City of Hoonah

Municipal Code

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

HOONAH MUNICIPAL CODE

Codified through

Ordinance No. 12-12-09, passed December 31, 2012.

(Supp. No. 8, 1-13)

HOONAH
MUNICIPAL
CODE
2002

_____

A Codification of the General Ordinances of
The City of Hoonah, Alaska

_____

Beginning with Supp. No. 5,
Supplemented by Municipal Code Corporation

_____

GRAPHIC UNAVAILABLE: Click here

PREFACE

The Hoonah Municipal Code, originally published by Book Publishing Company in 1989, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

Beginning with Supplement No. 5, Municipal Code Corporation will be keeping this code current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Keith Bettridge, City Administrator.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 5, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the Code up to date through Ordinance No. 12-12-09, passed December 31, 2012.

Municipal Code Corporation
1700 Capital Circle SW
Tallahassee, FL 32310
800-262-2633

HOW TO USE YOUR CODE

This code is organized to make the laws of the city as accessible as possible to city officials, city employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

Numbering System.

The numbering system is the backbone of a Code of Ordinances; Municipal Code Corporation uses a unique and versatile numbering structure that allows for easy expansion and amendment of this Code. It is based on three tiers, beginning with title, then **chapter**, and ending with **section. Each part is represented in the code section number. For example, Section 2.04.010 is Section .010, in Chapter 2.04 of Title 2.**

Title.

A title is a broad category under which ordinances on a related subject are compiled. This code contains about 15 to 20 titles. For example, the first title is Title 1, General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are Reserved for later use.

Chapter.

Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06, City Manager, can be added between 2.04, City Council, and Chapter 2.08, City Attorney.

Section.

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

Tables of Contents.

There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

Ordinance History Note.

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272 § 1, 1992).)

Beginning with Supplement No. 5, a secondary ordinance history note will be appended to affected sections. Ordinance history notes will be amended with the most recent ordinance added to the end. These history notes can be cross referenced to the code comparative table and disposition list appearing at the back of the volume preceding the index.

Statutory References.

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated.

Cross-Reference Table.

When a code is based on an earlier codification, the cross-reference table will help users find older or "prior" code references in the new code. The cross-reference table is located near the end of the code, under the tabbed divider "Tables." This table lists the prior code section in the column labeled "Prior Code Section" and the new code section in the column labeled "Herein."

As of Supplement No. 5, this table will no longer be updated.

Ordinance List and Disposition Table.

To find a specific ordinance in the code, turn to the section called "Tables" for the Ordinance List and Disposition Table. This very useful table tells you the status of every ordinance reviewed for inclusion in the code. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: (2.04, 6.12, 9.04).) If the ordinance is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be "(Special)." If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be "(Not codified)." Other dispositions sometimes used are "(Tabled)," "(Pending)," "(Number Not Used)" or "(Missing)."

Beginning with Supplement No. 5, this table will be replaced with the "Code Comparative Table and Disposition List."

Code Comparative Table and Disposition List.

Beginning with Supplement No. 5, a Code Comparative Table and Disposition List has been added for use in tracking legislative history. Located in the back of this volume, this table is a chronological listing of each ordinance considered for codification. The Code Comparative Table and Disposition List specifies the ordinance number, adoption date, description of the ordinance and the disposition within the code of each ordinance. By use of the Code Comparative Table and Disposition List, the reader can locate any section of the code as supplemented, and any subsequent ordinance included herein.

Index.

If you are not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

BUSINESS LICENSE

See also BUSINESS TAX
Fee 5.04.030
Required when 5.04.010

The index will be updated as necessary when the code text is amended.

Instruction Sheet.

Each supplement to the new code will be accompanied by an Instruction Sheet. The Instruction Sheet will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current. Removed pages should be kept for future reference.

Page Numbers.

When originally published, the pages of this code were consecutively numbered. As of Supplement No. 5, when new pages are inserted with amendments, the pages will follow a "Point Numbering System". (Example: 32, 32.1, 32.2, 32.2.1, 32.2.2., 33). Backs of pages that are blank (in codes that are printed double-sided) will be left unnumbered but the number will be "reserved" for later use.

Electronic Submission.

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to get you your code more quickly but also ensure that it is error-free. Our e-mail address is: ords@municode.com.

For hard copy, send two copies of all ordinances passed to:

Municipal Code Corporation
P.O. Box 2235
Tallahassee, FL 32316

Customer Service.

If you have any questions about this code or our services, please contact Municipal Code Corporation at 1-800-262-2633 or:

Municipal Code Corporation
1700 Capital Circle SW
Tallahassee, FL 32310

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances/resolutions have been considered for codification in each supplement. Ordinances/resolutions that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances/resolutions that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No./Res. No.	Date Adopted	Include/Omit
Supp. No. 7 (1/12)		
08-06-12	7-15-2008	Include
10-06-01	7-13-2010	Omit
10-06-02	7-13-2010	Omit
10-09-08(Res.)	9-14-2010	Omit
10-11-10(Res.)	11- 9-2010	Omit
10-11-11(Res.)	11- 9-2010	Omit
11-11-12(Res.)	11- 9-2010	Omit
10-12-13(Res.)	12-14-2010	Omit
10-11-06	12-14-2010	Include
10-11-07	12-14-2010	Omit
11-01-01(Res.)	1-11-2011	Omit
11-01-02(Res.)	1-11-2011	Omit
11-01-03(Res.)	1-11-2011	Omit
11-01-04(Res.)	1-11-2011	Omit
11-01-05(Res.)	1-11-2011	Omit
10-12-08	1-11-2011	Omit
10-12-09	1-11-2011	Omit
10-12-10	2-15-2011	Omit
10-12-11	1-11-2011	Omit
11-02-06(Res.)	2-15-2011	Omit
11-01-01	2-15-2011	Omit
11-01-02	2-15-2011	Omit
11-01-03	2-15-2011	Include
11-02-04	3-15-2011	Omit
11-02-05	3-15-2011	Omit
11-02-06	3-15-2011	Omit
11-02-07	3-15-2011	Omit
11-03-07(Res.)	3-15-2011	Omit
11-03-08(Res.)	3-15-2011	Omit
11-03-08	5-10-2011	Include
11-03-09	5-10-2011	Omit
11-05-09(Res.)	5-10-2011	Omit
11-05-10	6-14-2011	Include
11-05-11	6-14-2011	Include
11-05-12	6-14-2011	Omit
11-05-13	6-14-2011	Omit

11-06-10(Res.)	6-14-2011	Omit
11-06-11(Res.)	6-14-2011	Omit
11-07-12(Res.)	7- 5-2011	Omit
11-07-13(Res.)	7- 5-2011	Omit
11-07-14(Res.)	7- 5-2011	Omit
11-07-15(Res.)	7- 5-2011	Omit
2011-07-16(Res.)	7-12-2011	Omit
2011-07-17(Res.)	7-12-2011	Omit
11-07-18(Res.)	7-15-2011	Omit
11-08-13	9-13-2011	Include
11-08-14	9-13-2011	Include
11-09-18(Res.)	9-13-2011	Omit
11-09-19(Res.)	9-13-2011	Omit
11-09-15	10-11-2011	Include
11-10-16	11-15-2011	Include
11-11-20(Res.)	11-15-2011	Omit
11-11-21(Res.)	11-28-2011	Omit
11-12-22(Res.)	12-13-2011	Omit
11-12-23(Res.)	12-13-2011	Omit
11-12-24(Res.)	12-28-2011	Omit
11-12-17	12-28-2011	Omit
Supp. No. 8 (1/13)		
12-01-01(Res.)	1-10-2012	Omit
12-02-01	3-13-2012	Omit
12-02-02	3-13-2012	Include
12-02-03	3-13-2012	Include
12-03-02(Res.)	3-13-2012	Omit
12-03-03(Res.)	3-13-2012	Omit
12-03-04(Res.)	3-13-2012	Omit
12-03-05(Res.)	3-13-2012	Omit
12-03-04 (as amended)	5- 8-2012	Omit
12-05-06(Res.)	5- 8-2012	Omit
12-06-05	8-21-2012	Include
12-08-07(Res.)	8-21-2012	Omit
12-08-08(Res.)	8-21-2012	Omit
12-08-06	9-11-2012	Omit
12-11-07	12-11-2012	Include
12-11-08	12-11-2012	Include
12-12-09	12-31-2012	Omit

Title 1

GENERAL PROVISIONS

Chapters:

1.01 Code Adoption

1.12 Access to Public Records

1.16 Penalties and Interest Rate

Chapter 1.01

CODE ADOPTION
(RESERVED)

Chapter 1.12

ACCESS TO PUBLIC RECORDS

Sections:

1.12.010 Open records.
1.12.020 Access and inspection of records.
1.12.030 Copies of records.
1.12.040 Compilation or creation of records.
1.12.050 Exemptions for particular records.
1.12.060 Appeal of denial of request.

1.12.010 Open records.

Except as provided by Section 1.12.050, or by other provisions of municipal, state or federal law, the books, records, papers, files, accounts, writings and transactions of the city are open to inspection by the public under reasonable rules during regular office hours. The city recognizes the competing interest of personal privacy and the right of the public to have access to information concerning the conduct of the people's business.
(Ord. 88-01-12-01 (part): prior code § 01.50.010)

1.12.020 Access and inspection of records.

Public records may be inspected at the city office where the records are kept during the regular office hours of that particular office. All city officers and employees shall, consistent with the orderly conduct of city business, make a good faith and diligent effort to respond to requests for inspection of records made pursuant to this code. If one or more requests by a single requestor or agent of a requestor within a calendar month are anticipated to require more than one person-hour to complete, the city may require the requestor to pay costs for the period in excess of one hour. The costs may not exceed the unit cost of salary and benefits for employees who are involved in the search. Except in the case of news organizations, authorized search costs must be paid

before the records are searched.
(Ord. 88-01-12-01 (part): prior code § 01.50.020)

1.12.030 Copies of records.

A. Certified Copies. The city clerk shall give, on request and payments of costs, a certified copy of any public record required to be disclosed under this code.

B. Photographic or Other Copies. The city shall provide copies of records at the request of the requestor and at the requestor's expense.

C. Charge for Copies. The charge for copies (whether certified or not) may not exceed the cost to the city, which cost may include photocopy, clerical and other costs directly related to the provisions of the copies. Payment for copies must be received before making the copies, except in the case of a request for an employee or agent of a news organization. The city clerk is authorized to establish rates and charges for copies of public records, both certified and photographic and for clerical time as set forth in Section 1.12.020 and in subsections A and B of this section. The city clerk may, in his or her discretion, waive charges for incidental copies.
(Ord. 88-01-12-01 (part): prior code § 01.50.030)

1.12.040 Compilation or creation of records.

Nothing in this code shall require the city to create records, compile, summarize, outline or in other ways create information from existing public records. In those instances where the city official who is the custodian of the record determines that the city has the requisite resources to compile or create records to comply with a request for information, the city may charge the requestor with the costs of such compilation or summary, which costs shall include the salary and benefits and overhead charges for the city employees who accomplish the work.
(Ord. 88-01-12-01 (part): prior code § 01.50.040)

1.12.050 Exemptions for particular records.

This code article shall not be consistent to require disclosure of the following records or information:

A. Personnel, payroll or medical files which reveal the financial or medical status of any specific individual, the release of which would constitute an unwarranted invasion of privacy;

B. Records of vital statistics and adoption proceedings;

C. Records pertaining to juveniles;

D. Medical and related public health records;

E. Records required to be kept confidential by federal law or regulation or by state law;

F. Trade secrets;

G. Patented and/or copyrighted materials;

H. Organized, coordinated, collated, modified, created, interpreted or compiled information. Nothing in this chapter requires an agency to organize, coordinate, collate, modify, create, interpret or compile records requested. Only a literal or verbatim record need be provided;

I. Police investigation compiled by any agency as a part of an investigation of criminal activity, except that such records may be released to other governmental agencies if necessary for the proper administration of justice. Police information practices in regard to criminal justice information shall be governed by the provisions of AS 12-62.010 et seq.;

J. Records held by the city of Hoonah or any public utility pertaining to any client, customer, tenant, operator, user or subscriber, the release of which would constitute an unwarranted invasion of privacy of the person or entity;

K. Records of engineering, marketing, accounting or other technical data, which, if released, would provide a competitive advantage to any other persons or business engaged in similar or related activities;

L. Proprietary information which a manufacturer, consultant or provider reasonably expects to be kept privileged or confidential to protect the property interests of persons providing the information or data;

M. City personnel records, including employment application and examination materials;

N. Communications between any agency and the city attorney which contain legal questions concerning potential, pending or actual litigation. This subsection does not protect from disclosure documents which were public records prior to the commencement of the litigation, and public records which are otherwise subject to the disclosure may not be protected from disclosure by mere submission to the attorney. Any documents marked "confidential" which are submitted to an agency from the city attorney's office shall only be produced if the city attorney so authorizes.

(Ord. 88-01-12-01 (part): prior code § 01.50.050)

1.12.060 Appeal of denial of request.

In the event an individual requests information and is refused, the individual shall be notified in writing within five working days of his right to appeal that decision to the city manager. If not satisfied with the ruling of the city manager, the individual shall be notified within five working days of that decision of his right to appeal to the city council at its next regularly scheduled meeting, which shall be the final and binding authority. (Ord. 88-01-12-01 (part): prior code § 01.50.060)

Chapter 1.16

PENALTIES AND INTEREST RATE*

Sections:

1.16.010 General penalty.
1.16.020 Surcharge.
1.16.030 Interest rate.
* Prior code history: Prior code § 1.30.010.

1.16.010 General penalty.

A. Any person failing to abide by any provisions or failing to comply with any of the mandatory requirements of the ordinances of the city of Hoonah is guilty of a violation.

B. Unless another penalty is specifically provided in such ordinances for any such violation or failure to comply, the offense shall be punished by a fine of not more than five hundred dollars ($500.00).

C. Each and every day during any portion of which a violation or failure to comply is committed, permitted, or continued shall be a separate offense and shall be punished accordingly if the offender is so charged.

D. No forfeiture or revocation of a license, permit or property or implements of livelihood shall be imposed for any code violations.
(Ord. 07-02-05 § 2 (part))

1.16.020 Surcharge.

A. In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a violation of a municipal ordinance imposing a penalty authorized by AS 29.25.070(a), shall be assessed a surcharge of ten dollars ($10.00) if the fine or bail forfeiture amount for the offense is thirty dollars ($30.00) or more, or as established under AS 12.55.039.

B. The surcharge shall be deposited into the state of Alaska general fund as directed by AS 29.25.074.
(Ord. 07-02-05 § 2 (part))

1.16.030 Interest rate.

A. Any amount owed to the city is delinquent if not paid when due. Except when otherwise provided by law or specifically provided by ordinance, resolution or written agreement, interest at the maximum legal rate allowed by state law shall accrue upon all delinquent fines, fees, charges and assessments owed the city, from the due date until paid in full.

B. The city manager is authorized to commence suit or exercise any other legal remedy to collect any delinquent fee, fine, charge or assessments.
(Ord. 07-02-05 § 2 (part))

Title 2

ELECTIONS

Chapters:

2.04 General Provisions

2.08 Canvassing Returns

2.12 General Elections

2.16 Special Elections

2.20 Voter Registration and Qualifications

2.24 Voting Procedures

2.28 Absentee Voting

2.32 Candidates

2.40 Recall

2.44 Initiative and Referendum

2.45 Reserved

Chapter 2.04

GENERAL PROVISIONS

Sections:

2.04.010 Scope of election code.
2.04.020 Incorporation of state and federal law.
2.04.030 Expenses.

2.04.010 Scope of election code.

The provisions contained in this code shall apply to all general annual elections to be held in the city and to all special elections and to all school elections insofar as the same may be applicable.
(Prior code § 36.65.010)

2.04.020 Incorporation of state and federal law.

All provisions of the Constitution of the United States, the Constitution of the state of Alaska, and any laws enacted pursuant to the constitutions affecting municipal elections are incorporated in this chapter as if fully set forth herein.

(Prior code § 36.65.020)

2.04.030 Expenses.

The city shall pay for necessary election expenses. Salaries for the election judges shall be set by the council, by resolution and shall be updated as often as deemed necessary.
(Ord. 91-10-08 § 6 (part); prior code § 36.60.010)
(Ord. No. 12-02-02, § 3, 3-13-2012)

Chapter 2.08

CANVASSING RETURNS

Sections:

2.08.010 Counting ballots.
2.08.020 Ballot tabulation.
2.08.030 Rules for determining mark on ballots.
2.08.040 Delivery of ballots.
2.08.050 Canvass of returns.
2.08.060 Custody and destruction of ballots.
2.08.070 Contest of election.
2.08.080 Tie elections.
2.08.090 Canvass report--Certificates of election.
2.08.100 Judicial review.

2.08.010 Counting ballots.

A. As soon as the polls are closed the judges shall open the ballot box and commence counting the ballots and continue without adjournment until they are all counted. In no case shall the ballot box be removed from the room in which the election was held until all the ballots have been counted. The opening of the ballot box and the counting of ballots shall be accomplished in full view of any persons present. The public may not be excluded from the area in which the ballots are counted; however, the election judges shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties and no one other than such appointed officials may handle ballots.

B. The candidate for mayor receiving the greatest number of votes shall be elected. The three candidates for councilperson receiving the greatest number of votes shall be elected. The one or two, whichever the case may be, candidates for school board receiving the greatest number of votes shall be elected. If no candidate receives in excess of forty (40) percent of the votes cast for his/her respective office, the council shall hold a runoff election within two weeks from the date of certification of the election between the two candidates receiving the greatest number of votes for the office.
(Prior code § 36.40.010)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.08.020 Ballot tabulation.

The election officials shall follow the closing of polls procedure of the Accu Vote system. At this time, the ender card will be fed into the Accu Vote unit and the election ballot tabulation from the memory card will be printed. With necessary adjustment to account for the number of ballot sheets or cards issued to each voter,

the number of ballots cast shall agree with the number of voters who signed the register and who were issued ballots. If a discrepancy exists which cannot be resolved, the election officials shall make note of it in writing for the information of the canvass board and shall call it to the attention of the election supervisor when they return their election materials and ballots.
(Ord. 05-06-15 § 2: prior code § 36.40.020)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.08.030 Rules for determining mark on ballots.

The election board shall canvass and count the votes according to the following rules:

A. A voter shall mark his/her ballot according to the instructions on the ballot. If a voter does not follow the instructions when marking a ballot, the mark shall be counted only if it is substantially clear to the election board that the voter intended the particular candidate to be designated.

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, the votes shall be counted for each candidate properly marked.

D. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.

E. An erasure or correction invalidates only that section of the ballot in which it appears.

F. Stickers bearing a candidate's name may be affixed to the ballot in lieu of writing in a candidate's name if write-in votes or ballots are otherwise permitted.

(Ord. 91-10-08 § 6 (part); prior code § 36.40.030)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.08.040 Delivery of ballots.

When the tally of votes is completed, a certificate of returns shall be prepared and signed by the inspector and clerks of each election precinct. After completion of the certificate of returns the counted ballots and all rejected ballots shall be sealed into an envelope provided by the election supervisor, sealed, and delivered to the clerk, along with all challenged ballots, to be retained in a depository until submitted to the canvass board.
(Prior code § 36.40.040)

2.08.050 Canvass of returns.

A. The canvass board shall consist of the city clerk who acted as election supervisor, the inspector from each election precinct, the mayor, and all city councilpersons. The council may, by resolution preceding the date of election, delegate its canvass board functions to two councilpersons. The presence of two-thirds of the persons on the canvass board shall be sufficient to constitute a quorum for the transaction of canvassing

election returns.

B. Within three days after each election the canvass board shall meet in public session and shall canvass the election returns. The canvass board may be continued from day to day, but must be completed no less than five days after the election. The canvass board may accept the certificate of returns submitted by the precinct election judges, examine election officials, and may hear informal protests, complaints, or objections from individuals. The canvass board may, in lieu of the foregoing procedure, canvass the returns de novo by following the procedures specified in Section 2.08.020. In full view of those present the canvass board shall judge separately the validity of all challenged ballots, and upon specific request, specific absentee ballots which were earlier rejected by the election judges, and shall open and tally those accepted and shall compile the total votes cast in the election.

C. The canvassing board shall thereafter make a general determination concerning whether or not the election was validly held and the returns accurately presented, and shall prepare a certificate of return together with a full report of votes cast for each candidate and for or against each proposition of question, and reporting any discrepancies or contingencies. The certificate shall be signed by each participating member of the canvass board.

D. If the canvass board reports that a failure to comply with provisions of state law or municipal ordinance or a finding of illegal election practices, and it is determined that such failure or illegal practices were sufficient to have changed the outcome of the election, the canvass board may recommend the exclusion of votes cast in one or more precincts or districts where the defect occurred for the total returns or they may recommend the entire election be declared invalid and order a new election.

E. If the canvass board finds an apparent discrepancy in the returns of one or more precincts which may materially affect the outcome of the election, the canvass board shall immediately undertake a recount of the votes cast in that precinct or precincts.
(Prior code § 36.40.045)

2.08.060 Custody and destruction of ballots.

After the ballots of every election shall have been canvassed they shall be kept in the custody of the city clerk unopened, except for use as evidence in the event of election contest, for six months and then to be destroyed.
(Prior code § 36.40.047)

2.08.070 Contest of election.

A. Any candidate or any ten (10) registered qualified voters may contest the election of any person and the approval or rejection of any question or proposition upon one or more of the following grounds:

1. Malconduct, fraud or corruption of an election official sufficient to change the results of the election;

2. Disqualification of the person elected under the provisions of law or ordinances: or existence of a corrupt election practice as defined by the laws of the state of Alaska or in Chapter 2.45 of this

title.

B. The candidate or one or more of the votes [voters] initiating a contest shall appear before the council at the meeting held to canvass the election returns, and there shall deliver to the council written notice of contest. The notice shall state the grounds of contest in detail, and shall be signed under oath by the candidate or voter filing it.

C. Upon receiving a notice of contest, the council shall order an investigation by the mayor to be made with the assistance of the city election supervisor and attorney. Those contesting the election, those whose election is contested and the public shall be allowed to attend all investigation and recounting proceedings.

D. If only a recount of ballots is demanded, the election boards in the precincts where error allegedly occurred shall recount the ballots in such precincts.

E. If the contestant shall allege prohibited practices, the council shall direct the city election supervisor to open boxes containing the duplicate registration cards for the purpose of discovering the alleged prohibited practices. If the contestant charges a candidate obtained votes, or a proposition was voted for or against, by reason of prohibited practices, and the charges are proven to and sustained by the council, the council shall to the extent of such proof purge the illegally induced votes from the returns and after a recount certify the amended returns.

F. 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 of the difference between the winning and a losing vote or the result contested is more than two percent.
(Amended during 2002 codification; prior code § 36.40.050)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.08.080 Tie elections.

If two or more persons shall have received an equal and highest number of votes exceeding forty (40) percent or more each, for any one and the same office the city clerk shall give notice to each of such persons, to attend at a time and place appointed by the city clerk who shall then and there publicly proceed to determine by lot which of the persons so having an equal number of votes, shall be declared duly elected, and shall issue to such person so declared elected, his/her certificate accordingly. In the event of tie votes with each candidate receiving less than forty (40) percent of the total votes cast, there shall be a runoff pursuant to Section 2.08.010(B).
(Prior code § 36.40.060)

2.08.090 Canvass report--Certificates of election.

A. If the council concludes that the election was validly held, such conclusion shall be publicly announced and entered upon the minutes of the meeting. The minutes shall also include the number of votes cast in the election, the names of the persons voted for and the propositions and questions voted upon at such election, the offices voted for, the number of votes cast for each candidate for each office, and the number of votes for and against each proposition and question voted upon. If the council concludes that the election is not valid it shall order another election.

B. If the council accepts the canvass board's certificate of returns showing that a valid election was held and that substantial compliance with all voting procedures was effected and that no material discrepancy exists which may affect the outcome of the elections, the council shall direct the city clerk to deliver to each person elected to office a certificate of elections signed by the mayor and city clerk and authenticated by the municipal seal.
(Ord. 91-10-08 § 6 (part); prior code § 36.40.070)

2.08.100 Judicial review.

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 Hoonah, has exhausted his/her administrative remedies before the council, and has commenced within ten (10) days after the council has declared the election results, an action in the superior court in the judicial district in which the municipality is located. If no such action is commenced within the ten-day period, the election and election results shall be conclusive, final and valid in all respects.
(Ord. 91-10-08 § 6 (part); prior code § 36.40.080)

Chapter 2.12

GENERAL ELECTIONS

Sections:
2.12.010 Time of election.
2.12.020 Notice of election.
2.12.030 Subjects of election.

2.12.010 Time of election.

There shall be a general annual election in the city of Hoonah, Alaska, on the first Tuesday in the month of October in each year for the election of two members of the council for two three-year terms, for the election of a mayor for a three-year term, and one or two (as the case may be) members of the school board for three-year terms.
(Ord. 82-1 § 5 (part): Ord. 79-10 § 5 (part): prior code § 36.15.010)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.12.020 Notice of election.

Twenty (20) days before any annual election the city clerk shall post or publish, or cause to be posted or published, at least once, notices thereof, in three conspicuous places within the city limits of the city of Hoonah, Alaska, which said notices may be substantially in the following form:

NOTICE OF GENERAL
ELECTION

NOTICE IS HEREBY GIVEN that on the _____ day of October, 20_____, there will be held in the City of Hoonah, Alaska, an election for the purpose of (here insert officers to be elected or proposition to be voted upon). The polls will be open at 8:00 a.m. on the said day and will close at 8:00

p.m. on the same day.

Registration is required; a person at the polling place must certify as to his/her qualifications as follows: Be a United States citizen qualified to vote in the State of Alaska elections and registered therefore at least thirty (30) days preceding the date of this municipal election, be at least 18 years of age, a resident of the City for thirty (30) days immediately preceding the election and not disqualified under Art. V of the State Constitution as recited in Hoonah Code Section 2.20.030.

(Amended during 2002 codification; Ord. 82-1 § 5 (part): Ord. 79-10 § 5 (part): prior code § 36.15.020)

2.12.030 Subjects of election.

A. At any general election the voters shall vote upon the election of officers to fill vacancies, and in addition upon any question or proposition which may be submitted by the council by resolution or ordinances for ratification by the voters or for an expression of opinion by them. Officers and board members shall be elected as their terms expires as follows:

1. Mayor, three-year term;

2. The governing body of the city of Hoonah shall consist of six council members, two of whom are elected each year and shall serve for a term of three years;

3. School board members, one or two (as the case may be) members for three-year terms;

4. Liquor board, one trustee for a three-year term.

B. In addition to the above, candidates shall be offered for election to fill vacancies of such unexpired terms as may be then appropriate, and additional candidacies shall be permitted for membership to such boards and commissions as may be initially established and upon such staggered terms as necessary to fulfill membership requirements.

(Ord. 07-11-11 § 3; Ord. 05-03-11 § 3; Ord. 79-10 § 5 (part): prior code § 36.15.030)
(Ord. No. 12-02-02, § 3, 3-13-2012)

Chapter 2.16

SPECIAL ELECTIONS

Sections:

2.16.010 Time for elections.
2.16.020 Calling of elections.
2.16.030 Date of election.
2.16.040 Notice of special election.

2.16.010 Time for elections.

There may be special elections called by the council in its discretion at any time or times subject only to the requirements of notice and the applicable laws and ordinances governing the subject of the proposition or question submitted at the election.

(Prior code § 36.16.010)

2.16.020 Calling of elections.

The council may, by resolution or ordinance, call a special election, or by resolution authorize the mayor to call a special election by proclamation.
(Prior code § 36.16.020)

2.16.030 Date of election.

The resolution, ordinance or proclamation calling a special election shall fix the date of the election, and which shall allow sufficient time for notice as later provided in this chapter.
(Prior code § 36.16.025)

2.16.040 Notice of special election.

Notice shall be given by publication or posting at least twenty (20) days' notice in three conspicuous places within the city limits. The notice shall be in substantially the same form as for general elections.
(Prior code § 36.16.030)

Chapter 2.20

VOTER REGISTRATION AND QUALIFICATIONS

Sections:
2.20.010 Registration.
2.20.020 Qualifications.
2.20.030 Disqualification of voters.
2.20.040 Qualification certification.
2.20.050 Certification as register.

2.20.010 Registration.

Voter registration for regular and special elections is required. The foregoing means that election officials shall keep a register of those persons actually voting or offering to vote.
(Prior code § 36.10.010)

2.20.020 Qualifications.

To be qualified to vote in a general or special municipal election, a voter shall be:

A. A United States citizen;

B. Qualified to vote in the state of Alaska elections, and as such be at least eighteen (18) years of age and a resident of the state for thirty (30) days preceding the election;

C. Registered to vote in state elections;

D. A resident of the city for thirty (30) days preceding the election; and

E. Not disqualified by reason of having been convicted of a felony involving moral turpitude, and if so that his civil rights have been restored; nor disqualified because judicially determined to be of unsound mind.

(Ord. 91-10-08 § 6 (part); prior code § 36.10.020)

2.20.030 Disqualification of voters.

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

(Prior code § 36.10.030)

2.20.040 Qualification certification.

Each person before voting shall certify as to his/her qualifications as a voter. Certification shall be by voter's affixation of signature on the right-hand page of a book maintained at each polling place, the left-hand page of which shall state:

I hereby certify that I am:

* a citizen of the United States,

* both qualified to vote in State of Alaska elections and registered therefore for at least 30 days immediately preceding this municipal election,

* at least 18 years of age,

* a resident of the city for 30 days immediately preceding the election, and

* not disqualified by reason of having been convicted of a felony involving moral turpitude, and if so that my civil rights have been restored; nor disqualified, because judicially determined to be of unsound mind.

Signed and dated this _____ day of _____, 20_____.

(Amended during 2002 codification; prior code § 36.10.040)

2.20.050 Certification as register.

The book(s) containing voter qualification certification may be used to satisfy the original register requirements of Section 2.24.090.

(Prior code § 36.10.050)

Chapter 2.24

VOTING PROCEDURES

Sections:

2.24.010 Election officials.
2.24.020 Official's oath.
2.24.030 Inspector.
2.24.040 Training sessions--Vacancies.
2.24.050 Ballots.
2.24.060 Election supplies and equipment.
2.24.070 Polling places.
2.24.080 Election hours.
2.24.090 Keeping of original register.
2.24.100 Voting.
2.24.110 Rejected ballots.
2.24.120 Challenging an elector.

2.24.010 Election officials.

The council shall be the judge of the election, and the city clerk, the election supervisor for the municipality. It shall be the duty of the election supervisor before the date of the election, to appoint from the qualified electors of the city three judges of election for each voting precinct, one of whom shall be designated as the inspector, and the other judges shall act as clerks of the election.
(Ord. 91-10-08 § 6 (part): prior code § 36.30.010)

2.24.020 Official's oath.

The election officials aforesaid shall severally take and subscribe the oath or affirmation as hereinafter directed which shall be administered by the city clerk or in his/her absence by the mayor or any member of the council, or by any officer having the power to administer oaths, which oath or affirmation may be substantially in the following form:

> I do solemnly swear that I will duly attend at the ensuing election during the continuance thereof; that I will not receive any tickets, ballots or votes from any person other than such as I firmly believe to be entitled to vote at such election, according to the laws of this state and the ordinances of the City of Hoonah, Alaska; nor will I refuse to receive any vote or ballot for any person or persons whom I believe to be entitled to vote aforesaid, and I will in all things truly and impartially and faithfully perform my duty therein to the best of my judgment and ability.

(Prior code § 36.30.020)

2.24.030 Inspector.

The inspector shall have authority to administer all necessary oaths and affirmations which may be required during the election. He/she shall also have power during the election to fill any vacancy which may occur among precinct election officials until their duties have been completed.
(Prior code § 36.30.030)

2.24.040 Training sessions--Vacancies.

All election officials must attend a training session unless personally and specifically excused for cause

by the election supervisor. Any appointed official who fails to attend a training session, without an excuse by the election supervisor, may not serve on the day of election. If an appointed official is not able or refuses to serve on election day, the election supervisor may appoint a replacement for that official.
(Prior code § 36.30.035)

2.24.050 Ballots.

A. The ballots shall be numbered in series, the number being placed in an area set off by perforations for ease of removal and on a portion of the ballot that can be seen when the ballot is folded to conceal the manner in which it has been voted. Each ballot shall bear the words "official ballot," the date of the election.

B. The names of all offices and candidates to be voted upon shall be printed on the ballot. The title of each office to be filled shall be followed by the printed names of the candidates for such office below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of persons not listed on the ballot. The words "Vote for not more than _____" with the appropriate number replacing the blank shall be placed before the list of candidates for each office. The names of candidates shall be printed as they appear upon the petitions filed with the city clerk, except that any honorary or assumed title or prefix shall be omitted. The names of candidates shall be arranged alphabetically.

C. Following the offices and candidates there shall be placed on the ballot or on separate ballots as the election supervisor may determine all propositions or questions to be voted upon. The words "yes" or "no" shall be placed below the statement of each proposition or question. The election supervisor may determine the number of ballots to be used to present all offices, propositions and questions to the qualified voters of the municipality.

D. The election supervisor shall have the ballots in his possession at least five days before the election. At any time the ballots may be inspected by any candidate whose name is on the ballot, or his authorized representative, and any mistake discovered shall be corrected immediately. Sufficient ballots for the registered votes [voters] of each precinct shall be delivered to the election board for that precinct prior to the time for opening the polls. The ballots shall be delivered in a separate sealed package with the number of ballots enclosed clearly marked on the outside of the package and a receipt shall be taken.
(Ord. 06-09-15 § 3; Ord. 91-10-08 § 6 (part); prior code § 36.30.040)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.24.060 Election supplies and equipment.

A. Before the opening of the polls the clerk shall furnish to the election board for each precinct a voter qualification certification book for that precinct and shall equip and supply each polling place with sufficient materials for the election, including those materials required by this section.

B. The clerk shall prepare instructions explaining to the voters how to obtain ballots, how to mark them, how to obtain information from election officials and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed on cards in large, clear type and shall be distributed to the election boards to be prominently displayed in each polling place. The clerk shall have sample ballots printed on colored paper identical in form to the official ballots to be used in each election and shall make such

sample ballots available in each polling place according to the official ballot types bearing offices and propositions to be voted upon at that polling place. Sample ballots of all types shall be made available to the public in the clerk's office.

C. The clerk shall provide voting booths at each polling place with appropriate supplies and conveniences to enable each voter to mark his ballot screened from observation. Ballot boxes shall be placed outside of the voting booths in plain view of the election officials, voters and other persons at the polling place. (Prior code § 36.30.045)

2.24.070 Polling places.

A qualified voter shall vote only once per election and shall exercise that right at the polling place established in the hereinafter designated precinct in which he resides: District 02; Precinct 260.
(Prior code § 36.30.050)

2.24.080 Election hours.

On the day of election, each election board shall open the polls for voting at eight a.m., shall close the polls for voting at eight p.m., and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at seven-thirty a.m. of an election day. The hours shall be determined by the standard time, or daylight saving time, that is applicable to the polling place. Immediately after the opening of the polls and before receiving any ballots, one of the judges of the election shall proclaim from the door of the polling place that the polls of such election are open, and similarly, after the closing of the polls, proclamation thereof shall be made from the doors of the polling place by one of the election judges and no votes or ballots shall be received thereafter.
(Prior code § 36.30.060)

2.24.090 Keeping of original register.

The judges shall keep an original register in which each voter before receiving his ballot shall sign his/her name and give both his/her residence and mailing address. A record shall be kept in the registration book in space provided of the name of the persons who offer to vote but are refused, and a brief statement of the basis of the refusal. The signing of the register constitutes a certification by the voter that he/she is qualified, to vote.
(Prior code § 36.30.065)

2.24.100 Voting.

A. Before issuing any ballots, the election board must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place to demonstrate that it is empty. The ballot box shall then be closed and shall not be opened again or removed from the polling place until the polls have closed.

B. The voter shall give the election officials his/her name and address. If it is determined that he/she is a qualified voter of the precinct, he/she shall then place his/her signature on the appropriate line in the precinct index provided by the election official. If an election official believes the voter is not qualified, he/she shall immediately challenge the voter.

C. If the voter is not challenged, or if he/she has complied with the challenged ballot procedure, the election officials will issue to him/her the ballot or ballots to which he/she entitled.

D. A qualified voter who cannot read, mark the ballot or sign his/her name may request a judge, another person, or not more than two persons of his/her choice to assist him. If the judge is requested, he/she shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge that he/she will not divulge the vote cast by a person whom he/she assists.

E. With the exception of the circumstances recited in the previous subsection, not more than one person shall occupy the booth or compartment at the same time, and no person shall be permitted to occupy an election booth or compartment longer than shall be necessary for preparing his/her ballot.

F. No voter may leave the polling place with the official ballot that he/she received to mark.

G. If a voter improperly marks or otherwise damages a ballot, the voter may request and the election official shall provide him/her with another ballot, with a maximum of three, and the official shall record the number of the improperly marked or damaged ballot and destroy it immediately without examining it.
(Prior code § 36.30.070)

2.24.110 Rejected ballots.

No election official shall deposit in any ballot box any ballot which contains on the outside thereof any distinguishing mark, impression, devise or other. Where any ballot is so rejected, it must be endorsed on the back thereof "Rejected" and signed by an election official.
(Prior code § 36.30.110)

2.24.120 Challenging an elector.

Any person offering to vote may be challenged as unqualified by any of the election officers or by any legal voter or bystander, and it shall be the duty of each of the judges to challenge any person offering to vote, whom they know, suspect or believe, not to be qualified as an elector. A person whose right to vote has been challenged may be issued a ballot if he/she first completes and subscribes to an affidavit of his/her qualifications. When the marked ballot is returned to the officials, it shall be placed in a plain envelope and then placed in an official envelope bearing the aforesaid affidavit, the envelope sealed and the whole placed in the ballot box. The election supervisor shall provide forms and materials for this procedure. All envelopes containing challenged ballots shall be delivered to the election supervisor, to be forwarded, unopened, to the canvass board.
(Prior code § 36.30.120)

Chapter 2.28

ABSENTEE VOTING

Sections:
2.28.010 Absentee elector.
2.28.020 Absentee application.

2.28.030 Emergency application for absentee ballot.
2.28.040 Absentee ballot.
2.28.050 Rejecting absentee ballots.
2.28.060 Challenging absentee elector.

2.28.010 Absentee elector.

Any qualified elector of the city of Hoonah, Alaska, who is absent or expects to be absent from the city of Hoonah on the day of holding any municipal election, may vote at any such election.
(Prior code § 36.35.010)

2.28.020 Absentee application.

Any such absent elector may make application to the city clerk on a blank form to be furnished by the city clerk for an official ballot of the kind to be voted on at such election, showing the names of candidates who had filed for office as of the time of the application, which application shall be made not more than twenty (20) days before nor later than four-thirty p.m. of the day preceding such election, and shall be duly signed and sworn to by such elector before an officer to administer oaths and shall include the following:

> I, _____, hereby request an absentee ballot for the _____ election to be held on _____, in Hoonah, Alaska. I certify that I am a duly qualified voter of the City of Hoonah, in compliance with Municipal Code [Section] 2.20.020. I expect to be absent from the city on the day of the election.

The absent elector shall sign the statement, print his/her signature, and include residence and mailing addresses on the application.

The city clerk shall keep as a part of his/her records a list of all applications so received and of the manner and delivery of ballots thereon.
(Ord. 91-10-08 § 6 (part); prior code § 36.35.020)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.28.030 Emergency application for absentee ballot.

A. Any qualified voter who is a patient under the care of a physician in a hospital or a private home or who is held in jail or other place of detention on the day of election and is unable to go to the polling place of his/her precinct may request delivery of absentee voting materials to him/her. Such request may be by telephone or by a third party on the voter's behalf. A designated third party representative may deliver the ballot to the absent elector and return such ballot to the clerk before closing of the polls on election day.

B. After having filled out and signed the application for absentee ballot, the voter shall cast his/her ballot in the same manner provided herein for absentee voting in the clerk's office. If there is doubt of the voter's qualification, he/she may be required to comply with the challenged ballot procedure, except that in this case the challenge may be stated on the return envelope and the affidavit printed thereon is adequate.
(Prior code § 36.35.030)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.28.040 Absentee ballot.

A. Before delivering any ballot the clerk shall satisfy himself/herself of the applicant's right to vote in the subject election and may require the applicant to comply with the challenged ballot procedure. Thereafter the clerk shall deliver to the applicant elector, in the manner requested by applicant on the form, an official ballot to be voted on by the elector. The clerk shall enter on the application the number of the ballot issued and the date of delivery or mailing. Before the election, the clerk shall furnish to the election judge or judges of each district or precinct a list of voters of the precinct who have been issued absentee ballots. When the canvass board meets, the clerk shall furnish to it all absentee ballots applications bearing the aforesaid notations relative to issuance of ballots.

