St. Mary's is responsible for the enforcement of parental control over and responsibility for minors, the protection of the general public from juvenile activities, as well as the public health and safety of minors.
- D. Staying out late has a negative impact on performance in school the next day.

7.02.020 Definitions

- A. From August 16 through the following May 12, "Curfew Hours" means 11:01 PM on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 AM the following morning; 12:01 AM until 6:AM on any Friday or Saturday. From May 13, through August 15, curfew hours start one hour later. Curfew hours also start one hour later during school holidays that extend for more than three consecutive days.
- B. Minor means a person under 18 years of age.
- C. Parent means a natural, adoptive, or stepparent of a person; or, a person of at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- D. Guardian means a person under court order who is a guardian of the minor, or a public or private agency with whom a minor has been placed by the court.

7.02.030 Offenses

A minor commits an offense if he knowingly remains in any public place, during curfew hours or on the premises of any closed or vacant establishment within the City.

7.02.040 Penalties

Forty dollars per each offense for each day or portion of a day during which the offense is committed.

7.02.050 Exceptions

- A. When accompanied by the minor's parent or guardian;
- B. On an errand at the direction of the parent or guardian without any detour or stop;
- C. Engaged in an employment activity, or going to or returning from an employment activity without any detour or stop;
- D. Involved in an emergency;
- E. Attending an official school, religious, or other recreational activity supervised by adults or sponsored by the City, or going to or returning home from without any detour or stop;
- F. Exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech, and the right of assembly;

7.02.060 Constitutionality and Savings Clause

if any clause, sentence, paragraph, section, or portion of this ordinance for any reason is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this ordinance directly involved in the controversy in which the judgment is rendered.

Ordinance 2014-05 amended, passed by the City Council December 10, 2015.

CHAPTER 7.03

OPERATING HOURS OF RECREATIONAL ESTABLISHMENTS

Sections:

7.03.05 – Hours of Operation

7.03.10 – Penalty

7.03.05 – Hours of Operation

Activities of amusement and recreation, including, but not limited to, pool, dances and bingo, shall not be open for business to the public between 12:00 a.m. and 9:00 a.m., except when extension is approved by the City Council. All extensions must be submitted for approval and must be approved at a regularly scheduled meeting of the City Council.

7.03.10 – Penalty

Any person, firm, partnership, or corporation violating 7.03.05 of this Chapter shall, upon conviction, be punished by a fine not to exceed \$10.00 for the first offense, \$50.00 for the second offense, and \$100.00 for each offense thereafter.

CHAPTER 7.04

NEGLIGENT DRIVING

Sections:

- 7.04.05 – Negligent Driving
- 7.04.10 – Penalty
- 7.04.15 – Impoundment of Vehicles
- 7.04.20 – Sale of Impounded Vehicles

7.04.05 – Negligent Driving

It shall be unlawful for any person to operate a motor vehicle in a negligent manner over and along the public ways, streets, or highways of this city. For the purpose of this section, to "operate in a negligent manner" means the operation of a vehicle upon the public ways, streets, or highways in such a manner as to endanger any person or property. The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner.

7.04.10 – Penalty

Any person, firm, partnership, or corporation violating 7.04.05 of this chapter shall, upon conviction, be punished by a fine of \$45.00 for each offense, together with the costs of prosecution. Each act of violation and every day upon which any violation shall occur shall constitute a separate offense.

7.04.15 – Impoundment of Vehicles

Any vehicle that has been operated in violation of Section 7.04.05 of this chapter may be impounded by the Public Safety Department and not released by the Department until all costs relating to the violation are paid. Such costs may include but are not limited to: towing charges, impoundment charges and any costs assessed under Chapter 7.11 of this Title. Impoundment charges may not exceed twenty dollars (\$20.00) per day.

7.04.20 – Sale of Impounded Vehicles

Any vehicle impounded for more than 30 days may be sold at public auction by the Public Safety Department for collection of the costs assessed under section 3 of this Chapter, plus costs of sale. Notice of the public auction must be posted in three public places at least 30 days prior to the date of sale, a copy of the notice shall be sent to the owner of the vehicle at least thirty days prior to the date of the sale. The public auction

shall be by sealed bid and the Department shall establish a minimum acceptable bid. The owner shall be entitled to the balance of the sale price remaining after payment of the costs assessed under this chapter.

CHAPTER 7.05

RECKLESS DRIVING

Sections:

- 7.05.05 – Reckless Driving
- 7.05.10 – Penalty
- 7.05.15 – Impoundment of Vehicles
- 7.05.20 – Sale of Impounded Vehicles

7.05.05 – Reckless Driving

It shall be unlawful for any person to operate a motor vehicle in a reckless manner over and along the public ways, streets, or highways of this city. For the purpose of this section, to "operate in a reckless manner" shall be construed to mean the operation of a vehicle upon the public ways, streets, or highways in such a manner as to indicate either willful or wanton disregard for the safety of person or persons or property, without due caution and circumspection and at a speed or in a manner so as to endanger or to be likely to endanger any person or property.

7.05.10 – Penalty

Any person, firm, partnership, or corporation violating 7.05.05 of this chapter shall, upon conviction, be punished by a fine of \$100.00 for each offense, together with the costs of prosecution. Each act of violation and every day upon which any violation shall occur shall constitute a separate offense.

7.05.15 – Impoundment of Vehicles

Any vehicle that has been operated in violation of 7.05.05 of this Chapter may be impounded by the Public Safety Department and not released by the Department until all costs relating to the violation are paid. Such costs may include but are not limited to: towing charges, impoundment charges and any costs assessed under Chapter 7.11 of this Title. Impoundment charges may not exceed twenty dollars (\$20.00) per day.

7.05.20 – Sale of Impounded Vehicles

Any vehicle impounded for more than thirty days may be sold at public auction by the Public Safety Department for collection of the costs assessed under 7.05.15 of this Chapter, plus costs of sale. Notice of the public auction must be posted in three public places at least thirty days prior to the date of sale, a copy of the notice shall be sent to the owner of the vehicle at least thirty days prior to the date of sale. This public auction shall be by sealed bid and the Department shall establish a minimum acceptable bid.

The owner shall be entitled to the balance of the sale price remaining after payment of the costs assessed under this chapter.

CHAPTER 7.06

MINORS RIDING WITHOUT PARENT'S CONSENT

Sections:

- 7.06.05 – Unauthorized Rides Prohibited
- 7.06.10 – Penalty
- 7.06.15 – Definitions

7.06.05 – Unauthorized Rides Prohibited

- A. It shall be unlawful for any person to transport in his vehicle any minor child not his own or not under his lawful custody or control without the consent of the parent or guardian of the minor child to such transportation.
- B. The consent of the parent, guardian, or other person having care or control of the minor child shall not be presumed or implied because of any consent on previous occasions to such transportation.
- C. Consent shall be deemed to have been given for transportation by school bus or any licensed vehicle for hire.

7.06.10 – Penalty

Same as punishment set forth in Chapter 7.04.10.

7.06.15 – Definitions

As used in this chapter:

- 1. "Minor child" includes any child 16 years of age or under;
- 2. "Vehicle" includes any motor vehicle, air cushion vehicle, or any snow vehicle.

CHAPTER 7.07

WATER POLLUTION

Sections:

- 7.07.05 – Water Pollution Prohibited
- 7.07.10 – Ballast Water Discharge Prohibited
- 7.07.15 – Obstruction in Saint Mary's Harbor
- 7.07.20 – Nuisance Declared–Penalty
- 7.07.25 – Definitions

7.07.05 – Water Pollution Prohibited

- A. It shall be unlawful for any person to pollute or add to the pollution of the waters of Saint Mary's harbor. Pollution caused by the dumping or discharge of sewage where no public or private sewage treatment facilities exist shall be considered a defense to the charged violation by the person charged.
- B. It is unlawful for a person to deposit in, cause to be deposited in, permit to pass into, or place where it can pass into the waters of Saint Mary's harbor, petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or a residuary product of petroleum in a manner so as to constitute pollution. Pollution caused by an act of God or by circumstances beyond the control of the person in charge shall be considered a defense to a charged violation by the person charged.
- C. It shall be a violation of this section if the act of pollution shall occur outside the corporate limits of Saint Mary's, but by ordinary high tides or river current, or by storm or floods pollutes the waters of Saint Mary's harbor.

7.07.10 – Ballast Water Discharge Prohibited

It shall be unlawful for any person to pollute or add to the pollution of waters of Saint Mary's harbor by discharging from any sea-going vessel ballast water, tank-cleaning waste water, or other waste-containing oil in excess of 100 parts per million of oily residue. This subsection does not apply to fishing vessels of less than 300 gross tons.

7.07.15 – Obstruction in Saint Mary's Harbor

- A. It shall be unlawful for any person:
 - 1. To tie up or anchor vessels or other craft in Saint Mary's harbor in such a manner as to prevent or obstruct the passage of other vessels or craft;
 - 2. To voluntarily or carelessly sink, or cause to be sunk, vessels or other craft in the waters of Saint Mary's harbor;
 - 3. To float loose timbers, logs, or piles in Saint Mary's harbor in such a manner as to obstruct, impede, or injure navigation;

4. To neglect or fail to mark by a visible beacon during the day and a lighted lantern at night any wrecked, sunken, or unnavigable vessel or other craft within Saint Mary's harbor and owned or operated until the vessel is removed or disposed of.
- B. It shall be unlawful for any person to discharge, deposit, or cause, suffer or procure to be discharged or deposited, materials of any kind in Saint Mary's harbor or in a place where such materials by ordinary high tides, or by storms, floods, or erosion be discharged or deposited in Saint Mary's harbor, whereby navigation may be impeded or obstructed, except in connection with public work or other projects approved in advance by the port director of Saint Mary's.
- C. It shall be unlawful for any person to throw, place, or leave any dead animals, fish, or other putrefying matter in or upon Saint Mary's harbor.