B. The city clerk will fold the ballot as specified in this title for other official ballots, and enclose the same in an official envelope, unsealed, to be furnished by him/her, which envelope shall bear on its face the name, official title and post office address of the city clerk, and on the other side a printed statement substantially as follows:

> I am a duly qualified elector of the City of Hoonah, Alaska, in compliance with Municipal Code Section 2.20.020. My personal attendance in said City of Hoonah on the _____ day of _____, 20_____, the date of the election, is prevented.
>
> Dated _____, 20_____.

The blanks in the statement shall be filled out by the city clerk to the extent necessary to identify the election at which the ballot is proposed to be cast.

C. The clerk shall also personally or by separate notation or memorandum or by notation printed upon the back of the official envelope advise the absentee voter that a new ballot will be furnished upon request if time permits, if a voter loses, improperly marks or otherwise damages a ballot, but replacement ballots may be requested no more than three times.

D. On marking his/her absentee ballot, the voter shall refold same as previously folded and shall enclose it in the plain envelope marked "ballot envelope" and thereafter enclose the ballot envelope in the official envelope, seal the envelope securely and deliver it to the officer who issued the absentee ballot.

E. On receipt of such absent voter's ballot the city clerk shall forthwith enclose the same unopened, together with the application upon which such ballot was issued, in a plain envelope, endorsed with his/her name and his/her official title, and the words "absent voter's ballots, to be opened only at the polls on election day while said polls are open." The city clerk shall hold the same until the delivery of the official ballots to the judges of election and shall deliver such absent voters' ballots to the election judges. Absentee ballots not personally delivered by the clerk at least by four-thirty p.m. of the day preceding the election, or received by the clerk by mail prior to eight p.m. of the day of the subject election shall not be counted.

F. Between the opening and closing of the polls on election day, the judges shall remove the absentee voters' official envelopes from the plain envelope marked "absent voters' ballots, to be opened only at the polls on election day while said polls are open" announce the absent voter's name and the voter has theretofore not voted at the election, they shall open the official envelope and remove the ballot envelope without destroying the endorsements on the envelope and open the ballot envelope without permitting the ballot

to be unfolded, and deposit the same in the proper ballot box. (Amended during 2002 codification; prior code § 36.35.040)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.28.050 Rejecting absentee ballots.

The judges shall reject any ballot which does not substantially conform to the foregoing requirements, or in case the ballot envelope has been theretofore opened or contains more than one ballot; and rejected ballots shall be endorsed "rejected" with the reason therefore and fastened to the ballot envelope and application accompanying the same. All rejected ballots shall be enclosed and securely sealed in an envelope upon which the judges shall endorse "defective absentee ballots," signed by the judges and the same shall be delivered to the canvassing board.
(Prior code § 36.35.050)

2.28.060 Challenging absentee elector.

The vote of any absentee voter may be challenged as though he/she were present. The election judges shall deliver the official envelopes containing the ballot envelope of all challenged absentee ballots to the canvass board which shall rule upon the legality of each such challenged absentee ballot.
(Prior code § 36.35.060)

Chapter 2.32

CANDIDATES

Sections:
2.32.010 Qualifications.
2.32.020 Filing for office.
2.32.030 Declaration of candidacy.

2.32.010 Qualifications.

A. Local Requirements. Only qualified, registered voters of the city who, at the time of their choice to fill a vacancy, are at least eighteen (18) years old and have resided in the state for sixty (60) days, and within the city at least sixty (60) days immediately preceding the date of election, and shall be qualified for the office of the councilperson, school board, liquor board or mayor. No councilperson, or school board member may hold any office or position in the city government by appointment by the mayor. If the mayor, councilperson or school board or liquor board member ceases to be a resident of the city, he/she shall thereupon cease to hold office.
(Ord. 91-10-08 § 6 (part); prior code § 36.20.010)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.32.020 Filing for office.

Any qualified person may have his/her name placed on the ballot for the election as a candidate for mayor, councilperson, school board or liquor board, by filing, not more than three months and at least sixty (60) days prior to the election with the city clerk, a sworn declaration of his/her candidacy, a certification of

residency and a state of Alaska Financial Disclosure Statement.
(Prior code § 36.20.040)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.32.030 Declaration of candidacy.

The declaration shall be in substantially the following form as provided by the city clerk's office:

DECLARATION
OF CANDIDACY

I, _____, declare that I reside at _____ (address), in the city of _____, Alaska; that I am at least 18 years of age; that I have been a resident of Hoonah, Alaska, for at least 60 days preceding the date of this election; that I am a citizen of the United States, a qualified and registered voter of the State of Alaska and a resident of the State for 60 days, and that I am not disqualified under Art. V of the State Constitution.

I declare myself a candidate for the office of _____ for a term of _____ years, commencing _____ and ending _____; and request that my name be printed upon the official ballot for the city election to be held in the city of _____, Alaska on the _____ day of _____ in the year _____.

_____
(Signature of Candidate)

____

Identifier of Candidate: DOB, voter number or SSN

Subscribed and sworn to before me this _____ day of _____ in the year _____.

_____
(Notary Public)

(Ord. 91-10-08 § 6 (part); prior code § 36.20.045)
(Ord. No. 12-02-02, § 3, 3-13-2012)

Chapter 2.40

RECALL

Sections:
2.40.010 Recall.
2.40.020 Grounds.
2.40.030 Petition.
2.40.040 Examination for sufficiency.
2.40.050 Supplemental petition.
2.40.060 New petition.
2.40.070 Submission.

2.40.080 Election.
2.40.090 Form of recall ballots.
2.40.100 Election procedure.
2.40.110 Majority required.
2.40.120 Effect.
2.40.130 Election of successor.

2.40.010 Recall.

An elected official may be recalled by the voters after he has served six months in office.
(Prior code § 36.55.010)

2.40.020 Grounds.

Grounds for recall are misconduct in office, incompetence or failure to perform prescribed duties.
(Prior code § 36.55.020)

2.40.030 Petition.

A. A petition seeking recall of one or more municipal officials is filed with the city clerk. The petition shall contain:

1. The signatures and resident addresses of twenty-five (25) percent of the qualified voters residing within the territory limits of the city;

2. The date each voter signed the petition; and

3. A statement of the grounds of the recall stated with particularly as to specific instances.

4. The name and address of the contact person and an alternate to whom all correspondence relating to the petition may be sent.

B. A petition for recall must be filed with the clerk within sixty (60) days after the date of the earliest signature of the petition.
(Prior code § 36.55.030)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.40.040 Examination for sufficiency.

The city clerk shall review the petition for content and signatures and shall certify on the petition within ten (10) days of the filing date whether it is accepted or rejected. Until the petition is accepted, a petition signer may withdraw his signature upon written application to the clerk.
(Prior code § 36.55.040)

2.40.050 Supplemental petition.

A. If the petition is rejected because of insufficient signatures, it may be supplemented by additional signatures within ten (10) days after the date of rejection. If the petition is insufficient for any other reason, it

shall be rejected and filed as a public record.

B. Within ten (10) days after supplementary filing, the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.
(Prior code § 36.55.050)

2.40.060 New petition.

Failure to secure sufficient signatures does not preclude the filing of a new recall petition. However, a new petition may not be filed sooner than six months after a petition is rejected.
(Prior code § 36.55.060)

2.40.070 Submission.

If a recall petition is sufficient, the clerk shall immediately submit it to the council.
(Prior code § 36.55.070)

2.40.080 Election.

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

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

C. If a vacancy occurs in the office after a recall petition is filed, the petition shall not be submitted to the voters.
(Prior code § 36.55.080)

2.40.090 Form of recall ballots.

A recall ballot contains:

A. The grounds as stated in the recall petition;

B. The officer's statement of two hundred (200) words or less, if the statement is filed with the clerk for publication and public inspection within twenty (20) days before the election;

C. The following question: "Shall (name of person) be recalled from the office of (office)? Yes [ ] No [ ]."
(Prior code § 36.55.090)

2.40.100 Election procedure.

Procedures for conducting a recall election are those of a regular election.
(Prior code § 36.55.100)

2.40.110 Majority required.

A majority vote on the question is required to recall an officer.
(Prior code § 36.55.110)

2.40.120 Effect.

If an incumbent is not recalled at the recall election, a petition to recall the same incumbent may not be filed sooner than six months after the recall election.
(Prior code § 36.55.120)

2.40.130 Election of successor.

If the voters recall an officer, the clerk shall conduct an election for a successor to fill the unexpired term in accordance with AS 29.26.350 and shall be specific to the type office being filled. The election shall be held at least ten (10) but not more than forty-five (45) days from the date of the recall election. However, if a regular or special election occurs within seventy-five (75) days of the recall election, the successor to the recalled official shall be chosen at that regular or special election. The procedures and requirements for the regular election for the office from which the incumbent is recalled apply to the election conducted under this section.
(Prior code § 36.55.130)
(Ord. No. 12-02-02, § 3, 3-13-2012)

Chapter 2.44

INITIATIVE AND REFERENDUM

Sections:
2.44.010 Reservation of powers.
2.44.020 Petition.
2.44.030 Contents of petition.
2.44.040 Required signatures.
2.44.050 Sufficiency of petition.
2.44.060 Protest.
2.44.070 New petition.
2.44.080 Presentation of initiative.
2.44.090 Presentation of referendum.
2.44.100 Effect.

2.44.010 Reservation of powers.

The powers of initiative and referendum are reserved to the residents of Hoonah except the powers do not extend to matters restricted by Sec. 7, Art. XI, of the State Constitution, and as such the initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

(Prior code § 36.53.010)

2.44.020 Petition.

A petition for initiative or referendum must be filed with the city clerk and an initiative petition must be filed not less than ninety (90) days before the next regular election.
(Prior code § 36.53.020)

2.44.030 Contents of petition.

A petition for an initiative or referendum shall:

A. Embrace only a single comprehensive subject;

B. Set out fully the ordinance or resolution sought by the petition;

C. State upon the petition, when circulated, the date of first circulation of the petition;

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

E. Have the required signatures, dates of signatures and residence addresses of the signers;

F. Provide a summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred;

G. Include a statement with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signature[s] to be those of the persons whose names they purport to be;

H. Indicate the total number of signatures on the petition.
(Prior code § 36.53.030)
(Ord. No. 12-02-02, § 3, 3-13-2012)

2.44.040 Required signatures.

A. The necessary signatures on a petition shall be secured within ninety (90) days from the date of the first circulation of the petition. The petition shall be signed in ink or indelible pencil.

B. Every petition for either the initiative or referendum in the government of the municipality shall be signed by a number of qualified voters residing within the territorial limits of the city, or, if the act sought to be initiated or referred pertains exclusively to the area outside cities or to a service area, by a number of qualified voters residing within the area outside cities or within the service area, as the case may be, equal to twenty-five (25) percent of the total number of votes cast at the last general election in the city, or special election called for the purpose of electing city officers.

C. When signing a petition each voter shall write or print after his/her signature the date of signing the petition and his/her address.

D. Illegible signatures unless accompanied by a legible printed name may be rejected by the municipal clerk.

E. A petition signer may withdraw his/her signature upon written application to the clerk within seven days after the petition has been filed with the clerk.
(Prior code § 36.53.040)

2.44.050 Sufficiency of petition.

A. Within ten (10) days from the filing date, the city clerk shall certify on the petition whether or not it is sufficient.

B. If the petition is insufficient, it may amended or supplemented within ten (10) days after the date on which the petition is rejected as insufficient.

C. Within ten (10) days after supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.
(Prior code § 36.53.050)

2.44.060 Protest.

If the city clerk certifies the petition is insufficient, a signer of the petition may file a protest with the mayor within seven days after the certification and the mayor shall present the protest at the next regular meeting to the council which shall hear and decide the protest.
(Prior code § 36.53.060)

2.44.070 New petition.

Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition may not be filed sooner than six months after a petition is rejected.
(Prior code § 36.53.070)

2.44.080 Presentation of initiative.

A. When a petition seeks enactment of an ordinance or resolution within the powers of the council, the clerk shall present it to the council at its next meeting after certification. The assembly or council may reject the petition if the subject matter of the initiative or referendum is within the restrictions of Section 2.44.010.

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

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

D. The council may at any time not less than ten (10) days from the date of election adopt an ordinance or resolution to implement the petition. In that event an election shall not be held.
(Prior code § 36.53.080)

2.44.090 Presentation of referendum.

A. When a petition seeks a referendum vote on an ordinance or resolution, the clerk shall submit the ordinance to the voters of the city at the next regular or special election. If no regular or special election occurs within seventy-five (75) days of the filing of a sufficient petition with the clerk, the council shall hold a special election within seventy-five (75) days of filing.

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

C. If a majority of those voting favor the referendum legislation, it remains in effect. If a majority rejects the legislation, it is repealed.
(Prior code § 36.53.090)

2.44.100 Effect.

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

B. An unsuccessful initiative or referendum precludes the filing of a new petition for the same purpose sooner than six months after voter disapproval of the initiative or referendum.
(Prior code § 36.53.100)

Chapter 2.45

RESERVED*

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* **Editors Note:** Ord. No. 12-02-02, § 3, adopted March 13, 2012, repealed Ch. 2.45, § 2.45.010, which pertained to state statutes adopted and derived from Ord. 91-10-08 § 6(part).

Title 3

ADMINISTRATION AND PERSONNEL

Chapters:

3.01 General Administration

3.04 Council Administration

3.08 Mayor

3.09 Vice Mayor

3.10 City Administrator

3.12 Ordinances and Resolutions

3.16 City Treasurer

3.20 City Clerk

3.24 City Attorney

3.25 Parks and Recreation Department

3.26 Public Works Department

3.28 Department of Public Safety

3.36 Planning and Zoning Commission

3.44 Department of Disaster Emergency Services

3.46 Reserved

3.48 Reserved

3.50 Reserved

3.52 Reserved

3.54 Reserved

3.56 Reserved

3.58 Reserved

3.60 Reserved

3.62 Reserved

3.64 Reserved

3.66 Reserved

3.68 Reserved

3.70 Reserved

3.71 Employee Handbook

3.72 Definitions

Chapter 3.01

GENERAL ADMINISTRATION

Sections:

3.01.010 Form of government.
3.01.020 Officers designated.
3.01.030 Books and records.
3.01.040 Elected officers.

3.01.010 Form of government.

The form of government of the city of Hoonah shall be the council-mayor form. The city of Hoonah is a first class city since incorporation in 1946.
(Ord. 92-02-01 § 6 (part))

3.01.020 Officers designated.

The officers of the city are the six council members, the mayor, the city treasurer, the city attorney, the city clerk, the fire chief, and the police chief. The mayor and council members shall be elected by direct vote of the electors of the city in accordance with city and state statutes. All other officers shall be appointed by the mayor subject to confirmation by the council and serve at the pleasure of the council. Each officer appointed shall hold office until terminated or until his successor is appointed, whichever first occurs. All other department heads shall not be regarded as officers of the city. They shall be appointed or removed at the discretion of the mayor.
(Ord. 95-02-01 § 5; Ord. 92-02-01 § 6 (part))

3.01.030 Books and records.

The books and records of the city shall be kept by the clerk; except that other officers of the city may keep such records as are necessary for the performance of their duties, and the treasurer shall keep the financial books and records. When such records are no longer needed by the other officers, they shall be delivered to the clerk for safekeeping. Books and records of a permanent nature shall be destroyed with the approval of the mayor.
(Ord. 92-02-01 § 6 (part))

3.01.040 Elected officers.

A. The mayor, councilmembers, and school board elect shall take their respective offices on the first Monday following their election. The mayor, councilmembers elect, and the school board elect, shall take an oath of office which shall be filed with the city clerk. If any elected officer shall fail, neglect, or refuse to take the oath of office within thirty (30) days of the election, the remaining members of the council or school board shall have the power to declare a vacancy.

B. Forfeiture of Office. An elected office is vacated under the following conditions and upon the declaration of vacancy by the council or school board:

1. Fails to qualify or take office within thirty (30) days after his/her election or appointment; or

2. Is physically absent from the municipality for a ninety (90) day period, unless excused by the council or school board; or

3. Resigns and the resignation is accepted; or

4. Is physically or mentally unable to perform the duties of his/her office; or

5. Is removed from office; or

6. Misses three consecutive regular meetings unless excused; or

7. Is convicted of a felony or of an offense involving a violation of his/her oath of office.

C. Filling of Vacancies. The council and school board, by the majority vote of its remaining members, shall fill vacancies in its own membership. The council shall fill the vacancy in the office of mayor. The appointee shall serve until the next regular election.
(Ord. 92-02-01 § 6 (part))

Chapter 3.04

COUNCIL ADMINISTRATION

Sections:
3.04.010 Council.
3.04.020 Compensation for council.
3.04.030 Conflict of interest.
3.04.040 Employment.
3.04.050 Procedure for employment.
3.04.060 Compensation for employment.

3.04.010 Council.

A. Membership. The council shall consist of six members; the mayor is not a member of the council.

B. Meeting Time and Date. Meetings of the council and all other municipal bodies shall be public in accordance with AS 44.62.310. Regular meetings of the council shall be held on the second Tuesday of every month at seven p.m. in the council chambers unless public notice is given at least twenty-four (24) hours in advance to the effect that the meeting will be held at a different hour or in a different place. The regular meeting day shall not be changed except in the case of a community emergency or the lack of a seated quorum of the council (members on approved city business, resigned or dead). The regular meeting shall be held on the following day whenever the second Tuesday is a holiday. No notice of any regular meeting is required, except in the month of January of each year the clerk shall post a notice in three public places in the city stating the time and place of regular meetings of the council as provided in this chapter (except to be in compliance with the Open Meetings Act requirements).

C. Special Meetings. A special meeting may be called by the mayor or by three council members. Notice of special meetings of the council shall be posted in three public places in the city for a period of at least twenty-four (24) hours before any special meeting; and shall be communicated to the mayor and each council member either verbally or by personal delivery of notice at least twenty-four (24) hours before the meeting. Notice of any special meeting shall state in general terms the nature of items to be presented at the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. No irregularity in giving notice of the purpose of the meeting shall invalidate such special meeting.

D. Emergency Meeting. A special meeting to respond to an emergency may be conducted with less than twenty-four (24) hours notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held.

E. Quorum and Voting. Four council members constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or substantive motion. The final vote on each ordinance, resolution, or substantive motion must be by a recorded roll call vote. All council members present shall vote unless the council, for special reasons, permits a member to abstain from voting.

F. Parliamentary Procedure. Robert's Rules of Order shall be followed in matters of parliamentary procedure.

G. Order of Business. At meetings of the council the following order of business shall be observed unless at a specific meeting the order is changed by amending the agenda at the beginning of the meeting:

1. Call to order;

2. Roll call;

3. Pledge of Allegiance (optional);

4. Agenda revisions;

5. Approval of consent agenda;

6. Reports of officials and committees;

7. Hear citizens present;

8. Public hearings (if required);

9. Ordinances and resolutions;

10. Unfinished business;

11. New business;

12. Council comments;

13. Executive session (if required);

14. Adjournment.

H. Committees. Within thirty (30) days after the annual election of council members, the mayor shall appoint a vice mayor, standing committees of the members of the council, and such other committees as are required. The mayor may appoint special committees from time to time. The vice mayor and members of each committee shall be appointed by the mayor, but any appointment may be vetoed by majority vote of the council.

All members of the council shall service on the committee as a whole and shall meet on the third Tuesday of every month at five p.m. in the council chambers unless changed by a majority of the council. The vice mayor shall serve as chairperson of the committee as a whole. If the vice mayor is absent, the council members present shall appoint an acting chairperson for that particular meeting. Meetings of the committee as a whole shall be open to the public with a minimum of twenty-four (24) hours notice of such meeting given in accordance with the Open Meetings Act. The meeting shall be informal and recommendations of action items discussed will be forwarded to the council for consideration. The mayor may participate in the discussion at such meetings but shall not serve as chairperson.
(Ord. 08-02-01 § 3; Ord. 05-04-12 § 2: Ord. 92-02-01 § 6 (part))

3.04.020 Compensation for council.

Each council member shall receive a salary of fifty dollars ($50.00) for attendance at each regular council meeting. For the purpose of this section "regular meeting" shall mean those dates as set by Section 3.04.010(B) that delineates what a regular council meeting is and the acceptable exceptions.
(Ord. 92-02-01 § 6 (part))

3.04.030 Conflict of interest.

A. A member of the governing body shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;

B. The presiding officer shall rule on a request by a member of the governing body to be excused

from the vote;

C. The decision of the presiding officer on a request by a member of the governing body to be excused from a vote may be overridden by the majority vote of the governing board; and

D. A municipal employee or official other than a member of the governing body, may not participate in an official action in which the employee or official has a substantial financial interest.
(Ord. 08-04-07 § 4: Ord. 92-02-01 § 6 (part))

3.04.040 Employment.

The prohibition on city employment of council members created a hardship in smaller communities where the city was an employer. In recognition of various hardships the Alaska Legislature amended Title 29, effective January 1, 1986, and stipulated in AS 29.20.620 "The governing body shall by ordinance provide a method of determining the salaries of elected officials . . . ". An elected official may not receive compensation for service to the city in addition to the salary received as an elected official, unless otherwise provided for by ordinance. The law allows the city to fashion a solution for the particular circumstances by allowing the city to pass an ordinance to deal with this issue.
(Ord. 92-02-01 § 6 (part))

3.04.050 Procedure for employment.

Consideration of short-term contractual service of an elected official for city work must be approved by a duly constituted quorum of the city council. An elected official shall be excluded from participating in any formal action where he has a vested or financial interest.
(Ord. 96-04-10 § 5 (part): Ord. 92-02-01 § 6 (part))

3.04.060 Compensation for employment.

An elected official may receive compensation for services to the municipality in addition to the compensation received for services as an elected official; provided; however, that no person shall contemporaneously serve as both an elected official and full-time or a part-time employee, city attorney, chief of police, utilities manager, fire chief, city clerk, or in any managerial or confidential position.
(Ord. 96-04-10 § 5 (part): Ord. 92-02-01 § 6 (part))

Chapter 3.08

MAYOR

Sections:
3.08.010 Election and term of office.
3.08.020 Powers and duties.
3.08.030 Compensation.

3.08.010 Election and term of office.

The mayor is elected at large and serves a term of three years.

(Ord. 92-02-01 § 5 (part))

3.08.020 Powers and duties.

The mayor shall act as chief administrator.

A. As chief administrator, the mayor shall have those powers and exercise those duties allocated to him by Alaska Statutes under a council-mayor form of government.

B. The mayor shall preside at all meetings of the council except during his absences the vice mayor shall preside. The mayor shall have the power of veto respecting any ordinance, resolution, motion or other action of the council. The mayor shall sign all ordinances, contracts and deeds of the city.

C. The mayor shall appoint all members of commissions, boards and advisory committees subject to council confirmation.

D. As chief administrator, the mayor shall:

1. Appoint, suspend, or remove municipal employees and administrative officials, except as provided otherwise in this title;

2. Supervise the enforcement of municipal law and carry out the directives of the council;

3. Prepare and submit an annual budget and capital improvement program for consideration by the council;

4. Make monthly financial reports and other reports on municipal finances and operations as directed by the council;

5. Exercise custody over all real and personal property of the city, except school property;

6. Perform other duties required by law or the council;

7. Serve as personnel officer.

(Ord. 92-02-01 § 5 (part))

3.08.030 Compensation.

The mayor shall be compensated for undertaking his statutory duties at the rate of twenty-four thousand dollars ($24,000.00) per year plus employee fringe benefits, payments to be made in the same manner of other municipal employees. Compensation shall commence from the point in time when the mayor takes the oath of office.

(Ord. 94-04-03 § 3: Ord. 92-02-01 § 5 (part))

Chapter 3.09

VICE MAYOR

Sections:

3.09.010 Office of vice mayor.
3.09.020 Appointment.
3.09.030 Powers and duties.
3.09.040 Definition.
3.09.050 Declaration.

3.09.010 Office of vice mayor.

There is established the office of vice mayor. For any person to hold such office, he/she must at all times be a duly qualified member of the city council. The term of office of the vice mayor is one year beginning the first council meeting following the certification of the mayor's election and continuing until the third Thursday of November or until his/her successor qualifies and takes office.
(Ord. 00-09-01 § 5 (part))

3.09.020 Appointment.

The mayor shall appoint any city councilperson to the office of vice mayor. Upon appointment the person shall give his oath, in writing, to the city clerk. The mayor shall at any time remove from office any vice mayor, with or without cause. Such removal from office becomes effective upon the vice mayor's successor in office being qualified, appointed and taking the oath of office.
(Ord. 00-09-01 § 5 (part))

3.09.030 Powers and duties.

The vice mayor shall have the following powers and duties in the absence of the mayor:

A. Shall chair all council meetings, and while chairing such meetings, shall be entitled to one vote on all matters, as any other councilperson; except, the vice mayor shall not have the power of veto;

B. May sign all documents, as necessity requires, as council directs or has previously directed the mayor;

C. May call special meeting, sign ordinances and resolutions after the time for veto has expired.
(Ord. 00-09-01 § 5 (part))

3.09.040 Definition.

As used in Sections 3.09.010 through 3.09.030, the words in this section are defined as follows:

"Mayor's absence" means when the mayor is physically unable or unavailable to discharge the duties and powers of his office, or if the office of mayor is vacant.
(Ord. 00-09-01 § 5 (part))

3.09.050 Declaration.

The city council declares that the creation of the office of vice mayor and its attendant duties and powers is necessary to preserve the public health, welfare, and safety and to provide for the protection of the city and its citizens.
(Ord. 00-09-01 § 5 (part))

Chapter 3.10

CITY ADMINISTRATOR

Sections:
3.10.010 Office created.
3.10.020 Powers and duties.
3.10.030 Compensation.
3.10.040 Bond.
3.10.050 Temporary administrator.
3.10.060 Eligibility exceptions.

3.10.010 Office created.

The office of the city administrator is created and established. The city administrator shall be appointed by the mayor, subject to confirmation by the city council. The city administrator shall be a department head of the city and shall hold office at the pleasure of the mayor and city council, and is hired by the city council.
(Ord. 98-03-01 § 5 (part))

3.10.020 Powers and duties.

A. The city administrator will serve as a liaison between the mayor/council and all department heads, city officers, committees and commissions. The city administrator reports directly to the mayor. The city administrator delegates duties as required and is charged with overall duties as required and is charged with overall supervision of city officers and employees.

B. In addition to the general powers as administrative head of the city, and not as a limitation thereon, it shall be the duties of the city administrator to:

1. Administrate adopted city policies, procedures, ordinances, resolutions and directives through the coordination of all municipal departments;

2. Be responsible for grant and contract administration and procurement;

3. Assist the city clerk in the preparation of ordinances and resolutions;

4. Act as local, state and federal liaison, as directed by the mayor;

5. Prepare the annual budget and capital improvements program as directed by the mayor;

6. Prepare recommendations and information brief for the mayor and council on all matters

affecting the municipality so as to keep administrative officials fully informed;

7. Formulate municipal investment policies and financing alternatives;

8. Implement adopted capital improvement, economic development, costal zone management and other comprehensive plans;

9. In conjunction with the maintenance supervisor, formulate and adhere to a printed maintenance schedule for all city equipment, buildings, roads, and other properties;

10. Enforce the city budget as authorized by the council and directed by the mayor. Further, the administrator shall be responsible for the purchase of all supplies for all the departments or divisions of the city. No expenditures shall be submitted or recommended to the council except on report and approval of the city administrator;

11. Assist the mayor as personnel officer in formulating job descriptions and evaluating employees benefits and compensation;

12. Have a thorough knowledge of the duties/responsibilities of the city clerk/treasurer in order to perform in that capacity if necessary and directed by the mayor;

13. Attend all meetings of the council, planning commission, and other meetings as specified by the mayor unless excused therefrom;

14. Oversee the city utilities, particularly in regards to permitting and monitoring;

15. Determine long and short-range needs of the city and recommend programs and solutions;

16. Develop administrative policies and procedures for recommendation to the council;

17. Be an ex officio member of all boards and commissions appointed by the mayor or council, with a right to participate in all deliberations or actions by voice, but without a vote;

18. Perform the duties of city planner and coastal coordinator. Enforce the city's land use and zoning policies;

19. Perform other duties as required by the mayor.

(Ord. 98-03-01 § 5 (part))

3.10.030 Compensation.

The city administrator shall receive such compensation and expense allowances as the city council shall from time to time, determine and fix by resolution. Said compensation shall be proper charge against the city. (Ord. 98-03-01 § 5 (part))

3.10.040 Bond.

The city administrator shall be covered by a public employee's dishonesty bond, a surety for an amount of at least five hundred thousand dollars ($500,000.00). Any premium for such bond shall be a proper charge against the city.
(Ord. 98-03-01 § 5 (part))

3.10.050 Temporary administrator.

During the absence or disability of the city administrator, the mayor may designate with council consent, a properly qualified person to perform the duties of the office of city administrator.
(Ord. 98-03-01 § 5 (part))

3.10.060 Eligibility exceptions.

No persons elected as a city council person or mayor shall, subsequent to such election, be eligible for appointment as city administrator until one year has elapsed after such elected official shall have ceased to be the mayor or a councilperson.
(Ord. 98-03-01 § 5 (part))

Chapter 3.12

ORDINANCES AND RESOLUTIONS

Sections:
3.12.010 Acts of the council.
3.12.020 Acts required to be by ordinance.
3.12.030 Emergency ordinance.
3.12.040 Ordinance procedure.
3.12.050 Codification.
3.12.060 Veto procedure.
3.12.070 Ordinance form.
3.12.080 Adoption of technical codes by reference.
3.12.090 Resolutions.

3.12.010 Acts of the council.

The council shall act only by ordinance, resolution or order. Laws of a general, uniform, and permanent nature shall be reduced to ordinance; laws of a temporary nature or special character shall be reduced to resolution. The form of expression shall be "ordained" when the council expresses anything by way of command. The form of expression shall be "resolved" when it expresses opinions, facts or propositions.
(Ord. 92-02-01 § 5 (part))

3.12.020 Acts required to be by ordinance.

The council shall use ordinances to:

A. Establish, alter, or abolish any city department;

B. Fix the compensation of members of the council;

C. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

D. Levy taxes;

E. Make appropriations, including supplemental appropriations or transfer of appropriations;

F. Grant, renew, or extend a franchise;

G. Regulate the rate charged for its service by any public utility;

H. Authorize the borrowing of money within such limits as will not create a greater indebtedness or liability of any kind in any year than the current revenue of the city of that year;

I. Purchase lands or convey or lease any lands of the city, and the ordinance shall specify the terms of purchase, conveyance, or lease;

J. Adopt or modify the official map, platting or subdivision controls or regulations, or the zoning plan;

K. Such additional acts of the council as provisions of law require to be by ordinance.
(Ord. 92-02-01 § 5 (part))

3.12.030 Emergency ordinance.

An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of the public peace, health, or safety. An emergency ordinance shall declare the nature and reasons the emergency exists. An affirmative vote of four members of the council shall be required for the final passage of an emergency ordinance. Emergency ordinances are effective for sixty (60) days only.
(Ord. 92-02-01 § 5 (part))

3.12.040 Ordinance procedure.

A. The following procedure governs the enactment of all ordinances, except emergency ordinances. An ordinance in the proper written form may be introduced by a councilmember, a standing committee, or the mayor. An ordinance shall automatically be set for a public hearing for the meeting following its introduction.

B. At least five days before the public hearing a summary of the ordinance shall be posted together with a notice of the time and place for the hearing in three places in the city. Copies shall be available to all persons present at the hearing, or shall be read in full. The council shall hear all interested persons wishing to be heard. After the hearing, the council shall consider the ordinance, and may adopt it with or without amendment. The clerk shall print and make available copies of adopted ordinances. An ordinance takes effect upon adoption or at a later date specified in the ordinance.
(Ord. 92-02-01 § 5 (part))

3.12.050 Codification.

Each ordinance shall be codified after it is adopted. The municipal code shall be revised and printed at least every five years, unless the code is kept current by regular yearly supplements. Ordinances and parts of ordinances included in the code may be revised, rearranged and reorganized, and the code may contain new matter, provisos of the state Constitution and law applicable to the city. The council by nonemergency ordinance shall adopt the new code.
(Ord. 92-02-01 § 5 (part))

3.12.060 Veto procedure.

An ordinance or resolution may be vetoed by the mayor before the next meeting. A written statement of the mayor's reasons shall be submitted to the council at least twenty-four (24) hours before the next regular meeting. The veto may be overridden by two-thirds of the council within twenty-one (21) days or the next meeting, whichever is later.
(Ord. 92-02-01 § 5 (part))

3.12.070 Ordinance form.

The following sections shall be included in any ordinance presented to the council:

1. "City of Hoonah" letterhead shall be used;

B. "Ordinance No. _____" shall be placed below the letterhead, the number shall be assigned by the city clerk, it shall indicate the year, month and total number of ordinances passed for the current year;

C. A short descriptive title, including reference to penalties imposed by the ordinance;

D. Whereas clause to describe the reasons for the ordinance;

E. Enacting clause to read "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOONAH, ALASKA" when an ordinance is proposed by council, and "BE IT ORDAINED BY THE PEOPLE OF THE CITY OF HOONAH, ALASKA" when an ordinance is proposed by the voters under their power of initiative;

F. "Section 1. Classification" must state "this ordinance is of a general and permanent nature" or "this is a non-code ordinance";

G. "Section 2. Severability";

H. "Section 3. Penalty";

I. "Section 4. Repealer" or "Section 5. Amendment";

J. "Section 5. Adoption" shall read "The following annexed sections bearing code number

_____ through and including _____ are hereby adopted as part of this ordinance and Title _____ of the Hoonah Municipal Code";

K. "Section 6. Effective Date";

L. There shall be places for "Introduction," "Public Hearing," "Final Passage" and for the signature of the mayor and the city clerk after the sections.

M. Ordinances authorizing the conveyance of property, salary ordinances for other than elected officials, appropriation ordinances, and for the annual levy of general taxes, are non-code ordinances.

(Ord. 92-02-01 § 5 (part))

3.12.080 Adoption of technical codes by reference.

The council by ordinance may adopt by reference: codes, ordinances, standards, regulations, and amendments thereto, relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such code, ordinance, standard or regulation to be adopted need not be enrolled in the book of ordinances, but at least two copies of the code shall be filed in the city clerk's office and made available for public inspection for a period of fifteen (15) days before adoption of the ordinance. After adoption the code shall be kept available for public use so long as it remains in force. Nothing in the codified ordinance relieves the city from the requirement of publishing in full the ordinance which adopts a code or amended code of technical regulations, nor may the city adopt penalties by reference.

(Ord. 92-02-01 § 5 (part))

3.12.090 Resolutions.

Formal acts by the council not required by law to be enacted by ordinance shall be done by resolution in the following form:

A. "City of Hoonah" letterhead shall be used;

B. "Resolution No. _____" shall be placed below the letterhead, the number shall be assigned by the city clerk, it shall indicate the year, month and total number of resolutions passed for the current year;

C. A short descriptive title of the subject and purpose;

D. Whereas clause(s) to describe the reasons for the resolution;

E. Resolving clause to read "BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOONAH, ALASKA";

F. Signature lines for the mayor and city clerk after "Adopted this _____ day of _____, 20_____."

(Amended during 2002 codification; Ord. 92-02-01 § 5 (part))

Chapter 3.16

CITY TREASURER

Sections:
3.16.010 Definition.
3.16.020 Duties.

3.16.010 Definition.

The treasurer is the custodian of all municipal funds under the direction of the mayor. The treasurer is responsible for the collection, custody, disbursement, investment and accounting of city funds. The treasurer shall give bond to the city in a sum the council directs.
(Ord. 92-02-01 § 5 (part))

3.16.020 Duties.

The treasurer shall under direction of the mayor:

A. Keep custody of all municipal funds;

B. Prepare reports and budgets as directed;

C. Perform all other duties as prescribed by the mayor, council, or as a state law may lawfully require.

(Ord. 92-02-01 § 5 (part))

Chapter 3.20

CITY CLERK

Sections:
3.20.010 Definition.
3.20.020 Duties.

3.20.010 Definition.

The city clerk performs administrative and supervisory work in the maintenance of legislative and administrative records; acts a chief clerical officer to the council; maintains a comprehensive record system; and serves as election supervisor for all city elections.
(Ord. 92-02-01 § 5 (part))

3.20.020 Duties.

The city clerk shall:

A. Give notice of the time and place of meetings of the council and its committees;

B. Be responsible for preparing and assembling the meeting agenda, attend the meetings and keep the journal;

C. Arrange publication of notice, ordinances, and resolutions;

D. Maintain and make available for public inspection an indexed file containing city minutes, ordinances, resolutions, rules, regulations, and codes;

E. Attest deeds, ordinances, resolutions, and other documents, receive and open bids, receive all applications and issue licenses and permits;

F. Record and certify actions of the council;

G. Have the power to administer oaths;

H. Be custodian of the city seal and official records of the city;

I. Be the election registrar and supervise all municipal elections as stated in Title 2;

J. Perform all other duties as prescribed by the city administrator or council.

(Ord. 92-02-01 § 5 (part))

Chapter 3.24

CITY ATTORNEY
(RESERVED)

Chapter 3.25

PARKS AND RECREATION DEPARTMENT

Sections:

3.25.010 Establishment.
3.25.020 Functions and duties.
3.25.030 Fees.

3.25.010 Establishment.

There is established a department of parks and recreation, the administrative head of which shall be the director of parks and recreation appointed by the mayor. The director of parks and recreation shall have supervision and control over the department of parks and recreation, subject to the paramount authority of the city mayor.

(Ord. 96-11-20 § 5 (part))

3.25.020 Functions and duties.

It shall be the duty, functions and responsibility of the department of parks and recreation to:

A. Have charge of and direct the recreational programs and activities sponsored and carried out by the city.

B. Perform such other duties and responsibilities as may be specified or required by the mayor or this code.

(Ord. 96-11-20 § 5 (part))

3.25.030 Fees.

The city council shall, by resolution, establish fees for all parks and recreation programs and activities. In establishing such fees, the city council may take into account costs of such programs and activities, including but not limited to advertising, mailing, printing, supplies, instructors and administration. Fees shall be area wide and nondiscriminatory. Such fees shall be paid, filed and deposited as provided in such resolution or as otherwise provided in the resolution establishing such fees. Copies of the fees resolution shall be available for public inspection and copying.

(Ord. 96-11-20 § 5 (part))

Chapter 3.26

PUBLIC WORKS DEPARTMENT

Sections:

3.26.010 Establishment.
3.26.020 Functions.

3.26.010 Establishment.

There is established a public works department, which shall be administered by a public works director. The public works director shall be appointed by the mayor. The public works director shall be responsible to, and subject to the supervision of, the mayor.

(Ord. 96-02-06 § 5 (part))

3.26.020 Functions.

The public works department shall manage the functional operation and perform all routine maintenance of city-owned utility systems and roads and all city-owned capital improvements and property of whatever kind. The department shall, to the extent the mayor may from time to time direct, participate in and/or manage the construction of new capital improvements.

(Ord. 96-02-06 § 5 (part))

Chapter 3.28

DEPARTMENT OF PUBLIC SAFETY

Sections:

3.28.010 Definitions.
3.28.020 Department of public safety.
3.28.030 Creation of divisions within the department.
3.28.040 Director of public safety/chief of police.
3.28.050 Qualifications, powers, and duties of the director of public safety/chief of police.
3.28.060 Duties of the division of police services.
3.28.070 Staffing of the police division.
3.28.080 Application of state law on police officer training and certification--Qualifications of multi service (police) officers.
3.28.090 Rules and regulations of the division of police services.
3.28.100 Off-duty employment.
3.28.110 Duties of the chief of the fire division.
3.28.120 Duties of the fire division.
3.28.130 Staffing of the fire division.
3.28.140 Rules and regulations of the fire division.
3.28.150 Duties of the chief of the emergency medical services division.
3.28.160 Duties of the emergency medical services division.
3.28.170 Staffing of the emergency medical services division.
3.28.180 Rules and regulations of the emergency medical services division.
3.28.190 Department equipment.
3.28.200 Notice of disposition.
3.28.210 Disposition.
3.28.220 Auction sale.
3.28.230 Sale to vest title.
3.28.240 Publication and sale cost--Reimbursement.
3.28.250 Applicability of certain sections.
3.28.260 Severability.

3.28.010 Definitions.

As used in this chapter, the following mean:

"Chief of the emergency medical services division" means the member of the volunteer emergency medical services division, appointed as the chief officer thereof.

"Chief of the fire division" means the volunteer member of the fire division, appointed as the chief officer thereof.

"Director of public safety/chief of police" means the chief law enforcement officer of the city and the chief administrative officer of the department of public safety.

"Emergency medical services division" means that division of the department of public safety responsible for providing emergency medical and ambulance services in the city.

"Fire division" means that division of the department of public safety responsible for providing fire and search and rescue services in the city.

"Multi service officer" means a commissioned officer of any rank, authorized by oath, to enforce state law, and the ordinances, rules and regulations of the city.