7.07.20 – Nuisance Declared–Penalty

- A. Every act prohibited or declared unlawful by this ordinance is hereby deemed to be a public nuisance and may be abated by the city of Saint Mary's if after notice is given to the person causing the nuisance or the owner of the premises on which such nuisance is located, to abate such nuisance, such person does not abate the nuisance, or comply with the requirements of the notice.
- B. If the public health or safety requires immediate action and notice is not practicable, the port director may immediately abate the nuisance without notice.
- C. The City of Saint Mary's may charge the person responsible for the nuisance and have a lien against the premises upon which the nuisance is located for the reasonable costs and expenses of abating the nuisance.

7.07.25 – Definitions

As used in this chapter:

1. "Saint Mary's harbor" means the waters of the Andraefski and Yukon Rivers and their tributaries within the corporate limits of the City of Saint Mary's.
2. "Pollution means the contamination or altering of waters of Saint Mary's harbor in a manner which creates a nuisance or makes waters unclean, noxious, impure, or unfit so that they are actually or potentially harmful or detrimental or injurious to public health, safety, or welfare; to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, birds, fish, or other aquatic life.

CHAPTER 7.08

DOG CONTROL

Sections:

- 7.08.05 – Restraint and Control
- 7.08.10 – Vaccinations Required
- 7.08.15 – Allowed Locations
- 7.08.20 – Quarantine
- 7.08.25 – Penalties for Owners
- 7.08.30 – Effective Date

7.08.05–Restraint and Control

- A. All dogs are to be restrained and controlled by the owner at all times. All unrestrained dogs are subject to immediate disposal by the City.
- B. Any loose dog posing a threat to a person or property within the city or any loose, unattended and unidentifiable dog will be considered wild, abandoned or ownerless and will be subject to disposal without notification to the owner.

7.08.10 –Vaccinations Required

The owners of all dogs over the age of six months must be able to provide proof of a current rabies vaccination. All vaccinated dogs are required to wear a collar with a visible dog tag indicating the dog has been vaccinated. Failure to provide proof of a vaccination can result in the immediate quarantine or disposal of said dog.

7.08.15 – Allowed Locations

- A. Owners of dogs are expected to restrain/maintain their dogs on their own property and/or under their immediate supervision and control at all times, except as noted in Sections B and C, below.
- B. The Municipal Reserve (beach area may be used by dog owners to restrain/maintain their dogs).
- C. Dogs may be walked by owners provided that they are on a leash and in the immediate control and restraint of the individual walking the dog.

7.08.20 – Quarantine

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

owner of any dog(s) that is (are) quarantined by the City for violation of any State of City ordinance, statute, or regulation will be assessed a maintenance fee of \$20 per dog per day.

7.08.25 – Penalties for Owners

Violations of 7.08.05(A): \$25 per dog per violation. Each subsequent violation within a 90-day period will be double the preceding fine until the maximum amount of \$100 per violation is reached.

Violations of 7.08.10: \$25 per unvaccinated dog.

Violations of 7.08.15: \$25 per dog per 24 hour period. Each separate dog per each 24 hour period constitutes a separate violation.

7.08.30 – Effective Date

This ordinance shall become effective 45 days after passage.

Effect of amendments: Ordinance 95-1, passed by the City Council February 7, 1995, repealed the entire chapter and enacted this chapter.

CHAPTER 7.09

ALCOHOLIC BEVERAGES

Sections:

- 7.09.05 – Sale and Importation of Alcoholic Beverages Prohibited
- 7.09.10 – Consumption of Alcoholic Beverages or Possession of Open Containers Prohibited in Vehicles and in Public Places
- 7.09.15 – Open Container–Definition
- 7.09.20 – Public Place–Definition
- 7.09.25 – Vehicle–Definition
- 7.09.30 – Penalties

7.09.05 – Sale and Importation of Alcoholic Beverages Prohibited

(a) In accordance with the alcohol local option election held under AS 04.11.49 et seq. on October 3, 2006, in which the voters approved a change in the local option to prohibit the sale of alcoholic beverages in the City of Saint Mary's, the sale of alcoholic beverages is prohibited in the city. This section shall remain in effect until the voters approve a change in the local option at a duly held and certified alcohol local option election under AS 04.11.491 *e. seq.*

(b) No person shall bring, send, or transport alcoholic beverages into the city except in accordance with Chapter 7.15 of this code.

7.09.10 – Consumption of Alcoholic Beverages or Possession of Open Containers Prohibited in Vehicles and in Public Places

It shall be unlawful for any person to consume alcoholic beverages of any kind or to have in their possession open containers of alcoholic beverages in any vehicle or in any public place within the city of Saint Mary's.

7.09.15 – Open Container–Definition

An open container is any container of alcoholic beverage having no seal or upon which the seal has been broken.

7.09.20 – Public Place–Definition

A public place is any public street, thoroughfare, road, alley, path, or other public area habitually used for vehicular or foot traffic, the premises of any business establishment during business hours, the dock, or the premises of any municipal building.

7.09.25 – Vehicle–Definition

A vehicle is any automobile, truck, snow machine, all-terrain vehicle or boat, or any similar means of transportation.

7.09.30 – Penalties

- A. The penalties for violating 7.09.05 of this Chapter shall be those established under State law.
- B. A violation of 7.09.10 of this Chapter shall, upon conviction, be punishable by a fine of \$300.00 for each offense.

CHAPTER 7.10

WATERSHED DEVELOPMENT

Section:

7.10.05 – Construction Prohibited Within Watershed

7.10.05 – Construction Prohibited Within Watershed

To prevent pollution of the City's source of water, no development or construction shall take place within the watershed contributing to the City's source of water without the prior consent of the Saint Mary's City Council.

CHAPTER 7.11

CARE OF DETAINED PERSONS

Sections:

- 7.11.05 – Intoxicated/Detained Person
- 7.11.10 – Protective Custody
- 7.11.15 – Detention of Intoxicated Persons
- 7.11.20 – Safety of Intoxicated Persons and Detaining Officer
- 7.11.25–Costs of Protective Custody
- 7.11.30 – Cost of Protective Custody for All Detained Persons

7.11.05 – Intoxicated/Detained Person

Any person who appears intoxicated in a public place defined in Chapter 7.09 will be deemed intoxicated for purposes of this chapter when, in the opinion of the public safety officer, that person is no longer capable of caring for himself or herself or has become dangerous to others.

7.11.10 – Protective Custody

Any person intoxicated within the meaning of 7.11.05 may be taken into protective custody by a public safety officer. Protective custody is the removal of the intoxicated person from the public place to his or her place of residence or, when in the opinion of the public safety officer it is necessary, to a place of detention.

7.11.15 – Detention of Intoxicated Persons

- A. Any person intoxicated within the meaning of 7.11.05 of this chapter may be placed in detention when, in the opinion of the public safety officer, it is necessary to do so because of the person's state of intoxication. A person may be placed in detention only until:
1. The person is no longer intoxicated;
 2. A responsible adult is willing to take custody of the intoxicated person;
- or
3. Twelve hours have elapsed from the time of detention.
- B. A person may be detained when found intoxicated in a non-public place only when the public safety officer is in the non-public place in the course of his or her business and the intoxicated person has become dangerous to others in the non-public place.

7.11.20 – Safety of Intoxicated Persons and Detaining Officer

A person detained under 7.11.15 of this chapter is in the protective custody of the detaining officer. The detaining officer may take all steps necessary to protect himself or herself from the intoxicated person, including a search of the person to remove all dangerous objects.

7.11.25 – Costs of Protective Custody

An intoxicated person taken into protective custody shall be responsible for all costs associated with the protective custody, including but not limited to the wage of the detaining officer, necessary food or bedding, and the costs of heat or electricity for the building, which as of July 1, 2011 is calculated to be \$175.00 per each 24-hour holding period.

7.11.30 – Cost of Protective Custody for All Detained Persons

Any person detained for any reasons other than intoxication shall be responsible for all costs associated with the protective custody, including but not limited to the wage of the detaining officer, necessary food or bedding, and the costs of heat or electricity for the building, which as of today is calculated to be \$175.00.

Ordinance 2012-01 amended Chapter title and amount in 7.11.25, effective 9/6/11.

CHAPTER 7.12

VEHICLES FOR HIRE

Section:

- 7.12.05 – Certificate of Authorization
- 7.12.10 – Application for Certificate
- 7.12.15 – Issuance of Certificate
- 7.12.20 – Insurance Required
- 7.12.25 – Transfer of Certificate
- 7.12.30 – Suspension and Revocation of Certificates
- 7.12.35 – Expiration of Certificate
- 7.12.40 – Number of Vehicles per Certificate
- 7.12.45 – Maximum Number of Hours per Day
- 7.12.50 – Records
- 7.12.55 – Regulation of Fares and Charges
- 7.12.60 – Refusal of Passenger to Pay Legal Fare
- 7.12.65 – Penalties

7.12.05 – Certificate of Authorization

No person, other than the City of Saint Mary's, shall operate or permit a vehicle owned or controlled by him to be operated as a vehicle for hire within the limits of the City of Saint Mary's without having first obtained a Certificate of Authorization to Operate a Motor Vehicle for Hire from the City Council.