"Police division" means that division of the department of public safety responsible for providing law enforcement services in the city and the operation of the city jail.

"Public safety department" or "department of public safety" means that department furnishing all emergency services in the city, including police, fire, emergency medical, search and rescue, emergency management, and disaster response teams.

"Reserve multi service officer" means an officer, authorized by oath, to enforce state laws, and the ordinances, rules and regulations of the city, and serving under the direct or indirect supervision of a commissioned multi service officer.
(Ord. 05-09-27 § 3 (part))

3.28.020 Department of public safety.

There is created a department of public safety, the chief officer of which shall be the director of public safety/chief of police.
(Ord. 05-09-27 § 3 (part))

3.28.030 Creation of divisions within the department.

The department of public safety shall be divided into five divisions.

A. There shall be a police services division.

B. There shall be a fire division.

C. There shall be an emergency medical service division.

D. There shall be a search and rescue division.

E. There shall be an emergency management division.
(Ord. 05-09-27 § 3 (part))

3.28.040 Director of public safety/chief of police.

The mayor, subject to confirmation by the city council, shall appoint the director of public safety/chief of police. The director of public safety/chief of police shall be an officer of the city, and shall be the chief executive officer of the department and the final authority in all matters of policy, operations, and discipline.

The director of public safety/chief of police exercises all lawful powers of the office and issues such lawful orders as are necessary to assure the effective performance of the department. The director of public safety/chief of police provides administrative direction, leadership, and control of the department and exercises over-all responsibility for the organization.

The director of public safety/chief of police is responsible for planning, directing, coordinating, controlling and staffing all activities of the department. The director of public safety/chief of police shall be responsible for the continued and efficient operations, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by proper authority and for

the department's relations with local citizens, the local government, and other related agencies.

The director of public safety/chief of police shall be responsible for the protection and to provide for the health, safety, and welfare of the residents of Hoonah, in accordance with the applicable federal laws, Alaska State Statutes, the city of Hoonah Municipal Code, and the policies and procedures of the department.

The director of public safety/chief of police is responsible for training of all members of the department. The director of public safety/chief of police shall have general charge of the public safety facilities and all property of the department. In order to perform the duties of the office in the most efficient and effective manner, the director of public safety/chief of police may delegate duties and responsibilities to such qualified personnel as necessary to accomplish the goals and mission of the department.

The director of public safety/chief of police shall report directly to the mayor, unless otherwise provided for in Section 3.01.020 of this title.
(Ord. 05-09-27 § 3 (part))

3.28.050 Qualifications, powers, and duties of the director of public safety/chief of police.

A. Qualification of the Director of Public Safety/Chief of Police.

1. The director of public safety/chief of police shall:

   a. Be twenty-one (21) years of age or older;

   b. Be a U.S. citizen, or possess a legal right to accept employment in the United States;

   c. Be a resident of the state of Alaska;

   d. Possess a high school diploma or equivalent;

   e. Be of sound moral character; and

   f. Possess a valid Alaska driver's license.

2. The director of public safety shall be technically qualified through training and experience, have the ability to command people, and shall possess the following minimum qualification(s):

   a. Meet or exceed the minimum standards set forth by the Alaska Police Standards Council in order to be certified as a police officer;

   b. Possess current certification as a police officer equivalent to a minimum of an intermediate certificate as issued by the Alaska Police Standards Council;

   c. Have at least five years law enforcement experience, two of which shall be at a supervisory level;

d. The director of public safety/chief of police shall possess knowledge and understanding of all applicable city, state, and federal laws and; of all departmental rules, regulations, and procedures utilized by the department.

3. If an applicant for director of public safety/chief of police is not presently certified as required in subsection (A)(2)(b) of this section, but has the ability to obtain such certificate within the first twelve (12) months of employment, such applicant may be appointed director of public safety/chief of police provided they meet the criteria set forth in subsection (A)(2)(c) of this section. Failure to obtain the requisite certification within the first twelve (12) months is grounds for immediate dismissal.

4. The director of public safety/chief of police shall be duly sworn upon oath to enforce the laws of the city, State of Alaska and the United States of America as provided for by law.

B. Powers and Duties of the Director of Public Safety/Chief of Police. Under the general supervision of the mayor, unless otherwise provided for in Section 3.01.020 of this title, the director of public safety/chief of police shall have the following duties:

1. Be the chief executive officer of the department, supervising activities of the divisions of emergency management, emergency medical services, fire, search and rescue, and police;

2. The director of public safety/chief of police shall see that complete records are kept of all personnel, training, other department activities, current records, and effectiveness of the department;

3. The director of public safety/chief of police shall maintain and enforce an up-to-date, comprehensive set of rules and regulations governing the discipline, training, and operation of the department. Such rules, regulations and amendments thereto, shall be effective when approved by the mayor in accordance with the policy and procedures manual of the city;

4. The director of public safety/chief of police shall possess knowledge and understanding of all applicable city, state, and federal laws and; of all departmental rules, regulations, and procedures utilized by the department;

5. Administer a consolidated budget and the sub-budgets thereof, and all grants pertaining to the departmental;

6. The director of public safety/chief of police shall identify priority needs, and perform professional analysis in order to upgrade existing or nonexisting services;

7. The director of public safety/chief of police is authorized, on behalf of the city, to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide members of such communities or organizations with extraterritorial fire protection or to establish a mutual aid system;

8. Be responsible for the public safety supplies, equipment, and facilities, and shall maintain an

equipment inventory;

9. Coordinate all divisions to fulfill the public safety responsibilities of the city;

10. Perform such other duties as prescribed in this code or by the mayor. Further, the director of public safety/chief of police shall:

    a. Be the chief law enforcement officer of the city,

    b. Be responsible for the enforcement and preservation of public peace and order, the prevention and detection of crime, apprehension of offenders, the protection of persons and property, and the enforcement of the law,

    c. The director of public safety/chief of police shall investigate, or cause to be investigated, the nature or circumstances of any accident or incident occurring for which the city may be liable; instruct all police officers to report to him, such accidents or incidents, and notify the mayor as quickly as practicable,

    d. The director of public safety/chief of police or his designee shall assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated, the nature of origin of all fires within the municipal boundary,

    e. Appoint multi service officers and reserve multi service officers, subject to confirmation by the mayor,

    f. The director of public safety/chief of police shall direct police related training and police services of the city,

    g. Be responsible for the operation of the following police related functions:

        i. Telecommunications and 911,

        ii. Corrections,

        iii. Animal control,

    h. The director of public safety/chief of police shall be the local supervisor of the village public safety officer (VPSO),

    i. Perform such other duties as prescribed in this code or by the mayor or designee.

(Ord. 08-02-04 § 3; Ord. 05-09-27 § 3 (part))
(Ord. No. 09-10-09, § 2)

3.28.060 Duties of the division of police services.

It shall be the responsibility and duty of the division of police services, through the director of public

safety/chief of police, to accomplish the following:

A. Investigate crimes, gather and preserve evidence, apprehend, arrest and bring to justice all violators of federal and state laws, and ordinances of the city; serve all warrants, writs, executions and other processes properly directed and delivered to them; turn all violators of the law over to the proper authorities; and in all respects, generally keep the peace;

B. Attempt to suppress all riots, affrays, and unlawful assemblies, and generally keep the peace;

C. Serve warrants, writs, executions, and other processes properly directed and delivered to it;

D. Coordinate search and rescue functions of and for the city;

E. Investigate all applicants for any license or permit when such application requires certification by the department of public safety; and

F. Enact the emergency plan during the natural catastrophes;

G. Administer first-aid treatment to victims of illness or injury;

H. Perform such other duties as shall be required of the division by the mayor.
(Ord. 05-09-27 § 3 (part))

3.28.070 Staffing of the police division.

A. Appointment of Police Officers. The number of regular multi service officers shall be determined and approved by the mayor. The director of public safety/chief of police shall appoint all officers, whether regular or reserve, subject to the confirmation of the mayor.

B. The Hoonah department of public safety multi service officer reserve program is established to provide assistance to the existing full-time (regular) complement of multi service officers. The program will allow qualified citizens of the community an opportunity to participate on a volunteer basis in the suppression, detection and prevention of crime in their community. The reserve program will provide additional personnel for emergency situations, special events, and added coverage for regular duty shifts. The written rules and regulations of the department shall apply to reserve officers as well.

C. Reserve multi service officers shall have the same powers as vested in regular multi service officers of the city. Such reserve multi service officers shall serve on a temporary basis and only when and as specifically required by the director of public safety/chief of police. Such reserve multi service officers shall assist the director of public safety/chief of police whenever called upon and whenever so called, may be compensated for services rendered as the director of public safety/chief of police may determine. Reserve multi service officers shall serve under the direct or indirect supervision of a multi service officer.

D. No regular or reserve multi service officer, at any time or place, shall be paid for police services directly or indirectly by any person, persons, or entity other than the appropriate city officials.
(Ord. 05-09-27 § 3 (part))

3.28.080 Application of state law on police officer training and certification--Qualifications of multi service (police) officers.

The provisions of AS 18.65.130--18.65.290, and 13 AAC Chapter 85, which establishes standards for multi service officer training, certification, and examination, shall apply to the police division.

A. Multi service officers of every rank shall initially meet the basic standards for multi service officers established by the Alaska Police Standards Council and within fourteen (14) months from date of employment obtain a basic certificate issued by the Alaska Police Standards Council under AS 18.65.240, unless the council grants an extension of time.

B. The city reserves the right to impose basic standards higher than those established by the council.

C. Prior to employment or within sixty (60) days following employment as a multi service officer, each applicant or officer shall complete a physical examination conducted by a licensed physician selected by the city. The examination shall include those tests required to insure that the applicant or officer meets the minimum physical standards set by the Alaska Police Standards Council (13 AAC 85.010). The examining physician shall report the results of the examination to the director of public safety/chief of police, on Alaska Police Standards Council approved forms provided by the city. The city shall reserve the right to require officers to complete additional physical examinations, in order to insure the officer continues to meet the minimum physical standards set by the Alaska Police Standards Council (13 AAC 85.010).

D. Prior to employment or within sixty (60) days following employment as a multi service officer, each applicant or officer shall be examined by a psychologist or psychiatrist for mental health screening, and the results of that examination shall be forwarded to the director of public safety/chief of police. The recommendation of the examining psychologist or psychiatrist shall be considered by the director of public safety/chief of police, and mayor, as the city's personnel officer, in their assessment of the applicant or officer's fitness for continued employment. The city shall reserve the right to require officers to complete additional mental health screening, in order to insure the officer continues to meet the minimum standards set by the Alaska Police Standards Council (13 AAC 85.010).

E. Prior to employment or within sixty (60) days following employment as a multi service officer, each applicant or officer shall be tested for the presence of drugs through the analysis of a urine sample. In the event of a positive result, the applicant or officer shall be offered an optional confirmatory blood test. Officers shall be required to submit to random drug testing while employed in the department.

F. Each officer is also subject to immediate reasonable cause testing where a supervisor has a reasonable suspicion that the officer has alcohol or drugs in his system based upon the supervisor's personal observation of the officer's appearance, behavior, speech, odor and other physical evidence.

G. All reports, assessment sheets, test results, and any other information or documentation obtained

through applicant or officer testing are confidential and shall not be disclosed to any person or agency without the express consent of the applicant or officer.

H. The director of public safety/chief of police shall, as required, establish a schedule for additional physical, psychological, and/or drug testing for multi service officers. Officers who fail to meet scheduled appointments shall be required to promptly reschedule and comply with this requirement or face appropriate disciplinary action, up to and including termination.

I. The applicant shall pay all pre-employment examinations and tests required by this section. All such examinations and tests required for current employees shall be paid by the city.

J. Reserve Multi Service Officers. Reserve multi service officers shall meet the basic standards for multi service officers established by the Alaska Police Standards Council, except such reserve officers need not obtain a basic certificate issued by the council.

(Ord. 05-09-27 § 3 (part))

3.28.090 Rules and regulations of the division of police services.

The director of public safety/chief of police may establish rules for the conduct of members of the division of police services, which rules may contain, among other things, a list of maximum punishments for minor disciplinary infractions.

All regularly appointed members of the department are given the necessary special police powers for the purpose of implementing this chapter.

It shall be the special duty of a police officer who may be on duty and available for fire duty, to respond to all fire alarms and assist the fire department in the protection of life and property, in regulating traffic, maintaining order, and enforcing observance of all sections of this chapter.

(Ord. 05-09-27 § 3 (part))

3.28.100 Off-duty employment.

Members of the division of police services shall devote their entire time and attention to police business and shall not engage in any other business or calling, except when authorized by the director of public safety/chief of police, and only under the following stipulations:

A. When separate approval is granted to work for an outside employer in connection with police activities, such as traffic, special surveillance assignments, drug enforcement or any police related duties; or

B. When specific approval is granted to work for an employer outside duty hours in pursuits which will not adversely affect the quality of departmental work, cast discredit upon, or creates embarrassment for the department or the city.

(Ord. 05-09-27 § 3 (part))

3.28.110 Duties of the chief of the fire division.

A. The chief of the fire division shall:

1. Be the chief officer of the fire division and shall be responsible to the director of public safety for the personnel, morale and general efficiency of the department;

2. Be delegated responsibility for the fire prevention, fire suppression, firefighting apparatus, and all other fire-related supplies and equipment;

3. The chief of the fire division shall, at least once a month, conduct suitable drills or instruction in the operation and the handling of equipment, first aid and rescue work, salvage, a study of buildings in the city, fire prevention, water supplies, and all other matters generally considered essential to proper firefighting and safety of life and property from fire;

4. Be delegated responsibility for arson investigation, and shall 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;

5. Serve as the fire marshal of the city, with the power to appoint deputies;

6. The chief of the fire division or his designee is empowered, to the maximum extent consistent with constitutional law, to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. Any person so served with a notice to abate any fire hazard shall comply therewith and promptly notify the chief. Except in cases where the chief of the fire division or his designee have cause to believe a fire has just broken out in a building, building entries shall require either the consent of an occupant or a valid search warrant based on probable cause to believe a building has become hazardous to human occupancy and an inspection of its condition is required;

7. The chief of the fire division shall assure that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the department;

8. Appoint qualified persons to membership in the department;

9. The chief shall report monthly to the director of public safety the condition of the apparatus and equipment; the number of fires during the month, their location and cause and purpose of all other runs made, and the number of members responding to each fire and other runs, and any changes in membership;

10. The chief shall annually report to the director of public safety within one month after the end of the calendar year, such report to include the information specified above, together with comparative data from previous years and recommendations for improving the effectiveness of the department;

11. Perform such other duties as prescribed in this code or by the director.

B. The chief of the fire division may:

1. Appoint an assistant chief to act as principal assistant;

2. Appoint as many captains, lieutenants, engineers or other lesser ranks as deemed necessary to provide a proper command structure for the organization. Such officers shall be accountable to the chief of the fire division and subject to removal by him, subject to such personnel policies as the director of public safety may from time to time adopt and publish.

(Ord. 05-09-27 § 3 (part))

3.28.120 Duties of the fire division.

It shall be the duty of the division of volunteer fire services, among others, to do the following:

A. Attempt to extinguish fires;

B. Attempt to rescue persons endangered by fire;

C. Administer first aid to persons injured in or about burning structures;

D. Promote fire prevention; and

E. Enforce ordinances relating to fires, fire prevention, and safety of persons from fire.

(Ord. 05-09-27 § 3 (part))

3.28.130 Staffing of the fire division.

The director of public safety shall be responsible for the appointment and supervision of a chief of fire division to supervise the division of volunteer fire services, subject to confirmation of the mayor.

The chief of the fire division shall be technically qualified by training and experience, and possess leadership qualities. The division chief shall be directly responsible to the director of public safety, shall hold office during good behavior and efficiency, and shall be removed for cause upon the recommendation of the director of public safety, upon confirmation by the mayor.

The chief of fire division shall recruit and supervise the volunteer staff. The volunteer membership of the fire division shall consist of such able-bodied citizens of Hoonah as may volunteer and be elected to membership, by the active volunteer members of the fire division.

The chief of fire division may suspend or discharge any member of the department at any time he may deem such action necessary for the good of the department. Suspensions and discharges shall be subject to the opportunity of such member for a hearing before the director of public safety, the chief of the fire division, and the other members of the department upon written request of such member.

(Ord. 05-09-27 § 3 (part))

3.28.140 Rules and regulations of the fire division.

The director of public safety, or his designee (the chief of fire division) may establish a set of rules and regulations governing the discipline, training, and operation of the division of volunteer fire services.
(Ord. 05-09-27 § 3 (part))

3.28.150 Duties of the chief of the emergency medical services division.

A. The chief of emergency medical services shall:

1. Be the chief officer of the emergency medical services division;

2. Be delegated responsibility for providing emergency medical services; and

3. Be delegated responsibility for providing ground ambulance transportation.

B. The chief of emergency medical services may appoint an assistant chief and other lesser ranks as deemed necessary to provide a proper command structure for the organization. Such officers shall be accountable to the chief of emergency medical services and subject to removal by him, subject to such personnel policies as the director of public safety may from time to time adopt and publish.
(Ord. 05-09-27 § 3 (part))

3.28.160 Duties of the emergency medical services division.

It shall be the duty of the division of emergency medical services, among others, to do the following:

A. Attempt to ensure ambulance response to requests for emergency assistance;

B. Maintain adequate membership of emergency medical technicians in the volunteer ambulance service.
(Ord. 05-09-27 § 3 (part))

3.28.170 Staffing of the emergency medical services division.

The director of public safety shall be responsible for the appointment and supervision of a chief of the emergency medical services division to supervise the division of emergency medical services, subject to confirmation of the mayor.

The chief of the emergency medical services division shall be technically qualified by training and experience, and possess leadership qualities. The division chief shall be directly responsible to the director of public safety, shall hold office during good behavior and efficiency, and shall be removed for cause upon the recommendation of the director of public safety, upon confirmation by the mayor.

The chief of the emergency medical services division shall recruit and supervise the volunteer staff. The volunteer membership of the emergency medical division shall consist of such able-bodied citizens of Hoonah

as may volunteer and be elected to membership by the active volunteer members of the division.

Emergency medical services personnel, except ambulance drivers, shall be qualified as emergency medical technicians under the provisions of 7 AAC 26.030(a), (b), or (c), or shall be qualified as an emergency trauma technician as defined by 7 AAC 26.490(4).

The chief of the emergency medical services division may suspend or discharge any member of the division at any time they may deem such action necessary for the good of the division. Suspensions and discharges shall be subject to the opportunity of such member for a hearing before the director of public safety, the chief of the emergency medical services division, and the other members of the department upon written request of such member.
(Ord. 05-09-27 § 3 (part))

3.28.180 Rules and regulations of the emergency medical services division.

The director of public safety, or his designee (the chief of EMS division) may establish a set of rules and regulations governing the discipline, training, and operation of the division of emergency medical services.
(Ord. 05-09-27 § 3 (part))

3.28.190 Department equipment.

A. Equipment.

1. Suitable arrangements and/or equipment shall be provided for the notification of all members of the department of public safety, in the event of an incident requiring emergency response, so that they may promptly respond.

2. The department of public safety shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its effectiveness, efficiency, and properly protect life and property. The director of public safety shall from time to time recommend to the mayor the need for any new apparatus or equipment. After council approval, such equipment shall be purchased in such manner as the council may designate.

3. All department equipment shall be safely and conveniently housed in such place as the city council may designate. Such place shall be heated during the winter season.

4. No person shall use any department apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away or conceal any article used in any way by the department of public safety. Violation of this provision shall be punishable under the applicable state statutes. Department members, whether volunteer or employees, who participate in, aid, or abet another person in carrying out a violation of this provision shall be subject to automatic dismissal.

5. No person shall enter any place where department apparatus is housed, or handle any apparatus or equipment belonging to the department of public safety unless accompanied by, or having special permission of an officer or authorized member of the department. Violation of this

provision shall be an infraction, punishable by a fine of one hundred dollars ($100.00) or less.

6. No department of public safety apparatus or equipment shall be hired out or permitted to leave the city limits without the director of public safety's consent, except in response to a call for aid at a fire in a neighboring community. The director of public safety, or their designee shall assign equipment for response to calls for outside aid as well as in other situations, only when the absences of such equipment will not jeopardize protection in the city.

B. Vehicles.

1. The director of public safety/chief of police may assign a police vehicle to each individual officer for on-duty and off-duty operation to ensure that personnel can fulfill their twenty-four (24) hour on-call obligation, and in furtherance of that goal, household members may accompany an officer in a police vehicle from one specific location to another specific location.

2. No department member shall operate a department vehicle after having consumed an intoxicating beverage, or while using a controlled substance.

3. Department vehicles shall not be taken from the city without authorization of the director of public safety/chief of police.

4. Except as hereinafter provided, when responding to a call for service, any citizen passenger in a police vehicle will be left at a safe location prior to arriving at the scene of the call. In the event an officer needs matron assistance with a female subject or child of tender years, an adult female may accompany the officer in a police vehicle to the scene of the call.

5. Department emergency vehicles shall be prominently marked to indicate the division of the department to which it is assigned. All Hoonah department of public safety vehicles shall have the words "City of Hoonah" or "Hoonah" prominently displayed on two or more exterior surfaces. Department vehicles designated as emergency vehicles shall be equipped with sufficient emergency lighting and siren equipment to adequately warn the public when responding to emergency situations.

(Ord. 05-09-27 § 3 (part))

3.28.200 Notice of disposition.

The director of public safety/chief of police or his designee shall post in the usual locations of postings in the city, for a period of four consecutive weeks, a notice of intent to dispose of the stolen, abandoned or found property. At approximately the same time as the initial posting, the director of public safety/chief of police or his designee shall send copies of the notice to the last known address, if any, of the owner, if known, and copies to the last known address, if any, of the finder, if known. The notice shall include the following:

A. A general description of the property;

B. The date on which the department obtained possession of the property;

C. The provisions that the property is to be sold at public auction at the time, date and place stated in the notice, and proceeds will be forfeited to the general fund of the city if the owner or finder does not claim the property;

D. The provision that the property, if money, will be paid into the city treasury for deposit to the general fund if the owner or finder does not claim the money;

E. The provisions that the property must be claimed by the owner within thirty (30) days following the initial date of posting the notice;

F. The provisions that the finder will forfeit all right, title, interest and claim in and to found property or money unclaimed by the owner unless the finder files a written request with the director of public safety/chief of police for return to the finder of unclaimed property or money, and that the request must be filed no later than thirty (30) days following the initial date of posting of the notice.

(Ord. 05-09-27 § 3 (part))

3.28.210 Disposition.

If the property is unclaimed by the owner after the expiration of the time period specified in Section 3.28.200(E) of this chapter, the property shall be disposed of as follows:

A. Found property, including money, shall be returned to the finder if he has timely requested such return as provided in Section 3.28.200(F) of this chapter;

B. All other property, and found property which is not claimed or returned to the finder, shall be sold by the director of public safety/chief of police or his designee at a public auction sale or sealed bid. The proceeds of the sale and all property which is money shall be forfeited to the general fund of the city, along with all money reimbursed pursuant to Section 3.28.240 of this chapter.

(Ord. 05-09-27 § 3(part))

3.28.220 Auction sale.

The director of public safety/chief of police or his designee shall sell the property to be disposed of to the highest bidder, for cash or upon such terms as the conditions of the notice shall announce. The auction sale may be continued by the auctioneer to another time or times. The director of public safety/chief of police or his designee shall execute a bill of sale for the property sold. Upon the highest bid, the sale shall be final and the property not subject to redemption. Property unsold, either because of no bid was offered for the property, the highest bid did not meet or exceed the expense of storage and sale, or payment of the price bid was not tendered, shall become property of the city and may be disposed of by the city in any manner without notice.
(Ord. 05-09-27 § 3 (part))

3.28.230 Sale to vest title.

Upon payment of the price bid for the property sold, delivery of the property sold with a bill of sale

signed by the director of public safety/chief of police shall vest title in the purchaser.
(Ord. 05-09-27 § 3 (part))

3.28.240 Publication and sale cost--Reimbursement.

Before returning property to the finder of owner, and before delivering money to the city treasurer, the director of public safety/chief of police shall require reimbursement, by the person receiving the property or money, for the costs of storage and sale attributable to the property or money delivered.
(Ord. 05-09-27 § 3 (part))

3.28.250 Applicability of certain sections.

The provisions Sections 3.28.200 through 3.28.240 of this chapter shall not be deemed to apply to property or money subject to confiscation under the laws of the state of Alaska or of the United States of America, and shall only apply to property or money held as evidence only when the same in unclaimed by any person and no other provisions of the law are applicable concerning its disposition.
(Ord. 05-09-27 § 3 (part))

3.28.260 Severability.

Any section found to be invalid shall not affect the validity of the remaining sections or parts of sections.
(Ord. 05-09-27 § 3 (part))

Chapter 3.36

PLANNING AND ZONING COMMISSION

Sections:
3.36.010 Established.
3.36.020 Composition.
3.36.030 Term of membership.
3.36.040 Commission officers.
3.36.050 Members' compensation.
3.36.060 Election and duties of secretary.
3.36.070 Quorum.
3.36.080 Functions and duties.
3.36.090 Annual report.
3.36.100 Rules and regulations.
3.36.110 Meetings.

3.36.010 Established.

There is established a planning and zoning commission for the city which shall carry out the statutorily prescribed duties and such additional functions as may be prescribed by this chapter.
(Ord. 93-11-02 § 5 (part): Ord. 92-02-01 § 5 (part))

3.36.020 Composition.

The planning and zoning commission shall be comprised of seven members plus the Hoonah Indian Association Realty Specialist or designee, who shall be an ex officio member without voting power. Members shall be appointed by the mayor selected from a list of applications submitted by the city council.
(Ord. 08-06-14 § 4 (part); Ord. 93-11-02 § 5 (part): Ord. 92-02-01 § 5 (part))

3.36.030 Term of membership.

Members shall serve for terms of three years. Members first appointed shall draw lots for one, two, and three-year terms; two members for a one-year term, two members for a two-year term, and three members for a three-year term. Thereafter, members shall serve terms of three years. Should a vacancy occur, it shall be filled by a resident of Hoonah appointed by the mayor and confirmed by the council. The person filling the vacancy shall serve for the unexpired portion of the term being filled only.
(Ord. 93-11-02 § 5 (part): Ord. 92-02-01 § 5 (part))

3.36.040 Commission officers.

At its first meeting the planning and zoning commission shall elect a chairman, vice-chairman, and secretary. These officers shall serve until the first meeting after the next city election, at which time another election for officers shall be held. The planning and zoning commission shall send written notice to the city clerk of the election of each of the various officers immediately following each election.
(Ord. 93-11-02 § 5 (part): Ord. 92-02-01 § 5 (part))

3.36.050 Members' compensation.

Members of the planning and zoning commission shall receive no compensation.
(Ord. 93-11-02 § 5 (part): Ord. 92-02-01 § 5 (part))

3.36.060 Election and duties of secretary.

The secretary shall be the city planner and is charged with the duty of keeping an accurate record of all proceedings of the committee and file a copy of all minutes and commission records with the city clerk.
(Ord. 08-06-14 § 4 (part); Ord. 93-11-02 § 5 (part): Ord. 92-02-01 § 5 (part))

3.36.070 Quorum.

Four members of the planning and zoning commission (excluding the Hoonah Indian Association Realty Specialist) shall constitute a quorum. Adoption of a motion or other formal action of the commission shall require the affirmative vote of a majority of the quorum present. All formal action for the commission shall be by resolution.
(Ord. 08-06-14 § 4 (part); Ord. 93-11-02 § 5 (part): Ord. 92-02-01 § 5 (part))

3.36.080 Functions and duties.

The planning and zoning commission shall be charged with the following responsibilities:

A. The commission shall prepare and recommend to the council:

1. A comprehensive plan consisting of maps and related texts for the systematic development of the city;

2. A zoning ordinance to implement the plan;

3. A subdivision ordinance;

4. The official map of the city;

5. Modifications to the above documents.

B. The performance of functions of planning and zoning by the commission shall be performed when the commission has transmitted its recommendations to the council and when the council has acted thereon by ordinance or resolution.

C. The function of platting shall be performed by the commission, convened as the platting authority for the city, and completed upon it having approved or rejected proposed plats, replats, and vacations of public ways according to law.

D. 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; that the annual capital improvement programs shall constitute permanent records of the commission which shall be public records;

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, for 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:

a. Outdoor public recreation;

b. Trap, street, rifle and pistol ranges;

c. Public campgrounds.

E. The planning and zoning commission shall make recommendations to the council concerning building and land use regulations, fire and health hazard and nuisance regulations and recommendations, including condemnation, and recommendations concerning the establishment of districts as will best accomplish the purposes of the comprehensive plan and accommodate the building and land use regulations.

(Ord. 93-11-02 § 5 (part): Ord. 92-02-01 § 5 (part))

3.36.090 Annual report.

The commission shall prepare an annual report of all transactions. Copies of this report shall be filed with the city council by delivery to the city clerk at the end of each calendar year.

(Ord. 93-11-02 § 5 (part): Ord. 92-02-01 § 5 (part))

3.36.100 Rules and regulations.

The planning and zoning commission may make rules for its own procedure. The rules may be from time to time amended and the rules shall be reduced to writing and a copy delivered to the city clerk. The rules in the possession of the city clerk shall be made available for the public upon request.

(Ord. 93-11-02 § 5 (part): Ord. 92-02-01 § 5 (part))

3.36.110 Meetings.

Meetings shall be held on the fourth Thursday of each month at seven p.m. at the city hall. The planning and zoning commission may also call such special meetings as may be necessary to discharge the functions prescribed in this chapter. Notice of special meetings shall be given at least twenty-four (24) hours in advance by posting a written notice in three public places stating the date, place, time, and purposed of the special meeting.

(Ord. dated 9-17-01: Ord. 93-11-02 § 5 (part): Ord. 92-02-01 § 5 (part))

Chapter 3.44

DEPARTMENT OF DISASTER EMERGENCY SERVICES

Sections:

3.44.010 Department established.
3.44.020 Purpose.
3.44.030 Disaster emergency response plan.
3.44.040 No governmental or private liability.

3.44.010 Department established.

There is established a department of disaster emergency services. 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 disaster emergency services.
(Ord. 95-04-03 § 5 (part))

3.44.020 Purpose.

It is the desire of the city to protect and preserve the lives, health, safety, and well-being of the people living in or visiting the city. To this end, the department of emergency services shall be responsible for implementing the approved disaster emergency response plan, and shall be the liaison agency with the Alaska Division of Emergency Services.
(Ord. 95-04-03 § 5 (part))

3.44.030 Disaster emergency response plan.

There shall be a disaster emergency response plan, developed jointly with the Alaska Division of Emergency Services, which shall be adopted by ordinance and may be amended by resolution with notification to the Alaska Division of Emergency Services. This plan is to remain on file in the city clerk's office, the office of the mayor, and the office of the chief of police.
(Ord. 95-04-03 § 5 (part))

3.44.040 No governmental or private liability.

A. No disaster emergency department 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 gross negligence or wilful misconduct is proven.

B. No person owning or controlling real property, who allows the use of that property for disaster response activities shall be held liable for death or injury resulting from that use, except and unless gross negligence or willful misconduct is proven.
(Ord. 95-04-03 § 5 (part))

Chapter 3.46

RESERVED*

* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.46, §§ 3.46.010--3.46.080, which pertained to personnel system and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.48

RESERVED*

* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.48, §§ 3.48.010--3.48.050, 3.48.060--3.48.100,

which pertained to hiring procedures and policies and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.50

RESERVED*

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* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.50, §§ 3.50.010--3.50.250, which pertained to conditions of city employment and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.52

RESERVED*

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* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.52, §§ 3.52.010--3.52.040, which pertained to travel and other pay allowances and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.54

RESERVED*

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* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.54, §§ 3.54.010--3.54.080, which pertained to compensation grade/step plan and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.56

RESERVED*

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* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.56, §§ 3.56.010--3.56.100, which pertained to suspension, demotion and dismissal and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.58

RESERVED*

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* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.58, §§ 3.58.010--3.58.150, which pertained to vacation time and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.60

RESERVED*

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* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.60, §§ 3.60.010--3.60.095, which pertained to sick leave and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.62

RESERVED*

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* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.62, §§ 3.62.010--3.62.040, 3.62.060, which pertained to leaves of absence and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.64

RESERVED*

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* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.64, §§ 3.64.010, 3.64.020, which pertained to retirement and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.66

RESERVED*

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* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.66, §§ 3.66.010--3.66.040, which pertained to disability and health insurance and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.68

RESERVED*

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* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.68, §§ 3.68.010--3.68.040, which pertained to grievances and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.70

RESERVED*

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* **Editors Note:** Ord. No. 11-10-16, § 3, adopted Nov. 15, 2011, repealed Ch. 3.70, § 3.70.010, which pertained to prohibited activity and conduct and derived from Ord. 95-04-04 § 5 (part).

Chapter 3.71

EMPLOYEE HANDBOOK

Sections:
3.71.010 Employee handbook established.

3.71.010 Employee handbook established.

Employees of the city shall be subject to policies, programs, and benefits available to eligible employees established in the employee handbook, which shall be adopted annually by resolution by the city council.
(Ord. No. 11-10-16, § 3)

Chapter 3.72

DEFINITIONS

Sections:
3.72.010 Definitions.

3.72.010 Definitions.

As used in this title:

"City officers" means the six council members, the mayor, the city treasurer, the city clerk, the fire chief, and the police chief. The mayor and the council members shall be elected by direct vote of the electors of the city in accordance with city and state statutes and shall be appointed by the mayor subject to confirmation by the council and shall serve at the pleasure of the council.

"Position" means an office or employment in the city service composed of specific duties and requiring the full-time or part-time services of one person.
(Ord. 95-04-04 § 5 (part))
(Ord. No. 11-10-16, § 3)

Title 4

REVENUE AND FINANCE

Chapters:

4.04 Sales Tax

4.05 Investment Fund

4.06 Land Development Fund

4.07 Banking, Investment and Collateralization Policies

4.08 Enhanced 911 System Surcharge

Chapter 4.04

SALES TAX

Sections:

4.04.010 Purpose and intent.
4.04.020 Definitions.
4.04.030 Levy and rate--General sales tax.
4.04.040 Reserved.
4.04.050 Reserved.
4.04.060 Sales tax proceeds--Allocation and use.
4.04.070 Duty of seller to collect tax, make sales tax return, and remit tax to city.
4.04.080 Sales tax to be remitted and return to be filed monthly--Delinquency.
4.04.090 Penalty and interest for delinquency.
4.04.100 Sellers compensatory collection discount.
4.04.110 Exemptions.
4.04.120 Exemption for senior citizens.
4.04.130 Sales tax on sales of pull-tab, bingo or other games.
4.04.140 Assessments.
4.04.150 Time limitations--Duty to keep books--Investigation.
4.04.160 Protest of tax--Appeal.
4.04.170 Application for tax identification number.
4.04.180 Inspection and display of Alaska state business license.
4.04.190 Sale of business--Final tax return--Liability of purchaser.
4.04.200 Sales tax liens.
4.04.210 Violations.

4.04.010 Purpose and intent.

A. It is the purpose of the tax levied under this chapter to raise revenues to help offset expenses of the city. To that end, the scope of the tax levied shall be broadly interpreted and exemptions shall be allowed only when the rental, sales or service clearly falls within an exemption defined in this chapter.

B. The city treasurer shall take all steps necessary and appropriate to administer this chapter which includes the authority to compromise and abate penalties and interest, and to negotiate and enter into payment

plans for delinquent sales taxes, penalties and interest.
(Ord. 03-09-20 § 3 (part))

4.04.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

A. "Buyer, customer or consumer" means and includes the person who purchases goods, services or rents another's property, in exchange for consideration, in the ordinary and herein defined meaning of the terms.

B. "Cash method of accounting" means, for purposes of this chapter, that the timing of reporting sales, and remitting sales tax due thereon, may correspond to the seller's receipt of cash as consideration.

C. "City treasurer" means, for purposes of administering the provisions of this chapter, the city treasurer as described in the municipal code, or other city employee designated to perform the functions and duties of sales tax administrator.

D. "Consideration" means and includes money, rights, services, credit, receivables, obligations or property; measured in terms of U.S. currency.

E. "Goods" means and includes merchandise, supplies, possessions, commodities, cargo, wares, produce, freight, product, or any other tangible personal property.

F. "Employee" means a person shall be deemed to be an employee, under the provisions of this chapter, only if a portion of such person's wages or salary is being withheld by an employer, in accordance with the federal income tax laws and regulations. In the event no amounts are being withheld, it shall be presumed that such person is not an employee, unless clear and convincing evidence establishing the person's status as an employee is provided. A contractor or subcontractor is not considered an employee.

G. "Offer" means any oral or written communication to a person making a presentation to buy or sell for consideration any goods or service, or to rent any property.

H. "Person" means and includes without limiting the scope thereof, every individual, receiver, assignee, trustee in bankruptcy, trust estate, firm, co-partnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

I. "Renting of property" means and includes a person obtaining the right to occupy or use, occupying or using, property owned by another person, in exchange for consideration.

J. "Resale" means to sell again and is limited to items, which are resold per se, or are physically present in the final product, which is subject to tax at the time of final sale. The item must be

easily and readily identifiable in the final product.

K. "Barter sales" means a sale for which the seller agrees to receive consideration other than money.

L. "Retail sale" or "sale at retail" means every sale made in the regular course of business to a buyer or consumer, of goods, services, or the renting of property in exchange for consideration, for any purpose other than resale, in the regular course of business.

M. "Retail sales within the city" means:

1. A retail sale to a person, buyer customer or consumer within the city by a seller within the city; or

2. A retail sale by a seller within the city of goods for use or delivery within the city. If the goods are sold to a buyer who resides or has a principal place of business outside the city, and the goods are delivered to the buyer at a location outside the city via common carrier or the U.S. postal service or by the seller, then such sale is deemed to not be "within the city," thus nontaxable; or

3. All retail sales by a seller within the city of services to be provided or performed in whole or in part within the city, regardless of the buyer's place of residence; or buyer's physical location upon acceptance of the offer, or exchange of consideration.

N. "Sale" means that an offer to sell is accepted, or that an offer to buy is accepted, whether orally or written, in exchange for consideration. A sale occurs when the buyer agrees to receive that which he has purchased in the form, quantity, quality, time and place agreed upon; and when the seller expects payment in the amount, form, time, and place agreed upon. A barter transaction is considered a sale.

O. "Seller" means and includes every person making sales, whether acting as principal, or using the services of an agent or broker.

P. "Seller within the city" means any seller whose principal place of business is within the city, and any seller whose principal place of business is outside the city if such seller maintains, for any time period, any nexus, office, distribution house, sales house, warehouse or any other place of business, whether mobile or not, within the city; or solicits business or receives orders through any agent, salesman, or other type of representative within the city.

Q. "Selling price" means the full consideration, whether money, credit, rights or other property, paid or delivered by a buyer to a seller.

Descriptively, selling price:

1. Shall be without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expenses whatsoever paid or accrued, and without any deduction on account of losses;

2. Includes any federal or state excise tax on the sale;

3. Does not include the value of used articles intended for resale taken in trade as a credit or part payment on the sale of a new or used article. Such amount shall be deducted from the total sales price of the new or used article being sold and the tax collected on sum, which is the "net sales price."

R. "Services" means and includes all services of every manner and description, provided in whole or part within the city, including travel and adventure services and delivery services, for a specific job or task, performed or furnished in exchange for consideration whether in conjunction with the sale of goods or not, but does not include services rendered by an employee to an employer. Sales tax shall be computed on the total selling price for the total job or task.

S. "Taxpayer" means buyer, customer or consumer, as previously defined in this section.

T. "Travel and adventure services" includes, but is not limited to, tours and charters on land and water, guide services, admissions, lectures, transportation services on land and water, and the rental of lodging, aircraft, vehicles, watercraft and equipment, including fishing, boating, camping and other tour or adventure related goods and services.

U. "Within the city" means inside the incorporated municipal boundaries of the city of Hoonah.
(Ord. 03-09-20 § 3 (part))

4.04.030 Levy and rate--General sales tax.

A total general sales tax is levied and shall be collected, at the rate equal to six percent further specified by subsections A through D of this section, upon all retail sales within the city, except those sales hereinafter specifically exempted.

A. A sales tax rate of three percent is dedicated to the city's general fund.

B. A sales tax rate of one percent is dedicated to the city school swimming pool.

C. A sales tax rate of one percent for Hoonah city schools, to fund general school operations and extra-curricular activities, effective January 1, 2009 through December 31, 2013, at which time it expires.

D. A sales tax rate of one percent is dedicated to the city's parks and recreation department.

E. A sales tax rate of one-half of one percent of the selling price on retail sales, rentals and services originating within the city of Hoonah shall continue for twenty (20) years beginning January 1, 2012 to pay the principal of and interest on the general obligation bonds issued to fund a portion of the Hoonah city schools major maintenance project.

(Ord. 07-11-12 § 5; Ord. 06-09-16 § 5; Ord. 05-08-25 § 2: Ord. 03-09-20 § 3 (part))
(Ord. No. 08-06-12, § 5; Ord. No. 11-01-03, § 4; Ord. No. 12-02-03, § 5)

Editors Note: Ord. No. 12-02-03, adopted March 13, 2012 and passed on Oct. 2, 2012, shall become effective on Jan. 1,

2013.

4.04.040 Reserved.
(Ord. 03-09-20 § 3 (part))

4.04.050 Reserved.
(Ord. 03-09-20 § 3 (part))

4.04.060 Sales tax proceeds--Allocation and use.

Sales tax proceeds shall be allocated and in the following order:

A. For a period of five years, beginning on October 2, 2002, and continuing through October 1, 2006, one-fifth of the total amount levied, an amount equal to twenty (20) percent of the total sales tax proceeds, shall be allocated to the parks and recreation fund to operate the William and Mary Johnson Youth Center and other recreational activities and projects for the community.

B. One-fourth, or an amount equal to twenty-five (25) percent of the remaining sales tax proceeds, not otherwise allocated under subsection A of this section, shall be allocated to the Hoonah public school district to be specifically expended for operation and maintenance of the swimming pool.

C. To the extent not previously pledged to the retirement of any outstanding bond issue, the remaining sales tax proceeds may be expended, used, or allocated for any lawful purpose.

(Ord. 03-09-20 § 3 (part))

4.04.070 Duty of seller to collect tax, make sales tax return, and remit tax to city.

Refund of Tax Remitted in Error or by Prepayment of Tax on Uncollectable Debt, Sales Tax Added to Sales Price.

A. Taxes levied under this chapter are levied upon the buyer or consumer, and belong to the city as of the time of sale, and shall be held by the seller in trust for the city until paid.

B. It is the duty of the seller to collect the tax from the buyer or consumer, make a return to the city, and remit the tax to the city, as provided in this chapter.

D. Seller may report and remit sales tax using the cash method or the accrual method of accounting. The method of accounting shall be consistent for all sales. The seller shall notify the city treasurer of any change in accounting method.

E. Sellers using the accrual method of accounting may report uncollectible accounts receivable, upon the sales tax return due for the month in which the receivable is determined to be uncollectible. Such receivable amount must have been previously reported as a taxable sale and sales tax remitted thereon within one year from the date such sales taxes became due; otherwise, the right to a credit under this subsection is waived. Such amount must be clearly identified in seller's monthly return as an amount reducing the accrual basis sales dollar amount for the

month. The seller must provide adequate support upon request of the city treasurer. If such amount credited under this subsection is later collected, then such amounts must be reported, and sales tax remitted thereon, on the seller's next monthly sales tax return.

F. If through error or by prepayment of tax on uncollectable debt, a seller or taxpayer remits to the city sales taxes, which the city is not entitled by law, the seller or taxpayer is entitled to a refund. A seller or taxpayer must apply to the city treasurer in writing for a refund within one year from the date such sales taxes became due; otherwise, the right to a refund is waived.

G. Seller shall add the tax levied in this chapter to the selling price. However, upon specific written authorization from, and under terms and conditions required by the city treasurer, the sales tax may be included in the selling price of sales made through coin operated devices, sales of food and beverages at concession stands and other places with high customer volume, metered sales where the sales price is computed by the metering device, admissions or other taxable sales where the city treasurer determines buyer and seller convenience would be substantially enhanced, and the amount of sales tax proceeds will not be materially different from adding the tax to the selling price.

(Ord. 03-09-20 § 3 (part))

4.04.080 Sales tax to be remitted and return to be filed monthly--Delinquency.

A. It is the duty and responsibility of every seller liable for the collection of any sales tax to file with the city treasurer, upon forms prescribed and furnished by the city, a return setting forth the amounts of all retail sales, the amount of exempt retail sales, the amount of sales tax, and such other information as the city treasurer may require. The completed and executed sales tax return, together with remittance in full for the amount of the sales tax due, shall be transmitted to the city treasurer from the seller on or before the last day of the month following the month in which the sale occurred. Delivery of the return and remittance of the sales tax due during normal business hours to the city finance office prior to close of business on the due date, or a postmark on or before the due date shall be considered timely. Sales tax returns, or remittance of sales tax not filed when due shall be delinquent. In the event that the due date falls on a day that the city office is closed, such as a weekend or holiday, then the due date shall be extended through the close of business on the next day, which the city office is open for business.

B. Any seller who filed or should have filed a sales tax return for the prior month shall file a return even though no tax may be due. This return shall show why no tax is allegedly due, or if the business is sold, then the person to whom it was sold, the date it was sold, and the address and telephone number of the person to whom it was sold.

C. Proof of claimed exemptions must be retained by the seller and provided to the city's sales tax auditor when an audit is requested. These documents shall be retained for a period of three years. In the absence of the proof for nontaxable sales and exempt sales, the sales or services shall be deemed to have been taxable.

D. In the event that a seller will not be conducting business for thirty (30) days or more, the beginning and ending dates that the seller will not be operating may be noted on the last sales tax return filed prior to the temporary closure. This procedure, or other notice in writing, will excuse the seller from the requirement of filing monthly returns during temporary closures. Failure to notify the city of temporary claims

or file returns shall result in penalty and interest as outlined in this chapter, Section 4.04.090.
(Ord. 03-09-20 § 3 (part))

4.04.090 Penalty and interest for delinquency.

A. In the event of delinquency of filing a sales tax return, a penalty of twenty-five dollars ($25.00) shall be assessed.

B. If such delinquency of filing a sales tax return continues to exist on the first day of the subsequent month, there shall be assessed an additional twenty-five dollars ($25.00) penalty.

C. If such delinquency of filing a sales tax return continues to exist on the first day of the next month, there shall be assessed an additional penalty equal to the greater of twenty-five dollars ($25.00), or five percent of the tax liability for the return period.

D. Interest shall accrue on unpaid taxes from the date of delinquency until paid, at the rate of twelve percent (12%) per annum. (AS 29.45.650).

E. Such penalty and interest in this section shall be collected in the same manner as the tax.
(Ord. 03-09-20 § 3 (part))

4.04.100 Sellers compensatory collection discount.

All sellers and persons rendering sales tax returns to the city shall be allowed to compensate themselves for costs incurred in the collection, record keeping, remittance, and accounting for the tax imposed by taking a one percent tax collection discount in the form of a deduction from the amount of the tax due for any monthly reporting period; provided, however, that such discount shall be twelve dollars and fifty cents ($12.50) or one percent of gross taxable sales, whichever is greater, but not to exceed fifty dollars ($50.00) for any monthly reporting period. Such discount may not be taken or permitted whenever any sales taxes, penalty or interest, are delinquent at the time of payment, or when there is a manifest failure on the part of the seller to maintain proper accounting records and returns of the tax due.
(Ord. 03-09-20 § 3 (part))

4.04.110 Exemptions.

The following sales are exempt from the tax levied under this chapter:

A. All sales of goods, services, rentals transactions of a business if the business makes less than two hundred fifty dollars ($250) in taxable sales in the tax month;

B. Casual and isolated sales not made in the regular course of business;

C. The remuneration paid by an employer in the form of wages or salary to an employee for the sale of services by such employee to the employer;

D. Sales of goods, services, or rentals the municipality is prohibited from taxing under the

Constitution and laws of the United States or the state;

E. All sales to a bona fide seller of goods or services when the purchases are for resale in the ordinary course of business. A bona fide seller is one who regularly stocks and displays merchandise for resale and is regularly engaged in the business of selling goods or services direct to the consumer. The bona fide seller shall, when purchasing goods intended for resale, identify the sale with his assigned sales tax identification number.

F. On-site construction services under a building or construction contract or subcontract but not including professional services and those services not directly related to the actual construction of the improvements;

G. Sales of insurance and bonds of guaranty and fidelity, and the commission thereon;

H. Sale of transportation of students to and from grade or high schools in motor or other vehicles;

I. Sale of food and beverages in public, common, high school or college cafeterias and lunchrooms, operated primarily for teachers and students, and not operated primarily for the public or for profit;

J. Funeral services and the sale of cemetery plots, caskets and other funeral and burial related items by a funeral home;

K. Sale of services performed by medical doctors, nurses, osteopaths or midwives licensed or certified by the state of Alaska;

L. Sale of dental, optometric, veterinary, birth center and hospital services or counseling by licensed clinical psychologists;

M. Sales of oxygen used for medical purposes, blood or blood plasma, artificial devices designed or altered for the use of a particular crippled person, artificial limbs, eyes and organs, hearing aids, prescription eyeglasses, artificial teeth sold by a dentist and materials used by a dentist in treatment, crutches and wheelchairs, however, services rendered by druggists, pharmacists, prescription medicines, barbers, cosmeticians and masseurs shall not be exempt;

N. The sale of newspapers or any other periodicals made to consumers through vending machines;

O. Membership dues and assessments, initiation fees and donations paid to clubs, labor unions, fraternal organizations, and nonprofit organizations, but excluding set minimum or suggested fees charged for admission to specific functions;

P. Sales of goods, services or rentals to a buyer, who possesses an exemption certificate pursuant to Internal Revenue Code Section 501(c)(3); or 501 (c)(4) and the city treasurer;

Q. Sales, services and rentals to or by the United States government, the state and its political subdivisions, and municipalities. This exemption does not apply to the sale of materials, supplies

and services to contractors for the manufacture or production of property or services for government agencies on a contract; in which event the contractor shall be deemed the buyer or consumer or user subject to the payment of the tax;

R. The service of lobbying when performed by a lobbyist who is regulated by applicable state statutes and regulations;

S. Child day care, pre-elementary school and babysitting services;

T. Sales and services by banks, savings and loan associations, credit unions and investment banks;

U. Sale of services by architects, engineers or land surveyors licensed under Alaska Statutes Chapter 08.48;

V. That portion of the net sale price, as previously defined in Section 4.04.010(Q)(3) in this chapter, of vehicles or boats in excess of five thousand dollars ($5,000.00).

W. Receipts derived from city department of parks and recreation programs.

X. Purchases made with (1) food coupons, food stamps, or other types of certificates; or (2) food instruments, food vouchers, or other type of certificates issued.

(Ord. 03-09-20 § 3 (part))

4.04.120 Exemption for senior citizens.

A. Anyone sixty-five (65) years of age or older who is a resident of the city of Hoonah may apply to the city treasurer for a senior citizens general sales tax exemption card. This card entitles the card holder to be exempt from general city sales tax, except sales of alcoholic beverages, tobacco products, rentals of hotel rooms as transients, sales of pull tabs, bingo or other charitable games under Section 4.04.130 of this chapter, and further subject to the limitations in subsections B through E of this section. Sellers shall keep a record of such sales as set forth in Section 4.04.160.

B. No one issued or authorized to use a senior citizen sales tax exemption card may use it to obtain a sales tax exemption when the goods or services purchased are for the use in any trade or business, or for purchases for which the card holder is reimbursed or remunerated by a person or entity on whose behalf the purchase was made and who would not otherwise qualify for a sales tax exemption.

C. No one who has not duly applied for and received such an exemption card may use another's card to obtain such tax exemption. However, applicant may designate one individual to be his/her representative to use this card on his/her behalf if not present in person at the time of sale.

D. As used in this section, "resident of the city of Hoonah means a person who is physical present in the city of Hoonah with the intent to remain in the city indefinitely and to make a home in the city. A person demonstrates the intent required under this subsection by maintaining a principal place of abode in the city for at least thirty (30) consecutive days immediately preceding the date of application for a senior citizen sales tax exemption card, and by providing other proof of intent as may be required by the city, which may include proof

that the person is not claiming residency outside the city or obtaining benefits under a claim of residency outside the city. A person who establishes a residency in the city, remains a resident during an absence from the city unless during the absence the person establishes or claims residency in another city, state or country, or performs other acts or is absent under circumstances that are inconsistent with the intent required under this subsection to remain a resident of the city.

E. Any person who violates any provision of subsections A through D of this section is guilty of a violation and, upon conviction, shall be fined in an amount not to exceed one hundred dollars ($100.00). A senior citizen general sales tax exemption card issued to someone who has been convicted of a violation of the provisions of this section shall be void, and shall be forfeited to and cancelled by the city treasurer.
(Ord. 06-09-14 § 3; Ord. 03-09-20 § 3 (part))

4.04.130 Sales tax on sales of pull-tab, bingo or other games.

A. Notwithstanding any other provision in this chapter, the sales of pull-tab, bingo or other games by any operator or any permittee are subject to city sales tax.

B. Each operator and permittee conducting pull-tab, bingo or other games within the city based in the city must, at the time of filing their period return for sales tax, file with the sales tax administrator a report on their activity in the city during that filing period, including the amount of gross receipts, the amount of authorized expenses, the value of prizes awarded, the amount of net proceeds, the amount of net proceeds paid to each permittee, and other information the city may require. The quarterly and annual reports required to be filed with the state may be used by the operator or the permittee as the source for this information.

C. For purposes of this section, the terms "operator," "permittee," "pull-tab game," "gross receipts," "net proceeds," and "authorized expenses" shall have the meaning provided in AS Chapter 05.15 and 12 AAC Chapter 34 and as those statutes and administrative regulations may be hereafter amended or replaced.

D. The exemption for senior citizens set forth in this chapter, shall not apply to sales tax on pull-tabs, bingo or other charitable gaming.
(Ord. 03-09-20 § 3 (part))

4.04.140 Assessments.

A. Whenever the city treasurer has (1) reason to believe a return is inaccurate; (2) in the event the city treasurer is unable to determine the tax due to be remitted by a seller by reason of failure of the seller to keep accurate books, allow inspection, failure to file a return or falsification of records; (3) if the treasurer reasonably believes that the return remains inaccurate; or (4) whenever a seller is delinquent in filing a report or paying the tax due thereon, the city treasurer shall mail by certified mail, return receipt requested, to the seller's last known address a written demand requesting the filing of an accurate sales tax return and supported by satisfactory records and payment of the tax due within ten (10) days.

B. In the event the seller does not comply with the demand within the ten (10) day period, the city treasurer may make a sales tax assessment against the seller. The assessment shall estimate the taxable sales revenue of the seller during the period in question. The estimate may be based upon previous returns filed by the seller, information received during an investigation, or any other relevant information known to the

treasurer. The assessment shall state the amount of taxes, penalties and interest assessed, and shall contain a brief statement explaining the basis of the assessment.

C. A notice of assessment shall be sent to the seller's last known address by certified mail, return receipt requested. The notice of assessment shall contain a copy of the assessment, and shall state that the seller has the right of remedy before final assessment, and accordingly is given the opportunity to produce records and testimony and to present argument relating to the assessment. The notice of assessment shall state that if the seller desires this opportunity for remedy, the seller may request a hearing by delivering to the city treasurer a written request for a hearing within thirty (30) days of the date that the notice of assessment was mailed, otherwise this opportunity for remedy shall expire, and the assessment shall become final thirty (30) days after the date the notice of assessment was mailed to the seller.

D. In the event of timely written request from the seller for a hearing, the city treasurer shall schedule the hearing and notify the seller of date and time for the hearing by mail. The hearing shall be conducted informally. At the hearing the seller shall make available for examination and copying the seller's books, records, papers and other documents relating to the seller's sales and revenue during the period involved in the assessment.

E. After the hearing, the city treasurer shall issue a final assessment upholding or modifying the assessment. The final assessment shall be mailed to the seller's last known address by certified mail, return receipt requested. The final assessment shall notify the seller that it is the final administrative decision of the city on the subject of the assessment, and appeal may be in accordance with provisions of this chapter, the state of Alaska law and court rules.

F. Nothing in this chapter shall preclude the commencement of civil action before or after notice of demand, or final assessment. The seller shall be liable to pay the city's full reasonable attorney's fees and costs incurred in the civil action. Interest and penalty on the assessment shall continue to accrue until tile seller's liability has been paid in full.
(Ord. 03-09-20 § 3 (part))

4.04.150 Time limitations--Duty to keep books--Investigation.

A. Time Limitations and Notice. The amount any tax imposed under this chapter may be determined and assessed for a period of three years after the tax becomes due and payable, and the beginning of the three-year period shall be the day of the month corresponding to the delinquency date for submission of any monthly return prescribed by this chapter; provided, however, that no suit for the collection of such tax shall be begun after the expiration of such three-year period except for taxes, penalty and interest due for such months as are the subject of a written demand or assessment made under Section 4.04.140 within such three-year period, unless the seller waives the protection of this section.

B. Duty to Keep Books. Every seller shall keep and preserve, for the same period of three years, suitable records of all sales made, invoices of goods and merchandise, including satisfactory proof of nontaxable sales and exempt sales, and such other books and accounts as may be necessary for the city treasurer to determine the amount of tax for which the seller is liable, all of which are open for examination at any reasonable time by the city treasurer. For purposes of determining the correctness of a return or for the purpose of determining the amount of tax collected or which should have been collected by any person, the city treasurer

may hold investigations and hearings concerning any matters covered by this chapter, and may examine any relevant books, papers, records, or memoranda of any such person, and may require the attendance of such person, or any officer or employee of such person.

C. Information relating to the amount of sales made or taxes due from any retailer shall be held confidential and shall be kept from public inspection. Nothing contained in this section, however, shall be construed to prohibit the delivery to a person, or his duly authorized representative, a copy of any return or report filed by him nor prohibit the publication of statistics so classified as to prevent the identification of particular buyers or sellers, nor to prohibit the furnishing of general non-personal information on a reciprocal basis to other agencies of the city, of the state of Alaska, or the United States, which agencies are concerned with the enforcement of tax laws.
(Ord. 03-09-20 § 3 (part))

4.04.160 Protest of tax--Appeal.

A. A buyer who protests the payment of the tax levied under this chapter shall pay the tax and shall provide the seller and the city treasurer, within five working days of the sale, a written statement of protest that identifies the sale, rental or service that is the subject of the tax protested, the amount of tax paid, the buyer's and seller's name, mailing address, telephone number and the basis for the protest.

B. If the seller protests liability for sales tax, penalties, or interest, the seller shall pay the tax, penalty and interest under written protest filed before or with the payment and setting forth the basis for the protest. No appeal from the sales tax appeal board nor any action for a refund may be filed or maintained nor may a defense to nonpayment be maintained in a civil action unless the amount ill dispute has been paid under protest as provided in this subsection. A protest accompanying a payment shall be deemed waived unless the protestor files an appeal under this chapter pursuant to and within ninety (90) days of the protest.

D. Appeal to City Council. An aggrieved seller or taxpayer may appeal the decision of the city treasurer to an appeal committee of three council members designated as the sales tax appeal board, appointed by the mayor, by filing notice of appeal with the city treasurer within fifteen (15) calendar days of receipt of the city treasurer's written final decision. If a notice of appeal is timely filed, the appeal committee shall set a date for and hold a hearing. The appeal committee shall hear such evidence as may assist it to make a determination whether the taxpayer is entitled to a refund. The hearing shall be open to the public. The appeal committee shall, by motion duly adopted, approve or deny the refund request in writing. This written decision is the final decision of the city.

E. Exclusive Procedure. The procedure set forth in this section is the sole and exclusive procedure whereby a refund may be made and, is an express condition precedent to bringing a suit to recover taxes. Any person who has not timely availed himself of the remedies provided shall be deemed to have waived any right to such refund as well as the right to recover such tax, penalty or interest or all of the same.

F. Limitation. Any claim for refund, filed with the city treasurer after one year of the due date of such tax, is forever barred.
(Ord. 03-09-20 § 3 (part))

4.04.170 Application for tax identification number.

Each seller shall complete an application form and provide the city with necessary information as to the nature of the business, location and owner before making retail sales, within the city. Each seller may be assigned a sales tax identification number, which may be the Alaska business license number, which shall identify the business for city purposes and also for use in purchases for resale as provided in this chapter.
(Ord. 03-09-20 § 3 (part))

4.04.180 Inspection and display of Alaska state business license.

Each person who exercises the privilege of doing business within the city thereby consents to the inspection of the person's Alaska state business license in order to facilitate the administration of this chapter. Such business license shall be displayed within the business premises in a place of obvious visibility.
(Ord. 03-09-20 § 3 (part))

4.04.190 Sale of business--Final tax return--Liability of purchaser.

If any seller sells, assigns, transfers, conveys, leases, forfeits or abandons the business to another person, the entire sales tax obligation shall becoming due. The seller shall make a final sales tax return within fifteen (15) days after the date of selling, assigning, transferring, conveying, leasing, forfeiting or abandoning the business showing that all tax obligations imposed by this chapter have been paid. The purchaser, successor, transferee, lessee, or assignee, shall withhold from the purchase proceeds a sufficient portion of the purchase money, if any, to completely cover the amount of such sales taxes, penalties, and interest as may be due and unpaid to the city; and further provided, any purchaser, assignee, transferee, lessee or successor shall be personally liable for the payment of the taxes, penalties and interest accruing and unpaid to the city on account of the operation of the business by any former owner, owners, operators or assigns.
(Ord. 03-09-20 § 3 (part))

4.04.200 Sales tax liens.

A. The sales, interest and penalties imposed by this chapter, and the administrative costs under subsection F of this section, shall constitute a lien in favor of the city upon all of the real and personal property of every person making taxable sales subject to this chapter.

B. The lien imposed by this section arises and attaches at such time as payment becomes delinquent under Section 4.04.080 of this chapter and continues until the entire amount is satisfied.

C. If delinquent sales taxes, including interest and penalties, are not paid within ten (10) days from the mailing of notice and demand for payment thereof, a notice of lien may be recorded in the office of the district recorder and, upon recording, a lien arising under this section has priority over any other liens, except those for property taxes and special assessments.

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

E. Fees for the administrative costs of filing notice of liens, and releasing liens shall be:

1. Filing of notices of lien: fifty dollars ($50.00) plus recorder's filing fee;

2. Release of liens: fifty dollars ($50.00) plus recorder's filing fee.

(Ord. 03-09-20 § 3 (part))

4.04.210 Violations

Any person, firm, co-partnership, or corporation, or an officer, director or agent of a corporation violating any of the provisions of this chapter, or failing or refusing to comply with a lawful request or demand of the city treasurer or sales tax administrator authorized or made under this chapter, is guilty of an infraction subject to a penalty of not more than one thousand dollars ($1,000.00)

(Ord. 03-09-20 § 3 (part))

Chapter 4.05

INVESTMENT FUND

Sections:

4.05.010 Creation.
4.05.020 Purpose.
4.05.030 Restriction of fund.

4.05.010 Creation.

There is created a city investment fund.

(Ord. 98-02-01 § 5 (part))

4.05.020 Purpose.

The purpose of the investment fund is to invest one million five hundred thousand dollars ($1,500,000.00) of funds received from the Southeast Alaska Economic Fund established by Congress in the FY 1996 Appropriations Act. The intent of the fund is to provide a long term source of income for the general fund.

The city shall invest the principal amount of one million five hundred thousand dollars ($1,500,000.00) for a period of ten (10) years. Earnings from the fund shall be distributed as follows:

A. A portion of earnings from the fund needed to inflation proof the principal, equal to the rate of inflation as determined by the Alaska Permanent Fund Corporation under AS 37.13.145(c), shall be retained at the end of each fiscal year.

B. Additional earnings from the fund equal to one percent of the general sales tax shall be transferred at the end of each fiscal year to the general fund.

C. Any earnings remaining after distribution as in subsections A and B of this section shall be reinvested along with the principal and shall be made available in the future whenever earnings are less than one percent of general sales tax, but only after the fund has been inflation proofed as in subsection A of this section.

(Ord. 98-02-01 § 5 (part))

4.05.030 Restriction of fund.

The city council may appropriate the principal of the fund for expenditure only by ordinance, passed at a regular meeting of the city council. The ordinance shall declare the amount and purpose of the expenditure, and shall be considered only after it has been available to the public for a period of not less than ten (10) working days.
(Ord. 98-02-01 § 5 (part))

Chapter 4.06

LAND DEVELOPMENT FUND

Sections:
4.06.010 Creation.
4.06.020 Purpose.
4.06.030 Restriction of fund.
4.06.040 Earned interest.

4.06.010 Creation.

There is created a city land development fund.
(Ord. 98-02-01 § 5 (part))

4.06.020 Purpose.

The purpose of the land development fund is to provide funding for the development of undeveloped real property and provide for the administration of real property transactions. The land development fund shall segregate funds received from the sale of city-owned property.
(Ord. 98-02-01 § 5 (part))

4.06.030 Restriction of fund.

Expenditure of funds from the land development fund shall be as provided by the budgetary process including control and approval of the city council.
(Ord. 98-02-01 § 5 (part))

4.06.040 Earned interest.

Interest earned from savings, investments or proceeds from sale of real property shall be accumulated for the same purposes as the fund as indicated in Section 4.06.020.
(Ord. 98-02-01 § 5 (part))

Chapter 4.07

BANKING, INVESTMENT AND COLLATERALIZATION POLICIES

Sections:

4.07.010 Objective.
4.07.020 Treasury management.
4.07.030 Authorized financial dealers and institutions.
4.07.040 Permissible investments.
4.07.050 Collateralization and custody.
4.07.060 Diversification.
4.07.070 Internal control.
4.07.080 Competitive selection of investment instruments.
4.07.090 Competitive selection of banking services.
4.07.100 Investment advisor or representative.
4.07.110 Reporting requirements.
4.07.120 Investment policy adoption.

4.07.010 Objective.

Safety of principal is the foremost investment objective of the city. Each investment transaction shall seek to first ensure that capital loses are avoided, whether they be from securities defaults or erosion of market value. The city seeks to attain market rates of return on it's investment, consistent with constraints imposed by it's safety objectives and cash flow considerations that restrict placement of public funds. All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transactions that might impair public confidence in the city.
(Ord. 98-02-01 § 5 (part))

4.07.020 Treasury management.

In accordance with Section 3.16.010 of this code, the responsibility for conducting investment transactions resides with the city treasurer. The treasurer shall not deposit funds in any depository that is not a member of the Federal Deposit Insurance Corporation (FDIC) or the Securities Investor Protection Corporation (SIPC). Investments shall be made with judgment and care, under circumstances then prevailing, with person of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.
(Ord. 98-02-01 § 5 (part))

4.07.030 Authorized financial dealers and institutions.

A. The city treasurer shall maintain a list of financial institutions authorized to provide investment service. In addition, a list will also be maintained of approved security/broker dealers selected by credit worthiness. Investments shall be placed with securities dealers who, unless they are affiliated with a bank, shall be required to be classified as reporting dealers affiliated with the Federal Reserve Bank, as primary dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule).

B. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the treasurer with audited financial statements, proof of National Association of Security Dealers certification, trading resolution, proof of state registration, and certification of having read the city's banking and investment policy.
(Ord. 98-02-01 § 5 (part))

4.07.040 Permissible investments.

Funds of the city may be invested in:

A. U. S. Treasury bills;

B. Notes or bonds issued by the United States Treasury, U. S. Government agencies, or government-sponsored enterprises, or state of Alaska or its political subdivisions or other states of the United States;

C. Federally insured or fully collateralized certificates of deposit or banks and savings and loan associations;

D. Repurchase agreements collateralized by U. S. Treasury securities and market-to-market, if repurchase agreements are overnight investments market-to-market is not necessary if securities are over-collateralized (at least to one hundred two (102) percent);

E. A state investment pool formed within the state of Alaska and comprised of agencies of the state and/or it's political subdivisions;

F. Money market mutual funds whose portfolios consist entirely of U. S. Government securities;

G. An investment pool authorized by Alaska Statutes 37.23.010 through 37.23.900;

H. In addition to the above-listed instruments, the following are also permitted in the investment fund:

1. Mortgage-backed and asset backed obligations dominated in U. S. dollars with a credit rating of A-/A3 or better from two national rating agencies;

2. Corporate debt obligations of U. S.-domiciled corporations with a credit rating of A-/A3 or better from two national rating agencies;

3. Convertible debt obligations of U.S.-domiciled corporations with a credit rating of A-/A3 or better from two national rating agencies;

4. Common and preferred stock of U. S.-domiciled corporations listed on a national exchange or NASDAQ with a minimum market capitalization of five hundred million dollars ($500,000,000.00);

5. Common and preferred stock of foreign corporations which are listed on a national exchange or NASDAQ, traded in the form of American Depository Receipts or similar structure;

6. Master limited partnerships listed on a national exchange;

7. Real estate investment trusts (REITs) listed on a national exchange with a market capitalization in excess of five hundred million dollars ($500,000,000.00);

8. Closed-end and open-end mutual funds listed on a national exchange with a minimum total net asset value in excess of two hundred million dollars ($200,000,000.00), the individual securities contained therein which may not meet the above requirements.

(Ord. 98-02-01 § 5 (part))

4.07.050 Collateralization and custody.

A. Collateralization will be required on two types of investments, certificates of deposits and repurchase (and reverse) agreements, and on all deposits in one depository of one hundred thousand dollars ($100,000.00) and more. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be one hundred two (102) percent.

B. The city chooses to limit collateral to the following:

1. State and municipal bonds and notes: Alaska issue, federally guaranteed project notes-Alaska issues; other states-BAA rating or better.

2. U. S. Government obligations: Direct obligations; federal agency issues or federally guaranteed project notes.

C. Collateral will always be held by an independent third party with whom the city has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the city and retained.

D. The right of collateral substitution will be granted only after a signed release from the city is obtained, except for par value substitutions.

E. All security transactions, including collateral for repo agreements, entered into by the city shall be conducted on a delivery-vs-payment basis. Securities will be held by a third-party custodian designated by the city treasurer or in an independent custodial account in the city's name and evidenced by safekeeping receipts and monthly/quarterly statements.

(Ord. 98-02-01 § 5 (part))

4.07.060 Diversification.

A. It is the policy of the city to diversify its investment portfolio. Assets held in common cash fund and other investment funds shall be diversified to eliminate the risk of loss resulting from over-concentration of assets in a specific issuer of a specific class of securities. Diversification strategies shall be determined and revised periodically by the city treasurer.

B. In establishing specific diversification strategies portfolio maturities shall be staggered to avoid undue concentration of assets in a specific maturity sector. Maturities selected shall provide for stability of

income and reasonable liquidity.

C. Diversification limitations shall be imposed on the portfolio. To the extent possible the city will attempt to match investments with anticipated cash requirements. Unless matched to a specific cash flow, the city will not directly invest more than twenty-five (25) percent of it's excess funds in securities maturing more than twelve (12) years from date of purchase, seventy-five (75) percent of excess funds may be invested for as long as five years. Excess funds will be defined for this policy, as funds in excess of anticipated annually budgeted moneys and cash flows.
(Ord. 98-02-01 § 5 (part))

4.07.070 Internal control.

As part of the annual audit there shall be a review by the external auditor to assure the compliance of the city's investment policies and procedures.
(Ord. 98-02-01 § 5 (part))

4.07.080 Competitive selection of investment instruments.

Before the city invests any surplus funds, a competitive "bid" process shall be conducted. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, bids will be requested for instruments which meet the maturity requirement. Bids will be required from the financial institutions for various options with regard to term and instrument. The city will accept the bid which provides the highest rate of return within the maturity required and within the perimeters regarding investments.

Bid provisions:

A. The city treasurer shall solicit bids from a minimum of two banks or financial institutions for each investment.

B. Notices to bid shall be delivered in person, by mail, or other electronic means including telephone and FAX machine, to those eligible banks and financial institutions as the city may elect.

C. Notice to bid shall set forth:

1. The principal amount, maturity date, the investment period and the cash settlement date;

2. The date, time and place of bid opening; and

3. Such other information as the city from time to time may deem necessary or appropriate.

D. Bids may be delivered to the city in person, by mail or by other electronic means including the telephone or FAX machine, as authorized by the city. No bid, or amendment to a bid, will be accepted after the time set forth in the notice. In the event no bids are received, the city treasurer may negotiate the investment with any eligible bank of financial institution The city reserves the right to cancel any or all notices to bid, in whole or in part, for any reason at any time, and the

cancellation of a notice to bid will be binding on banks and financial institutions submitting bids.

E. Bids shall identify separately each investment by principal amount and maturity date. Interest rates shall be a rate per year calculated on a three hundred sixty (360) day year. Bids for portions of investments may be accepted by the city at the discretion of the city treasurer.

F. If identical bids are received from two or more banks or financial institutions, the investment may be divided equally among such bidders if the divided investment amount would not result in loss of interest. If the divided deposit would result in loss of interest the city treasurer shall award by lot or by auction to the highest bidder of those bidders submitting identical bids.

G. The treasurer shall award the bid made on each investment to the bank or financial institution offering the highest return to the city (giving consideration to the security of the investment and margin of risk).

H. The city reserves the right to accept or reject any and all bids, in whole or in part, when deemed to be in the best interest of the city.

(Ord. 98-02-01 § 5 (part))

4.07.090 Competitive selection of banking services.

Depositories shall be selected through the city's banking selection process, which may include a formal request for proposal issued every two years. In selecting depositories, the credit worthiness of institutions shall be considered, and the city treasurer shall conduct a comprehensive review of prospective depositories' credit characteristics and financial history. Local preference will be given consideration in the selection of banking services.

(Ord. 98-02-01 § 5 (part))

4.07.100 Investment advisor or representative.

The mayor, as the chief administrator, may with concurrence of the city council, retain a registered investment advisor or representative to manage a portion of the city's investment portfolio. Such individual(s) will be bound by all aspects of this chapter except Section 4.07.080 (Competitive selection of investment instruments). An independent report of absolute and comparative performance and of compliance with this chapter shall be provided to the city council quarterly and a written report of due diligence findings concerning the advisor will be provided annually. These reporting requirements are in addition to those contained in this chapter. Investment guidelines given may be more restrictive than the policies contained in this chapter, but may not be less restrictive.

(Ord. 98-02-01 § 5 (part))

4.07.110 Reporting requirements.

The city treasurer shall generate monthly reports for management purposes. In addition, the city council will be provided quarterly reports which will include data on investment instruments being held, interest earned as well as any narrative necessary for clarification.

(Ord. 98-02-01 § 5 (part))

4.07.120 Investment policy adoption.

The city investment policy shall be adopted by ordinance. The policy shall be reviewed on an annual basis by the finance committee and any modifications made thereto must be approved by the city council. (Ord. 98-02-01 § 5 (part))

Chapter 4.08

ENHANCED 911 SYSTEM SURCHARGE*

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* **Editors Note:** Ord. No. 12-11-08, § 4, adopted Dec. 11, 2012, did not specifically amend the Code; hence, inclusion herein as Ch. 4.08, §§ 4.08.010--4.08.050, was at the editor's discretion.

Sections:

4.08.010 Definitions.
4.08.020 Enhanced 911 emergency reporting system.
4.08.030 Enhanced emergency reporting equipment or services.
4.08.040 Enhanced 911 customer surcharge.
4.08.050 Remittance.

4.08.010 Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"911 service area" or "enhanced 911 service area" means the city has been designated to receive an enhanced 911 system. An area designated to receive an enhanced 911 system is not a "service area" under Article X, Section 5, of the Alaska Constitution.

"Enhanced 911 equipment" means any equipment dedicated to the operation of, or use in, the establishment, operation or maintenance of an enhanced 911 system, including customer premises equipment, automatic number identification, automatic location identification controllers and display units, printers, cathode ray tubes, recorders, software and other essential communication equipment.

"Enhanced 911 system" or "system" means a telephone system consisting of network, database and enhanced 911 equipment that uses the single three-digit number, 911, for reporting medical, fire, police, or other emergency situation, and which enables the users of a public telephone system to reach a public safety answering point or report emergencies by dialing 911. An enhanced 911 system includes the personnel required to acquire, install, operate and maintain the system.

"Local exchange access line" means a telephone line that connects a local exchange service customer to the wireline telephone company switching office and that has the capability of reaching local public safety agencies, but does not include a line used by a carrier to provide inter-exchange services. However, the local exchange access lines shall not include public pay phones, inter-office trunks, toll trunks and direct inward dialing trunks.

"Local exchange service" means the transmission of two-way interactive switched voice communications furnished by a local exchange telephone company within the city including access to enhanced 911 systems.

"Local exchange telephone company" or "wireline telephone company" means any telephone utility certified to provide local exchange service or wireline telephone service in the city by the Regulatory Commission of Alaska.

"Public safety answering point" means a twenty-four (24) hour local communications facility that receives 911 service calls and directly dispatches emergency response services or that relays calls to the appropriate public or private safety agency.

"Surcharge" means an enhanced 911 system surcharge imposed on wireline and wireless telephones for support of an enhanced 911 system.

"Wireless telephone company" means any telephone company that provides wireless telephone service through cellular, satellite, broadband, radio-based telephone, or data transport service, and bills or sells wireless telephone service to a customer with an address in the city.

"Wireless telephone" means any telephone that is not a wireline telephone that is capable of communication with another device by use of radio waves or satellite signal, which includes cellular, mobile, radio-based, and broadband telephones. Each wireless telephone is considered a separate wireless telephone for purposes of the surcharge.

"Wireline telephone" means any telephone that uses a local exchange access line.
(Ord. No. 12-11-08, § 4)

4.08.020 Enhanced 911 emergency reporting system.

Pursuant to AS 29.35.131 through 29.35.137, any wireline or wireless telephone company providing service within the city of Hoonah shall, together with the city, and other emergency service providers using the system, cooperate in the establishment of an enhanced 911 emergency reporting system to serve the city.
(Ord. No. 12-11-08, § 4)

4.08.030 Enhanced emergency reporting equipment or services.

A. Upon approval by the budget committee, the director of public safety may, on behalf of the city, purchase, lease, or contract for any enhanced 911 equipment of services reasonably necessary to further enhance the existing 911 system at public safety answering points from either a local exchange telephone company of other qualified vendors of enhanced 911 services.

B. If the enhanced 911 system is to be provided for an area that is included in more than one telephone company service area, the director of public safety, with the approval of the budget committee, may enter into agreements necessary to establish and operate the system.
(Ord. No. 12-11-08, § 4)

4.08.040 Enhanced 911 customer surcharge.

A. A surcharge to be set by council resolution not to exceed two dollars ($2.00) per month per local access line and for each wireless telephone number that is billed or sold to a customer with an address within the city shall be collected only to fund the enhanced 911 system. The council shall annually review this surcharge to determine whether the level of surcharge is adequate, excessive, or insufficient to meet the anticipated enhanced 911 system needs. A wireline telephone or wireless telephone customer may not be subject to more than one 911 surcharge per local exchange access line and wireless telephone. A customer that has more than one hundred (100) wireline access lines from a wireline telephone company in the city is liable for the 911 surcharge only on one hundred (100) wireline access line[s].

B. The telephone companies shall bill and collect the 911 surcharge from is [its] wireline and wireless customers. The 911 surcharge billed shall be accounted for separately from other charges.

C. The telephone companies shall remit that portion of the surcharge receipts allocable to the city no later than sixty (60) days after the end of the month in which the amount was collected. From each remittance made in a timely manner, the telephone company is entitled to deduct the greater of one percent of the amount collected or a total of one hundred fifty dollars ($150.00) per month as the cost of administration for collecting the 911 surcharge. The telephone company shall annually furnish a complete list of amounts due for nonpayment of surcharges, together with the names and addresses of those customers who carry a balance of what can be determined by the company to be for nonpayment of the surcharge.

D. The city, at its own expense, may require an annual audit of a telephone company's books and records concerning collection and remittance of the surcharge.
(Ord. No. 12-11-08, § 4)

4.08.050 Remittance.

A. On or before sixty (60) days following the end of the month in which the surcharge was billed, the telephone company shall submit to the finance director a return, upon forms provided by the finance director, and submit payment for the surcharge to the city.

B. The return shall be signed by the agent of the telephone company and include:

1. The name and address of the telephone company;

2. The name and title of the person preparing the return;

3. The month being reported for which the surcharges were billed;

4. The amount of gross surcharges billed for the month of the return;

5. The deduction claimed for the surcharges previously billed and remitted to the finance director, but charged off as uncollectable during the month being reported;

6. The prorated recoveries representing the month's collection of surcharges previously written off

as uncollectable;

7. The amount of deduction claimed for the telephone company's administrative costs to collect the surcharges, which may be [the] greater of one hundred fifty dollars ($150.00) or one percent of amounts collected;

8. The net amount of remittance due to the city; and

9. Other information and supporting documentation which may be required by the city.

(Ord. No. 12-11-08, § 4)

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.04 Alcoholic Beverages

5.08 Itinerant Merchants

5.12 U-Drive and Auto Rental Business

5.16 Taxicabs

5.17 Security Guard License

Chapter 5.04

ALCOHOLIC BEVERAGES

Sections:

5.04.010 Definitions.
5.04.020 License required.
5.04.030 Application.
5.04.040 Limitation on number of licenses.
5.04.050 Display of license.
5.04.060 Hours of sale.
5.04.070 Clearing the premises.
5.04.080 Prohibited conduct on licensed premises.
5.04.090 Credit purchase--Prohibited.
5.04.100 Off-sales prohibited.
5.04.110 Purchase by minors.
5.04.120 Minors prohibited from loitering.
5.04.130 Employment of minors.
5.04.140 Restaurant licensee to serve with meals.
5.04.150 Entry of minors prohibited.
5.04.160 Windows not to be obstructed.
5.04.170 Temporary closure of premises.
5.04.180 Consuming alcohol in public places.
5.04.190 Penalty.
5.04.200 Protective custody.