7.12.10 – Application for Certificate

- A. An application for a certificate shall be filed with the City Clerk upon forms provided by the City. An application fee of one hundred dollars (\$100.00) shall be submitted with the application; the fee is non-refundable. The application shall be verified under oath and shall contain the following information and statements:
1. The name, address and phone number of the applicant.
 2. The names, addresses and phone numbers of all persons or organizations having a financial or proprietary interest in the vehicle for which the certificate is sought;
 3. Proof of insurance satisfying the requirements of section 4 of this chapter;
 4. Statement the applicant has not been convicted of a felony for the past five years or a misdemeanor involving a violation of the motor vehicle

- laws, traffic laws or the alcoholic beverage laws of the State of Alaska or the City of Saint Mary's for the past two years;
 - 5. Proof the applicant is eighteen years of age or older and possesses a valid Alaska Drivers License;
 - 6. Any other information the City Manager may require.
- B. If the application is for the renewal of a certificate or is from a prior certificate holder, the issuance of the certificate is contingent upon the production of records required in Section 10 of this chapter for the prior certificate and the full payment of any taxes or other outstanding indebtedness due the City

7.12.15 – Issuance of Certificate

Within sixty days (60) of the receipt of the application for a certificate by the City Clerk the City Council shall issue a certificate if the applicant has met the conditions set forth on the application and neither the applicant has met the conditions set forth on the application and neither the applicant nor any person or organization listed as having a financial or proprietary interest in the vehicle has had within the preceding three years a prior certificate suspended or revoked. The Council shall not consider the factor of public need in determining whether to issue a certificate.

7.12.20 – Insurance Required

Before any certificate of authorization to operate a vehicle for hire is issued the applicant therefore shall furnish one or more policies or certificates of issuance assured by an insurance company authorized to do business in the State of Alaska providing indemnity for the insured in the amounts specified herein and agreeing to pay, within the limits of said amounts, to any judgment creditor recovering final judgment (other than an employee of the insured) for personal injuries, including death, and damages to property suffered during the applicable year in which the insurance is in effect, resulting from the negligent operation, maintenance or use of the vehicle. The minimum insurance liability of the applicant as to any one covered vehicle for hire shall be the minimum established by the State of Alaska.

7.12.25 – Transfer of Certificate

A Certificate to Operate a Motor Vehicle for Hire is non-transferable.

7.12.30 – Suspension and Revocation of Certificates

- A. A certificate issued under the provisions of this chapter shall be rechecked or suspended by the City Manager if the holder thereof has:
 - 1. Violated any of the provisions of this chapter;
 - 2. Permitted insurance coverage of the motor vehicle to lapse;
 - 3. Permitted a driver found guilty of violating the motor vehicle laws, traffic laws or the alcoholic beverage law of the State of Alaska or the

- City of Saint Mary's within the preceding two years to operate the motor vehicle;
4. Violated any ordinances of the City or the laws of the United States or the State of Alaska or the City of Saint Mary's within the preceding two years to operate the motor vehicle;
 5. Permitted an unlicensed driver to operate the motor vehicle;
- B. A certificate shall be revoked if a driver of the motor vehicle is found guilty of violating the motor vehicle laws, traffic laws or the alcoholic beverage laws of the State of Alaska or the City of Saint Mary's while operating the certificate motor vehicle. A violation as to one certificate may result in the suspension or revocation of other certificates which may be in the holder's possession or control
- C. Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken, and shall have an opportunity to be heard, with the right of appeal to the City Council.

7.12.35 – Expiration of Certificate

A Certificate for the Operation of a Motor Vehicle for Hire expires one year from the date of issue.

7.12.40 – Number of Vehicles per Certificate

Only one vehicle, which shall be designate on the application for the certificate, Shall be operated pursuant to the certificate issued. Upon application to the City Manager and a demonstration on need, operation of a substitute vehicle shall be authorized for the duration of the certificate provided the insurance requirements for forth at Section 4 of this chapter are satisfied with respect to the substitute vehicle.

7.12.45 – Maximum Number of Hours per Day

No person may drive a vehicle for hire in excess of twelve consecutive hours. A driver may not drive a vehicle for hire until another eight hours has elapsed. No driver of a vehicle for hire may engage in other employment that requires eight working hours per day.

7.12.50 – Records

- A. If the City Council by resolution directs or upon implementation of a City wide sales tax, every certificate holder shall maintain records for the vehicle operated pursuant to the permit which shall include:
1. The name, address, telephone number, license number and expiration date, date of hire and date of termination for each person that drives the vehicle.
 2. The daily hours worked by each person driving the vehicle.

3. The number of daily hours the vehicle is operated during each calendar month.
 4. Daily manifest listing the time and place of each passenger pickup and delivery, the number of passengers, the amount of fair received, the time of the call for service and the name of the driver responding.
- B. In absence of a City Council resolution or a sales tax affecting vehicles for hire said records need not to be maintained.

7.12.55 – Regulation of Fares and Charges

- A. Fares shall be at all times posted in a conspicuous place in the interior of the vehicle, and the fares shall be nondiscriminatory.
- B. The City Council may regulate the fares and charges for the use of any vehicle for hire certificate pursuant to this chapter. Any and all fares which may be set by the City Council will be set forth as an attachment Schedule A to this chapter. Before any fares set by the City Council shall be effective the City Council shall hold a public hearing and provide at least ten days notice of the hearing all certificate holders.

7.12.60 – Refusal of Passenger to Pay Legal Fare

It shall be unlawful for any person to refuse to pay the legal fare of any vehicle for hire certificate under this chapter after having hired the same.

7.12.65 – Penalties

Violations of this chapter shall be punishable by a fine of one hundred dollars (\$100.00), and/or suspension of certificate. For purposes of this section each day of operation of a motor vehicle in violation of this chapter shall be considered a separate offense. Vehicles operated in violation of this chapter are subject to seizure and impoundment at a cost of twenty-five dollars (\$25.00) per day until the owner either complies with this chapter or executes a written assurance to the City that the vehicle will not be operated for hire.

CHAPTER 7.13

FIRE PREVENTION

Sections:

- 7.13.05 – Outdoor Burning Prohibited
- 7.13.10 – Other Burning Prohibited
- 7.13.15 – Heating and Cooking Stoves
- 7.13.20 – Fire Hazards
- 7.13.25 – Grass and Vegetation
- 7.13.30 – Fireworks
- 7.13.35 – Penalties

7.13.05 – Outdoor Burning Prohibited

No person, firm or corporation shall burn any wood, brush, trash, papers, rubbish or garbage out of doors anywhere in the city except at the city dump. This section shall not prohibit the use of an outdoor fire for cooking or for recreation.

7.13.10 – Other Burning Prohibited

No person shall burn any trash, papers, rubbish, or garbage anywhere indoors in the City except in an incinerator, furnace, fireplace or stove so constructed and used as to prevent the spread of fire by an arresting screen or similar device which prevents the escape of igniting particles or burning material there from.

7.13.15 – Heating and Cooking Stoves

Nothing in this ordinance shall be deemed to prohibit the use of wood in stoves used for cooking or the use of wood in fireplaces or stoves designed for heating.

7.13.20 – Fire Hazards

It shall be unlawful to light or maintain any fire anywhere in the city so close to any building or structure or any flammable material other than that to be burned as to cause a fire hazard.

The term “fire” as used in this ordinance shall not be construed to mean or include a fire in a furnace, stove, boiler, or fireplace.

7.13.25 – Grass and Vegetation

It shall be unlawful to burn off grass or vegetation from any area in the city unless:

1. the fire department is first notified; and
2. the fire is constantly attended by a competent person until such fire is extinguished.

7.13.30 Fireworks

It is unlawful for any person to sell, possess, or use any explosive fireworks or stench bomb to which fuses are attached or which are capable of ignition by matches or percussion, without permission of the City Council and under the supervision of the Department of Public Safety.

7.13.35 – Penalties

Any person, firm or corporation violating any provision of this ordinance shall be fined not less than \$5 nor more than \$500 for each offense, and a separate offense, shall be deemed committed on each day during or on which a violation occurs or continues.

CHAPTER 7.14

DISORDERLY CONDUCT

Sections:

- 7.14.05 – Disorderly Conduct Unlawful
- 7.14.10 – Disorderly Conduct Defined
- 7.14.15 – Penalty
- 7.14.20 – Definitions

7.14.05 – Disorderly Conduct Unlawful

It is unlawful for a person to engage in acts constituting disorderly conduct, as defined in Section 7.14.10 of this Chapter.

7.14.10 – Disorderly Conduct Defined

A person has engaged in disorderly conduct if:

1. With intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that his conduct is having that effect after being informed that it is having that effect, he makes unreasonably loud noise;
2. In a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that his conduct is having that effect after being informed that it is having that effect, he makes unreasonably loud noise;
3. In a public place, when a crime has occurred, he refuses to comply with a lawful order of a peace officer to disperse;
4. In a private place, he refuses to comply with an order of a peace officer to leave premises in which he has neither a right of possession or the express invitation to remain of a person having a right of possession;
5. In a public or private place, he challenges another to fight or engages in fighting other than in self-defense;
6. With the intent to disturb the peace and privacy of another or with reckless disregard for the offensive or insulting effect that his actions may have on others, he uses obscene or profane language, or harasses, troubles, worries, or torments another by use of telephone, transceiver type radio (CB) or any other electronically transmitted means;

7. He or she intentionally exposes his or her genitals, buttocks, anus, or female breast to another with reckless disregard for the offensive or insulting effect the act may have on that person.

7.14.15 – Penalty

A person convicted of violating this Chapter may be fined not more than \$300.00

7.14.20 – Definitions

As used in this chapter, “Noise is “unreasonably loud” if, considering the nature and purpose of the offender’s conduct and the circumstances known to him including the nature of the location and the time of day or night his conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. “Noise” does not include speech which is constitutionally protected.

CHAPTER 7.15

PLASTIC BAG LITTER CONTROL

Sections:

- 7.15.10 – Plastic Bags-Uses Prohibited
- 7.16.20 – Penalties

7.15.10 – Plastic bags – uses prohibited

- A. It is unlawful for a merchant to use plastic carry out bags or to provide or offer plastic carry out bags for a customer's use.
- B. It is unlawful for any person to use a plastic carry out bag as a container for waste to be disposed of at the city landfill.
- C. As used in this chapter, "carry out bag" means a bag into which merchandise or goods are placed for the purpose of carrying the merchandise or goods out of a merchant's place of business.

7.15.20 - Penalties

A violation of this chapter is punishable by a fine not to exceed \$100 per offense. Each plastic carry out bag used, provided, or offered for use, shall constitute a separate offense.

7.15.25 – Effective Date

The effective date of this ordinance shall be June 1,2000.

CHAPTER 7.16

IMPORTATION OF ALCOHOLIC BEVERAGES

Sections:

- 7.16.010 – Definitions
- 7.16.020 – Alcoholic Beverage Delivery Sites-Establishment
- 7.16.030 – Notice of Establishment
- 7.16.040 – Delivery Site Operation
- 7.16.050 – Delivery Site Hours of Operation
- 7.16.060 – Importation-Limits
- 7.16.070 – Delivery to Alcohol Delivery Site
- 7.16.080 – Receipt and Processing-Package Store Shipments
- 7.16.090 – Receipt and Delivery-Other Shipments
- 7.16.100 – Redelivery of Alcoholic Beverages
- 7.16.110 – Destruction of Undelivered Alcoholic Beverages at a City Delivery Site
- 7.16.120 – Permit
- 7.16.130 – Appeals to City Manager
- 7.16.140 – Use and Possession of Permit
- 7.16.150 – Permit Revocation or Suspension
- 7.16.160 – Fees and Fines
- 7.16.170 – Penalties for Violations
- 7.16.180 – Reporting Violations

7.16.010 – Definitions. When used in this chapter, the following words and phrases have the meanings given unless the context in which used clearly indicates a different meaning was intended.

“Alcoholic beverage” means a spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage by a person who possesses or attempts to possess it and that contains one-half of one percent or more of alcohol by volume, if the liquid is produced commercially.

“Board” means the Alaska Alcoholic Beverage Control Board.

“Bring” means to carry or convey or to attempt or solicit to carry or convey.

“City” means the boundaries of the City of Saint Mary’s as defined in Chapter 1.03.10 of the Saint Mary’s Code of Ordinances.

“City delivery site” means a delivery site established and operated by the city or under a contract with the city.

“City Manager” means the City Manager of the City of Saint Mary’s or the City Manager’s designee.

“Common carrier” means a motor vehicle, watercraft, aircraft, or railroad car available for public hire to transport freight or passengers.

“Controlled substance” means a drug, substance or immediate precursor included in the schedules set out in Alaska Statutes 11.71.140-11.71.190 or any successor statutes.

“Delivery site,” “alcohol delivery site,” and “alcoholic beverage delivery site” mean city delivery site.

“Distilled spirits” shall have the same meaning as is applied to the phrase in Title 4 of the Alaska Statutes.

“Domicile” means the place that the person has established as his or her residence which is the person’s only home and is the place to which the person intends to return whenever the person is away.

“Household” means and includes all the persons who occupy a housing unit. A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters.

“Import” means to bring personal property into the city by any means of transportation, whether transported while in the possession or control of the owner or intended recipient or transported in response to the request or arrangements made by or for the owner or intended recipient, but does not include personal property brought into the city by a common carrier that remains in the control and possession of a common carrier until it is transported outside the city by a common carrier.

“Inhalant” means a material or substance that is readily vaporizable at room temperature and whose vapors or gases, when inhaled, pose an immediate threat to the life or health of the person, or are likely to have adverse delayed effects on the health of the person. Inhalant includes but is not limited to gasoline; materials and substances containing petroleum distillates; and common household materials and substances whose containers bear a notice warning that inhalation of vapors or gases may cause physical harm.

“Malt beverages” shall have the same meaning as is applied to the word in Title 4 of the Alaska Statutes.

“Minimum permitted delivery time” means the time between the day the delivery site mails or otherwise gives notice to a permittee of the arrival of alcoholic beverages for the permittee and the twenty-second day following the day of notice.

“Permit” means a permit issued under this chapter.

“Permittee” means an individual holding a current, valid permit issued under this chapter.

“Site” and “delivery site” mean the Saint Mary’s alcoholic beverage delivery site or sites established or designated pursuant to this chapter.

“Send” means to cause to be taken or distributed or to attempt or solicit to cause to be taken or distributed, and includes use of the United States Post Office.

“Transport” means to ship by any method, and includes delivering or transferring or attempting or soliciting to deliver or transfer an alcoholic beverage to be shipped to, delivered to, or left or held for pick up by any person.

“Unconditional discharge” means that a defendant is released from all disability arising under a sentence, including probation and parole.

“Under the influence” means when, as a result of the use of alcoholic beverages, controlled substances or inhalants, the person’s physical or mental abilities are impaired so that the person no longer is able to act with the caution characteristic of a person of ordinary prudence who is not under the influence of alcoholic beverages, controlled substances or inhalants.

“Wine” shall have the same meaning as is applied to the word in Title 4 of the Alaska Statutes.

7.16.020-Alcoholic beverage delivery sites-Establishment

- A. There is established a city alcoholic beverage delivery site. The city delivery site shall be at such location or locations as the City Manager recommends and the council approves.
- B. A delivery site shall be clean, heated and well secured against break in or other unauthorized entry. Inside the delivery site there shall be an area adequate to securely store alcoholic beverages delivered to the delivery site. The City Manager, after consulting with appropriate advisors, security professionals, or law enforcement agencies shall devise and have installed or constructed such security systems, areas or arrangements as may be appropriate to ensure the security and safekeeping of alcoholic beverages delivered to a city delivery site.

7.16.030-Notice of establishment

- A. Upon the establishment of an alcohol delivery site under this chapter the City Manager shall give notice of the establishment to the Alaska Beverage Control Board. The notice shall include:
 - 1. The name by which the site is to known if other than the “Saint Mary’s Alcoholic Beverage Delivery Site”;
 - 2. The address of the site;

3. A request that the Alcoholic Beverage Control Board notify all holders of package store licenses who are authorized to ship alcoholic beverages in response to a written solicitation that the delivery site has been established and that all orders sent to a person in Saint Mary's must thereafter be sent shipping prepaid to the purchaser at the delivery site address, or to such other delivery sites as are approved by the city; and

4. A request that the Board provide to the delivery site current and updated lists of the names of persons who, under AS 04.16.200, are convicted after October 24, 1987 of a violation of AS 04.11.010.

B. The City Manager shall provide to all common carriers copies of the notice required to be posted under subsection C of this section. The notice shall set out the delivery requirements of this chapter and the maximum penalty that may be imposed for violations.

C. Common carriers shall post notice provided by the city under this section in one or more conspicuous places in each of the following locations:

1. Where cargo or baggage is handled;
2. On bulletin boards where notices to employees required by law are posted;
3. Where persons claiming baggage or receiving cargo shipments claim their baggage or shipments; and
4. Where baggage and cargo shipments are physically delivered to the traveler, shipper or claimant.

7.16.040-Delivery Site Operation

A. The operation of a city delivery site shall be the function of the city administration and shall be supervised by the City Manager. The site may be operated by city employees or by a responsible, bonded person under contract with the city.

B. The City Manager shall prescribe rules, policies and procedures, not inconsistent with the provisions of this chapter, as he determines to be appropriate to effectively implement this chapter. If the delivery site is operated by a person under contract with the city, the City Manager retains the authority to establish delivery site rules, policies and procedures, but shall consult with the contractor prior to establishing or modifying rules, policies and procedures.

C. A delivery site may not employ or otherwise use a person in the operation of the delivery site to handle or secure alcoholic beverages if the person is:

1. Under the influence of an alcoholic beverage, controlled substance or inhalant;
2. Under a court order or a condition of bail, probation or parole that prohibits the person from consuming or possessing alcoholic beverages;
3. Is under twenty-one years of age; or

4. Has a criminal record as described in Section 7.16.100 (B)(10) of this chapter.

7.16.050-Delivery Site Hours of Operation.

A. The City Manager shall establish a schedule of days and hours of operation for a city delivery site. The schedule shall be posted at each entrance to the delivery site.