5.04.010 Definitions.

As used in this title:

"Alcoholic beverage" shall be construed identically with "intoxicating liquor" to include whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, vinous, malt and other fermented or distilled liquors intended for human consumption and containing more than one percent alcohol by volume.

"Beer parlor" means any room or place which is operated under or by virtue of a beverage dispensary

license or for which a beverage dispensary license is in force, regardless of what other kinds or classes of licenses the owner thereof may possess or what other kinds of business may be conducted therein.

"Beverage dispensary" means a state of Alaska beverage dispensary licensee empowered to sell for cash or serve on the premises beer, wine and hard liquors for consumption on the premises only.

"Liquor store" shall be construed identically with "retail licensee" and it means any place where intoxicating liquors in the original packages and wine in bulk are sold for cash.

"Restaurant license" means a state of Alaska beer and wine license which empowers the holder thereof to sell and serve beer and wine in uncapped bottles with meals furnished in good faith to patrons.
(Prior code § 06.70.010)

5.04.020 License required.

It is unlawful for any person, club, corporation, organization or other entity to manufacture, sell, offer for sale or possess for sale, or barter any alcoholic beverage including beer and wine without displaying an appropriate license therefor obtained as required by state law.
(Prior code § 06.10.010)

5.04.030 Application.

Any person seeking the recommendation of the council, prior to issuance of a license by the state, shall present to the council, a copy of his application to the state for a license fully completed and executed, together with a current statement prepared by the city clerk that any and all taxes, fees and assessments due to the city by the applicant have been paid in full. The city council may impose additional terms and conditions not inconsistent with state statutes and require compliance therewith as a condition precedent to granting council approval and making affirmative recommendation to the state Alcoholic Beverages Control Board.
(Prior code § 06.10.020)

5.04.040 Limitation on number of licenses.

It is deemed necessary to the orderly conduct of the business of selling intoxicating liquor that the city of Hoonah restrict the number of licenses which may be issued in the municipality. Inasmuch as existing licensed outlets adequately serve the requirements of the municipality and no substantial population increase has been experienced in the city of Hoonah, there shall be no further beverage dispensary licenses or retail package liquor licenses approved by the city council of the city of Hoonah until occurrence of a material change in the circumstances justifying approval of an additional license or licenses. The city of Hoonah has currently authorized two beverage dispensary licenses, one seasonal (May 1st to September 30th) destination resort license, one retail package liquor license, beer and wine liquor license and no club licenses.
(Ord. 08-02-02 § 3; Ord. 05-07-21 § 3; Ord. 04-03-03 § 3; prior code § 06.10.030)

5.04.050 Display of license.

All liquor licenses shall be posted in a conspicuous place in the principal room in which the business is conducted, where the same is accessible and can be conveniently read and inspected by the general public.

(Prior code § 06.10.040)

5.04.060 Hours of sale.

No beverage dispensary, club bar, liquor store, and/or other business licensed to engage in the sale of intoxicating liquors shall be open for the sale or dispensing of drink and/or package goods between the hours of one a.m. through ten a.m. on weekdays (Monday through Friday), but, the hour of closing on weekends shall be extended to two a.m. on Saturdays and Sundays, and on state holidays as defined in AS 44.12.010. The city of Hoonah has currently authorized the removal of restriction of mandatory closure of establishments serving liquor on election day.
(Ord. 05-01-09 § 3; prior code § 06.30.010)

5.04.070 Clearing the premises.

Such establishments and premises shall be cleared of customers and patrons no later than fifteen (15) minutes after the closing times. No intoxicating liquor shall be sold or dispensed during the fifteen (15) minute period.
(Prior code § 06.30.020)

5.04.080 Prohibited conduct on licensed premises.

A. A licensee, agent, or employee may not knowingly permit a person to loiter within or about premises licensed under this title for the purpose of begging or soliciting a patron or visitor to purchase alcoholic beverages for the person who is begging or soliciting; or

B. Sell, give or barter alcoholic beverages to a drunken person or allow a drunken person to remain on the premises.

C. A drunken person may not knowingly enter or remain on premises licensed under this title.

D. For purposes of this section, "drunken person" means a person whose physical or mental conduct is substantially impaired as a result of the introduction of an alcoholic beverage into the person's body and who exhibits those plain and easily observed or discovered outward manifestations of behavior commonly known to be produced by the over consumption of alcoholic beverages.
(Ord. 96-01-03 § 5 (part): prior code § 06.40.010)

5.04.090 Credit purchase--Prohibited.

It is unlawful for any person, firm, corporation or for any bartender, employee, or person in charge of any liquor dispensary or liquor store, as well as the owner of the license thereof, within the city of Hoonah, to sell, barter, furnish, dispense or exchange any intoxicating liquor to any person, excepting for cash money including checks paid therefore at the time of selling, bartering, furnishing, dispensing, or exchanging such intoxicating liquor, or to accept or take from any person in exchange for any intoxicating liquor any promissory note, pledge, I.O.U. or other written or oral evidence of indebtedness or promise to pay, payable at any future time.
(Prior code § 06.40.030)

5.04.100 Off-sales prohibited.

It is unlawful for any licensee or any other person to barter, sell, or deliver any intoxicating liquor upon any public street, alley or any place not within the premises covered by their license.
(Prior code § 06.40.040)

5.04.110 Purchase by minors.

A. It is unlawful for any person under the age of twenty-one (21) years to solicit the purchase of or in any other way attempt to purchase or otherwise secure any intoxicating liquor. Any person under the age of twenty-one (21) years of age is prohibited from possessing or controlling, or knowingly consuming any alcoholic beverage except as provided for in subsection F of this section.

B. It is unlawful for any person to influence or attempt to influence the sale, giving or serving of intoxicating liquor, to a person under twenty-one (21) years of age, by misrepresenting the age of the person, or to order, request, receive or procure from any licensee, employee or other person, for the purpose of selling, giving or serving the same to a person under twenty-one (21) years of age.

C. It is unlawful for any person under the age of twenty-one (21) years to enter any premises licensed to sell intoxicating liquor and to offer or present to any licensee or his employee a fraudulent or false certificate of birth or other written evidence of age which is not actually his own, or who shall otherwise misrepresent his age, for the purpose of inducing the licensee or his employee to sell, give, barter, serve or furnish intoxicating liquor.

D. Any licensee or his employee who questions, or has reason to question, whether a person entering upon a licensed premises or ordering, purchasing, attempting to purchase or otherwise procure or attempt to procure the serving or delivery of intoxicating liquors, has attained the age of twenty-one (21) years shall require the person to sign a statement that his is over the age of twenty-one (21) years. If a licensee, or his employee, in good faith, secures such a signed statement, he shall not be subject to prosecution under this chapter for violations pertaining to serving liquor to minors.

E. Any licensee of his employee who allows to remain upon a licensed premises where intoxicating liquors are sold any person under the age of twenty-one (21) years, or sells, gives, or serves intoxicating liquor to any person under the age of twenty-one (21) years without having procured the signature of the person upon a statement as herein provided, or who knowingly sells, gives or serves intoxicating liquor to or allows the person to remain on a licensed premises where intoxicating liquor is sold, shall be guilty of a misdemeanor.

F. A person, firm, company, corporation or an employee thereof who sells, barters or delivers to a person under the age of twenty-one (21) years, any intoxicating liquor is guilty of a misdemeanor. The term "person" as used in this section does not include a parent as to his own child, a guardian as to his ward or a licensed physician or nurse in giving medical treatment. However, this provision in no way exonerates parents, guardians or spouses from prosecution for contributing to the delinquency of a minor when such delinquency arises in part or full from their giving alcoholic beverages to any said minor.
(Prior code § 06.40.020)

5.04.120 Minors prohibited from loitering.

No person under the age of twenty-one (21) years shall be allowed or permitted to frequent or loiter in a beer parlor or premises operated under or by virtue of a beverage dispensary license, regardless of whether or not the minor is under the immediate custody and control of his parent or other lawful guardian, and it shall be duty of the licensee owning, managing, or working in any such place to enforce this provision.
(Prior code § 06.20.010)

5.04.130 Employment of minors.

It is unlawful for any licensee to employ any person under twenty-one (21) years of age to work in or about any beer parlor or place operated under or by virtue of a dispensary license, or to sell or serve any liquor therein, but such shall not be construed to prohibit minors twenty-one (21) years of age and over from providing entertainment to the patrons of such place.
(Prior code § 06.20 .020)

5.04.140 Restaurant licensee to serve with meals.

No licensee operating any place under or by virtue of a restaurant license shall sell or serve any alcoholic beverage except in glasses or uncapped bottles to bona fide customers of such restaurant, the same to be consumed on the premises by such customers while seated and with meals.
(Prior code§ 06.20.030)

5.04.150 Entry of minors prohibited.

It is unlawful to permit any person under the age of twenty-one (21) years to enter any beverage dispensary or liquor store.
(Prior code § 06.20.040)

5.04.160 Windows not to be obstructed.

In all alcoholic beverage dispensaries and other places where intoxicating liquor of any nature is sold to be consumed upon the premises, the windows facing any of the streets or alleys of the city shall be kept free and unobstructed, and it is unlawful to place therein or thereon any curtains, screens, pictures, soap, paint, advertising matter, or other obstructions which impair the vision from the street or alley into such dispensary.
(Prior code § 06.60.010)

5.04.170 Temporary closure of premises.

A. The chief of police or duly authorized deputy is expressly authorized to order the immediate closure of a premises operated under or by virtue of a beverage dispensary license if physical violence or retaliation have been made or if in the discretion of the officer he deems it prudent and within the best interests of the community to order immediate closure to avoid jeopardy to the public safety and welfare of citizenry in general. The closing shall be for a period of two hours. The reoccurrence of physical violence upon the premises the same day shall constitute grounds for closure of the premises the remainder of that day including the hours after midnight normally authorized for serving alcoholic beverages under Section 5.04.060.

B. An owner, manager, or agent failing to comply with the lawful order or orders concerning the closure or premises as stated in this section shall upon conviction, be punishable by up to three hundred dollars ($300.00) fine, or five days imprisonment, or both such fine and imprisonment.
(Prior code § 06.60.020)

5.04.180 Consuming alcohol in public places.

A. It is unlawful for any person to consume any alcoholic beverage in or upon any public place or property, or in or upon any store or establishment conducting business with the public and not authorized to sell alcoholic beverages for consumption on the premises, nor shall any person who owns, operates, or controls any such store or establishment permit the consumption of alcoholic beverages therein.

B. The mayor may issue temporary permits allowing for the consumption of alcoholic beverages in areas specified in subsection A of this section for purposes of special occasions or events after receiving written application approved by the chief of police from the requesting person or organization.

C. Any person who knowingly violates this section shall be levied a fine of fifty dollars ($50.00) for each separate offense, including any state imposed surcharge amounts.
(Ord. 00-09-02 § 5: Ord. 93-07-01 § 6)

5.04.190 Penalty.

In accordance with Section 1.16.010 of this code, any employee, agent or owner of a licensed premises, upon conviction of a violation of this chapter, shall be guilty of an infraction punishable by a fine as specified in Title 9.
(Ord. 96-01-03 § 5 (part))

5.04.200 Protective custody.

Any person taken into protective custody under AS 47.37.170 (Uniform Alcoholism and Intoxication Treatment Act) shall bear the financial burden of any medical treatment rendered as a result of intoxication from any requirements in AS 47.37.170.
(Ord. 97-05 § 5)

Chapter 5.08

ITINERANT MERCHANTS*

* **Editors Note:** Ord. No. 11-05-11, § 4, adopted June 14, 2011, amended Ch. 5.08 in its entirety to read as herein set out. Former Ch. 5.08, §§ 5.08.010--5.08.080, pertained to peddlers' and itinerant merchants' licenses, and derived from prior Code §§ 21.20.010--21.20.045.

Sections:

5.08.010 Itinerant merchant defined.
5.08.020 License and sales tax deposit required.
5.08.030 License application.

5.08.040 Sales tax deposit.
5.08.050 Staff review.
5.08.060 Appeal to the council.
5.08.070 Exceptions.
5.08.080 Penalty for violations.

5.08.010 Itinerant merchant defined.

"Itinerant merchant" is defined for the purpose of this chapter as any or all persons temporarily engaged in the sale of any goods, wares, merchandise, services, stocks and bonds or other articles within the city, harbors, peddled from house to house, sold upon the streets, docks, floats or other public places; or from any room, building, structure, lot or premises temporarily leased or rented for the purpose of carrying on such business, whether a resident of the city or not, who has no fixed place of business in the city. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer. As used in this chapter, "temporary" means for a period contemplated to be less than ninety (90) days per year.
(Ord. No. 11-05-11, § 4)

5.08.020 License and sales tax deposit required.

It is unlawful for any person to engage in the business of itinerant merchant in the city unless he/she has a current business license from the state of Alaska to do so, and until that person applies and receives an itinerant merchant license from the city, and has paid a sales tax deposit. License is to be carried on the person of the licensee at all times while he/she is actually engaged in the activity for which the license is granted. Such license shall be shown to anyone requesting to see the license while conducting business.
(Ord. No. 11-05-11, § 4)

5.08.030 License application.

Any person desiring to engage in the business of itinerant merchant within the city shall make application to the city. The license shall cost twenty-five dollars ($25.00) per month. Such application shall include:

A. The name and address of the person(s) intending to conduct business;

B. The name and address of the firm, corporation or partnership which the person(s) intending to conduct business represents, if applicable;

C. The kind of goods to be sold and a reasonable estimate of the total retail value of the goods available for sale;

D. The length of time that the person will be doing business in Hoonah;

E. Copy of state of Alaska business license;

F. The place where such business is to be conducted;

G. Review by the city clerk, planning department, public works department or police department, if applicable.

H. Deposit for sales tax as required in HMC 5.08.040 below.

I. If a vehicle(s) or risk to the customers of the itinerant merchant is involved the applicant shall also provide evidence of an appropriate general liability policy which specifically names and indemnifies the city of Hoonah.

(Ord. No. 11-05-11, § 4)

5.08.040 Sales tax deposit.

The license application shall be accompanied by the sales tax deposit of one hundred dollars ($100.00) or six percent of the actual or retail value of the goods available to be sold, whichever is greater. The required deposit shall be in cash or a cashier's check or bond. Within thirty (30) days of completion of business in the city, the itinerant merchant shall file a sales tax return with the city and pay sales tax due. The sales tax deposit will be returned upon payment of all sales tax. Failure to file a sales tax return within the prescribed period may result in forfeiture of deposit.

(Ord. No. 11-05-11, § 4)

5.08.050 Staff review.

The itinerant merchant is only allowed to do business where permission has been granted by the property owner. Depending upon location and type of business, there may need to be staff review of the application in accordance with HMC 5.08.030(G). The city clerk's office will inform the police department of itinerant merchants currently licensed to do business within the city.

(Ord. No. 11-05-11, § 4)

5.08.060 Appeal to the council.

If any person(s) has been denied an itinerant merchant license, they have the right to appeal to the city council through the city administrator at the next regularly scheduled council meeting after denial. The applicant shall be entitled to a hearing before the council at which the council must either ratify or disapprove the action of the denial.

(Ord. No. 11-05-11, § 4)

5.08.070 Exceptions.

The provisions of this chapter shall not apply to:

A. Local nonprofit organizations making casual sales or raising funds;

B. The sale of personal goods or wares at such functions as garage sales or flea markets;

C. Fundraising activities of nonprofit organizations or groups which have filed with the state of

Alaska under the provision of AS 10.20;

D. Commercial travelers who regularly take orders for goods in the usual course of business where orders are taken from residents of the state regularly engaged in wholesale or retail business and where no payment prior to delivering of such goods is required; or

E. The sale of fish or other seafood products.
(Ord. No. 11-05-11, § 4)

5.08.080 Penalty for violations.

A. Any person violating any provision of this chapter shall be punished by a fine as follows: for a first violation of any provision of this chapter, fifty dollars ($50.00); for a second violation of the same provision, one hundred fifty dollars ($150.00); and for a third or subsequent violation of the same provision, three hundred dollars ($300.00).

B. Each and every day during any portion of which a violation or failure to comply is committed, permitted, or continued shall be a separate offense and shall be punished accordingly if the offender is so charged.

C. The city, in enforcing this chapter, will utilize written citations. The person to whom the citation is issued may plead no contest to the offense by signing an appropriate blank on the citation and paying the fine specified in the citation, either in person or by mail, within five days from the date of the citation, to the office of the city clerk. Acceptance and payment of the prescribed fine is a complete satisfaction for the offense. If the offender accepts the citation but fails to pay the fine or appear in court, the citation shall be considered a summons, and the offender shall be proceeded against in the manner prescribed by law.
(Ord. No. 11-05-11, § 4)

Chapter 5.12

U-DRIVE AND AUTO RENTAL BUSINESSES

Sections:
5.12.010 Applicable state statutes shall apply.

5.12.010 Applicable state statutes shall apply.

No person may operate a business, from which proceeds are derived from the rental or the lease of a motor vehicle, or cause or permit a motor vehicle owned by the person or business to be utilized as a rental or leased vehicle, without compliance with all applicable state of Alaska Statutes governing the rental and/or leasing of motor vehicles. Such statutes shall include, but are not limited to the following:

A. AS 21.27;

B. AS 28.10;

C. AS 28.35.

(Ord. 05-07-20 § 3)

Chapter 5.16

TAXICABS

Sections:

5.16.010 Definitions.
5.16.020 License--Required.
5.16.030 License--Application.
5.16.040 License--Issuance--Transfer.
5.16.050 Liability insurance required.
5.16.060 License fees.
5.16.070 Suspension and revocation of license.
5.16.080 For-hire driver's permits.
5.16.090 Application for for-hire driver's permit.
5.16.100 Investigation of applicant.
5.16.110 Issuance of driver's permit.
5.16.120 Display of permit.
5.16.130 Prohibited acts--Suspension or revocation of permit.
5.16.140 Vehicle equipment and maintenance.
5.16.150 Rate card required.
5.16.160 Refusal of passengers to pay legal fare.
5.16.170 Passengers.

5.16.010 Definitions.

For purposes of this chapter:

"Bus" means any engine or motor driven public passenger vehicle having a seating capacity in excess of eleven (11) passengers.

"Passenger van" and "limousine" mean any engine or motor driven public passenger vehicle having six through eleven (11) passenger seating capacity, driver excluded.

"Taxicab" means any engine or motor driven public passenger vehicle not in excess of five passenger seating capacity, driver excluded.
(Ord. 76-5 § 5 (part): prior code § 63.45.010(b))

5.16.020 License--Required.

No person shall operate or permit a taxicab, passenger van, limousine or bus owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without having first obtained a license to engage in the taxicab, passenger van, limousine or bus business from the council.
(Ord. 76-5 § 5 (part): prior code § 63.45.010(a))

5.16.030 License--Application.

Application for a license shall be filed with the city clerk under oath, and shall furnish the following information:

A. The name and address of the applicant;

B. The experience of the applicant in the transportation of passengers;

C. The number of vehicles to be operated or controlled by applicant and the location of proposed stands;

D. The color scheme or insignia to be used to designate the vehicle or vehicles of applicant;

E. Such other information as the council may from time to time require.
(Ord. 76-S § 5 (part): prior code § 63.45.020)

5.16.040 License--Issuance--Transfer.

A. The council shall in its discretion grant or reject any application for license.

B. No license may be sold, assigned, mortgaged or otherwise transferred without the consent of the council.
(Ord. 76-5 § 5 (part): prior code § 63.45.030)

5.16.050 Liability insurance required.

No license shall be issued or continued in operation unless there is in full force and effect a liability insurance policy, issued by an insurance company authorized to do business in the state of Alaska, covering each vehicle authorized in the amounts of not less than ten thousand dollars ($10,000.00) for bodily injury to any one person nor less than twenty thousand dollars ($20,000.00) for bodily injuries to more than one person which are sustained in the same accident; and in an amount of not less than five thousand dollars ($5,000.00) for property damage resulting from any one accident. The policies for insurance to meet the requirements of this section shall be filed in the office of the city clerk and bear an endorsement signed by the insurance company or its agent that the policy will not be cancelled for any reason without at least ten (10) days written notice to the city of Hoonah.
(Ord. 76-5 § 5 (part): prior code § 63.45.040)

5.16.060 License fees.

No license shall be issued or continued in operation unless the holder thereof has paid an annual license fee of ten dollars ($10.00) for the right to engage in the taxicab business and the further sum or sums of ten dollars ($10.00) each year for each taxicab operated under a license; ten dollars ($10.00) for the right to engage in the passenger van or limousine business and the further sum or sums of twenty-five dollars ($25.00) each year for each passenger van or limousine operated under a license; ten dollars ($10.00) for the right to engage in the bus business and the further sum or sums of fifty dollars ($50.00) each year for each bus operated under a license. The license fees shall be for the calendar year and shall include any other license fee, tax or charge established by proper authority and applicable to the holder or the vehicle or vehicles under his operation and control. To the extent that this section increases license fees for the right to engage in business and for vehicles operated thereunder, applicants shall be credited in amounts already paid to the city clerk. An additional vehicle may be operated under a holder's respective license after June 1st of each year upon payment of five dollars for

a taxicab, twelve dollars and fifty cents ($12.50) for a passenger van or limousine or twenty-five dollars ($25.00) for a bus.
(Ord. 76-5 § 5 (part): prior code § 63.45.050)

5.16.070 Suspension and revocation of license.

A. A license may be revoked or suspended by the council if the holder thereof has:

1. Violated any of the provisions of this chapter;

2. Discontinued operations for more than ninety (90) days of any period for which licensed; or

3. Has violated any of the ordinances of the city, or the laws of the state of Alaska, or the United States, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.

B. Prior to suspension or revocation, the holder shall be given notice of the right to be heard at any meeting at which the proposed suspension or revocation shall be considered.
(Ord. 76-5 § 5 (part): prior code § 63.45.070)

5.16.080 For-hire driver's permits.

No person shall operate a for-hire vehicle, including taxicabs, passenger vans, limousines, or buses, upon the streets of the city, without first having in his possession a valid for-hire permit to operate such vehicles. No person who owns or controls a for-hire vehicle shall permit it to be operated unless the driver has in his possession a valid for-hire permit.
(Ord. 76-5 § 5 (part): prior code § 63.45.080)

5.16.090 Application for for-hire driver's permit.

A. An application for a taxicab, passenger van or limousine or bus driver's permit shall be made to the chief of police under oath on forms provided by the council and shall contain the following information:

1. The names and addresses of four references who can verify the sobriety, honesty and good reputation of the applicant;

2. The experience of the applicant in the transportation of passengers;

3. A concise history of applicant's employment record.

B. Each application shall be accompanied by a fee of ten dollars ($10.00) and a certificate of current date from a reputable physician certifying that in his opinion the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.
(Ord. 76-5 § 5 (part): prior code § 63.45.090)

5.16.100 Investigation of applicant.

The police department of the city shall conduct an investigation of each applicant for a taxicab, passenger van or limousine or bus driver's permit and shall grant permits only to those applicants who have a current motor vehicle operator's permit issued by the state of Alaska and who have a satisfactory traffic and police record.
(Ord. 76-5 § 5 (part): prior code § 63.45.100)

5.16.110 Issuance of driver's permit.

A. Upon approval of an application for a taxicab, passenger van, limousine, or bus driver's permit by the chief of police, he shall issue such permit to the applicant, which permit, or temporary permit shall bear the name, address, age, signature and photograph of the applicant as well as the day issued.

B. Such permit shall be in effect for a period of one year from the date of issuance and the permit shall be issued for a fee of ten dollars ($10.00).
(Ord. 76-5 § 5 (part): prior code § 63.45.110)

5.16.120 Display of permit.

Every driver to whom a permit has been issued under this chapter shall have his driver's permit in his possession at all times while operating a taxicab, passenger van, limousine or bus.
(Ord. 76-5 § 5 (part): prior code § 63.45.120)

5.16.130 Prohibited acts--Suspension or revocation of permit.

A. Any taxicab, passenger van, limousine or bus driver who shall consume intoxicating beverages while engaged in operating a vehicle licensed hereunder at any time during which the driver is on duty shall be guilty of a misdemeanor and upon being found guilty thereof shall have his driver's permit revoked or suspended in addition to other penalties provided by ordinance.

B. The chief of police is given the authority to suspend or revoke any taxicab, passenger van, limousine or bus driver's permit for a driver's failure or refusal to comply with the provisions of any city, state or federal law. A permit may not be revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf.
(Ord. 76-5 § 5 (part): prior code § 63.45.130)

5.16.140 Vehicle equipment and maintenance.

A. Vehicles Must Be Licensed. Prior to the use and operation of any vehicle under the provisions of this chapter, such vehicle shall be thoroughly examined and inspected by the chief of police or his representative and found to comply with such reasonable rules and regulations as may be prescribed by the council to specify such safety equipment and regulatory devices as may be deemed necessary to provide safe transportation.

B. Periodic Inspections. Every vehicle shall be periodically inspected by the chief of police or his representative at such intervals as shall be established by the council to insure the continued maintenance of

safe operation conditions.

C. Vehicles to Be Kept in Clean and Sanitary Condition. Every vehicle shall be kept in a clean and sanitary condition.

D. Every vehicle licensed and operated under the provisions of this chapter shall be distinctly marked with the owner's identification numerals of at least three inches in height.
(Ord. 76-5 § 5 (part): prior code § 63.45.140)

5.16.150 Rate card required.

Every taxicab, passenger van, limousine or bus operating under this chapter shall have a rate card setting forth the rates of fare displayed in such a place as to be in view of all passengers.
(Ord. 76-5 § 5 (part): prior code § 63.45.150)

5.16.160 Refusal of passengers to pay legal fare.

It is unlawful for any person to refuse to pay the legal fare after hiring any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.
(Ord. 76-5 § 5 (part): prior code § 63.45.160)

5.16.170 Passengers.

A. Solicitation of Other Common Carrier Passengers Prohibited. No driver, owner or operator shall solicit passengers at the terminal of any common carrier, nor at any intermediate points along any established route of any other common carrier.

B. Additional Passengers. No driver shall permit any other person to occupy or ride in a taxicab, unless the person or persons first occupying the taxicab shall consent to the acceptance of additional passenger or passengers.

C. Restriction of Number of Passengers. No driver shall permit more persons to be carried in a taxicab as passengers than the rated seated capacity of his taxicab as stated in the license for the vehicle issued by the city.

D. Refusal to Carry Orderly Passengers Prohibited. No driver shall refuse to or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.
(Ord. 76-5 § 5 (part): prior code § 63.45.170)

Chapter 5.17

SECURITY GUARD LICENSE

Sections:
5.17.010 Security guard license.

5.17.010 Security guard license.

A person may not be employed as a security guard or security guard agency until the person has obtained a license from the Commissioner of Public Safety under AS 18.65.400 through 18.65.490.

No person shall serve in any capacity as an armed security guard without possessing a written permit from the chief of police of the Hoonah police department.
(Ord. 02-11-10)

Title 6

ANIMALS

Chapters:

6.04 Animals in General

6.08 Dogs

6.12 Potentially Dangerous and Dangerous Dogs

Chapter 6.04

ANIMALS IN GENERAL

Sections:

6.04.010 Cruelty to animals.
6.04.020 Contagious diseases.
6.04.025 Possession of wolf hybrids forbidden.
6.04.026 Vaccination of wolf hybrids.
6.04.030 Annoying animals or fowl.
6.04.040 Herding.
6.04.050 Tethering.
6.04.060 Control of animals.
6.04.070 Animal littering.
6.04.080 Maintenance of large farm animals prohibited--Exceptions--Permit.
6.04.090 Dog licensing.
6.04.100 Tag and collar.
6.04.110 Impoundment.
6.04.111 Method of impoundment.
6.04.112 Release.
6.04.115 Quarantine.
6.04.116 Quarantine of individual animals.
6.04.117 Incidence of rabies.
6.04.120 Disposal of diseased or unwanted dogs and other small animals.
6.04.125 Disposal of dead animals.
6.04.126 Euthanasia.
6.04.130 Potentially dangerous animals.
6.04.131 Classification of potentially dangerous animals.
6.04.132 Confinement and restraint.
6.04.133 Warning signs required.
6.04.134 Spay or neuter requirement.
6.04.135 Vicious animals.
6.04.140 Notification of change of status.
6.04.145 Animal bites.
6.04.150 Reporting animal bites required.
6.04.155 Destruction of vicious dogs or other animals--Restitution.
6.04.160 Definitions.
6.04.170 Failure to obey citation.
6.04.180 Control of animal offenses--Fine schedule.

6.04.010 Cruelty to animals.

A. No person may knowingly wound, injure, torment, abuse, mutilate, torture, or inhumanely kill any animal.

B. No person may intentionally poison any dog, cat, or other domestic animal, or distribute or place poison in a manner or location where the distributor knows or should reasonably know that the poison will be accessible to a domestic animal.

C. No person may abandon an animal by releasing the animal to forage for itself or by confining or restraining the animal for a period in excess of eighteen (18) consecutive hours in a place where there is not a custodian who has assumed the responsibility of providing sufficient food and water.

D. The owner or custodian of an animal shall provide food and water sufficient to maintain the animal in a healthy condition, and adequate and proper shelter for the animal to protect the animal from weather. Shelter maintained for animals kept outside of a residential dwelling shall meet the following standards:

1. Animals shall not be overcrowded;

2. Animals shall not be exposed to excessive heat or cold;

3. Animal shelters shall be draft free;

4. Clean animal bedding shall be provided which shall be of a sufficient size and quality for the animals being kept; and

5. All structures, pens, coops, or yards shall be maintained in a clean and sanitary condition, devoid of rodents and varmints, and free of objectionable odor.

E. No person may use a live bird either as a target to be shot at for amusement or as a test of skill for marksmanship.
(Ord. 05-04-13 § 3 (part))

6.04.020 Contagious diseases.

No person may harbor or keep an animal infected with a contagious or pestilential disease unless the animal is closely confined and under the care of a licensed veterinarian.
(Ord. 05-04-13 § 3 (part))

6.04.025 Possession of wolf hybrids forbidden.

No person shall own, possess, keep, maintain, harbor, transport, sell, or advertise for sale any wolf hybrid within municipal boundaries except as provided under 5 AAC 92.030.
(Ord. 05-04-13 § 3 (part))

6.04.026 Vaccination of wolf hybrids.

Until an approved USDA rabies vaccination is available for wolf hybrids, any wolf hybrid that bites a human shall be immediately euthanized and its head submitted for rabies testing.
(Ord. 05-04-13 § 3 (part))

6.04.030 Annoying animals or fowl.

No person may harbor, keep, or maintain any animal or fowl which barks, bays, howls, yaps, mews, yowls, yelps, quacks, honks, crows, squawks, clucks, or otherwise makes noise with such frequency or at such times of the day or night as will cause annoyance to a reasonable person.
(Ord. 05-04-13 § 3 (part))

6.04.040 Herding.

No person may herd any cattle, horses, mules, sheep or other animals for the purpose of feeding, grazing or pasture.
(Ord. 05-04-13 § 3 (part))

6.04.050 Tethering.

No person may tie, stake, or fasten any horse, cow, sheep, goat or other livestock animal within any street, alley or public place within the city limits or in a manner which permits the animal access to any portion of any street, alley or public place.
(Ord. 05-04-13 § 3 (part))

6.04.060 Control of animals.

A. A person who is the owner or custodian of a dog shall keep and maintain the dog under control at all times when the dog is off the premises of the owner or custodian and not confined within an enclosure by restraining the dog with a leash, cord or chain, not more than ten (10) feet in length, secured to the animal and fastened to a stationary object or held by the owner or a custodian of sufficient age and maturity to control the dog. No dog shall be transported or kept within a vehicle or any part thereof unless restrained or confined to prevent its leaving the vehicle except under the control of its owner or custodian.

B. The owner of an animal, other than a dog, that is capable of annoying or endangering other persons or damaging their property shall keep the animal under restraint at all times.

C. The owner or custodian of a fierce, dangerous or vicious animal shall confine the animal within a building or secure enclosure and shall not take the animal out of such building or enclosure unless the animal is muzzled and otherwise secured to prevent attacks, or feigned attacks.

D. The owner of a female dog in heat or during ovulation shall keep and maintain the animal confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that the female dog cannot come in contact with a male dog except for planned breeding purposes.
(Ord. 05-04-13 § 3 (part))

6.04.070 Animal littering.

A person owning, or having custody of any animal, except a domestic house cat, shall remove and dispose of, in a sanitary manner, any and all feces and other animal litter deposited on any public or private property not possessed by the owner or custodian of the animal which caused or produced the litter.
(Ord. 05-04-13 § 3 (part))

6.04.080 Maintenance of large farm animals prohibited--Exceptions--Permit.

A. No person may keep or maintain a horse, cow, sheep, goat, pig or other large farm animal within the city unless:

1. The animal is maintained within a fenced area of not less than one acre which is owned or leased by the owner or custodian of the animal and which is not occupied by residential buildings other than the one occupied by the owner or custodian of the animal; or

2. A permit to keep or maintain a large farm animal has been obtained from the city clerk. Such a permit shall be issued only under the following conditions:

    a. The applicant for a permit is a minor child engaged in an educational school or 4-H project,

    b. The maximum term of a permit is six months,

    c. The applicant agrees to confine the animal within a building or secure enclosure and to maintain the building or enclosure in a clean and sanitary condition, devoid of rodents and varmints, and free of objectionable odor,

    d. Opportunity for objection to the issuance of the permit shall be extended to property owners and tenants whose property lies within a radius of three hundred (300) feet of the private property on which the animal is proposed to be kept. Any such objection which the applicant is unable to satisfy shall be grounds for denial of the permit, and

    e. No more than one permit shall be issued to any individual in a single calendar year.

(Ord. 05-04-13 § 3 (part))

6.04.090 Dog licensing.

A. Every dog in the city shall be licensed and registered by its owner within the following time periods:

1. Within thirty (30) days after the dog attains the age of six months;

2. Within thirty (30) days after acquisition of the dog, regardless of how acquired; or

3. Within thirty (30) days after the owner commences to maintain, keep or kennel the dog within the limits of the city.

B. An application for a dog license shall be submitted to the director of public safety, or his designee, on printed forms made available for such purpose which shall be completed by the owner to specify the name and address of the owner, the name, breed, color, sex, and distinguishing marks, if any, of the dog to be licensed, and such other information as the director of public safety determines to be useful in the administration of this chapter. The application shall be accompanied by a license fee, established as provided in this code, and a current certificate of a licensed veterinarian stating that the dog was immunized for rabies accomplished by modified live virus, within the past twenty-four (24) months.

C. Dog licenses shall be issued for a term of one year commencing with the first day of February of each year and terminating as of midnight on the last day of January of each year.

D. Annual license fees shall be established by a resolution of the council.

E. A kennel permit is required for four or more animals.

F. Kennel permits will be issued upon determination that the kennel will not create a public nuisance or threat to public safety.

G. The kennel permit shall be issued for thirty-six months (36) months.
(Ord. 05-04-13 § 3 (part))

6.04.100 Tag and collar.

A. Upon complying with the provisions of Section 6.04.090 of this chapter, the director of public safety shall issue to the owner a colored tag, made of metal or other similar durable material, stamped or embossed with an identification number. The tag color shall be changed every year.

B. The owner of a dog shall fasten the tag securely to a choke chain, collar or harness which shall be worn by the dog at all times except when kenneled or in competition.

C. If the license tag is lost or destroyed, the owner may obtain a duplicate tag upon the payment of a fee as established by resolution of the council.

D. A dog tag is not transferable from one dog to another, and no person may secure a tag to a chain, collar or harness worn by a dog other than the one for which the tag was issued.

E. License fees are not refundable.
(Ord. 05-04-13 § 3 (part))

6.04.110 Impoundment.

A dog or other animal may be impounded if:

A. A dog or other animal that is unrestrained and not under the immediate control of its owner may be impounded by a police officer or animal control officer when found at large on the streets,

alleys or public places within the city, or on private property in the city if the officer has the permission of the owner or occupant of the property.

B. A dog or other animal which has bitten or attacked a person may be impounded for a reasonable period for observation or during the pendency of any proceedings brought to enforce the provisions of this chapter.

C. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, a police officer, animal control officer or other enforcement agent may enter upon any property, but not into any structure not open to the public, while in pursuit of an animal which may or must be taken up or impounded.

D. Where enforcement of the provisions of this chapter reasonably requires a police officer, animal control officer or other enforcement agent to inspect premises not open to the public, and where the constitution of the United States or of the state of Alaska so requires, an administrative search warrant authorizing an inspection and, where appropriate, the seizure of any animal which may or must be taken up or impounded shall be obtained before the inspection is conducted. The officer or agent may apply to the trial courts of the state of Alaska to obtain an inspection warrant, stating in the application a description of the premises to be inspected, the nature, extent and purpose of the inspection and the facts and circumstances justifying the inspection.

(Ord. 05-04-13 § 3 (part))

6.04.111 Method of impoundment.

A. A police officer, animal control officer or other enforcement agent may capture an animal at large by calling the animal to him or by any other means necessary.

B. When deemed necessary, the animal control officer or designee may capture a feral animal by use of a baited live capture trap. A property owner or occupant of property frequented by a stray or feral animal at large may also use this method of capture for removal by the animal control officer.

C. If an animal is determined to be fierce, dangerous or vicious, and it cannot be safely captured and impounded, the animal may be destroyed by the animal control officer or a member of the police department.

(Ord. 05-04-13 § 3 (part))

6.04.112 Release.

A. Upon impounding an animal, the animal control officer shall make reasonable efforts to notify the owner or custodian of the animal, and if the owner or custodian is not known and cannot be reasonably ascertained, shall post a notice at the police station containing a description of the animal and the date and location of impoundment.

B. Fees for impoundment and daily fees for boarding impounded animals shall be established by the council by resolution.

C. Upon payment of charges for impounding and boarding, and upon proof of licensing the dog in

compliance with this chapter, an impounded dog shall be released to a person producing satisfactory evidence that the person is the owner or custodian of the dog. If an impounded dog is not currently licensed and if a certification of immunization for rabies as required for licensing is not available, the dog may be released if the owner or custodian pays the impound and boarding fees and, in addition, makes a cash deposit with the director of public safety equivalent to double the sum of the impound fee, the average cost for the rabies immunization, and the license fee. The deposit shall be returned to the owner or custodian upon receipt, within one week, of a certificate by a licensed veterinarian attesting to the immunization of the animal and upon acquisition of the necessary license.

D. The most recently paid impound fee and the daily boarding fee shall be refunded for an unspayed or unneutered dog if the owner or custodian delivers to the police chief, within one month following release of the dog from impound, a certificate of a licensed veterinarian stating that the dog has been spayed or neutered and setting forth the date of spaying or neutering.

E. An animal impounded under the provisions of this chapter shall be held in the city animal shelter or other suitable facilities for a period not to exceed seventy-two (72) hours, and unless released prior to the expiration of that period as provided in this chapter, shall be destroyed. The director of public safety may, if it were determined that an animal is valuable, retain the animal for an additional forty-eight (48) hour period and release it during that period to any person who will purchase the license for the animal and pay the prescribed impound and boarding fees.

F. Unidentified animals found may be impounded and held at the animal control center for a five-day period. If not claimed by the expiration period, the animal shall become the property of the city and may be destroyed.

G. Identified animals found and found not restrained may be taken to the owner or impounded at the animal control center. A reasonable attempt will be made to notify the owner by phone, in person, or by letter that their animal is being held. Identified animals not claimed by the expiration period shall become the property of the city and may be disposed.

H. Abandoned or unwanted animals brought to the animal control center may or may not be accepted for impoundment. Upon acceptance, animals shall become the property of the city and may be disposed of.

I. Any animal suspected of having rabies and/or that has bitten a human must be impounded in the animal control center and/or quarantined and disposed of in accordance with Section 6.04.126 of this chapter.
(Ord. 05-04-13 § 3 (part))

6.04.115 Quarantine.

No person may, during the period of quarantine, having been established by public notice by the director of public safety, permit any dog of which the person is the owner or custodian to be unconfined, except under the conditions specified in the notice.
(Ord. 05-04-13 § 3 (part))

6.04.116 Quarantine of individual animals.

A. Quarantine Required.

1. The animal control officer, subject to the notice requirements of this chapter, shall have the sole discretion to decide if any quarantined animal is to be destroyed or held and, if held, at what location and for how long it shall be held.

B. Conditions of Quarantine.

1. Every quarantined animal not kept in an animal control center will be kept in a secure enclosure such as a house, closed garage, other building or basement and a quarantine sign shall be visibly posted outside the property. If the animal is taken outside to relieve itself, it must be on a leash held by a competent person fifteen (15) years or older and must be returned to the enclosure immediately.