B. The delivery site shall be open for receipt and delivery of alcoholic beverages at least once a week for not less than three hours between the hours of eight a.m. and eight p.m. The City Manager may establish a schedule for the receipt of alcoholic beverages at a city delivery site that is different from the schedule for the redelivery.

C. The City Manager may authorize additional, unscheduled hours of operation of a city delivery site, on a temporary basis to accommodate special situations.

7.16.060-Importation-Limits.

A. Within any calendar month, a person may not import into the city more than 11.25 gallons of malt beverages, 24 liters of wine, or 4.6 liters of distilled spirits.

B. A person may not import any amount of alcoholic beverage containing more than the percentage of alcohol by volume that is permitted by state law.

C. No person shall bring, send or transport any imported alcoholic beverage from the city to any place where the importation or possession of alcoholic beverages has been prohibited under any of the local options set out in AS 4.11.491 et seq. or its predecessor or a successor statute.

7.16.070-Delivery to Alcohol Delivery Site.

A. All alcoholic beverages sent into the city by a package store shall be sent shipping prepaid and shall be addressed and delivered to the alcoholic beverage delivery site.

B. A person importing alcoholic beverages into the city in a quantity exceeding one liter of distilled spirits, or two liters of wine or one gallon of malt beverage in a single day or single shipment shall ship such alcoholic beverages into the city shipping prepaid, addressed to and for delivery to the delivery site. The person who has possession of alcoholic beverages subject to this subsection B at the time they are imported into the city or who is a common carrier and to which the shipment is transferred for delivery to the Saint Mary's addressee, shall deliver or cause such alcoholic beverages to be delivered to a delivery site; provided, alcoholic beverages transported as checked baggage accompanying a traveler on a regularly scheduled air carrier may not be claimed by the traveler at the air terminal, but shall be delivered to a delivery site by the air or other common carrier immediately or at the earliest time the delivery site is next open to receive alcoholic beverages if the alcoholic beverages exceed on liter of distilled spirits, two liters of wine or one gallon of beer; an amount

that is at or below these limits is not required to be delivered to or processed through a delivery site.

C. A person may not open, consume or transfer to another person any alcoholic beverage required to be delivered to the delivery site until after such alcoholic beverage has been delivered as required by this section and redelivered to the purchaser or owner.

7.16.080-Receipt and Processing-Package Store Shipments.

A. Upon the receipt of alcoholic beverages shipped from a package store, the delivery site shall:

1. Receive the container;
2. Note on the delivery site records and on any shipping document tendered at delivery any damage that appears to have occurred to the container or its contents;
3. Ensure that the date received, name of the purchaser and the invoice number are clearly marked on the container;
4. Remove the invoice from the container;
5. Record the quantities of each kind of alcoholic beverage contained in the container and enter the quantities on the purchaser's monthly record or on a log kept for the city;
6. Record sales or use tax and other information as may be required by the City Manager;
7. Determine whether the purchaser is authorized to receive the alcoholic beverages on the invoice;
8. Provide the purchaser with notice of receipt of the alcoholic beverages and the amount due for sales or use taxes, handling and storage fees and other charges, levies or taxes.

B. If the purchaser is not authorized to receive the alcoholic beverages, the alcoholic beverages may not be delivered to that person or to another person and the delivery site shall retain all alcoholic beverages that cannot be delivered until the earlier of the time they are lawfully delivered or until they are destroyed under the provisions of this chapter.

C. If the purchaser is authorized to receive the alcoholic beverages, they shall be delivered to the person at the delivery site after the person executes such certifications as are required by the Board and the City Manager upon payment of all taxes, handling and storage fees and other charges, levies or taxes owing.

D. The records created or maintained by a delivery site concerning recipients and alcoholic beverages delivered to and released by the delivery site are confidential and shall not be disclosed except as provided in this section. Such records shall be

disclosed only to those city and delivery site officials and employees who require access to such records for the purpose of operating the delivery site and enforcing laws and ordinances pertaining to the importation and taxation of alcoholic beverages. Additionally, at reasonable times, such records may be made available to the Alaska State Troopers, the City of Saint Mary's Police Department, the Alcoholic Beverage Control Board, and other law enforcement officers for inspection. No other disclosures shall be made unless required by court order or search warrant, or authorized in writing by the person whose records are to be disclosed.

7.16.090-Receipt and Delivery-Other Shipments.

A. Alcoholic beverages required to be delivered to the delivery site that are not delivered under section 7.16.080 shall be delivered at the earliest opportunity by the person importing the alcoholic beverages or the person otherwise required under Section 7.16.070(B) to deliver the alcoholic beverages to the delivery site. Upon delivery, the delivery site shall remove and examine the invoice and may require a delivered container to be opened for inspection. Based on the invoice or actual inspection, the delivery site shall make an inventory of the contents for each container and shall process the alcoholic beverages as provided in Section 7.16.080(A)(2)—(8) except the addressee or owner shall be substituted for the purchaser.

B. If the owner or the person to whom the alcoholic beverages are addressed is not authorized to receive the alcoholic beverages, the alcoholic beverages may not be delivered to that person or to any other person and the delivery site shall retain the alcoholic beverages that cannot be delivered until the earlier of the time they are lawfully delivered or until they are destroyed under the provisions of this chapter.

C. If the owner or addressee is authorized to receive the alcoholic beverages, the alcoholic beverages shall be delivered to the owner or addressee after the execution of any certification required by the Board or the City Manager and upon payment of all taxes, handling and storage fees and other charges, levies or taxes owing.

7.16.100-Re-delivery of Alcoholic Beverages.

A. Delivery of alcoholic beverages by the delivery site may occur only at the delivery site. Delivery at a city delivery site may be made only by an authorized officer or employee of the city or by an authorized officer or employee of the city delivery site contract operator if the site is operated under a contract with the city.

B. The following persons are not authorized to receive alcoholic beverages:

1. A person whom the authorized officer or employee of the delivery site reasonably suspects is under the influence of an alcoholic beverage, controlled substance or inhalant;

2. A person who is unable to provide to the delivery site the person's current, valid permit issued under section 7.16.120;

3. A person who is unable to satisfy the delivery site employee that he or she is the person to whom the permit was issued;

4. A person who has received during the current calendar month the maximum quantity of one or more of the types of alcoholic beverages permitted to the person under this chapter; or who, upon delivery of the alcoholic beverages would exceed a limit; provided, so much of the beverages sought may be delivered to the extent the delivery does not cause the person to exceed their monthly limit for the alcoholic beverage;

5. A person who fails or refuses to pay all amounts owing the city and delivery site with respect to the alcoholic beverages;

6. A person who fails or refuses to execute a certificate required by the Board or the City Manager;

7. For so long as a court order is in effect, a person who is the subject of a court order prohibiting the person from consuming alcohol, controlled substances or inhalants, or from possessing an alcoholic beverage, controlled substance or inhalant;

8. For so long as the condition is in effect, a person who has been released on bail, probation, parole or under similar circumstances, if a condition of the release is that the person not consume or possess alcoholic beverages, controlled substances or inhalants;

9. A person who is not able to satisfactorily prove that their domicile is the place shown on their permit.

C. The authorized officer or employee of a delivery site may not deliver alcoholic beverages to a person who is not authorized to receive alcoholic beverages.

D. A person not authorized to receive alcoholic beverages may not receive alcoholic beverages at a delivery site.

E. The authorized officer or employee of a delivery site may not deliver alcoholic beverages to a person and a person is not authorized to receive alcoholic beverages at a delivery site if all of the requirements of this chapter have not been met. Additionally, the authorized officer or employee of a delivery site may not deliver alcoholic beverages to a person and a person is not authorized to receive alcoholic beverages at a delivery sit if:

1. The package holding the alcoholic beverages is not clearly labeled with the name of the intended recipient or if the package displays the names of more than one recipient;

2. The identity of the recipient has not been confirmed by checking a government-issued identification card containing the person's photograph or establishing another means of positive identification;

3. The recipient is different than the person whose name appears on the container as the recipient;

4. The amount released to a recipient, in one calendar month is more than a package store is permitted to ship to a purchaser in one calendar month under AS 04.11.150(g) or more than the amount a person may import in one calendar month under Section 7.16.060, whichever is less;

5. The alcoholic beverage or its container violates AS 04.16.100, 04.16.110 or this chapter; or

6. The recipient has not paid any applicable taxes or fees.

F. Unless the shipper is a licensed package store and the shipping container complies with AS 04.16.125, the alcoholic beverages may not be released until the alcoholic beverages have been inspected to determine if release would be lawful under this subsection; the alcoholic beverages may only be inspected pursuant to a search warrant, or written consent to the opening and inspection by the intended recipient of the package.

G. If the delivery site refuses delivery to a person for reasons set out in subsections (B)(7), (B)(8), or (B)(10) of this section, the burden of showing that the court order, condition of release or criminal record is not in effect is upon the person that is the subject of the court order or condition of release, or who has or had the criminal record.

H. Alcoholic beverages not delivered to permittee by a city delivery site for any reason shall be held at the delivery site for not less than twenty-one days from the date of notice of availability to the purchaser, addressee or permittee. After such time, the alcoholic beverages may be destroyed as provided in Section 7.16.110.

I. A person who is refused delivery shall be provided with a written statement from the delivery site employee refusing delivery clearly stating the reason for the refusal to deliver and stating the date, if applicable, after which the alcoholic beverages may be destroyed if not sooner delivered. If the delivery is refused at a city delivery site, the person shall be informed of their right to appeal to the City Manager the refusal to deliver.

7.16.110-Destruction of Undelivered Alcoholic Beverages at a City Delivery Site.

A. Alcoholic beverages at a city delivery site that have not been delivered within the minimum permitted delivery time may be destroyed under the procedures set out in this section except alcoholic beverages that are:

1. The subject of an appeal to the City Manager or the court under this chapter; or

2. The subject of a decision of the City Manager or a court for which the time for appeal of the decision has yet to expire, if prepayment of storage fees required under this section have been paid.

B. At any time following the expiration of the minimum permitted delivery time, the city delivery site shall give notice to the purchaser or addressee of the alcoholic beverages for which the minimum permitted delivery time has expired. The notice shall identify the alcoholic beverages and shall inform the purchaser or addressee:

1. That the minimum permitted delivery time has expired, and

2. That after an additional seven days from the date the written notice is mailed, the city delivery site will take action to destroy the undelivered beverages unless the permittee picks up the beverages (if authorized to do so), prepays storage fees, or files an appeal to the City Manager.

C. The permittee shall be notified that the permittee may file a written appeal at the city delivery site not later than the close of business on the seventh day following the date the notice is mailed and that the timely filing of such an appeal will stay the destruction of the alcoholic beverages during the pendency of the appeal. At any time before or after the filing of an appeal, and before the alcoholic beverages are destroyed, the owner may make arrangements to have the alcoholic beverages shipped back to the package store that originally shipped the beverages to the delivery site; provided, all handling, storage and other delivery site charges and city taxes must be paid before the delivery site may release the beverages for reshipment. The arrangements for reshipment must include prepayment of all shipping and handling charges and assurances that the beverages will be in the possession of common carriers from the time released by the delivery site until delivered to the package store.

D. Upon receipt of a timely filed appeal, or a late appeal regarding alcoholic beverages that have not yet been destroyed or removed from the city delivery site for destruction, the city delivery site shall segregate the undelivered alcoholic beverages subject to the appeal and note prominently on the container that the alcoholic beverages within the container are the subject of the appeal. The city delivery site shall note on the appeal the date and time received, shall retain a copy for its files and shall forward the original to the City Manager along with a copy of the records of the city delivery site showing all relevant activities relating to the alcoholic beverages and their non delivery from the date of receipt of the alcoholic beverages at the delivery site through the date of receipt of the appeal.

E. Upon receipt of an appeal, the City Manager shall hear the appeal in the manner provided under Section 7.16.130.

F. Storage and applicable charges shall continue to accrue during the pendency of the appeal to the City Manager. If the City Manager determines that the alcoholic beverages should have been delivered when delivery was refused, storage and other related charges that accrued following the refusal to deliver shall be waived, provided the alcoholic beverages are delivered to the appellant within three city delivery site operating days of the date the City Manager's decision is mailed or delivered to the appellant; provided, further, the appellant must be qualified and authorized to receive

the alcoholic beverages subject to the appeal at the time the appellant requests delivery of the alcoholic beverages at the delivery site.

G. If the City Manager determines that the refusal to deliver was appropriate, the appellant may appeal the City Manager's decision to the superior court as provided in the applicable Alaska Rules of Appellate Procedure. If the appellant intends to appeal the City Manager's decision to the superior court, the appellant may avoid the destruction of the alcoholic beverages by paying to the delivery site within three delivery site operating days of the date the City Manager's decision is mailed or delivered to the appellant all taxes and charges due on the alcoholic beverages from the date of the receipt through the thirty-third day following the mailing or delivery of the City Manager's written decision. If the appellant files a notice of appeal to the superior court of the City Manager's decision, and, in addition, serves a copy of the notice of appeal on the city delivery site, with a prepayment for storage and other charges that will come due within the six months that follow the date of the notice of appeal, the delivery site may not destroy the alcoholic beverages and shall continue to store them for the period covered by their prepayment or until they are lawfully delivered to the appellant, whichever occurs first. If the alcoholic beverages have not been delivered to the appellant and the final decision of the superior court on the appeal has not been issued before the expiration of the period covered by the prepayment, the appellant shall pay for an additional six-month period. Upon the issuance of a final, appealable decision by the superior court, the alcoholic beverages shall be subject to the same procedures and prepayment requirements as applied upon delivery of the City Manager's decision to the appellant. If the alcoholic beverages are delivered to the appellant at any time prior to the expiration of a prepayment, the amount of the prepayment attributable to the time beyond the date of delivery shall be refunded to the appellant.

H. Upon the failure of a permittee to timely appeal or to make a prepayment or take other required action under this section to preserve his right to have the delivery site continue to store his alcoholic beverages, the person thereby forfeits all his right, title and claims to such alcoholic beverages and the alcoholic beverages may be destroyed. Upon certification by an authorized city delivery site employee that there is no pending appeal of the delivery refusal decision, or that the period covered by the last storage prepayment has expired, and that written notice of the expiration of the prepayment or appeal period was mailed to the appellant at least seven days prior to the date of the certification, the alcoholic beverages may be destroyed.

I. The delivery site shall forward the certification made pursuant to subsection 7.16.110 H to the City of Saint Mary's chief of police. The chief of police or another peace officer designated by the chief of police shall witness and certify to the destruction of all alcoholic beverages destroyed pursuant to this section. The destruction shall be accomplished by a delivery site employee in the presence of the designated peace officer and any other persons required by the City Manager to witness all or any particular destruction of alcoholic beverages. The peace officer and the

delivery site employee shall provide duplicate original inventories detailing the alcoholic beverages destroyed. The police department and the delivery site shall each maintain an executed original of the inventory of destroyed alcoholic beverages.

7.16.120-Permit.

A. Upon receipt of a complete application and a nonrefundable application fee the city clerk, or other clerk designated by the City Manager shall issue an alcoholic beverage delivery permit to a person who meets the qualifications set out in this section. Permit applications must contain the physical address, mailing address, and phone number at which the applicant may be notified of the arrival of alcoholic beverages at the delivery site and receive other notices under this chapter. The application shall request the applicant's driver's license number, voter registration number and such other information as the City Manager may require as proof of domicile and for identification purposes. Upon review of an application, the clerk may request an applicant to provide additional information to prove domicile, including but not necessarily limited to a copy of the applicant's permanent fund dividend application, utility bills for the applicant's physical address shown on the alcohol beverage delivery permit application, or other proof that the applicant actually resides at the physical address provided on the alcohol beverage delivery permit application. The clerk may also request an applicant to provide additional information to verify the identity of the applicant. Permits shall be numbered sequentially and shall be valid until 12:00 AM (Midnight) December 31 of the calendar year issued or until revoked or suspended.

B. A permit may be renewed by a person who continues to meet the qualifications for a permit upon the filing of a renewal application accompanied by a nonrefundable renewal fee as specified under Section 7.16.160; and proof of the applicant's qualification for renewal. A lost, stolen or destroyed permit may be replaced under the renewal procedure.

C. To qualify for a permit, a person must:

1. Be at least twenty-one years of age;
2. Not have any amounts owing to the City of Saint Mary's for delivery site handling, storage, other delivery site charges;
3. Not have a delinquent account with the City of Saint Mary's;
4. Not be the subject of a court order or have a person residing in their household as described in Section 7.16.100(B)(7) or a condition of release as described in Section 7.16.100(B)(8), or have a criminal record as described in Section 7.16.100(B)(10); the burden of showing that the court order, condition of release or criminal record is not in effect is upon the person applying for the permit;
5. Not be a person who has been issued a permit under this chapter whose permit has been suspended or revoked unless the period of the

revocation or suspension has expired and any conditions imposed have been met;

6. Be a person whose domicile is the City of Saint Mary's.
7. Be a person whose domicile does not have another person within the domicile household that is a permittee.

D. Upon receipt of a completed application and a nonrefundable application fee, the city clerk designated by the City Manager shall undertake such investigation as may be necessary to verify statements and claims made in the application and separately provided proofs submitted by the applicant. If the clerk determines the applicant is qualified for a new permit or a renewal of an existing permit, the clerk shall issue the permit and provide a copy of the permit to the alcohol delivery site. Permits may be delivered by the clerk only to the applicant in person and to no other person except to the person identified on a permit as the permittee's agent of a physically disabled person who has been issued a permit designated as a disabled person's permit.

E. If the clerk determines that an applicant is not qualified or that an essential claim, statement or proof is doubtful and unsupported by adequate, reliable evidence or that believable contrary evidence exists, the clerk shall notify the applicant in writing of each defect. The applicant shall have fourteen calendar days from the date the clerk mails the notice within which to submit documentation or other proof to overcome the deficiencies set out in the clerk's notice. If the clerk is satisfied that the person is qualified for a permit, the clerk shall issue the permit as provided in subsection D of this section. If the clerk determines, based on the submissions by the applicant and the results of the clerk's investigation that the applicant has not satisfactorily shown that the applicant is qualified for a permit, the clerk shall deny the permit and shall notify the applicant in writing of the denial and of the reasons for the denial. The denial of the permit may be appealed to the City Manager who shall hear the appeal on the record established by the clerk. The notice of denial from the clerk shall contain a statement advising the applicant of the right to appeal the clerk's denial to the City Manager by filing a written notice of appeal to the City Manager within thirty days of the date the notice of denial is mailed by the clerk.