2. An animal shall remain quarantined until released, in writing, by the animal control officer, or in the absence of the animal control officer the director of public safety. No other person may release an animal from quarantine.

3. If the animal should become sick, die or escape, the animal control officer shall be notified immediately. If the animal is sick or dying, it shall not be removed from quarantine.

4. An animal under quarantine may be reclaimed by the keeper if determined to be free of rabies upon payment of any expenses incurred for the quarantine, unless the animal is a dog that has been classified as dangerous and has been ordered quarantined pending a hearing on its classification.

(Ord. 05-04-13 § 3 (part))

6.04.117 Incidence of rabies.

A. The animal control officer, under the direction of the director of public safety, shall cooperate with other agencies in establishing a rabies control program.

B. When there has been a positive diagnosis of rabies within the city, the director of public safety may declare an area-wide quarantine.

(Ord. 05-04-13 § 3 (part))

6.04.120 Disposal of diseased or unwanted dogs and other small animals.

The animal control officer shall dispose of or destroy, in a humane manner, diseased or unwanted dogs upon the request of the owner or custodian of the dog, subject to Section 6.04.126 of this chapter.

(Ord. 05-04-13 § 3 (part))

6.04.125 Disposal of dead animals.

A. The person in possession or control of real property shall immediately dispose of any dead

animal found upon the property in the manner provided in this section or by disposal at the public dump or by other suitable means outside of the city.

B. The police department shall dispose of any dead animal found within the city upon the request of a city resident.

C. The owner or occupant of unplatted property may bury on that property any dead animal owned by such owner or occupant and which died on the premises, if the property owner or occupant first obtains written approval from the sanitarian. The animal carcass shall be buried at least four feet deep, shall be covered with earth from the upper part of the carcass to the surface, and shall not be buried within fifty (50) feet of any residence or water well.

D. No person may carry or convey any dead or fatally ill or injured animal, or any part thereof, on any public or private property or into any reservoir, stream, lake, pond, sewer, well or other body of water or the banks or shores of such body of water.
(Ord. 05-04-13 § 3 (part))

6.04.126 Euthanasia.

The following animals may be euthanized at any time:

A. An animal exhibiting symptoms of a major infectious or contagious disease that is a danger to the health and safety of the public or other animals within the city, or an animal that is injured or suffering to the extent that it should be euthanized for humane reasons or an animal deemed vicious;

B. An animal, not the subject of a pending hearing or court decision, and who poses an unreasonable risk of physical injury and/or is deemed vicious;

C. An adoption eligible animal, remaining unadopted following expiration of the five minimum term of availability specified in Sections 6.04.112 and 6.04.180 of this chapter.
(Ord. 05-04-13 § 3 (part))

6.04.130 Potentially dangerous animals.

A. Except as provided in subsection B of this section, a "potentially dangerous animal" is any animal that:

1. Without provocation, chases or approaches a person in a threatening manner or in an apparent attitude of attack; or

2. Has a known propensity, tendency or disposition to attack without provocation, or otherwise threaten the safety of human beings or domestic animals.

B. Exceptions to potentially dangerous and vicious animal classifications are as follows:

1. No animal may be classified potentially dangerous or vicious if:

   a. Acting against a trespasser who had illegally entered premises occupied by the keeper of the animal; or

   b. The dog was being tormented, abused or assaulted.

2. No animal may be classified potentially dangerous or vicious if the animal was protecting or defending a person within the immediate vicinity of the animal from an attack by a person, or other animal, or if the animal was acting to defend itself from attack from another animal.

3. No animal may be classified potentially dangerous or vicious if the injury or damage to an animal was sustained while the animal was working as a hunting animal, herding animal, or predator control animal on the property of, or under the control of its keeper and the damage or injury was to a species or type of animal appropriate to the work of the dog.

4. No animal may be classified potentially dangerous or vicious if the dog has been trained to attack persons independently upon perceiving a threat, or upon oral command, while under the control and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of its duties.

(Ord. 05-04-13 § 3 (part))

6.04.131 Classification of potentially dangerous animals.

A. The director of public safety shall have the authority to determine, based on probable cause, that a dog is potentially dangerous. The determination and classification of the animal shall be completed by the director within ten (10) days of the incident. In making the classification, the director will consider all of the facts and circumstances of the incident, including but not limited to the following factors:

1. The observed and reported past and present behavior of the dog;

2. Whether the incident was accidental in nature;

3. The extent of the injury to the person or animal attacked;

4. The keeper's past history of compliance with the city animal control code provisions; and

5. The keeper's past history of animal control code violations.

B. Written notice of an animal's classification under subsection A of this section shall be served on the keeper of the animal at the keeper's last known address. The notice shall describe the animal, state the grounds for its classification, and state the restrictions and other requirements, including a spay or neuter requirement as the director determines appropriate, applicable to the animal by reason of its classification. The notice shall also state that if a written request for a hearing is filed with the director of public safety within ten (10) days after completion of service of the notice, a hearing will be conducted by the city administrator to review the classification of the animal or any related written administrative orders issued by the director. The

right to a hearing shall be deemed waived if not timely requested as set forth in this subsection.

C. The notice referred to in subsection B of this section shall be given either by personal delivery to the person to be notified, or by certified mail, return receipt requested, addressed to the person at the person's last known address. Notice by personal delivery shall be complete upon delivery, and notice by mail shall be deemed complete upon return of the receipt or return of the notice as undeliverable, refused or unclaimed.

D. During the pendency of any hearing on the classification of a potentially dangerous animal, the director of public safety may require the animal be kept securely confined on the premises of the keeper, or quarantined in the animal control center, at the keeper's expense.

E. The hearing shall be held within fourteen (14) days of receipt of the request for a hearing. The hearing shall be informal, and technical rules of evidence shall not apply. The written decision shall be filed with the director of public safety and the city clerk no later than forty-eight (48) hours after the close of the hearing. The proceedings of the hearing shall be recorded.
(Ord. 05-04-13 § 3 (part))

6.04.132 Confinement and restraint.

A. While on the keeper's property, a potentially dangerous animal must be securely confined, to prevent the injury of children or the escape of the animal.

B. A potentially dangerous animal may be off of the keeper's premises only if the animal is humanely muzzled and restrained by a substantial leash, not to exceed four feet in length. The leash and the animal shall be under the actual physical control of a person suitable to control the animal at all times, such animals shall not be leashed to inanimate objects such as trees, posts, or buildings. The muzzles must be made in such a manner that it will not cause injury to the animal, or interfere with the vision or respiration of the animal, but must prevent the animal from biting any person or animal.
(Ord. 05-04-13 § 3 (part))

6.04.133 Warning signs required.

The keeper shall display signs on the keeper's property warning that there is a potentially dangerous animal on the premises. There must be enough signs posted to insure that from any public right-of-way abutting the premises, a sign is visible. A sign shall also be affixed to the animal's enclosure.
(Ord. 05-04-13 § 3 (part))

6.04.134 Spay or neuter requirement.

The director of public safety or the city administrator may order that within fourteen (14) calendar days after the classification of an animal as potentially dangerous, the keeper of the animal shall either have the animal spayed or neutered, and present proof of that fact, or provide documentation of proof that the animal will be altered during the next veterinarian's visit to Hoonah to the director. The alteration of the animal shall be performed at the expense of the keeper. Failure to comply may result in the seizure and euthanization of the animal.
(Ord. 05-04-13 § 3 (part))

6.04.135 Vicious animals.

A. Any animal that bites a person or animal without provocation shall be deemed vicious.

B. Any animal that bites a person or animal without provocation and is currently vaccinated, shall be immediately quarantined for ten (10) days at the expense of the owner. A date of euthanasia for the animal shall be scheduled for forty-eight (48) hours after completion of quarantine.

C. Any animal that bites a person or animal without provocation and is unvaccinated, shall be immediately impounded and quarantined for ten (10) days at the expense of the owner. Further, the owner may be found in violation of Section 6.04.145, subject to fees and/or fines established within Sections 6.04.060 and 6.04.110, and to comply with Section 6.04.115 of this chapter. Before completion of quarantine, the owner will be given a written notice of the date of euthanasia.

D. Vicious animals shall be euthanized, as established in Section 6.04.126 of this chapter, not less than forty-eight (48) hours after providing actual written notice to the owner, by hand delivery, or by posting at the last known residence of the owner. Notice shall advise the following:

1. Planned time of euthanization of the animal;

2. Animal will be impounded and/or quarantined immediately upon issuance of notice.

E. The owner has an opportunity to be heard before the city administrator, or the city administrator's designee, should they wish to appeal the animal control officer's determination that the animal is vicious.

F. The issues to be considered at any appeal hearing shall be limited to the following: 1. Whether the animal bit a person or domestic animal;

2. Whether the animal caused damage to property;

3. Whether the bite or damage was without provocation;

4. Whether the animal has given any previous indication that it is able to bite any person or animal without provocation.

G. Any animal deemed vicious and reasonably suspected of being rabid may, at the discretion of the director of public safety, be euthanized, before completion of quarantine and without notice to the owner. (Ord. 05-04-13 § 3 (part))

6.04.140 Notification of change of status.

A. The keeper of a potentially dangerous or dangerous animal shall immediately notify the animal control officer in the event the animal is at large, unconfined, has attacked another animal or human being, or has died, been sold, given away or is otherwise no longer in the possession of the keeper.

B. If the dog has been sold, or given away, the keeper shall provide the animal control officer with the name, address and telephone number of the new keeper, who, if located in the city, shall comply with the requirements previously applied to the dog and the requirements of this chapter.
(Ord. 05-04-13 § 3 (part))

6.04.145 Animal bites.

Disposition of animals biting or suspected of having rabies.

A. Any animal that has bitten a person shall be quarantined. Animals that have been exposed to an animal that has bitten a person may also be quarantined.

B. If a community service officer or agent reasonably suspects an animal to have rabies, s/he shall cause that animal to be impounded and quarantined immediately and/or euthanized in accordance with Section 6.04.115 of this chapter.

C. An unvaccinated animal that has been bitten by an animal diagnosed as rabid shall be euthanized immediately.

D. If a bitten animal has a current rabies vaccination, the animal shall be revaccinated immediately and quarantined.
(Ord. 05-04-13 § 3 (part))

6.04.150 Reporting animal bites required.

The keeper of any animal which bites a human being shall report any such occurrence to an animal control officer or enforcement officer as soon as the occurrence becomes known to the keeper, and shall provide such information as may be requested. See Section 6.04.110 of this chapter for issues of impoundment as provided by Alaska Statutes.
(Ord. 05-04-13 § 3 (part))

6.04.155 Destruction of vicious dogs or other animals--Restitution.

A. If, by a preponderance of the evidence, a court of competent jurisdiction finds that, while running at large or while inadequately restrained in violation of Section 6.04.060(A) or (B), a dog or other animal has, without provocation, bitten or attacked a person, the court may order the dog or other animal destroyed.

B. A court of competent jurisdiction may require the owner or custodian of any dog or other animal which, while running at large or while inadequately restrained in violation of Section 6.04.060(A) or (B), has damaged the person or property of another to make restitution, in whole or in part, for such damage.

C. Any actions taken or orders rendered under this section shall be regarded as measures necessary to the preservation of the health, safety and welfare of the public and not as punishment within the meaning of the Hoonah city charter.
(Ord. 05-04-13 § 3 (part))

6.04.160 Definitions.

As used in this chapter:

"Abandon" means to leave an animal for a period in excess of twenty-four (24) continuous hours without adequate provision for its physical needs.

"Animal" means all nonhuman members of the kingdom Animalia.

"At large" means any animal which is not under restraint.

"Cat" means any domestic or domesticated member of the family Felidae.

"Chronic animal noise" means vocalization for more than thirty (30) consecutive minutes. Daytime noise generated by a licensed kennel in its reasonable and customary manner of operation during feeding and loading/unloading times is excused to a maximum of thirty (30) consecutive minutes.

"Competent voice control" means when the following are met:

1. The person exhibiting the voice control is present with the animal and monitors all of its activities;

2. The person exhibiting the voice control is capable of directing all of the animal's movements and activities by voice command; and

3. The animal under voice control follows all of the vocal commands quickly and accurately.

"Control" in relation to an animal, means to simultaneously monitor, direct, and restrict movements and activities. Specific types are defined:

1. Control by leash - by a securely attached leash, chain or item which is physically capable of restraining the animal.

2. Control by harness - by a harness or other similar device attached directly or indirectly to a person or object during a training, demonstration, competition or show event.

3. Control by command - by visual and/or audible commands to which the animal responds promptly and accurately.

4. Control by collar - by electronic collar with or without handheld remote.

"Custodian" means the person who has accepted or assumed all or a portion of the responsibility for an animal's care, control, and feeding at the request of the owner, or with the owner's implied authorization.

"Dangerous animal" means any animal which due to improper or inadequate supervision or control has

done an act harmful in its character to human beings or other animals, regardless of whether the act is done in a playful or hostile manner.

"Director of public safety" means the police chief or authorized designee.

"Dog" means any domestic or domesticated member of the family Canidae.

"Feral" means an animal that is wild, untamed, abandoned or homeless.

"Herd" means to graze or move a group of animals while keeping close watch and exercising control.

"Keeper" means any person, group of persons, partnership, firm, trust or corporation owning, having an interest in, or having control, custody or possession of any animal and includes any adult member of a family or group has an interest in, has control, custody or possession of an animal which is kept in or on the premises of the shared residential unit. "Keeper" does not include a person who voluntarily undertakes the temporary care of an animal that is otherwise abandoned.

"Neglected" means an animal that has not received that degree of care which a person of ordinary prudence would give under the same circumstances. The care must include sufficient food and clean water, adequate shelter and protection from the weather, health care, and clean living conditions in conformance with accepted veterinary practice.

"Neutered animal" means any animal which has been surgically or pharmacologically sterilized.

"Owner" means a person who has purchased the animal, accepted it as a gift, or who asserts a right to the possession and control of the animal.

"Physical injury" means physical pain or an impairment of physical condition.

"Potentially dangerous animal" is any animal that:

1. Without provocation, chases or approaches a person in a threatening manner or in an apparent attitude of attack; or

2. Has a known propensity, tendency or disposition to attack without provocation, or otherwise threaten the safety of human beings or domestic animals;

3. Exceptions provided in Section 6.04.130(B) of this chapter.

"Provocation" means the teasing, tormenting, abusing or assault of a dog to incite the dog to bite or attack.

"Restraint" means either:

1. Actual physical control, such as on a leash held by a person capable of physically controlling the animal, on a chain, within a fenced premises, in a building, or in a cage;

2. Under competent voice control of the keeper or other responsible person;

3. On the premises of the keeper or other property with the prior permission of the owner of the property;

4. Properly secured within a vehicle;

5. Under immediate competent voice control when an animal is engaged in an activity or form of training requiring that it not be physically confined; or

6. Under immediate competent voice control when an animal is on the property of its owner or custodian.

"Secure enclosure" means an escape-proof animal enclosure.

"Stray" means an animal which is at large, held by a citizen for pick-up, or turned over to the animal control officer.

"Vicious" means a dog or other animal which, when unprovoked, has bitten or attacked a human being or that bites or attacks other animals.

"Vicious animal" means any animal which:

1. Inflicts a severe injury to a human being on public or private property;

2. Has been found dangerous on two occasions by the animal control officer; or

3. Is in violation of previous conditions or release as a dangerous animal.
(Ord. 05-04-13 § 3 (part))

6.04.170 Failure to obey citation.

A. If a person is cited for an offense for which a scheduled fine has been established under this chapter and fails to pay the fine or appear in court, the citation shall be considered a summons for a misdemeanor.

B. If a person cited for an offense under this chapter for which an amount of fine has been established appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine established for the offense plus any surcharge required to be imposed by AS 29.25.072.
(Ord. 05-04-13 § 3 (part))

6.04.180 Control of animal offenses--Fine schedule.

A. If a fine amount is set for an offense arising under this chapter, a person charged with that offense can dispose of the charge (by mail or in person) by paying the fine amount plus any surcharge required

to be imposed by AS 29.25.072 and checking the "no contest plea" box on the back of the citation. Alternatively, the person may choose to appear in court and contest the citation. If found guilty, the maximum sentence which may be imposed is the fine amount plus any surcharge required to be imposed by AS 29.25.072. A person charged with an offense for which a fine amount has been set (whether it is an infraction or a misdemeanor) does not have a right to a jury or to a court-appointed lawyer.

B. If no fine is set for an offense, or the number of offenses is in excess of three, the defendant must appear in court for arraignment on the offense.

C. The fine amounts are as follows:

Animal Control Offenses Numerical Listing

City Code Provision	Offense	Fine		
		1st offense	2nd offense	3rd offense
6.04.010	Cruelty to animals	Mandatory court appearance		
6.04.020	Contagious diseases	$50	$75	$100
6.04.030	Annoying animals or fowl	25	50	100
6.04.040	Herding	50	100	150
6.04.050	Tethering	50	75	100
6.04.060(a), (b), (d)	Control of animals	50	75	100
6.04.060(c)	Control of vicious animals	Mandatory court appearance		
6.04.070	Animal littering	$50	$75	$100
6.04.080	Maintenance of large farm animals	Mandatory court appearance		
6.04.090(a)	Dog licensing	$50	$75	$100
6.04.100(b)	Tag and collar	25	50	75
6.04.120	Disposal of animals	Mandatory court appearance		
6.04.130	Control of dangerous animals	Mandatory court appearance		
6.04.120	Vicious animals	Mandatory court appearance		
6.04.150	Reporting animal bites	$50	$75	$100
6.04.170	Failure to obey citation	Mandatory court appearance		

Code Section	Services Provided	Fine/Cost of Services
6.04.020	Rabies vaccination	N/A
6.04.090	License fees	
Neutered male or female	$ 15.00	
Unaltered male or female	25.00	
Kennel license	50.00 for 36 Months	
Lost license	5.00	
6.04.110	Impoundment fee	
1st Offense	50.00	
2nd Offense	100.00	
3rd Offense	200.00	
6.04.110	Kennel fee	25.00 per day
6.04.120 -- 604.126	Euthanize/Dispose of animal	25.00

(Ord. 05-04-13 § 3 (part))

Chapter 6.08

DOGS

Sections:

6.08.010 Purpose.
6.08.020 Definitions.
6.08.030 Annual license required.
6.08.040 Terms of license.
6.08.050 License fee.
6.08.070 Tag and collar.
6.08.090 Disposition of impounded dogs.
6.08.100 Impound and boarding fees.
6.08.110 Redemption of impounded animals.
6.08.120 Control of dogs.
6.08.130 Confinement of vicious animals and females in heat.
6.08.140 Change in ownership--Fee.
6.08.150 Lost tag.
6.08.160 Rabies control.
6.08.170 Capture of dogs.
6.08.180 Biting dogs.
6.08.190 Fee for killing dangerous dogs.
6.08.200 Veterinary costs of impounded dogs.
6.08.210 Injuring dog with vehicle.
6.08.220 Poisoning dogs.
6.08.230 Arrest of dog and/or owner.
6.08.240 Interference with officers.
6.08.250 Citations.
6.08.260 Records.
6.08.270 Uncapturable dogs.
6.08.280 Waiver and release for animal termination.
6.08.290 Special animals.
6.08.300 Fee schedule.
6.08.310 Animal control fine schedule.

6.08.010 Purpose.

This chapter is enacted for the purpose of regulating the keeping of dogs within the city. The fees, charges and penalties collected hereunder shall be budgeted to defray, in whole or in part, the expense of such regulation.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.005)

6.08.020 Definitions.

As used in this chapter, unless otherwise indicated, the following words and terms shall mean:

"At large" means to be off the premises of the owner and not under the control of the owner or of an authorized person whether by leash or otherwise, but a dog within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.

"Barking dog" means any dog which by frequent or habitual howling, yelping or barking annoys or disturbs other persons in the vicinity of the premises or upon the public street.

"Dog" means both male and female, natural and sterilized.

"Harboring" means that the occupant of any premises on which a dog remains or to which it customarily returns daily for food and care for a period of ten (10) days is presumed to be harboring or keeping the dog within the meaning of this chapter.

"Kennel" means any place, other than a veterinary hospital, where three or more dogs are for breeding and the offspring thereof are sold for profit or where such dogs are received for care and boarding.

"Leash" means a cord, thong or chain not more than ten (10) feet in length by which a dog is controlled by the person accompanying it.

"License" means the dog license issued by the city of Hoonah.

"Molest" means an animal that has not received that degree of care which a person of ordinary prudence would give under the same circumstances. The care must include sufficient food and clean water, adequate shelter and protection from the weather, health care, and clean living conditions in conformance with accepted veterinary practice.

"Officer" or "official" means any policeman or any officer, official, person or persons designated by the city manager or by his designee, or by ordinance of Hoonah to issue licenses, pick up, restrain, impound, sell, dispose, give notice for any other acts, duties or functions prescribed by this chapter or other ordinances relating to dogs.

"Owner" or "keeper" means any person, association or corporation owning, keeping or harboring a dog.

"Pet shop" means any place duly licensed where live dogs are kept and offered for sale.

"Pound" means a place within or without the city, provided and operated by the city employees or by an independent agency under the authority of the city acting alone or in concert with other municipalities for the restraint and care of dogs.

"Predatory animal" means any dog of either sex whose actions or habits customarily defiles, despoils or damages property of others.

"Public emergency" means any situation resulting from conditions of war, insurrection, contagious diseases or other circumstances, which in the opinion of the chief of police, warrants the restraint and confinement of dogs within the premises of the owner or keeper.

Restraint. A dog shall be deemed to be under "restraint" if it is confined within the property limits of its owner or keeper by a suitable fence or securely restrained within the premises by a leash affixed to a post or other securely fixed objects.

"Spayed female" means a female dog which has been sterilized by a licensed veterinarian to avoid or prevent conception. Proof of such a sterilization must be evidenced by the certificate of a licensed veterinarian.

"Stray" means any animal whose owner is unknown or which no one seeks, follows or claims.

"Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for the diagnosis, treatment, and care of diseased or injured dogs and for their care and training.

"Vicious animals" means those whose temperament or habits create danger of injury to persons or other animals or create a reasonable apprehension of injury to persons or other animals.
(Ord. 91-12-13 § 6 (part); Ord. 86-12-11-01 § 5 (part): prior code § 12.20.010)

6.08.030 Annual license required.

A. The chief of police or his/her designees shall be responsible for the registering of all dogs as to sex, breed, sterilization, name of the dog, name of the owner and the address of the owner; and for the issuance of dog licenses to all dogs in which application is made for registration and licensing.

B. It is unlawful for any owner or other person to have under their control or care any dog within the city which is six months of age or older, for a period of more than fifteen (15) days without having:

1. Registered the aforesaid dog;

2. Obtained a dog license from the city; and

3. Having caused the dog license tag to be securely attached to a collar which is to be securely fitted to the dog's neck and retained thereto at all times. For the purpose of this chapter, the age of six months shall be determined by either a veterinarian's certification stating the dog's age, or by the presence of the dog's permanent canine teeth.

(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.025)

6.08.040 Terms of license.

A. All registrations and dog licenses shall be issued in January. The license shall be in effect to the end of the current calendar year, and for a grace period of twenty (20) days after the end of such year.

B. It is unlawful for any person to have under his care or control any licensed and registered dog within the city at the end of such license period unless the dog is again registered and licensed within the first twenty (20) days of January of each year, the same being the last twenty (20) days of the license period. No registration shall be accepted for any dog unless a license is issued at the same time and no dog will be licensed unless registered.
(Ord. 91-12-13 § 6 (part); Ord. 86-12- 11-01 § 5 (part): prior code § 12.20.030)

6.08.050 License fee.

The fee for the registration and licensing of any neutered dog, male or female, shall be fifteen dollars ($15.00). The fee for the registration and licensing of any unneutered dog, male or female, shall be twenty-five dollars ($25.00).
(Ord. 91-12-13 § 6 (part); Ord. 86-12-11-01 § 5 (part): prior code § 12.20.0351

6.08.070 Tag and collar.

A. Upon complying with the provisions of Section 6.08.050 there shall be issued to the owner a metallic tag stamped with the number and the year for which issued.

B. Every owner is required to see that the issued tag or kennel identification tag is securely fastened to the dog's choke chain, collar or harness, which must be worn by the dog at all times except when kenneled or fenced.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.040)

6.08.090 Disposition of impounded dogs.

A. Any dog which has been impounded may be redeemed during the first three days after being impounded by any person claiming to own or act for the owner of such dog, and after such three days any dog may be claimed by any person, on payment of the fees and costs as set forth in Section 6.08.100. If any such animal be not redeemed within four days of being impounded, such animal shall be subject to being destroyed by the order of the chief of police of the city Hoonah, or his/her designee, or:

1. Such animal may be kept and offered for sale at a price fixed by the chief of police;

2. Released by the chief of police or his/her designee to any person who shall pay the fees required by Section 6.08.050 or such portion, including license, as the chief of police may require;

3. Can be destroyed or released to a humane organization by the chief of police.

B. When any dog not bearing a collar or harness to which is attached a license shall be impounded, the chief of police or pound master shall give notice within twenty-four (24) hours of such impounding by posting notice of such impounding giving the breed, color, sex and other identifying characteristics of such impounded dog, together with the date and place of apprehension. Such notice shall be posted at three public places.
(Ord. 97-05-05 § 5 (part); Ord. 91-12-13 § 6 (part); Ord. 86-12-11-02 § 5: Ord. 86-12-11-01 § 5 (part): prior code § 12.20.050)

6.08.100 Impound and boarding fees.

An impound fee of fifty dollars ($50.00) will be charged for impounding each dog upon the first offense, one hundred dollars ($100.00) for the second offense, and one hundred fifty dollars ($150.00) for the third offense. A fee of ten dollars ($10.00) per day, or fraction of any day, will be charged for housing, feeding, and caring for each dog impounded.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.055)

6.08.110 Redemption of impounded animals.

The keeper shall be entitled to resume possession of any impounded animal, except as may hereinafter be provided, upon the owner's compliance with the license provisions of Section 6.08.070 and the payment of

impoundment and boarding fees.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.060)

6.08.120 Control of dogs.

It is unlawful for the owner or keeper:

A. To permit a dog to run at large within the city at any time;

B. To permit an animal to frequent public school grounds during school hours;

C. To permit a dog in public parks except on a leash and subject to all applicable rules and regulations or ordinances regulating the use of parks;

D. To permit a dog to enter a church, market or other place where food is stored, prepared, served or sold to the public or any other public place or hall (except for animal shows or other exhibition purposes, veterinary hospitals, kennels or places for which the licensing official has issued a permit);

E. To harbor or permit a continuously barking dog, whose barking is audible to persons on adjacent property.
(Ord. 91-12-13 § 6 (part); Ord. 86-12-11-01 § 5 (part): prior code § 12.20.065)

6.08.130 Confinement of vicious animals and females in heat.

A. No dangerous domestic animal shall be permitted within the city limits unless kept securely confined at all times within the owner's premises, so that the animal is unable to leave the premises, and so that the animal cannot reach persons who may have occasion for lawful entry upon the owner s premises in the course of their work.

B. Any animal found in violation of subsection A of this section shall be impounded and the enforcement agent shall cite the keeper of the animal to appear in court to answer to a charge of violation of this chapter.

C. Any animal which is involved in a violation under subsection A of this section may be ordered destroyed by the court.

D. Every female in season shall be kept confined in a building or secured enclosure, or in such manner that such female animal cannot come in contact with a male animal capable of breeding with such female except for planned breeding purposes.
(Ord. 91-12-13 § 6 (part); Ord. 86-12-11-01 § 5 (part): prior code § 12 .20.070)

6.08.140 Change in ownership--Fee.

Whenever the ownership of an animal shall change, the new owner shall notify the licensing official and pay to the official the sum of two dollars and fifty cents, whereupon the licensing official shall change the

record accordingly for such dog and the previously issued license for such dog shall remain valid for the remainder of the year.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.075)

6.08.150 Lost tag.

Any owner or keeper of a licensed dog whose current license tag has been lost may obtain a replacement tag, prior to impounding of such dog, by payment of a fee of two dollars and fifty cents.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.080)

6.08.160 Rabies control.

Every animal which bites a person shall be promptly reported to an enforcement agent, and shall be securely quarantined for a period of ten (10) days. The animal shall not be released from quarantine except by permission of the health officer or a licensed veterinarian. Such quarantine may be on the premises of the owner, or at the owner's expense at the area animal shelter, or at the owner's option and expense, in a veterinary hospital or boarding kennel of the owner's choice. In the case of stray animals such quarantine shall be at the area animal shelter.
(Ord. 91-12-13 § 6 (part); Ord. 86-12-11-01 § 5 (part): prior code § 12.20.085)

6.08.170 Capture of dogs.

The use of tranquilizer guns and serum is an approved manner in which to capture dogs, or any means necessary.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.090)

6.08.180 Biting dogs.

Any dog on public property which shall bite any person once is declared to be a nuisance and shall not be kept within the city. If any such dog shall be found within the city, it shall be impounded and disposed of as an unredeemed dog, and the owner shall have no right to redeem such dog.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.095)

6.08.190 Fee for killing dangerous dogs.

If any fierce, dangerous, vicious or predatory dog cannot be safely captured, such dog may be slain by an enforcement agent. The fee of twenty-five dollars ($25.00) shall be paid by the owner of the dog if the owner is known or can be found.
(Ord. 91-12-13 § 6 (part); Ord. 86-12-11-01 § 5 (part): prior code § 12.20.100)

6.08.200 Veterinary costs of impounded dogs.

All costs of maintaining any such dog in a veterinary hospital shall be paid by the owner.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.105)

6.08.210 Injuring dog with vehicle.

No person shall wilfully injure, beat, abuse or run down any dog with a vehicle. Any person who kills or injures a dog while driving a vehicle shall stop at the scene of the accident and render such assistance as practicable, shall make reasonable effort to locate and identify himself to the owner or to any person having custody of the dog and shall report the accident immediately to the police department.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.110)

6.08.220 Poisoning dogs.

It is unlawful for any person to poison or to wilfully place or leave poisoned food anywhere within the city where it may be eaten by dogs or to leave poison or unpoisoned food outside the city with the intention and in such proximity as to poison a dog within the city of Hoonah.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.115)

6.08.230 Arrest of dog and/or owner.

The city by its properly constituted officers shall arrest any dog or the owner when a dog is:

A. Found to be at large or harbored under circumstances constituting a violation of this chapter; or

B. Damaging property of a person other than the owner of such dog, except in defense of the property of or members of the owner's household; or

C. Causing bodily harm to any person, except in defense of the property or the members of the owner's household.
(Ord. 86-12-11-01 § 5 (part): prior code § 12.20.120)

6.08.240 Interference with officers.

A. No person shall interfere with, hinder or molest the animal control officer, or officer at the animal shelter, local or state officers, the sanitarian or other person in the performance of any duty of such agent or person or seek to release any animal in the custody of the animal control officer, health department or any other person designated by the city council to take custody of an animal, except as herein provided.

B. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control officer is empowered to go to the entrance of any structure in which he believes is kept or harbored an animal believed by the agent to be subject to the licensing requirements of this chapter and to demand the exhibition of the license of such animal by its keeper. Upon such demand, the keeper shall show to the animal control officer the required license.

C. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control officer may enter upon any property, but not into any structure not open to the public while in pursuit of an animal which may or must be taken up or impounded.
(Ord. 86-12-11-01 § 5 (part): prior code 12.20.125)

6.08.250 Citations.

A. The city may issue a notice of violation to the owner of the animal in lieu of impoundment. The enforcement officer shall issue a citation when a person is in violation of this chapter, or an animal is found in violation of this chapter and the owner is known.

B. The enforcement officer who cites a person for violation of any provision of this chapter shall take the name and address of the person together with such pertinent information as may be necessary and shall issue a written citation containing a notice to post bail or to answer the charge in the district court within twenty (20) days of receipt of the citation. The enforcement officer may arrest any person who commits a violation of this chapter in his presence. Upon giving his written promise to appear or post bail as required by the citation, the arrested person shall be released.
(Ord. 91-12-13 § 6 (part); Ord. 86-12-11-01 § 5 (part): prior code 12.20.130)

6.08.260 Records.

A. It shall be the duty of the chief of police or his designee to keep, or cause to be kept, accurate and detailed records, of the licensing, impoundment, collection of money and disposition of all animals taken into custody under this chapter.
(Ord. 91-12-13 § 6 (part); Ord. 86-12-11-01 § 5 (part) : prior code 12.20.135)

6.08.270 Uncapturable dogs.

Any dog that cannot be safely captured, may be disposed of whenever or wherever it may be found, providing there is no danger of harming any person or animal, upon written or verbal authority from the chief of police.
(Ord. 97-05-05 § 5 (part): Ord. 91-12-13 § 6 (part); Ord. 86-12-11-01 § 5 (part): prior code 12.20.140)

6.08.280 Waiver and release for animal termination.

The form that is to be used is called the animal control services, waiver and release for animal termination. Any dog owner wishing to release or terminate their dog may do so by using the former and signing it. The fee for this is in the amount of five dollars.
(Ord. 86-12-11-01 § 5 (part): prior code 12.20.145)

6.08.290 Special animals.

Any animal that may need special requirements as to not have to follow any part of this chapter will have to show or have proof of special treatment from the veterinarian and show to the animal control officer or the chief of police for approval, for any such animal.
(Ord. 86-12-11-01 § 5 (part): prior code 12.20.150)

6.08.300 Fee schedule.

The council shall, by ordinance, establish a fee and charge schedule for all licenses, special licenses, permits, duplicate tags, license transfers, impoundments, quarantines, and other services performed pursuant to this title.

(Ord. 94-04-01 § 6 (part): Ord. 86-12-11-01 § 5 (part): prior code § 12.20.015)

6.08.310 Animal control fine schedule.

The following control offenses which are amendable to disposition without court appearance may be disposed of upon payment of the fines listed to the magistrate of Hoonah. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

Animal Control Fine Schedule

City of Hoonah Code Section	Offense	No. of Offenses	Fine
6.08.020	Definitions--	1st	$ 25.00
	Objectionable--	2nd	75.00
	1. Noisy;	3rd	100.00/MCA
	2. Injury to property;	4th & subseq.	MCA
	3. Access to public streets;		
	4. Chasing;		
	5. Snapping.		
6.08.030	Failure to license all dogs over 6 mos. old	Any	25.00
6.08.050	License fee		
	Neutered dog male or female		15.00
	Unneutered dog male or female		25.00
6.08.070	Failure to display tag	1st	$ 25.00
		2nd	50.00
		3rd & subseq.	100.00
6.08.100	Impound fees	1st	50.00
		2nd	100.00
		3rd	150.00
6.08.120	Control of dogs--dogs at large	1st	25.00
		2nd	50.00
		3rd & subseq.	100.00/MCA
6.08.130	Female--failure to confine	1st	25.00
		2nd	50.00
		3rd & subseq.	100.00
6.08.140	Change of ownership fee		2.50
6.08.150	Lost tag		2.50
6.08.190	Fee for killing dangerous dogs	Any	25.00
6.08.210	Motor vehicle accidents--failure to render assistance, etc.	Any	25.00
6.12.030	Potentially dangerous and dangerous dogs--failure to confine on premises	1st 2nd & subseq.	100.00/MCA MCA

6.12.040	Failure to post signs--potentially dangerous and dangerous dogs	1st 2nd & subseq.	50.00/MCA 100.00/MCA
6.12.050	Failure to maintain insurance--potentially dangerous and dangerous dogs	1st 2nd & subseq.	50.00/MCA 100.00/MCA

(Ord. 94-04-01 § 6 (part))

Chapter 6.12

POTENTIALLY DANGEROUS AND DANGEROUS DOGS

Sections:

6.12.010 Definitions.
6.12.020 Classification.
6.12.030 Confinement and restraint.
6.12.040 Signs.
6.12.050 Liability insurance.
6.12.060 Spay or neuter requirement.
6.12.070 Objectionable animals.
6.12.080 Destruction.

6.12.010 Definitions.

A. Except as provided in subsection E of this section, a "potentially dangerous dog" is any dog that:

1. Without provocation, chases or approaches a person in a threatening manner or in a an apparent attitude of attack; or

2. Has a known propensity, tendency, or disposition to attack without provocation, or otherwise threaten the safety of human beings or domestic animals.

B. Except as provide in subsection C of this section, a "dangerous dog" is any dog that:

1. Has bitten or otherwise inflicted physical injury on a human being without provocation on public or private property; or

2. Has, while off the premises of its keeper, killed a domestic animal without provocation; or

3. Has been previously classified as potentially dangerous and is found in violation of the provisions of this chapter, or whose keeper has, in relation to that dog, violated any of the provisions of this chapter.

C. "Provocation" means the teasing, tormenting, abusing, or assault of a dog to incite the dog to bite or attack.

D. "Physical injury" means physical pain or an impairment of physical condition.

E. Exceptions to potentially dangerous and dangerous dog classifications are as follows:

1. No dog may be classified potentially dangerous or dangerous if:

   a. Acting against a trespasser who had illegally entered premises occupied by the keeper of the dog; or

   b. The dog was being tormented, abused, or assaulted.

2. No dog may be classified potentially dangerous or dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog from an attack by a person or other animal, or if the dog was acting to defend itself from attack by another animal.

3. No dog may be classified potentially dangerous or dangerous if the injury or damage to an animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its keeper and the damage or injury was to a species or type of animal appropriate to the work of the dog.

4. No dog may be classified potentially dangerous or dangerous if the dog has been trained to attack persons independently or upon oral command will under the control and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of its duties.

(Ord. 92-07-03 § 6 (part))

6.12.020 Classification.

A. The director of animal control shall have the authority to determine, based on probable cause, that a dog is potentially dangerous or dangerous. The determination and classification of the animal shall be completed by the director within ten (10) days of the bite or attack report. In making the classification, the director will consider all of the facts and circumstances of the incident, including but not limited to the following factors:

1. The observed and reported past and present behavior of the dog;

2. Whether the incident was accidental in nature;

3. The extent of the injury to the person or animal attacked;

4. The keeper's past history of compliance with the city animal control code provisions; and

5. The keeper's past history of animal control code violations.

B. Written notice of a dog's classification under subsection A of this section shall be served on the keeper of the dog at the keeper's last known address. The notice shall describe the dog, state the grounds for its classification, and state the restrictions and other requirements, including a spay or neuter requirement as the

director determines appropriate, applicable to the dog by reason of its classification. The notice shall also state that if a written request for a hearing is filed with the director of animal control within ten (10) days after completion of service of the notice, a hearing will be conducted by the city council to review the classification of the dog or any related written administrative orders issued by the director. The right to a hearing shall be deemed waived if not timely requested as set forth in this subsection.

C. The notice referred to in subsection B of this section shall be given either by personal delivery to the person to be notified or by certified mail, return receipt requested, addressed to the person at the person's last known address. Notice by personal delivery shall be complete upon delivery and notice by mail shall be deemed complete upon return of the receipt or return of the notice as undeliverable, refused, or unclaimed.

D. During the pendency of any hearing on the classification of a potentially dangerous or dangerous dog, the director of the animal control may require that the dog be kept securely confined on the premises of the keeper or other location acceptable to the director which may include quarantine time at the animal shelter at the keeper's expense.

E. The hearing shall be held within fourteen (14) days of receipt of the request for a hearing. The hearing shall be informal, and technical rules of evidence shall not apply. The written decision shall be filed with the director of animal control and the city clerk no later than forty-eight (48) hours after the close of the hearing. The proceedings of the hearing shall be recorded.
(Ord. 92-07-03 § 6 (part))

6.12.030 Confinement and restraint.

A. While on the keeper's property, a potentially dangerous or dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children and designed to prevent the dog from escaping by climbing, burrowing, or otherwise. The potentially dangerous or dangerous dog must be securely confined indoors at all time until the enclosure is available. The enclosure must have minimum dimensions of five feet by ten (10) feet and must have secure sides and a secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one foot. The enclosure must also provide adequate protection from the elements and be kept in a clean and sanitary condition.

B. A potentially dangerous or dangerous dog may be off the keeper's premises only if it is humanely muzzled and restrained by a substantial leash not exceeding four feet in length. The leash and dog shall be under the actual physical control of a person suitable to control the dog at all times, such dogs shall not be leashed to inanimate objects such as trees, posts or buildings. The muzzle must be made in a manner that will not cause injury to the dog or interfere with the dog's vision or respiration, but must prevent the dog from biting any person or animal.
(Ord. 92-07-03 § 6 (part))

6.12.040 Signs.

The keeper shall display signs in such form as required by the city on the keeper's property warning that there is a potentially dangerous or dangerous dog on the premises. One sign must be visible from any public right-of-way abutting the premises. A sign must also be posted on the enclosure for the animal.