F. A person shall not provide or make untrue or misleading statements or provide false, altered or misleading documents in connection with an application for a permit under this chapter.

7.16.130-Appeals to City Manager.

A. In an appeal by a permit applicant from a decision of the clerk, the City Manager shall hear the appeal on the record made by the clerk. New evidence that could have been provided to the clerk during the application process may not be submitted as a part of the appeal to the City Manager. After receiving written arguments, or oral arguments if permitted by the City Manager, from the applicant and the clerk, the City Manager shall determine whether, upon the record before the clerk at

the time the appealed decision was made, there was substantial evidence to support the decision of the clerk.

B. In an appeal from a decision of a delivery site to refuse delivery, confiscate a permit, or to take or refuse to take other action, the aggrieved person shall file a written notice of appeal with the delivery site within seven calendar days of the action unless a longer period of time is permitted under this chapter. The delivery site shall immediately forward the notice of the appeal to the City Manager.

C. In all appeals, the City Manager shall provide notice to the appellant whether oral arguments and testimony will be permitted and the date:

1. Upon which oral arguments and oral testimony will be heard, if permitted;
2. By which additional documents, if permitted, must be received; and
3. By which written arguments must be received.

The City Manager shall inform the appellant where the record on appeal may be reviewed and shall provide a copy to the appellant upon request and payment of any copying charges that apply.

D. The City Manager shall schedule the receipt of arguments, testimony and documents to ensure that the appellant has a reasonable time to prepare and make submission to the City Manager. The first request by the appellant to extend a submission date or to reschedule an oral argument or testimony date shall be freely granted unless doing so would create a hardship for the clerk or the delivery site. Any additional extensions for appellant must be fully justified.

E. The City Manager may retain a hearing officer to hear an appeal under this chapter. The hearing officer shall make scheduling and other procedural decisions and, after receipt of evidence and the written argument by the appellant and the clerk or delivery site, shall prepare a proposed decision for the City Manager. The proposed decision shall set out the evidence in the record and received upon which the decision is based, a conclusion, and an appropriate order. The City Manager may accept and sign the proposed decision, redraft or modify it before signing it, or refer it back to the hearing officer for further specified action. Upon signing the decision, it becomes the City Manager's decision.

F. If the City Manager hears and decides the appeal, he shall prepare a written decision setting out the evidence relied upon, conclusions and an appropriate order.

G. The City Manager's decision may be appealed to the Superior Court in accordance with the Rules of Appellate Procedure applicable to administrative decisions. The City Manager's decision shall contain such notice of the right of appeal as may be required by the Appellate Rules of the court.

7.16.140-Use and Possession of Permit.

- A. A permittee may not authorize, permit or acquiesce in the use or possession, for any purpose, by another person of the permit issued by the city to the permittee.
- B. A permittee may not fail to prevent another person from possessing or using the city-issued permit of the permittee. It shall be a defense to prosecution of a violation of this subsection that the permittee, upon discovering the loss of the permit or that the permit is in the possession of another person, immediately notified the city delivery site and the City of Saint Mary's police department of the loss of the permit and the name of the person possessing the permit, if known.
- C. A person other than the permittee may not possess or use, or attempt to possess or use for any purpose, a permit issued under this chapter to another person.
- D. Every delivery site employee and authorized representative shall retain any city issued permit displayed by a person who is not the permittee to whom the permit was issued.
- E. Subsections A, B, C and D of this section do not apply when the permittee is a disabled person who has been issued a disabled person's permit and the permit is in the possession of the person designated on the permit as the permittee's agent.
- F. A person may not alter in any way a permit issued under this chapter.
- G. A person may not make by any means an imitation or copy of a permit issued, or authorized to be issued, under this chapter.
- H. A person may not use or attempt to use for identification or any similar purpose a permit that has been altered or that is an imitation or copy of a permit issued or authorized to be issued under this chapter.
- I. A delivery site employee shall confiscate and retain any altered, copy of or imitation permit displayed by the holder.
- J. A delivery site employee, upon being shown the permit, shall confiscate and retain the permit of a person whose permit has been revoked or suspended by the city.
- K. The City Manager shall be promptly notified of the confiscation or retention of a city-issued permit by the delivery site.

7.16.150-Permit Revocation or Suspension.

- A. The person's permit issued under this chapter shall be revoked or suspended upon a determination by the City Manager or his designee that any of the following have occurred:
 - 1. The permittee has permitted another person to use the permittee's permit for any purpose;
 - 2. The permittee's permit has been altered, copied or otherwise used as the basis for the making of a false or imitation permit;

3. The permittee is the subject of a court order described in Section 7.16.100(B)(7) or a condition of release described in Section 7.16.100(B)(8), or has a criminal record as described in Section 7.16.100(B)(10); the burden of showing that the court order, condition of release or criminal record is not in effect is upon the permittee; or if less than two years has elapsed from the person's unconditional discharge due to a conviction, or an adjudication as a delinquent, for any of the following crimes against the family: endangering the welfare of a child in the first or second degree (AS 11.51.100 or AS 11.51.110), criminal nonsupport (AS 11.51.120) or contributing to the delinquency of a minor (AS 11.51.130); with the burden of showing that two or more years have elapsed from the person's unconditional discharge due to a conviction, or an adjudication as a delinquent, upon the permittee;

4. The permittee has failed or refused to pay an amount owing the city for fees or charges due for alcoholic beverages received by the delivery site addressed to or for the permittee if such amount remains unpaid more than thirty days following the mailing to the permittee of an invoice for the amount owing;

5. The permittee has used the permit of another person for any purpose;

6. The permittee submitted untrue or misleading statements or false, altered or misleading documents in connection with the application for the permit;

7. The permittee is no longer domiciled in the City of Saint Mary's or a place where the importation or possession of alcohol has not been prohibited under any of the local options set out in AS 4.11.491 or its predecessor or a successor statute;

8. The permittee, whose domicile is at a place where the owner(s) also reside, brings or caused to bring alcoholic beverages onto the owner(s) premises and the owner(s) had provided prior written notification to the City that alcoholic beverages are prohibited on the premises.

9. The permittee is living within the domicile or household of a person who already possesses a permit.

B. Upon receiving notice from the city delivery site or a city officer or employee that any of the conditions set out in subsection A of this section exist, the City Manager or his designee shall immediately notify the permittee of the allegation and that the permit will be suspended or revoked ten days from the date the notice is mailed unless the permittee files an appeal to the City Manager. An appeal shall be processed as provided in Section 7.16.130.

C. Upon a finding that one or more of the conditions set out in Section 7.16.150(A) have occurred, the City Manager shall suspend or revoke the person's permit, as determined to be appropriate under the circumstances by the City Manager or his designee. The order of suspension or revocation shall state the length of time the suspension or revocation shall remain in effect and any additional requirements the permittee must meet before the suspension ends or before a new permit may be issued

to a person whose permit has been revoked. A suspended permit shall be retained by the City Manager and returned to the permittee when the period of suspension ends. A revoked permit shall be destroyed by the City Manager after the time for the appeal of the City Manager’s decision has expired.

7.16.160-Fees and Charges.

The city council may by resolution, establish a schedule of fees and charges for the processing of permit applications by the clerk and for the receipt, storage, handling, delivery, processing and other services or activities performed by a delivery site or by the city under this chapter.

7.16.170-Penalties for Violations.

Upon a conviction or entry of a plea of guilty or no contest to a violation of this chapter, the defendant shall be fined in accordance with the following table:

<u>Section Violated</u>	<u>Bail and Fine for First Conviction or Conviction More Than Two Years After a Prior Conviction of Any Violation of This Chapter</u>	<u>Maximum Fine for Any Conviction Within Two Years Following a Prior Conviction of Any Violation of This Chapter; Mandatory Court Appearance</u>
7.16.060 A	\$200.00	\$500.00
7.16.060 B	\$200.00	\$500.00
7.16.060 C	\$200.00	\$500.00
7.16.070 C	\$200.00	\$500.00
7.16.100 B	\$200.00	\$500.00
7.16.100 C	\$200.00	\$500.00
7.16.120 F	\$200.00	\$500.00
7.16.140 A	\$200.00	\$500.00
7.16.140 B	\$50.00	\$100.00
7.16.140 C	\$200.00	\$500.00
7.16.140 F	\$200.00	\$500.00
7.16.140 G	\$500.00	\$1,000.00
7.16.140 H	\$200.00	\$500.00

7.16.180-Reporting Violations.

A City delivery site officer or employee shall report any violations of Title 4 of the Alaska Statutes that he or she becomes aware of to the Alaska State Troopers and the City of Saint Mary's Police Department.

Ordinance 2010-01 amended who could apply for an alcohol permit to include persons within a household.

Ordinance 2013-01 amended application fee amount to \$100.00/year.

TITLE VIII

PLANNING, PLATTING, AND ZONING

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CHAPTER 8.01

PLANNING FUNCTION

Sections:

- 8.01.05 – Purpose and Code Cross Reference
- 8.01.10 – Planning Functions
- 8.01.15 – Additional Functions

8.01.05 – Purpose and Code Cross Reference

- A. The planning commission shall perform the function of planning, platting, and zoning for the city.
- B. The composition, structure, order of business, and other related items pertaining to the planning commission are provided in Chapter 2.20 of this Code. Chapters 8.02, 8.03, 8.04, and 8.05 of this Code provide for Platting Jurisdiction, Building and Land Use Administration, the Board of Adjustment, and Appeals, respectively.