(Ord. 92-07-03 § 6 (part))

6.12.050 Liability insurance.

The keeper of a potentially dangerous or dangerous dog shall maintain a liability insurance policy in an amount of not less than one hundred thousand dollars ($100,000.00) covering any damage or injury that may be caused by the dog. The policy shall contain a provision requiring that the director of animal control be notified by the insurance company of any cancellation, termination or expiration of the policy.
(Ord. 92-07-03 § 6 (part))

6.12.060 Spay or neuter requirement.

The director of animal control or the city council may order that within fourteen (14) calendar days after the classification as a potentially dangerous or dangerous dog, the keeper of the dog shall have the animal spayed or neutered and present proof of that fact to the director of animal control. The alteration of the dog shall be at the keeper's expense.
(Ord. 92-07-03 § 6 (part))

6.12.070 Objectionable animals.

A. The keeper of an animal shall:

1. Prevent the animal from defecating upon, digging upon or injuring public property or a public thoroughfare or private property without the permission of the property owner;

2. Prevent the animal from chasing, running after, or jumping at vehicles or persons using the public thoroughfares within the city;

3. Prevent the animal from growling, snapping at, jumping upon or otherwise menacing, injuring or frightening persons; except this subsection shall not apply if the person is trespassing or otherwise acting in violation of the law;

4. Prevent the animal from chasing, harassing or otherwise disturbing or injuring any wild game.

B. Any animal found in violation of subsection A of this section may be immediately impounded by an animal control officer or enforcement officer.

C. A person who owns or is in lawful possession of property upon which there is an objectionable animal or who observes an objectionable animal on public property or a public thoroughfare may take the animal into custody and hold the animal in a humane manner pending transfer to an animal control officer or enforcement officer; provide, no animal may be held in such private custody for more than twenty-four (24) hours. A person who takes an objectionable animal into custody under this section shall:

1. Immediately call the public safety office and request that an officer take custody of the animal; and

2. File a written statement describing the incident.

The animal control officer or enforcement officer shall take custody of the animal and shall take the written statement of the person holding the animal. The officer shall issue a citation or warning to the keeper of the animal, and may impound the animal if the keeper cannot immediately be found.
(Ord. 92-07-03 § 6 (part))

6.12.080 Destruction.

A. The city council may order any dog that is classified as dangerous to be humanely destroyed after being quarantined for such period as provided by law.

B. Any potentially dangerous or dangerous dog involved in a violation of this chapter may be ordered destroyed by the court.
(Ord. 92-07-03 § 6 (part))

Title 7

RESERVED

Title 8

HEALTH AND SAFETY

Chapters:

8.04 Health Officer

8.08 Nuisances

8.12 Litter

8.16 Eating and Drinking Establishments

8.20 Watershed Management

8.24 Fireworks

8.30 Bear Attraction Nuisance

Chapter 8.04

HEALTH OFFICER

Sections:

8.04.010 Powers and duties.
8.04.020 Reports.
8.04.030 Compulsory vaccination.
8.04.040 Communicable diseases.
8.04.050 Quarantine powers.
8.04.060 Quarantine regulations.
8.04.070 Disinfection.
8.04.080 Violation--Penalty.

8.04.010 Powers and duties.

The health officer may, whenever he deems it necessary, examine, or cause to be examined by some competent physician, all persons entering the city of Hoonah, from any town, city, district, location state or other place when the officer has reason to believe there are any cases of cholera, yellow fever, smallpox, or other contagious or infectious diseases; and for the purpose of making such examination, the health officer shall have authority to enter any ship, steamboat or other watercraft, or any vehicle; and the health officer may direct and enforce the cleansing and purifying of any such ship, steamboat or other watercraft, or any vehicle; and the health officer may provide by and with the consent of the city council, a suitable place for the temporary detention of persons, who have been exposed to the infection of cholera, yellow fever, smallpox or other infectious or contagious diseases, and the health officer shall have the power to order and compel the person or persons to remain in such place of detention for such time as may be necessary, and to forbid and prevent any and all communications with such person or persons. The health officer shall have the power to forbid or prevent any and all persons living or being in or about such house or premises where any person has been sick

with small pox, cholera, yellow fever or any other infectious or contagious disease, and from leaving such house or premises without first having obtained permission to do so from the health officer. It shall be the duty of the health officer to enforce all ordinances containing provisions for the protection of public health; to make inspections of foodstuffs and of the premises used for storing or selling of provisions as may be provided by ordinance; and shall perform such other duties and functions as may be required by statute or ordinance; and shall perform such other duties and functions as may be required by statute or ordinance.
(Prior code § 42.10.020)

8.04.020 Reports.

The health officer shall make such reports to the city council as may be required. He shall also make recommendations for rulings, orders or ordinances respecting the public health whenever he is requested to do so, or whenever he deems it necessary or advisable.
(Prior code § 42.10.030)

8.04.030 Compulsory vaccination.

The health officer may enforce compulsory vaccination on persons or passengers coming from infected places or parts, and when he deems it necessary for the promotion and protection of health of the city, may also enforce compulsory vaccination of the inhabitants.
(Prior code § 42.10.040)

8.04.040 Communicable diseases.

The health officer shall make it his duty to investigate all cases where it is alleged that cases of communicable, infectious, or contagious diseases are said to exist, and whenever he may deem it necessary, may remove or order the removal of the premises occupied, any person having such communicable, infectious or contagious disease, and the expense of the removal shall be paid by the city of Hoonah.
(Prior code § 42.10.050)

8.04.050 Quarantine powers.

The health officer shall have charge of the enforcement of the quarantine rules. Whenever a case of smallpox, cholera, yellow fever, diphtheria or scarlet fever or other contagious, infectious, or communicable disease shall be found to exist, the health officer shall have the power and authority to place any premises within which a contagious or epidemic disease occurs under quarantine; and he shall cause suitable notice setting forth the facts to be posted in appropriate places and shall determine the time when quarantine ends.
(Prior code § 42.10.060)

8.04.060 Quarantine regulations.

No person or persons except a physician, clergyman, undertaker, or those having written permits from the health officer shall enter or depart from any house where smallpox, yellow fever, cholera, diphtheria, or scarlet fever exists or while the corpse of any person who has died of such causes remains within the house, nor within ten (10) days thereafter, or until the building and its contents shall have been disinfected, or otherwise disposed of to the satisfaction of the health officer.

(Prior code § 42.10.070)

8.04.070 Disinfection.

The health officer shall have power during the prevalence of an epidemic to fumigate and disinfect any premises which, in his judgment requires disinfection.
(Prior code § 42.10.080)

8.04.080 Violation--Penalty.

Any person who shall resist or attempt to resist the entrance of the health officer into any boat, vessel, building, room, lot, or other place in this city or waterfront adjacent thereto while in the performance of his duty, or any person who shall neglect to comply with the lawful orders of the health officer, or resist such health officer in the discharge of his duty, or who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof before district court judge be punished by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00).
(Prior code § 42.10.090)

Chapter 8.08

NUISANCES

Sections:

8.08.010 Nuisances declared.
8.08.020 Burial.
8.08.030 Slaughterhouses.
8.08.040 Polluting water.
8.08.050 Gutter cleaning.
8.08.060 Offensive drains.
8.08.070 Garbage and rubbish prohibited.
8.08.080 General nuisances.
8.08.090 Industrial waste.
8.08.100 Building or structure as nuisance.
8.08.110 Condemnation authorized.
8.08.120 Inspections and reports--City official.
8.08.130 Inspections and reports--Council designate.
8.08.140 Notice of hearing.
8.08.150 Declarations of condemnation.
8.08.160 Failure to comply.
8.08.170 Appeals.
8.08.180 Imminently dangerous structures.
8.08.190 Stay of proceedings on appeal.
8.08.200 Appeal after hearing.
8.08.210 Remedies not exclusive.
8.08.220 Notification--Abatement.
8.08.230 Violation--Penalties.

8.08.010 Nuisances declared.

It is unlawful for any person, firm or corporation to permit or maintain the existence of any nuisance on any property under his or its control. For purposes of this chapter, "nuisance" means any act or creation which shall be injurious to the public health, or which prevents or obstructs the free and comfortable enjoyment of life

and property or is dangerous to surrounding property. Whenever a nuisance is deemed to exist it shall be abated by the chief of police at the expense of the person maintaining such nuisance.
(Prior code § 42.50.010)

8.08.020 Burial.

It is unlawful for any person to bury any person within the city limits except in an established cemetery.
(Prior code § 42.50.020)

8.08.030 Slaughterhouses.

No person shall establish or maintain a slaughterhouse, pursue or carry on any other business offensive to the senses or prejudicial to the public health or comfort in any part of the city.
(Prior code § 42.50.030)

8.08.040 Polluting water.

It is unlawful for any person to throw, empty out or deposit in any gutter or ditch or near any inhabited place, the suds or filthy water resulting from the washing of clothes, slops from kitchens or other foul or filthy matter or allow the same to stand on his own premises or to seep into the premises of another. It is similarly unlawful for any person or corporation to knowingly drain, empty out or deposit any foul or filthy or waste effluent into the waters of Port Frederick.
(Prior code § 42.50.040)

8.08.050 Gutter cleaning.

It shall be the duty of every owner of any property to keep the gutter in front of such property at all times clean and free from all obstructions to the free passage of water, and to remove all dirt, filth, garbage or rubbish that may have accumulated on the street or alley adjoining the property, to the middle of the street or alley.
(Prior code § 42.50.050)

8.08.060 Offensive drains.

No person shall permit any cellar, pool, sewer, water closet or private drain belonging to him to become nauseous, foul or offensive and prejudicial to the public health and comfort.
(Prior code § 42.50.060)

8.08.070 Garbage and rubbish prohibited.

No owner, lessee, agent, tenant, or occupant shall allow or permit any accumulation of garbage, manure, offal rubbish, stagnant water, or any filthy or substance, or anything that is or may become putrid or offensive to be or remain upon his yard, lot, or premises or upon any yard, lot or premises controlled by him.
(Prior code § 42.50.070)

8.08.080 General nuisances.

In addition to other public nuisances declared by other sections of this code, the nonexclusive following are declared to be public nuisances:

A. The sale, or offering for sale, of unwholesome food or drink; or a place where such sales or offerings are made;

B. The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state law or ordinances of the city; or a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the city;

C. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents, or objects; or a place where such are exposed, displayed, sold or distributed;

D. A place where persons gamble, whether by cards, slot machines, punch boards or otherwise;

E. A place where prostitution, illicit sexual intercourse, or other immoral acts are practiced;

F. A place where activities in violation of- state law or ordinance are carried on;

G. The public exposure of a person having a contagious disease;

H. The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;

I. The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception;

J. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized;

K. All ditches, drains, wells, pools, cisterns, bodies, or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as endanger the public health or safety;

L. Rank weeds or grass, carcasses, accumulations of manure, refuse or other things, which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs;

M. Any pit, hole, or other thing which is so constructed, formed, conditioned and/or situated as to endanger the public safety;

N. Any fire or explosion hazard which endangers the public peace, health, safety or welfare;

O. Any occupation or activity which endangers the public peace, health, safety, morals or welfare. (Prior code § 42.50.080)

8.08.090 Industrial waste.

Every person or corporation owning, operating, maintaining, conducting or managing, any cannery, cold storage plant, packing plant, slatery, smokery, fertilizing plant or any plant where fish or animal products are kept, sold, canned, smoked, salted, pickled, frozen or handled in any manner, shall remove and dispose of all refuse and unused portions of such fish, fish products and animals in such manner that the same shall not be deposited on any of the beaches, or upon any public or private highways, creeks, or streams within the city of Hoonah, Alaska, or upon any property adjacent thereto, where the same would become a nuisance or a menace to the health of the people of the city, nor deposited within any of the waters adjacent to the city of Hoonah, Alaska or within the corporate limits or adjacent thereto sufficiently near to become a nuisance or menace to the health or well--being of the people of the city.
(Prior code § 42.50.090)

8.08.100 Building or structure as nuisance.

It is unlawful for any person, firm, association, club or corporation to have, keep or maintain within the city of Hoonah any building or other structure which is or has become a fire or health hazard or public nuisance.
(Prior code § 42 .50.100)

8.08.110 Condemnation authorized.

Any building or other structure within the city of Hoonah which is a fire or health hazard or public nuisance shall be subject to condemnation as authorized by AS 29.10.216.243 (1962).
(Prior code § 42.50.110)

8.08.120 Inspections and reports--City official.

Whenever the mayor, fire chief or chief of police of the city shall after inspection deem any building or other structure to be a fire or health hazard or a public nuisance, he shall render to the city council a complete written report concerning the condition of such building or other structure, and a statement of the reasons why such building or other structure should be condemned, including in such report any violations of this chapter or of any other code provisions of the city, and any statutes of the state of Alaska, together with his recommendations as to abating, altering, repairing, removing or demolishing such building or other structure.
(Prior code § 42.50.120)

8.08.130 Inspections and reports--Council designate.

Upon receipt of such report the mayor, or other officer or employee of the city, designated by the council, shall after personal inspection of such building or other structure make and deliver to the city council in writing his findings in the matter accepting or modifying such report of the mayor, fire chief or chief of police, which finding including other pertinent facts, shall recite:

A. A description of the land, buildings or other structure in question;

B. The ownership of the land on which the building or other structure complained of is situated;

C. The name of the owner of the building or other structure in question; and the names of lessees and/or occupants or persons in possession of such building or other structure, if any;

D. The purpose or purposes for which such building or other structure is used or intended for use;

E. In what respect the building or other structure is a fire or health hazard or public nuisance;

F. His recommendation in the premises for condemnation, abatement, alteration, repair, removal or demolition of such building or other structure.

(Prior code § 42.50.130)

8.08.140 Notice of hearing.

If the mayor, or such other officer or employee of the city designated by the council, shall recommend condemnation, abatement, alteration, repair, removal, demolition, or any other affirmative action against such building or other structure he shall, with the prior approval of the council, give notice to the owner of the land on which such building or other structure is situated, or his agent, and to the owner of such building of other structure, or his agent, and to the lessees and persons in possession or occupation of such building or other structure, specifying a date, which shall be not less than thirty (30) days from the date such notice is given, on which a public hearing will be had before the city council, sitting as a board of adjustment, before the mayor as ex officio chairman, on the question of condemning, abating, altering, repairing, removing or demolishing such building or other structure. A copy of the findings specified in Section 8.08.130 shall accompany the notice of hearing.

(Prior code § 42.50.140)

8.08.150 Declarations of condemnation.

If the board finds such building or other structure is or had become a fire or health hazard or public nuisance, it shall by resolution:

A. So declare; and

B. Order such building or other structure condemned, abated, altered, repaired, removed or demolished; or make such other order or decision as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the provisions of this chapter shall be observed and substantial justice done;

C. Provide that the owner of such building or other structure shall have at least thirty (30) days' time to remove such building or other structure ordered removed or demolished before the city proceeds to do so; and

D. Provide for serving a copy of such resolution upon the owner of the objectionable building or other structure.

(Prior code § 42.50.160)

8.08.160 Failure to comply.

If within the time fixed by such resolution, or within any board extension of such time, the owner fails to comply with the board's resolution order to abate, alter, repair, remove, or demolish such offending building or other structure, the mayor, with the assistance of such city employees as may be required, shall cause the requirements of such resolution to be carried out; in connection with which eventuality the cost incurred by the city shall be charged against the property, first against the salvaged material, if any, which may be sold at public auction after ten (10) days' prior notice of such sale; and the balance of cost, if any, against the land the same as taxes; and such costs shall be a lien against the land the same as taxes; and such costs shall be a lien against the land and enforceable in substantially the same manner as delinquent tax liens are enforced against real property under code provisions of the city; or enforced in any other manner provided by law for foreclosure of liens against real property; or enforced by a personal action against the owner for recovery of money owing.
(Prior code § 42.50.170)

8.08.170 Appeals.

An appeal may be taken to the Superior Court for the First Judicial District, state of Alaska, from any action, decision, ruling, judgment or order of the board of adjustment involving demolition, removal, repair or alteration of such building or other structure within thirty (30) days from the date of such action, decision, ruling, judgment or order.
(Prior code § 42.50.180)

8.08.180 Imminently dangerous structures.

The mayor, fire chief or chief of police of the city may order the alteration, repair or discontinuance of use or occupancy of any building or other structure imminently dangerous to life, limb or property within such period of time, hours or days, as he deems reasonable. Such order shall be in writing and served on the persons in the manner hereinbefore specified in Section 8.08.140 for serving notice of hearing before the board. Appeals to the board from such orders may be taken by persons aggrieved within ten (10) days after service upon the owner, by filing with the mayor and with the board of adjustment a notice of appeal specifying the grounds therefor. Such appeal shall be heard before the board within a reasonable time, not less than ten (10) days after filing such notice of appeal, and not earlier than three days after giving public notice of such hearing in a newspaper of general circulation published in the city, and after giving notice to the parties in interest, unless such notice is waived by the party ordered to alter, repair or discontinue use of such building or other structure.
(Prior code § 42.50. 190)

8.08.190 Stay of proceedings on appeal.

If after filing of notice of appeal the mayor certifies to the board that a stay of proceedings, otherwise automatically effectuated by taking an appeal, would in his opinion cause imminent peril to life, limb or property, then in such case proceedings shall not be stayed.
(Prior code § 42.50.200)

8.08.200 Appeal after hearing.

After hearing on appeal before the board, appeal may be taken to the Superior Court aforesaid by persons aggrieved and by the mayor, fire chief or chief of police. The chairman of the board may after notice of appeal is filed, by certificate filed with the clerk of the Superior Court, prevent an automatic stay of proceedings.
(Prior code § 42.50.210)

8.08.210 Remedies not exclusive.

Nothing in this chapter shall interfere with remedies provided in other sections of the code of Hoonah for the abatement of nuisances, or with the remedies provided in the building code, or with any other remedy afforded by the laws of the state of Alaska. The board, or mayor of the city, may at their option, choose any method or combination of methods provided for in this chapter, or provided by law, in order to enforce the provisions of this chapter.
(Prior code § 42.50.220)

8.08.220 Notification--Abatement.

It shall be the duty of the chief of police upon receiving notice of any violation of the provisions of this chapter to immediately notify the offender to abate and remove the same within such time as he may deem proper, not to exceed twenty-four (24) hours. If the nuisance shall not be removed or abated within the time specified in the notice, the chief of police shall cause the same to be removed and the expense thereof shall be paid by the city and recovered from the owner by an action at law.
(Prior code § 42.50.230)

8.08.230 Violation--Penalties.

In addition to the remedies provided by this chapter against any such building or other structure, any person, firm, association or corporation who wilfully violates any provision of this chapter, or who wilfully fails or refuses to comply with final order, determination, decision or judgment of the board of adjustment made in accordance with the provisions of this chapter; or any final intermediate order made in accordance with the provisions of this chapter by the mayor, fire chief or chief of police, or other authorized officer or employee of the city, shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine not exceeding three hundred dollars ($300.00).
(Prior code § 42.50.240)

Chapter 8.12

LITTER

Sections:
8.12.010 Definition.
8.12.020 Litter in public places.
8.12.030 Litter in parks.
8.12.040 Litter on occupied private property.
8.12.050 Litter on vacant lots.
8.12.060 Litter thrown by persons in vehicles.
8.12.070 Distribution of handbills in public.
8.12.080 Distribution of handbills at private premises
8.12.090 Posting notices.

8.12.100 Truck loads causing litter.
8.12.110 Sweeping litter into gutters.
8.12.120 Placement of litter in receptacles so as to prevent scattering.
8.12.130 Responsibility of owner.
8.12.140 Merchants duty to keep sidewalks free of litter.
8.12.150 Clearing litter from private property by city.
8.12.160 Penalties.

8.12.010 Definition.

As used in this chapter, "litter" means garbage, refuse, rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger of nuisance to public health, safety and welfare.
(Ord. 97-03-03 § 6 (part))

8.12.020 Litter in public places.

No person shall throw, deposit or sweep litter in or upon any street, gutter, sidewalk, beach, tideland, body of water or other public place within the city except in authorized private or public receptacles for collection or in disposal areas designated by the city. Persons placing litter in authorized private and public receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements.
(Ord. 97-03-03 § 6 (part))

8.12.030 Litter in parks.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this chapter.
(Ord. 97-03-03 § 6 (part))

8.12.040 Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the municipality whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.
(Ord. 97-03-03 § 6 (part))

8.12.050 Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not.
(Ord. 97-03-03 § 6 (part))

8.12.060 Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property.
(Ord. 97-03-03 § 6 (part))

8.12.070 Distribution of handbills in public.

No person shall throw or deposit any handbills in or upon any sidewalk, street or other public place within the city or in or upon any vehicle or vacant private premises. No person may hand out or distribute or sell any commercial handbill in any public place, except it is not unlawful to hand out or distribute without charge any noncommercial handbill to any person willing to accept it.
(Ord. 97-03-03 § 6 (part))

8.12.080 Distribution of handbills at private premises

A. No person shall distribute any handbill upon private premises if requested not to do so or if there is placed on the premises in a conspicuous position a sign indicating that the occupants of the premises do not desire to have their right of privacy disturbed or to have any bills left upon their premises without their consent.

B. If premises is not posted as provided in this section, a handbill may be placed therein provided that the handbill is so deposited as to prevent it from being blown about the premises or any other private or public property, and provided that mailboxes may not be so used when prohibited by federal postal law or regulations.
(Ord. 97-03-03 § 6 (part))

8.12.090 Posting notices.

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamppost, public utility pole or tree or upon any public structure or building except as may be authorized or required by law.
(Ord. 97-03-03 § 6 (part))

8.12.100 Truck loads causing litter.

A. No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

B. Any person in charge of operating any truck or other vehicle having knowledge of his truck or vehicle causing litter to be deposited within the city shall immediately take all necessary steps to cease such littering and shall remove all litter deposited as a result of the operation of the truck or other vehicle.
(Ord. 97-03-03 § 6 (part))

8.12.110 Sweeping litter into gutters.

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building, lot, sidewalk or driveway. Persons owning or occupying property shall

keep the sidewalk adjoining their premises free of litter.
(Ord. 97-03-03 § 6 (part))

8.12.120 Placement of litter in receptacles so as to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements, wildlife or domestic animal upon any street, sidewalk or other public place or upon private property. Public litter receptacles shall not be used for the deposition of household litter, dead animals or other decomposed matter.
(Ord. 97-03-03 § 6 (part))

8.12.130 Responsibility of owner.

The owner or person in control of any property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.
(Ord. 97-03-03 § 6 (part))

8.12.140 Merchants duty to keep sidewalks free of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the municipality the accumulation of litter from any building, lot, sidewalk, or driveway. Persons owning occupying places of business within the city shall keep the sidewalk adjoining there business free of litter.
(Ord. 97-03-03 § 6 (part))

8.12.150 Clearing litter from private property by city.

A. Notice to Remove. The mayor or his designated agent is authorized and empowered to notify the owner of any private property within the city or the agent of such owner to properly dispose of litter located on such owner's property. Such notice shall be by registered mail, addressed to the owner at his last known address.

B. Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent notified by written notice provided for in subsection A of this section, or within ten (10) days after the date of such notice in the event the same is returned to the city because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the agent designated by the city is authorized and empowered to pay for the disposal of such litter or to order its disposal by the city.

C. Cost Incurred by City. When the municipality has effected the removal of such litter, or has paid for its removal, the actual cost thereof, plus accrued interest from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property.
(Ord. 97-03-03 § 6 (part))

8.12.160 Penalties.

Each violation of a legal duty imposed by this chapter is a noncriminal infraction, punishable by a civil

penalty as follows:

A. For the first violation in a calendar year: fifty dollars ($50.00).

B. For the second and each subsequent violation in a calendar year: one hundred dollars ($100.00).

C. For wilful violations or wilful failure to pay previous penalties under this chapter: three hundred dollars ($300.00).

(Ord. 97-03-03 § 6 (part))

Chapter 8.16

EATING AND DRINKING ESTABLISHMENTS

Sections:

8.16.010 Adoption of U.S. Public Health Services ordinances.

8.16.010 Adoption of U.S. Public Health Services ordinances.

A. The inspection of eating and drinking establishments within the city or its police jurisdiction, the issuing, suspension and revocation of permits for the operation of such establishments, the sale of adulterated, misbranded or unwholesome food and drink, the enforcement of this chapter shall be regulated in accordance with the terms of the unabridged form of the 1962 Edition of the U.S. Public Health Service Ordinance Regulating Eating and Drinking Establishments, three copies of which shall be on file in the office of the city clerk; provided, however, that itinerant restaurants shall be required to secure a permit.

B. When any restaurant fails to qualify for any of the grades specified in the U.S. Health Service Ordinance and health officer or other designated official is authorized to suspend the permit or in lieu thereof to degrade the restaurant and permit its operations during a temporary period not exceeding thirty (30) days.

(Prior code § 42.20.010)

Chapter 8.20

WATERSHED MANAGEMENT

Sections:

8.20.010 Title--Jurisdiction.
8.20.020 Findings and purpose.
8.20.030 Definitions.
8.20.040 Establishment of watershed and buffer strip.
8.20.050 Watershed use permit--Required.
8.20.060 Watershed use permit--Procedure.
8.20.070 Watershed uses--Without permit.
8.20.080 Watershed uses--Permitted.
8.20.090 Watershed uses--Conditional uses.
8.20.100 Variance procedure.
8.20.110 Amendments.
8.20.120 Abrogation and greater restrictions.
8.20.130 Abatement of violations.
8.20.140 Penalties.

8.20.010 Title--Jurisdiction.

Sections 8.20.010 through 8.20.140 of the city of Hoonah code shall be known and cited as the "Hoonah watershed management chapter." As authorized by AS 29.48.037, this chapter shall be applicable to all lands and waters within the municipal watershed of the city of Hoonah, which watershed is located within and outside the city limits of Hoonah.
(Ord. 85-02-05-01 § 1 (part): prior code § 95.30.010)

8.20.020 Findings and purpose.

The city of Hoonah finds that the water supply for the city of Hoonah is derived entirely from the Hoonah watersheds. The city further finds that contamination caused by uncontrolled development in the watersheds would pose substantial danger to the health and safety of the people and business of the city of Hoonah. These sections are therefore adopted to provide watershed management to protect and enhance the public health and safety by preventing the contamination, by sewage, sediment, and other pollutants, of the city's water supply.
(Ord. 85-02-05-01 § 1 (part): prior code § 95.30.020)

8.20.030 Definitions.

For the purposes of this chapter:

"Acute toxicity" means any poisonous effect produced by a single short-term exposure that results in severe biological injury or death.

"Agricultural pollution" means pollution that can result from the liquid or solid wastes from farming, including runoff from pesticides, fertilizers, and feedlots; erosion and dust from plowing; animal manure and carcasses, crop residues, and debris.

"Algae" means simple rootless plants that grow in bodies of water in relative proportion to the amount of nutrients available. Algae blooms, sudden growth spurts, can adversely affect water quality.

"Aquifer" means an underground bed or stratum of earth, gravel, or porous stone that contains water.

"Aquifer recharge area" means a unity of land surface into which precipitation can infiltrate and thus charge or fill the storage space in the rock.

"Bacteria" means single-celled microorganisms that lack chlorophyll. Some cause diseases, others aid in pollution control by breaking down organic matter in air and water.

"Best management practices" means techniques found to be the most effective, practical means of preventing or reducing pollution from a particular nonpoint source.

"Biochemical oxygen demand (BOD)" means a measure of the dissolved oxygen required to decompose organic matter in water. It is a measure of pollution, since heavy waste loads have a high demand for oxygen.

"Buffer strips" means strips of grass or other erosion-resisting vegetation left between or below cultivated strips or fields, and water bodies.

"Chlorinated hydrocarbons" means a class of persistent, broad-spectrum insecticides that linger in the environment and accumulate in the food chain. Examples include DDT, aldrin, dieldrin, heptachlor, chlordane, lindane, endrin, mirex, and toxaphene.

"Chronic" means longlasting or frequently recurring, as a disease.

"Clear cut" means a forest management technique that involves harvesting all of the trees in one area at one time. Under certain soil and slope conditions, the practice can contribute sediment to water pollution.

"Coliform organism" means any of number of organisms common to the intestinal tract of humans and animals whose presence in wastewater is an indicator of pollution and of potentially dangerous bacterial contamination.

"Combined sewers" means a sewerage system that carries both sanitary sewage and stormwater runoff. During dry weather, combined sewers carry all wastewater to the treatment plant. During a storm, only part of the flow is intercepted because of plant overloading; the remainder may go untreated to the receiving stream.

"Dissolved oxygen (DO)" means a measure of the amount of oxygen available for biochemical activity in a given amount of water. Adequate levels of DO are needed to support aquatic life.

"Effluent" means a waste liquid discharge from a manufacturing or treatment process into the environment, partially or completely treated, or in its natural state. Generally used to describe discharges into water.

"Erosion" means the wearing away of the land surface by wind or water. Erosion occurs naturally from weather or runoff, but is often intensified by land-clearing practices.

"Eutrophication" means the reduction of dissolved oxygen in natural or artificial lakes, reservoirs, or estuaries which leads to deterioration of aesthetic or life-supporting qualities.

"Evaporation ponds" means areas in which sludge from sewage or other sources is dumped and allowed to dry out.

"Filtration" means, in wastewater treatment, the mechanical process that captures particulate matter by separating water from solid material.

"Flour" means the finely ground silt resulting from the abrasion of the surface of the earth by glaciers; found in streams and rivers which originate at glaciers.

"Ground cover" means vegetation propagated to reduce soil erosion.

"Groundwater" means water beneath the land's surface; the water that enters wells and issues from

springs.

"Hazardous waste" means any waste or combination of wastes that pose a significant present or potential hazard to human beings or other living organisms.

"Heavy metals" means metallic elements such as mercury, chromium, cadium, arsenic, and lead, that have high molecular weights.

"Herbicide" means a chemical that controls or destroys undesirable plants

"Infiltration" means the flow of water through small openings in the earth.

"Infiltration gallery" means a horizontal well that collects water along its entire length; usually laid in the earth near a body of surface water, but sometimes constructed beneath the surface water itself.

"Inorganic compounds" means chemical compounds that do not contain carbon.

"Leachate" means liquid that has percolated through solid waste or other materials, and contains substances dissolved from them.

"Leaching" means the process by which soluble materials in the soil, such as nutrients, pesticides, or other contaminants, are transported into a lower layer of soil or are dissolved and carried away by water.

"Logging roads" means a road, restricted from use by the general public by a locked gate or other barrier; and prepared for the purpose of travel exclusively by log trucks, timber harvesting machinery and other vehicles necessary for timber management.

"Mining" means extraction from the earth, sediments or waters of any metallic or nonmetallic mineral sand, gravel, peat or construction rocks.

"Multiple use" means harmonious use of land for more than one purpose: i.e. grazing of livestock, wildlife production, recreation, watershed, and timber production. Not necessarily the combination of uses that will yield the highest economic return or greatest unit of output.

"Nutrients" means elements or compounds essential to growth and development of living things; carbon, oxygen, nitrogen, potassium, and phosphorus are important nutrients.

"Off-road vehicles" means forms of motorized transportation that do not require prepared surface, and can be used to reach remote areas.

"Organic" means referring to or derived from living organisms. In chemistry, any compound containing carbon.

"Oxidation pond" means a holding area in which organic wastes are broken down by aerobic bacteria.

"Percolation" means flow of water through pores or spaces in rock or soil.

"Permeability" means the quality of a layer of silt that enables water or air to move through it. Terms used to describe permeability are very slow, slow, moderately slow, moderate, rapid, very rapid, etc.

"Person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, partnership, association, firm, trust, estate or any other entity.

"Pesticide" means any substance used to control such pests as rats, weeds, insects, algae, and fungi.

"Point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

"Pollution" means the presence of matter or energy whose nature, location, or quantity produces undesired environmental effects.

"Potable water" means water that is safe for drinking and for use in cooking.

"Reservoir" means any holding area, natural or artificial, used to store, regulate, or control water.

"Road" means any street, highway, or other course, paved or unpaved, for the purpose of motor vehicle travel, with the exception of logging roads.

"Runoff" means that portion of water from rain, snow-melt, or irrigation that is not absorbed by soil, and flows over the ground surface to return to streams.

"Salinity" means a measure of the amount of dissolved salt in water.

"Salt water intrusion" means replacement of fresh surface water or groundwater by salt water. If the salt water comes from the ocean, it is referred to as sea water intrusion.

"Sanitary landfill, landfilling" means protecting the environment when disposing of solid waste. Waste is spread in thin layers, compacted by heavy machinery, and covered with soil daily.

"Sanitary sewers" means underground pipes that carry only domestic or commercial waste, not stormwater.

"Sedimentation ponds" means holding areas for wastewater in which floating wastes are skimmed off, and settled solids are pumped out for disposal.

"Seepage" means water that flows through the soil.

"Settleable solids" means materials heavy enough to sink to the bottom of wastewater.

"Sewage" means the total or organic waste and wastewater generated by residential and commercial establishments.

"Sewer" means any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving streams. A sewer that conveys household and commercial sewage is called a sanitary sewer. If it transports runoff from rain or snow, it is called a storm sewer. Stormwater runoff and sewage are often transported in the same system of combined sewers.

"Silt" means finely divided particles of soil or rock. Often carried in cloudy suspension in water, and eventually deposited as sediment.

"Sludge" means the solid residue removed from sewage during wastewater treatment. Sludge disposal is handled by incineration, dumping, or burial.

"Solid waste disposal" means the final placement of refuse that cannot be salvaged or recycled.

"Spoil" means dirt or rock that has been removed from its original location, destroying the composition of the soil in the process, often a consequence of strip-mining or dredging.

"Storm sewer" means a conduit that collects and transports rain and snow runoff. In a separate sewerage system, storm sewers are separate from those carrying domestic and commercial wastewater.

"Surface water" means water on the earth's surface that is exposed to atmosphere, such as rivers, lakes, streams, and the oceans.

"Tailings" means residue of raw materials or waste separated out during the processing of crops or mineral ores.

"Topsoil" means a presumed fertile soil or soil material, or a soil that responds to fertilization; ordinarily rich in organic matter, used to dress roadbanks, lawns, and gardens.

"Toxic pollutants" means a combination of pollutants including disease-carrying agents which, after discharge and exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring.

"Toxicity" means the capacity of a substance to produce injury or disease in living organisms.

"Toxic substances" means those materials, or combinations of materials, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available, cause death, disease, behavioral abnormalities (including malfunctions in reproduction) or physical deformations, in affected organisms or their offspring; the term includes the following substances, and any other substance identified as a toxic pollutant under Section 307(a) of the Clean Water Act of 1977: Aldrin/dieldrin; arsenic; benzidine; carbon tetrachloride; cadmium; dichlorobenzidine; chlorinated ethanes; chloroform; chromium; demeton; dichlorethylenes; dinitrotoluene; fluoranthene; diphenylhydrazine; endrin; hexachlorocyclopentadiene; ethylbenzene; lindane; mercury; nickel; nitrobenzene; naphthalene; silver; vinyl chloride; acenaphthene; antimony; chlorinated benzenes; chloroalkyl ethers; DDT; dichloropropane and dichloropropene; halomethanes; malathion; tetrachloroethylene; trichloroethylene; polynuclear aromatic

hydrocarbons; endosulfan; mirex; pentachlorophenol; phenol; acrylonitrile; asbestos; benzene; beryllium; chlorinated naphthalene; 2-chlorophenol; chlorphenols; chlorophenoxy, herbicides; cyanides; 2, 4-dichlorophenol; acrolein; chlordane; nitrosamines; copper; dichlorobenzenes; guthirocyclohexane; isophorone; lead; methoxychlor; nitrophenols; parathion; phthalate esters; PCBs (polychlorinated biphenyls); selenium; p-dioxin; thallium; toluene; toxaphene; zinc; and 2, 4-dimethylphenol.

"Urban runoff" means stormwater from city streets, usually carrying litter and organic wastes.

"Variance" means government permission for a delay or exception in the application of a given law, ordinance, or regulation.

"Waste" means unwanted materials left over from manufacturing processes, or refuse from places of human or animal habitation.

"Waters" means any creek, river, tributary, pond, lake, or other surface drainage or associated wetland.

"Water table" means the level of groundwater.

"Wetland" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
(Ord. 85-02-05-01 § l (part): prior code § 95.30.030)

8.20.040 Establishment of watershed and buffer strip.

The watersheds of the city of Hoonah are established as the following areas:

A. Spud, Dalton and Shotter Creeks. The area composed of the following sections within Township 43 S., Range 61 E. of the Copper River Meridian, Alaska. The south ½ of Section 22, the southwest ¼ of Section 23, all of Section 26, all of Section 27, the northeast ¼ of Section 28, and the northeast ¼ of Section 34 consisting of one thousand eighty (1,080) acres more or less.

B. Gartina Creek. The area composed of the following sections within Township 44 S. Range 62 E. of the Copper River Meridian, Alaska. The southeast ¼ of Section 10, the southwest ¼ of Section 11, the west ½ of Section 14, the east ½ of Section 15, the west ½ of Section 23, all of Section 22, the northwest ¼ of Section 26, and the north ½ of Section 27 consisting of two thousand four hundred (2,400) acres more or less.

The location and boundaries of the watershed is set forth on the watersheds map which accompanies this chapter and is incorporated herein.
(Ord. 85-02-05-01 § 1 (part): prior code § 95.30.040)

8.20.050 Watershed use permit--Required.

No person shall engage in any use referred to in Sections 8.20.020 and 8.20.030 of this code until he has

first obtained a watershed use permit from the city of Hoonah and he assures compliance with the conditions imposed by that permit and with the provisions of Section 8.20.030. The city may require the applicant to post a performance bond, assuring the applicant's future compliance with any or all terms and conditions of any permit or variance issued under this chapter.
(Ord. 85-02-05-01 § 1 (part): prior code § 95.40.010)

8.20.060 Watershed use permit--Procedure.

A. A watershed use permit applicant shall submit his watershed use permit application to the office of the Hoonah city manager or his designee. The city manager or his designee shall represent the city throughout the watershed use permit procedure, unless otherwise stated. The application shall include the following:

1. Use or uses proposed;

2. Location of each use;

3. Duration of each use;

4. Description of the manner in which the applicable provisions of Section 8.20.090 will be met; and

5. Indications of the manner in which the applicant has complied or will comply with all applicable state and federal laws and regulations affecting water quality.

B. In addition, the city may require the applicant, at his own expense, to submit engineering and other technical studies that will show the impact of the proposed development on the hydrology of the affected area within the Hoonah watersheds.

C. Within sixty (60) days of receipt of an application, the city shall approve or deny issuance of the watershed use permit. In formulating this decision, the city shall consult with state and federal agencies whose regulations affect water quality. If the permit is denied, the city shall state in writing the reasons for denial. If the permit is approved, the city shall state in writing any conditions it has imposed to ensure compliance with the provisions of Section 8.20.090 and with the state and federal regulations affecting water quality. Upon approval, the city shall issue the permit.

D. Any person affected by a city action taken under this chapter may appeal that action to the next higher level by filing a written notice of appeal with the city clerk within thirty (30) days of the action appealed. Actions of the city manager are appealable to the planning and zoning commission, and those of the planning and zoning commission are appealable to the city council. Any further appeal must be made to the superior court, within thirty (30) days after the council's decision, with written notice of appeal to be given to the city.
(Ord. 85-02-05-01 § 1 (part): prior code § 95.40.020)

8.20.070 Watershed uses--Without permit.

The following are watershed uses permissible without a watershed uses permit:

A. Traditional and customary food harvest;

B. Trapping;

C. Hiking.

(Ord. 85-02-05-01 § l (part): prior code § 95.50.010)

8.20.080 Watershed uses--Permitted.

The following are watershed uses allowable with a watershed use permit:

A. Public water supply access, buildings, and appurtenances;

B. Hand labor fish and wildlife habitat improvements;

C. Public parks;

D. Recreational trails;

E. Swimming.

(Ord. 85-02-05-01 § l (part): prior code § 95.50.020)

8.20.090 Watershed uses--Conditional uses.

A. Timber harvesting and removal and forest management are allowable, conditional uses in the Hoonah watershed, subject to the following conditions, and with a watershed use permit:

1. There shall be a special four hundred (400) foot riparian zone on each side of any waterway of any water intake within the Hoonah watersheds in which there shall be timber harvest by selective logging practices only, and construction of logging roads will be prohibited.

2. There shall be no timber harvesting or removal or construction of logging roads on land where the slope exceeds thirty-four (34) degrees or seventy (70) percent.

3. All logs shall be yarded using a high-lead or similar cable yarding systems. No logs shall be yarded through waters of the watershed area. Tractor yarding prohibited.

4. Water crossings by logging roads will be prohibited. Rechanneling of the watercourse and channeling through a culvert are prohibited.

5. All cutover areas shall be replanted before the second winter after logging, unless natural revegetation will be sufficient to prevent erosion of sediment into the waters.

6. There shall be no application of fertilizer, herbicides, insecticides or other toxic substances.

7. All fuel storage, trucks, and other motorized equipment except stationary yarders, shall be stored and maintained at an operating base established by the landowner or logging contractor outside the watershed boundaries. All fueling, lubricating, and other maintenance, except for emergency repairs, shall be conducted at this operating base.