8.01.10 – Planning Functions

The planning functions of the planning commission are as follows:

1. To prepare from time to time plans for the systematic development of the city as a place of residence and business;
2. To investigate and report upon the location and design of any public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street or alley, playground, public street, alley or grade thereof before final action is taken by the city or any department, office or agency;

3. To investigate and prepare, under such directions and conditions as the council may from time to time request, the commission's recommendations on a capital improvements program, and to review the same periodically and revise it from time to time but not less frequently than annually. The annual capital improvement programs shall constitute permanent and public records of the commission;
4. To investigate and recommend to the council for adoption ordinances, with such amendments as the commission believes necessary and proper because of local conditions, such published codes of technical regulations as relate to the functions of planning, platting, and zoning.
5. To investigate and prepare, from time to time, and to initiate on its own motion in the absence of direction from the council, reports on the availability of public lands by selection, transfer at less than appraised value, and otherwise for city purposes. In this regard, special attention shall be given to acquisition of lands for public recreation;
6. To investigate and prepare reports on the location and establishment of outdoor public recreation activities and facilities.

8.01.15 – Additional Functions

The planning commission shall also:

1. Prepare and recommend to the council
 - (a) a zoning ordinance to implement plans prepared in accordance with section 10 of this Chapter,
 - (b) a subdivision ordinance,
 - (c) the official map of the city,
 - (d) modifications to the documents specified in 1 through 3 of this section;
2. The commission shall publish notice of and hold at least one hearing before submitting its recommendations under A of this section to the council;
3. The commission shall
 - (a) act as the platting board,
 - (b) act upon requests for variances,
 - (c) act upon requests for conditional uses.
4. Subject to AS 29.33.245, no platting request, variance, or conditional use shall be granted except upon an affirmative vote of the majority of the commission.

CHAPTER 8.02

PLATTING ADMINISTRATION

Sections:

- 8.02.05 – Platting Jurisdiction and Powers
- 8.02.10 – Procedure
- 8.02.15 – Waiver in Certain Cases
- 8.02.20 – Information Required
- 8.02.25 – Penalties
- 8.02.30 – Alteration of Replat Petition
- 8.02.35 – Notice of Hearing
- 8.02.40 – Hearing and Determination
- 8.02.45 – Recording
- 8.02.50 – Title to Recorded Area

8.02.05 – Platting Jurisdiction and Powers

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

1. Form, size, and other aspects of subdivisions, dedications, and vacations of land;
2. Dimensions of lots or tracts;
3. Street width, arrangement, and rights-of-way, including allowance for access to lots and installation of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage, and other public facilities and improvements.

8.02.10 – Procedure

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

8.02.15 – Waiver in Certain Cases

- A. The platting authority shall, in individual cases, waive the preparation submission for approval, and recording of a plat upon satisfactory evidence that:
1. Each tract or parcel of land will have adequate access to a public highway or street;
 2. Each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;
 3. The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;
 4. No dedication of a street, alley, thoroughfare, or other public area is involved or required.
- B. In other cases the platting authority may waive the preparation, submission for approval, and recording of a plat, if the transaction involved does not fall within the general intent of AS 29.33.150 through 29.33.240, and AS 40.15 if it is not made for the purpose of, or in connection with, a present or projected development and no dedication of a street, alley, thoroughfare, park, or other public area is involved or required.

8.02.20 – Information Required

A plat shall show initial point of survey, original or reestablished corners and their descriptions, and actual traverse showing area of closure and all distances, angles, and calculations required to determine initial point corners and distances of the plat, as well as other information is involved or required.

8.02.25 – Penalties

- A. The owner or agent of the owner of land located within a subdivision who transfers, sells, or enters into a contract to sell and in a subdivision before a plat of the subdivision has been prepared, approved, and recorded, is guilty of a misdemeanor in accordance with AS 29.33.190, and upon conviction is punishable by a fine of not more than five hundred dollars (\$500.00) for each lot or parcel transferred, sold, or included in a contract to be sold. The platting board may enjoin a transfer, sale, or contract to sell, and may recover the penalty by appropriate legal action.
- B. No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than five hundred dollars (\$500.00).

8.02.30 – Alteration of Replat Petition

No recorded plat may be altered or replatted except upon petition of the owners of a majority of the land affected by the alteration or replat or by the platting board. No platted street may be vacated, except upon petition of the municipality or owners of the majority of the front feet of the land fronting the part of the street sought to be vacated.

The petition shall be filled with the platting board. It shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

8.02.35 – Notice of Hearing

The platting board shall fix a time for a hearing on the petition which shall not be more than sixty days after the filing. The board shall publish a notice stating when and by whom the petition was filed, its purpose, and the time and place of the hearing. The notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the area or, if there is no such newspaper, the notice shall be posted within the same time at three public places within the city. The board shall also mail a copy of the notice to each affected property owner not signing the petition.

8.02.40 – Hearing and Determination

At the hearing the platting board shall consider the alteration or replat and make its decision on the merits of the proposal. No vacation of a city street may be made without the consent of the council. The council shall have thirty days from the decision in which to veto the board decision. If no veto is received by the board within the thirty day period, the consent of the city shall be considered to have been given to the vacation.

8.02.45 – Recording

If the alteration or replat is approved, the revised plat must be recorded by the platting board and is thereafter the lawful plat.

8.02.50 – Title to Recorded Area

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

CHAPTER 8.03

BUILDING AND LAND USE ADMINISTRATION

Sections:

- 8.03.05 – Building and Land Use Regulations
- 8.03.10 – Comprehensive Plan and Purpose
- 8.03.15 – Zoning
- 8.03.20 – Vacant, Unappropriated, and Unreserved Land
- 8.03.25 – Consultants
- 8.03.30 – Definitions

8.03.05 – Building and Land Use Regulations

For the purpose of promoting the public health, safety, and morals, the council shall, upon having received the recommendations of the planning commission, regulate the heights, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and may enact a building code regulating minimum construction, heating, lighting, and other requirements and specifications within districts, defining offenses and punishment for their violation.

8.03.10 – Comprehensive Plan and Purpose

The council shall prepare or cause to be prepared with the advice and assistance of the commission, and revise from time to time with a written record of revisions made not less frequently than annually for the city, a comprehensive plan designed to:

1. Lessen congestion in the streets;
2. Secure safety from fire, panic, and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent the overcrowding of land;
6. Avoid undue concentration of population, facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.

8.03.15 – Zoning

- A. In accordance with the comprehensive plan, the council shall provide and restrict the use of land and improvements by districts or by contract zoning to permit specific uses provided for in the contract.

- B. Regulations shall be uniform for each class or kind of building, structure, land, or water area within each district, but the regulations may differ among districts and exceptions may be made in order to provide for the preservation, maintenance, and protection of historic sites, buildings, and monuments.

8.03.20 – Vacant, Unappropriated, and Unreserved Land

The council shall regulate and restrict the use of State land within the city which is vacant, unappropriated, and unreserved and which is found suitable for classification and disposal for home site entry under AS 38.08.010. Compliance with the provisions of this section is a prerequisite to issuance of home site entry permits for land within the city.

8.03.25 – Consultants

The council may contract with a recognized planning firm on an annual basis to develop and prepare a land use plan, including zoning regulations, for the city and provide land use planning and land use implementation on a consulting basis, provided that such consulting work shall be in accordance with a work program outline approved by the Department of Community and Regional Affairs.

8.03.30 – Definitions

In this section, "contract zoning" means a zoning reclassification to a less restricted use when the owner of the rezoned property, either through an agreement with the city or a covenant in favor of the city, places restrictions on the use of the land beyond the zoning requirements generally attaching to the new district in which the property has been placed.

CHAPTER 8.04

BOARD OF ADJUSTMENT

Sections:

- 8.04.05 – Board of Adjustment
- 8.04.10 – Adjustment Procedure

8.04.05 – Board of Adjustment

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

8.04.10 – Adjustment Procedure

An interested party, including but not limited to a borough or city official, may file with the board of adjustment an appeal specifying his objections. Copies are filed with the administrative officer involved and with the city clerk within the time required by the zoning ordinance. The officer shall provide the board with all pertinent records, including his or her written decision. An appeal to the board stays enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the enforcement officer.

CHAPTER 8.05

APPEALS

Sections:

- 8.05.05 – Appeals to Superior Court
- 8.05.10 – Procedure
- 8.05.15 – Stay of Enforcement
- 8.05.20 – Further Appeals

8.05.05 – Appeals to Superior Court

Final decisions of the board of adjustment are appealable to the appropriate superior court.

8.05.10 – Procedure

- A. A city officer, taxpayer, or other person, jointly or severally aggrieved, may appeal an action of the board of adjustment to the superior court by filing a notice of appeal with the city clerk within thirty (30) days after a final decision has been entered. The notice of appeal shall specify the grounds for the appeal.
- B. When the notice of appeal is filed, the board of adjustment shall immediately transmit to the clerk of the superior court copies of all the papers constituting the record in the case.

8.05.15 – Stay of Enforcement

An appeal from the board of adjustments stays enforcement proceedings unless the court issues an enforcement order based on a certificate of imminent peril to life or property made by the board of adjustment.

8.05.20 – Further Appeals

An appeal may be taken, when appropriate, from the decisions of the superior court.