8. The provisions of the Alaska Forest Practices Act of 1979, AS 41.17.0.0, et seq., and the regulations promulgated thereunder shall be strictly complied with as minimum standards of water quality protection.

9. A water quality monitoring program will be conducted by the landowner or logging contractor, the city of Hoonah, and the department of environmental conservation.

10. Any operational activity causing impact to the aquatic system that is deemed potentially significant to the water quality will stop until the potential problem is remedied and adequate protective safeguards are put into place. The city of Hoonah will make a determination as to when an impact is to be deemed potentially significant.

11. There shall be a cleanup of all activities with removal of all foreign materials and waste out of the watershed area periodically and after work activities are completed.

12. Timber harvest and removal and forest management shall be planned around seasons to minimize potential impacts to surface runoff, sedimentation, and erosion into the Hoonah River.

B. Minerals exploration and development are allowable conditional uses in the Hoonah watersheds subject to the following conditions, and with a watershed use permit:

1. There shall be a special four hundred (400) foot riparian zone on each side of any waterway of any water intake within the Hoonah watersheds in which minerals exploration and development are prohibited.

2. Preliminary exploration activities shall be limited to airborne geophysics, chip sampling, limited soil and rock sampling, geochemical sampling, ground geophysics and other prospecting activities that do not require any ground vehicles or other equipment that cannot be transported in and out of the watershed by standard helicopter methods.

3. Advanced minerals exploration shall be limited to trenching and/or core drilling activities that do not require any ground vehicles that cannot be transported in and out of the watershed by standard helicopter methods.

4. Ingress and egress to facilitate bulk sampling, mine development, and minerals extraction shall be accessed by utilizing existing road development to a transportation corridor outside the watershed.

5. A water quality monitoring program will be conducted by the subsurface rights owner or developer, the city of Hoonah and the department of environmental conservation.

6. Any operational activity causing impact to the aquatic system is deemed potentially significant to the water quality will stop until the problem is remedied and adequate protective safeguards are put into place. The city of Hoonah will make a determination as to when an impact is to be deemed potentially significant.

7. Storage of fuels, drilling solution, or other potential pollutants within the watershed is prohibited.

8. All equipment maintenance and worker camp facilities shall be located outside the watershed.

9. There shall be a cleanup of all activities with removal of all foreign materials and waste out of the watershed area periodically and after work activities are completed.

10. Mineral exploration and development shall be planned around seasons to minimize potential impacts to surface runoff, sedimentation, and erosion into the Hoonah River.

C. Roads and logging roads are allowable, conditional uses in the Hoonah watersheds subject to the following conditions, and with a watershed use permit:

1. Roads and logging roads will be minimized;

2. All roads and logging roads shall be designed to minimize erosion, slope failure, and sedimentation;

3. Surface drainage must be designed and constructed to avoid runoff from directly entering the Hoonah River and impacting water quality;

4. Public access to the Hoonah watersheds above the municipal water intake shall be discouraged through design and physical barriers;

5. Construction and maintenance shall be planned around seasons to minimize potential impacts to surface runoff, sedimentation, and erosion into the Hoonah watersheds;

6. There shall be no transportation corridor through the Hoonah watersheds other than those authorized by permits under Sections 8.20.050 and 8.20.060;

7. Any operational activity causing impact to the aquatic system that is deemed potentially significant to the water quality will stop until the potential problem is remedied and adequate protective safeguards are put in place. The city of Hoonah will make a determination as to when an impact is to be deemed potentially significant;

8. A water quality monitoring program will be conducted by the landowner or contractor, the city of Hoonah and the department of environmental conservation;

9. There shall be a cleanup of all activities with removal of all foreign materials and waste out of the watershed area periodically and after the work activities are completed;

10. All fuel storage, trucks, and other motorized equipment shall be stored and maintained at an operating base established by the landowner or logging contractor outside the watershed boundaries. All fueling, lubricating, and other maintenance, except for emergency repairs, shall be conducted at this operating base;

11. Except as may be otherwise provided, there shall be a special four hundred (400) foot riparian zone on each side of any waterway to any water intake within the Hoonah watersheds in which roads and logging roads are prohibited.

D. Residential development is an allowable conditional use in the Hoonah watersheds subject to the following conditions, and with a watershed use permit:

1. There shall be a special four hundred (400) foot riparian zone on each side of any waterway to any water intake within the Hoonah watersheds in which residential development is prohibited.

2. Lots shall be no less than one acre per residential unit.

3. All residential units shall be connected to the city's sewers at the owner's expense.

4. All stormwater runoff from roofs, roads, and yards shall be collected and diverted to a point down streams from the city water supply intake point.

E. Other commercial or industrial uses not referred to in this section are prohibited.
(Ord. 85-02-05-01 § l (part): prior code § 95.50.030)

8.20.100 Variance procedure.

A. The planning and zoning commission, as established by the city of Hoonah shall hear and decide requests for variances from this chapter. Rules of procedure for the planning and zoning commission (established in Chapter 3.36) shall be as stated below.

B. Application. An application for a variance shall be submitted in writing to the planning and zoning commission. A request for a variance should be initiated by the party seeking the use or his authorized representative. The application must state with particularity the release sought, and must specify the facts or circumstances that are alleged to show that the application meets the following standards:

1. With respect to variances from this chapter:

a. Special circumstances exist which are peculiar to the use involved and which are not applicable to other uses in the same watershed; and

b. The special circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience; and

c. Granting the variance would be in harmony with the objectives of the watershed

management chapter and not injurious to the watershed or otherwise detrimental to the public welfare or clearly unpracticable, unreasonable or undesirable to the general public; and

d. Granting the variance will not permit a use that is not otherwise permitted in the watershed area in which the property lies;

e. The variance granted is the minimum variance that will make possible reasonable use of the watershed area.

C. Public Hearing. A date shall be set for public hearing on the variance after the application is received and found to be complete. Not less than fourteen (14) days before the hearing, notice shall be published in a newspaper of general circulation, posted on a public notice board at city hall, and mailed or given to the applicant for the variance. The notice shall contain a summary description of the proposed project and its location; identify the specific conditions prescribed in Sections 8.20.080 or 8.20.090 from which a variance is sought; and give the date, time and place of the hearing.

D. Approval. The planning and zoning commission shall conduct an inquiry designed to find whether the standards for issuance of the variance have been met. The commission must make general findings of facts sufficient to support its decision as specified in subsection B of this section. A concurring vote of a majority of the commission shall be required to grant a variance. In granting any variance, the commission may prescribe conditions and safeguards to assure conformity with the purpose and intent of all relevant planning and land use ordinances. Violation of any such condition or safeguard when made a part of the terms of the variance shall be deemed an unlawful act and shall act to suspend the effect of the variance. Any variance granted shall become null and void if the variance is not exercised within one year of the date it is granted or if the character of the use permitted by the variance is altered or discontinued.

E. Appeal. An appeal from a decision of the planning and zoning commission may be taken by the applicant or any interested person and shall be brought before the Hoonah city council. Any further appeal of a variance decision must be made to the superior court within thirty (30) days after the council's decision, with proper notification to the city of Hoonah.
(Ord. 85-02-05-01 § l (part): prior code § 95.60.010)

8.20.110 Amendments.

A. Amendment of provisions of this chapter or of the boundaries of the watershed areas, may be initiated by the city manager, the city council, or the planning and zoning commission.

B. Any person may request an amendment to this ordinance if supported by a petition of at least forty (40) percent of the registered voters in the city of Hoonah.

C. A request to initiate an amendment to this chapter shall be submitted to the city clerk, who shall forward immediately the request to the planning and zoning commission.

D. A public hearing on the proposed amendment shall be held by the planning and zoning commission, and shall explicitly consider the consistency of the proposed amendment with the adopted

comprehensive plan of the city including the Hoonah coastal zone management plan. After public hearing, the planning and zoning commission shall send its recommendations to the city council, together with certified copies of minutes and public records relating to the proposed ordinance.

E. The city council shall consider and act upon the proposed ordinance at its earliest convenient time.
(Ord. 85-02-05-01 § 1 (part): prior code § 95.90.010)

8.20.120 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and other ordinances, easements, covenant, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 85-02-05-01 § 1 (part): prior code § 95.80.010)

8.20.130 Abatement of violations.

A. When a violation of this chapter is discovered, the city shall notify the person responsible for the violation by certified mail or by personal delivery and by notice posted at the site of the violation. The notice shall specify the violation and order abatement as soon as is necessary to protect public health.

B. If the violation is not corrected within the specified period the city attorney is authorized to initiate an action to enjoin the violation and to recover civil penalties.
(Ord. 85-02-05-01 § 1 (part): prior code § 95.70.010)

8.20.140 Penalties.

Every act or omission prohibited by this chapter is unlawful and any person who commits a violation is liable for a civil penalty not to exceed five hundred dollars ($500.00) and a criminal fine not to exceed three hundred dollars ($300.00) for each violation. Each act or omission is a violation and every day upon which a violation occurs constitutes a new and separate violation.
(Ord. 85-02-05-01 § 1 (part): prior code § 95.70.020)

Chapter 8.24

FIREWORKS

Sections:
8.24.010 Findings.
8.24.020 Purpose.
8.24.030 Scope of authority.
8.24.040 Definitions.
8.24.050 Prohibitions--Unlawful acts.
8.24.060 Exceptions.
8.24.070 Public exhibitions--Permit required--Application.
8.24.080 Public exhibitions--Permit application filing.

8.24.010 Findings.

The city has found that the widespread and uncontrolled sale and use of fireworks causes substantial harm to persons and property. Such harm poses a serious threat to the health, safety and general welfare of the community.
(Ord. 94-05-04 § 5 (part))

8.24.020 Purpose.

The purpose of this chapter is to eliminate the harm to health and property within the city and is designed to safeguard the health, safety and welfare of the citizens and protect property.
(Ord. 94-05-04 § 5 (part))

8.24.030 Scope of authority.

Unless exempted by provisions contained herein, the provisions of this chapter shall apply to all persons within the city.
(Ord. 94-05-04 § 5 (part))

8.24.040 Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

"City" means the city of Hoonah, Alaska.

"Fire chief" means the fire chief of the city of Hoonah, Alaska.

"Fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which any such explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, lady fingers, torpedoes, skyrockets, Roman candles, dayglo bombs, sparklers, or other device containing any such explosive substance.

"Fireworks" does not include model rockets and model rocket engines which are designed, sold, and used for the purpose of propelling recoverable aero models, when actually used for that purpose and use under the supervision of the science instructor or other competent adult and when the place and time of firing the sky rockets or missiles has been approved by the fire chief. "Fireworks" does not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper or plastic caps are used and such toy paper or plastic caps are manufactured as provided therein except that no toy paper or plastic cap shall contain more than twenty-five hundredths (0.25) of a grain of explosive composition per cap. Each package containing toy paper or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. The sale and use of these toy paper or plastic caps shall be permitted at all times. Nothing in this section shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor applying to the military or

naval forces of the United States or of this state, or to peace officers. Nothing in this section shall be construed to as forbidding the sale and use of blank cartridges for ceremonial, theatrical or athletic event.

"Person" means any individual, firm organization, partnership, unincorporated association or corporation.

"Sell" or "display" means selling, offering to sell, exhibiting or possessing with intent to give away, sell or offer to sell within the city.

"Use" means purchasing, possessing setting off or otherwise causing to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or to discharge them or throw them from land, air or highway into any area of the city. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. This provision also means and includes casting, throwing, lighting or firing any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other fireworks or combustible firecrackers of any kind.
(Ord. 94-05-04 § 5 (part))

8.24.050 Prohibitions--Unlawful acts.

Except as provided herein, it is unlawful for any person to sell or display, offer to sell, give away, or use fireworks within the city without a permit. It is unlawful for a person to allow or permit fireworks to be used or exploded on his premises or premises under his control. It is unlawful for any person to mishandle or misuse fireworks. The following constitute unlawful mishandling or misuse of fireworks:

A. It is unlawful to throw any fireworks, whether such fireworks is burning or not.

B. It is unlawful to throw or to otherwise use fireworks from an automobile or other motor vehicle, whether the vehicle is moving or standing still.

C. It is unlawful to store, keep, sell or use any fireworks within fifty (50) feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon.

D. It is unlawful to discharge or use any fireworks within one thousand (1,000) feet of any hospital, sanitarium or infirmary.

E. It is unlawful to discharge or use any fireworks in, under or on an automobile or other motor vehicle, whether moving or standing still.

F. It is unlawful to discharge or use fireworks within fifty (50) feet of any retail fireworks stand or facility where fireworks are sold.

G. It is unlawful to mishandle or misuse fireworks in any other way.
(Ord. 94-05-04 § 5 (part))

8.24.060 Exceptions.

The following exceptions shall apply:

A. It is lawful for a person to use certain fireworks, herein specified at a designated area to be posted and set forth by the city, on December 31st and July 4th of each year between the hours of twelve noon and twelve midnight.

B. The following fireworks may be possessed or used, as provided in this section, provided that nothing in this section shall be construed to allow the possession or use of any fireworks that is not a Class C fireworks as defined by federal law:

1. Nonpoisonous snakes and items of similar composition;

2. Roman candles, not exceeding ten (10) balls with total pyrotechnics composition not exceeding twenty (20) grams in weight and inside tube diameter not exceeding three-eighths inch;

3. Skyrockets with sticks, total pyrotechnic composition not exceeding twenty (20) grams in weight, and inside tube diameter not one-half inch;

4. Helicopter-type rockets, total pyrotechnics composition not exceeding twenty (20) grams in weight, and inside tube diameter not exceeding three-fourths inch;

5. Cono fountains, with total pyrotechnic composition not exceeding fifty (50) grams each in weight;

6. Wheels, with total pyrotechnic composition not exceeding sixty (60) grams for each driver unit or two hundred forty (240) grams for each wheel, and with inside tube diameter or driver units not exceeding one-half inch;

7. Illuminating torches and colored fire in any form, with total pyrotechnic composition not exceeding one hundred (100) grams each;

8. Dipped sticks, the pyrotechnic composition of which contains any chlorate or perchlorate not exceeding five grams, and all sparklers;

9. Mines and shells, of which the mortar is an integral part, total pyrotechnic composition not exceeding forty (40) grams in weight;

10. Firecrackers and salutes with casings, with external dimensions not exceeding one and one-half inches in length and one-quarter inch in diameter, and total composition not exceeding two grains each in weight.

11. Smoke devices known as smoke balls, or tubes containing a pyrotechnic mixture which upon ignition produces a visible cloud of black, white or colored smoke.

C. Nothing in Section 8.24.050 shall construed as forbidding the possession or use of any fireworks by those in charge of a public exhibition. Such an exhibition may be held on any day or days of the year provided that it is held at a location which does not endanger persons or property, and provided than pyrotechnic expert is used, and provided that those in charge of the exhibition obtain a permit and comply with Sections 8.24.070 and 8.24.080 and all applicable state laws or regulation.

(Ord. 99-11-01 § 5: Ord. 94-05-04 § 5 (part))

8.24.070 Public exhibitions--Permit required--Application.

An application for a public exhibition or display of fireworks shall file with the city clerk a written application therefor, duly subscribed and sworn by the applicant. Such application shall set forth the following:

A. The name of the association, organization or corporation sponsoring the display, together with the names of the persons to be in charge of the display;

B. The date and time of day at which the display is to be held;

C. The exact location planned for the display;

D. A description setting forth the name, age, address and experience of the persons who are to do the actual firing and discharging of the fireworks;

E. The number and kinds of fireworks to the discharged;

F. The manner and place of the storage of such fireworks between the date of purchase and the date of display;

G. A diagram or sketch of the ground on which the display is to be held, showing the point at which the fireworks are to be discharged, the location of all buildings, street, trees, telephone or telegraph lines or overhead obstructions within a distance of fifty (50) yards of the point of discharge, and the lines behind which the public will be restrained.

(Ord. 94-05-04 § 5 (part))

8.24.080 Public exhibitions--Permit application filing.

An application for a permit for a public exhibition or display of fireworks shall be filed with the city clerk at least twenty (20) days before the date set for the display. A copy of such application shall be sent at once to the chief of police, who shall make or cause to be made, an investigation of the site of the proposed display and investigate the competence and skill of the persons in charge of the firing an discharge of the fireworks. If satisfied that the display will be conducted lawfully and in accordance with this chapter, he shall so advise the city clerk within ten (10) days, who shall issue the permit. The applicant for a permit shall, at the time of filing application therefor, pay to the city clerk a fee of one hundred dollars ($100.00) which sum shall be refunded in the event the application for such permit is denied. Each applicant shall also pay to the city clerk a nonrefundable investigation fee of thirty dollars ($30.00).

(Ord. 94-05-04 § 5 (part))

Chapter 8.30

BEAR ATTRACTION NUISANCE

Sections:

8.30.010 Definitions.
8.30.020 Unlawful acts.
8.30.030 Enforcement.
8.30.040 Fine and surcharge.

8.30.010 Definitions.

The terms and phrases used in this chapter shall have the following meanings:

"Bear attraction nuisance" means, except as otherwise provided in this section:

1. More than one-half gallon of any putrescible waste, including packaging or other surfaces to which the material is adhered.

2. "Bear attraction nuisance" does not include:

    a. Material in a certified landfill;

    b. Manure or sewage;

    c. Material in a garbage can temporarily placed outside for purposes of collection after four a.m. on a day scheduled for collection;

    d. Material completely enclosed in a structure or container which requires hands or tools to open.

"Garbage can" means a watertight, odor-free, corrosion-resistant container equipped with a tight-fitting cover secured so as to remain in place if the can is knocked over.

"Person in control" means a tenant or an agent, superintendent, or other owner's representative.

"Property" means developed or undeveloped real property, including any apartment house, mobile home park, planned unit development, or other multi-family development.

"Putrescible waste" means organic materials prone to degrade rapidly, giving rise to obnoxious odors, including foods or animal parts, which is capable of being decomposed by microorganisms.
(Ord. No. 11-05-10, § 4)

8.30.020 Unlawful acts.

With the city of Hoonah, no owner or person in control of property shall cause or allow the creation or maintenance of a bear attraction nuisance on that property or any adjacent right-of-way. Except as otherwise provided for in this chapter, the property owner and the person in control of the property may both be liable for a violation of this chapter concerning the same unlawful act. The unlawful act involves not only the creation of a bear attraction nuisance but allowing the offense to continue.
(Ord. No. 11-05-10, § 4)

8.30.030 Enforcement.

This chapter shall be enforced by the police department or by other employees authorized by the mayor or his/her designee. Whenever a bear attraction nuisance is found on property in violation of this chapter, the officer or authorized employee shall issue a citation stating the nature of the offense and the date and time for a court appearance.
(Ord. No. 11-05-10, § 4)

8.30.040 Fine and surcharge.

Each person who owns and/or is in control of property that creates, maintains, or permits a bear attraction nuisance on the property shall be charged with an infraction and subject to a fine and surcharge as set forth in this section.

Each and every day during any portion which a violation or failure to comply is committed, permitted, or continued, shall be treated as a separate offense, and subject the offender to a separate fine and surcharge as provided in this section.

A. Basic Fine. Unless otherwise specifically provided, any person failing to abide by any provisions or failing to comply with any of the mandatory requirements of this code is guilty of a violation, and unless otherwise specifically provided may be punished by a fine of not more than fifty dollars ($50.00).

B. Surcharge. In prosecutions for violations of this code, the municipality shall seek imposition of the surcharges established under AS 12.55.039 when applicable.

(Ord. No. 11-05-10, § 4)

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 Crimes and Penalties

9.08 Juveniles

Chapter 9.04

CRIMES AND PENALTIES

Sections:

9.04.010 Disorderly conduct.
9.04.020 Inciting crime.
9.04.030 Resisting arrest.
9.04.040 Escape from custody.
9.04.050 Failure to assist peace officers--Aiding persons in custody.
9.04.060 Impersonating an officer.
9.04.070 Assault and battery.
9.04.080 Entering a place of prostitution.
9.04.090 Keeping a bawdyhouse.
9.04.100 Delinquency of a minor.
9.04.110 Larceny.
9.04.120 Embezzlement.
9.04.130 Retention of lost property.
9.04.140 Concealment of merchandise.
9.04.150 Trespass.
9.04.160 Destruction of property.
9.04.170 Illegal use of telephone.
9.04.180 Electrical interference.
9.04.190 Tampering with posted notices.
9.04.210 Firearms.
9.04.215 Exceptions.
9.04.220 Carrying loaded firearms.
9.04.230 False alarms.
9.04.240 Driving or taking watercraft without owners consent.
9.04.250 Possession of illegal substance.
9.04.270 Possession of tobacco by a minor.
9.04.280 Furnishing tobacco to a minor.
9.04.290 Violation--Penalty.
9.04.300 Trapping of animals.

9.04.010 Disorderly conduct.

A. A person commits the crime of disorderly conduct if, while within the corporate limits of the city, that person:

1. With intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that the conduct is having that effect after being informed that it is having

that effect, the person 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 the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

3. In a public place, when a crime has occurred, the person refuses to comply with a lawful order of a peace office to disperse;

4. In a private place, the person refuses to comply with an order of a peace officer to leave premises in which the person has neither a right of possession nor the expressed invitation to remain of a person having a right of possession;

5. In a public or private place, the person challenges another to fight or engages in fighting other than in self-defense as defined by state statute;

6. The person recklessly creates a hazardous condition for others by an act which has no legal justification or excuse;

7. The offender intentionally exposes the offender's buttock or anus to another with reckless disregard for the offensive or insulting effect the act may have on that person; or

8. With no legal justification, the offender engages in window peeping.

B. As used in this section, "noise" is "unreasonably loud" if, considering the nature and purpose of the defendant's conduct and the circumstances known to the defendant, including the nature of the location and the time of day or night, the 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 that is constitutionally protected.

C. Disorderly conduct is a violation of city law and is punishable by a fine of not less than one hundred dollars ($100.00). Upon conviction, the court may impose community work service at the current rate determination schedule used by the court for any suspended portion of a fine over and above the minimum fine amount as specified.
(Ord. 96-01-01 § 5: prior code § 30.10.010)

9.04.020 Inciting crime.

It is unlawful for a person to wilfully and knowingly solicit, incite or induce another to commit a misdemeanor within the confines of the city of Hoonah.
(Prior code § 30.10.015)

9.04.030 Resisting arrest.

It is unlawful for any person, knowingly or wilfully to resist, oppose or obstruct any policeman, magistrate or other officer or employee of the city in the discharge of his official duties or by threats or otherwise to intimidate or attempt to intimidate any such officer or employee in the discharge of his official

duties.
(Prior code § 30.10.020)

9.04.040 Escape from custody.

It is unlawful for any person confined to the city jail or other place of confinement in the city, or working upon the streets, or other public places of the city, in pursuance of any judgment, or otherwise held in legal custody by an authority of the city, to escape or attempt to escape from any such jail, prison or custody.
(Prior code § 30.10.025)

9.04.050 Failure to assist peace officers--Aiding persons in custody.

It is unlawful for any person to refuse to assist any police officer in the discharge of his duties or who shall by any means aid or assist any prisoner or any person in custody upon the charge of the violation of any ordinance of the city in his endeavor to escape from prison or custody, whether such escape is effected or not.
(Prior code § 30.10.030)

9.04.060 Impersonating an officer.

Whoever shall falsely represent himself to be an officer of the city of Hoonah, or shall, without authority, exercise or attempt to exercise any powers, duties or functions of any such officer, or whoever, not being a peace officer of the city shall wear or have in his possession any marshal's or deputy marshal's badge, with intent thereby to pass himself as a peace officer of the city, unless obtained from the city marshal, shall, upon conviction thereof, be punished by fine not exceeding one hundred dollars ($100.00).
(Prior code § 30.10.035)

9.04.070 Assault and battery.

A person not armed with a dangerous weapon, who unlawfully assaults or threatens another in a menacing manner, or unlawfully strikes or wounds another shall be guilty of a misdemeanor. For these purposes, assault shall be defined as an intentional, unlawful offer of corporal injury to another by force, or force unlawfully directed toward the person of another, under such circumstances as create a well-founded fear of imminent peril, coupled with apparent present ability to execute the attempt, if not prevented, and shall mean an offer or attempt to do bodily harm which falls short of an actual battery. For these purposes, battery shall mean an unlawful beating, or other wrongful physical violence or constraint, inflicted on a human being without his consent.
(Prior code § 30.10.045)

9.04.080 Entering a place of prostitution.

It is unlawful for a person to knowingly receive or to offer or agree to receive a person into a place, structure, building, boat, automobile, trailer or other vehicle, for the purpose of prostitution, or to permit a person to remain there for that purpose.
(Prior code § 30.10.055)

9.04.090 Keeping a bawdyhouse.

It is unlawful for any person to keep or set up a house of ill fame, brothel, or bawdyhouse for the purpose of prostitution, fornication, or lewdness.
(Prior code § 30.10.060)

9.04.100 Delinquency of a minor.

It is unlawful for a person to commit an act, or omit the performance of a duty, which causes or tends to cause, encourage or contribute to the delinquency of a child under the age of eighteen (18) years.
(Prior code § 30.10.065)

9.04.110 Larceny.

It is unlawful for any person to steal, take or carry away any goods, chattels, or other property belonging to another.
(Prior code § 30.10.070)

9.04.120 Embezzlement.

It is unlawful for an officer, agent, clerk, employee, or servant to embezzle or fraudulently convert to his own use, or take or secrete with intent to embezzle or fraudulently convert to his own use, money, property, or thing of another, which has a total value of less than one hundred dollars ($100.00), and which may be the subject of larceny, and which has come into his possession or under his care by virtue of his employment.
(Prior code § 30.10.075)

9.04.130 Retention of lost property.

It is unlawful for a person who finds lost property to appropriate it to his own use or the use of another person not entitled to it, without:

A. Immediately or within a reasonable time advertising the fact in a paper of general circulation published nearest the place where found, and setting out a full and true description of the property, with marks of identification, if any; or

B. Notifying the peace officer nearest to the place where found and giving a full and true description of the property, together with the time, place and circumstances under which found.
(Prior code § 30.10.080)

9.04.140 Concealment of merchandise.

A. It is unlawful for a person to, without authority, wilfully conceal upon or about his person the goods or merchandise of a retail business establishment, not theretofore purchased by the person, while still on the premises of the retail business establishment, with the intent to deprive the owner of the goods, or merchandise.

B. Goods or merchandise found concealed upon or about the person and which have not theretofore

been purchased by the person, are prima facie evidence of a wilful concealment.
(Prior code § 30.10.085)

9.04.150 Trespass.

It is unlawful for a person other than an officer on lawful business to trespass on lands or premises in the lawful occupation of another, and fail, neglect, or refuse to depart immediately and remain away until permitted to return upon the verbal, printed or written notice of the owner or person in the lawful occupation of the lands or premises.
(Prior code § 30.10.090)

9.04.160 Destruction of property.

It is unlawful for a person to maliciously or wantonly disfigure or injure the property of another.
(Prior code § 30.10.095)

9.04.170 Illegal use of telephone.

It is unlawful for a person to anonymously telephone another person repeatedly for the purpose of annoying, molesting, abusing through vile or obscene language, or harass that person or his family.
(Prior code § 30.10.100)

9.04.180 Electrical interference.

A. It is unlawful for any person, firm, corporation, association or partnership to knowingly or wantonly operate or cause to be operated within the corporate limits of the city of Hoonah between the hours of seven p.m. and twelve midnight of the same day, any vibrating battery charger or other apparatus or equipment in such a manner as to cause electric, electro-static or electro-magnetic waves to be radiated therefrom in such manner as to result in interference with radio reception; the taking of x-ray pictures, examinations or treatments may be made at any time if the machine or apparatus used therefore are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and are not negligently operated.

B. It is unlawful to operate in the city of Hoonah, any radio receiving equipment in such manner as to cause electro-static or electro-magnetic waves to radiate from its antenna in such manner as to result in interference with radio reception.

C. It is unlawful to erect any aerial in such a position over or above high-tension electrical wires as would tend to endanger life or property or in any way interfere with telephone poles, electrical poles, or wires connecting therewith.

D. The owner or operator of any machine, apparatus, or device which operates or is being operated in contravention of the preceding subsections shall be given forty-eight (48) hours after receipt of notice of violation to repair or discontinue the use of such machine, apparatus or device either by discontinuance of the use of such machine during the hours of prohibited use or by repairing the same so that it complies with the foregoing subsections.
(Prior code § 30.10.105)

9.04.190 Tampering with posted notices.

It is unlawful for a person to wilfully tear down, alter, or deface a posted, written or printed notice, posted or put up under a law requiring or authorizing it to be done, before the time for which the notice is given has expired.
(Prior code § 30.10.110)

9.04.210 Firearms.

A. It is unlawful for any person excepting a peace officer on duty to discharge any bows, crossbows, long bows, carriage bows or similar devices, pistol, gun, rifle or any other type of firearm within one hundred (100) yards of any public street, road or highway within the city which is maintained for public use.

B. It is unlawful for any person, other than authorized police personnel, to intentionally, and without malice, point or aim a firearm at or toward a person, or discharge a firearm so pointed or aimed at a person, or point or discharge a firearm at or toward a person or object without knowing the identity of the object and maiming or injuring a human being.
(Ord. 06-01-02 § 2 (part): prior code § 30.10.120)

9.04.215 Exceptions.

A. It is not unlawful to discharge a firearm at a rifle range, target-shooting range, trap-shooting range or other area which is posed for such purpose during daylight hours, providing that the chief of police shall have approved the area as being safe for such purpose and providing that such shooting is adequately supervised and safely conducted or within designated "No Hunting" areas established with signage.

B. It is not unlawful to discharge a bow, crossbow, long bow, carriage bow or other similar device on private property; provided, that the discharge is solely for target practice or enjoyment or improving skills; and provided, that the area is safe for such purpose and safely conducted.
(Ord. 06-01-02 § 2 (part))

9.04.220 Carrying loaded firearms.

It is unlawful for any person, except authorized police personnel, to carry any firearm, air rifle, air pistol, B-B gun, dart or other ammunition within the chamber thereof, within the corporate limits of the city.
(Ord. 06-01-02 § 2 (part): prior code § 30.10.125)

9.04.230 False alarms.

It is unlawful for a person with knowledge that it is false, to intentionally make or turn in, a false alarm for fire, or aid or abet the commission of such act. It is unlawful for any person to tamper with the fire alarm system of the city or any part thereof, or to be in the unauthorized possession of keys for operating fire alarm boxes.
(Prior code § 30.10.130)

9.04.240 Driving or taking watercraft without owners consent.

A person who drives, tows away, or takes a watercraft not his own without the consent of the owner, with the intent to temporarily deprive the owner of possession of the watercraft or a person who is a party or accessory to or an accomplice in the unauthorized driving, towing or taking, is guilty of a misdemeanor.
(Prior code § 30.10.150)

9.04.250 Possession of illegal substance.

A. It is unlawful for any person(s) to possess, sell, or distribute a dangerous, harmful or detrimental substance, in any amount, on public street(s) or sidewalk(s), or on the premises of a public carrier, business, establishment or any other public place in the city of Hoonah.

B. Dangerous, harmful or detrimental substance shall be those listed and specified in schedules IA, IIA, IVA, VA and VIA, controlled substance, are those that are described in the Alaska Statutes--Title 11, Sections 11.71.140 through 11.71.190.

C. A violation of this section shall carry a civil penalty of up to three hundred dollars ($300.00).
(Ord. 87-06-09-01 § 5: prior code § 30.10.135)

9.04.270 Possession of tobacco by a minor.

A. It is unlawful for any person under nineteen (19) years of age to purchase, possess or use any cigarette, pipe, cigar or any other tobacco product on public property or in any public place within the corporate limits of the city.

B. Possession of tobacco by a minor is a violation of city law and punishable by a fine of twenty dollars ($20.00).
(Ord. 96-01-02 § 5 (part))

9.04.280 Furnishing tobacco to a minor.

A. It is unlawful for any person nineteen (19) years of age or older to furnish a minor not in their lawful custody or care and within the confines of their own home with any cigarette, pipe, cigar or any other tobacco product.

B. Furnishing tobacco to a minor is a violation of city law. Upon conviction, the court shall impose a fine of not less than fifty dollars ($50.00).
(Ord. 96-01-02 § 5 (part))

9.04.290 Violation--Penalty.

In accordance with Section 1.16.010 of this code, the penalty for any violation of Title 9, unless the maximum fine is specifically provided for, or otherwise, shall be a fine not to exceed one thousand dollars ($1,000.00).
(Ord. 96-01-02 § 5 (part))

9.04.300 Trapping of animals.

It is unlawful for any person, except for authorized representatives of the city or state of Alaska to trap any animal, whether it be wild, feral or domesticated, within one mile of any maintained road or road system inside the municipal boundary.

As defined in Webster's New World Dictionary, "trapping" has the meaning of any device designed to catch animals, or any stratagem designed to catch or trick an animal.
(Ord. 02-11-09)

Chapter 9.08

JUVENILES

Sections:
9.08.010 Curfew hours for minors.

9.08.010 Curfew hours for minors.

A. Definitions. As used in this section:

"Curfew hours" means:

1. Eleven p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until five a.m. of the following day from May 15th to September 1st or ten p.m. until five a.m. of the following day for the balance of the year; and

2. Twelve a.m. until five a.m. on Friday, Saturday, and legal holidays.

"Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"Guardian" means:

1. A person who, under court order, is the guardian of the person of a minor; or

2. A public or private agency with whom a minor has been placed by the court.

"Minor" means any person under eighteen (18) years of age who has not arrived at the age of majority under AS 25.20.020.

"Parent" means a person who is:

1. A natural parent, adoptive parent, or step-parent of another person; or

2. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

"Remain" means to:

1. Linger or stay; or

2. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

B. Offenses.

1. A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

2. A parent or guardian of a minor commits an offense, if after the juveniles first offense, he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

C. Defenses. It is a defense to prosecution under subsection B of this section that the minor was:

1. Accompanied by the minor's parent or guardian;

2. On an errand at the direction of the minor's parent or guardian, without any detour or stop;

2. Engaged in an employment activity, or going to or returning home from and employment activity, without any detour or stop;

4. Involved in an emergency;

5. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

6. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour stop, an official school, religious, or other recreation activity supervised by adults and sponsored by the city, a civil organization, or another similar entity that takes responsibility for the minor.

7. 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; or

8. Married or had been married or had disabilities of a minority removed in accordance with AS 9.55.590.

D. Enforcement. Before taking any enforcement action under this section, a police officer shall ask

the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred that, based on any response and other circumstances, no defense in subsection C of this section is present.

E. Penalties.

1. A person who violate a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed two hundred fifty dollars ($250.00) or community work service in accordance with the provisions of AS 47.12.030(b).

(Ord. 98-01-03 § 5)

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04 General Provisions

10.05 Public Transportation

10.08 Snow Removal

10.12 Enforcement and Obedience to Regulations

10.16 Snow Vehicles--Snow Machines and All-Terrain Vehicles

Chapter 10.04

GENERAL PROVISIONS*

Sections:

10.04.010 Adoption of state uniform traffic laws by reference.
10.04.020 Adoption of traffic bail forfeiture schedule by reference.
10.04.030 Maximum penalty.
10.04.040 Lesser penalty controlling.
10.04.050 Mandatory appearance--Correctable violation.
10.04.060 Payment of fine.
* Prior ordinance history: Ord. 89-03.

10.04.010 Adoption of state uniform traffic laws by reference.

The state uniform traffic laws found in administrative code 13 AAC and AS 28 are adopted in their entirety by the ordinance codified in this section and made a part of the city of Hoonah Code by reference. (Ord. 07-02-04 § 2 (part))

10.04.020 Adoption of traffic bail forfeiture schedule by reference.

A. The traffic bail forfeiture schedule in AdR 43.1, 43.6 and 43.8, adopted and amended from time to time by the Alaska Supreme Court pursuant to AS 28.05.151(a), are adopted as the schedule of fines for violations of the provisions of this title that adopt an Alaska Statute or state regulation by reference.

B. The scheduled amount of fine for an offense that is committed in a highway work zone shall be double the amount of the fine for the offense if it had not been committed in a highway work zone.

C. When an officer charges a traffic offense, the officer must cite both this code and the corresponding Alaska Statute or Alaska Administrative Code section.

D. A citation for a violation of a provision of this title that does not adopt by reference a provision of the state motor vehicle laws shall reference only the appropriate city code section.
(Ord. 07-02-04 § 2 (part))

10.04.030 Maximum penalty.

Violation of a provision of this title constitutes a lesser offense deemed regulatory in nature for which a fine of not to exceed three hundred dollars ($300.00) may be imposed upon conviction, if no fine amount is specified.
(Ord. 07-02-04 § 2 (part))

10.04.040 Lesser penalty controlling.

In the event conflicting maximum penalties are prescribed by adopted statute or regulation, or by the traffic bail forfeiture schedule, or by separate code section, the lesser penalty shall be the controlling maximum.
(Ord. 07-02-04 § 2 (part))

10.04.050 Mandatory appearance--Correctable violation.

A. Violation of a provision of this title that is followed by the letters "MCA" or for which no fine amount is shown shall require a mandatory court appearance.

B. Violation of a provision of this title that is followed by the letters "Corr" shall mean that the violation is correctable.
(Ord. 07-02-04 § 2 (part))

10.04.060 Payment of fine.

Commission of the offenses listed in this title for which a fine amount is specified in either the Alaska Supreme Court's traffic bail forfeiture schedule or a provision of this title may be satisfied by timely payment of the prescribed fine without a court appearance. The person to whom a citation for such violation is issued may plead no contest to the offense by signing the appropriate blank and paying the fine amount specified on the citation, either in person or by mail, to the clerk of the district court of Hoonah within five days after the citation is issued. Payment of the prescribed fine is a complete satisfaction of the offense.
(Ord. 07-02-04 § 2 (part))

Chapter 10.05

PUBLIC TRANSPORTATION

Sections:
10.05.010 Public carrier stops and stands.
10.05.020 Stopping, standing and parking of buses and taxicabs.
10.05.030 Parking prohibited on narrow streets or highways.
10.05.040 Parking prohibited over seventy-two (72) hours.
10.05.050 Penalties for illegal parking.
10.05.060 Authority to impound vehicles.
10.05.070 Method of sale.

10.05.010 Public carrier stops and stands.

It shall be the duty of the chief of police to recommend the establishment of bus stops to the council, as well as stands for other passenger common carrier motor vehicles on such streets, highways, or roadways, in such places and in such number as he determines to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand and other stand shall be designated by appropriate signs.

The chief of police shall make recommendations to the council, at which time the council, with the requisite local government committee deliberation, shall affirm or deny the recommendation. Upon affirmation of the council, the chief of police shall inform the director of public works of the location, to be utilized as a public carrier stop or stand, and the necessary signs, structures, and markings shall be placed.
(Ord. 04-04-04 § 5 (part))

10.05.020 Stopping, standing and parking of buses and taxicabs.

A. It is unlawful for any person to park or stop any bus upon any part of the seaward side of Front Street between the intersection of Lumbago Drive with White Alice Road and the Hoonah Trading Co., except as follows:

1. When a cruise ship or ferry is in port, buses may park on the seaward side of Cannery Road while actively loading or unloading passengers only;

2. As specified and posted by the chief of police of the city.

B. The driver of a bus shall enter a bus stop or passenger loading zone on a street, highway, or roadway, in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

C. No taxicab or for-hire vehicle shall be parked on any street or public parking lot in the central business district and public use zones in excess of one hour. Otherwise, the driver of a taxicab may temporarily stop or park in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers. Outside the central business district and the public use zones, taxicabs shall be subject to the same parking regulations as private vehicles except that nowhere in the municipality may more than one taxicab be parked on the same side of the street in any one block. (Meaning from street corner to street corner).
(Ord. 04-04-04 § 5 (part))

10.05.030 Parking prohibited on narrow streets or highways.

If, after study, the local government committee affirms such a recommendation, the chief of police is authorized to contact the director of public works, in order erect signs indicating no parking upon either or both sides of any street or highway when the width of the roadway does not exceed twenty-six (26) feet, or upon one side of a street or highway as indicated by such signs when the width of the roadway does not exceed thirty-five (35) feet.

(Ord. 04-04-04 § 5 (part))

10.05.040 Parking prohibited over seventy-two (72) hours.

A. No person shall park a vehicle on any street, highway or roadway or on any municipally-owned property for a period of time longer than seventy-two (72) hours except in the extended parking areas authorized below.

B. The assembly may designate certain areas of municipally-owned property as extended parking areas. Parking in these areas for longer than seventy-two (72) hours may be allowed under permit issued by the chief of police for such times and under such conditions as may be set through resolution passed by the council.

C. No operator, registered owner, or other person, may park, or allow or cause to be parked in any public street or other public property, any disabled or inoperable motor vehicle for a period to exceed twenty-four (24) hours.

A violation of this paragraph will incur a minimum of a twenty five dollar ($25.00) fine for each twenty-four (24) hour period from time of ticketing until the vehicle is permanently removed from public property.

D. No commercial vehicle or mobile commercial equipment shall be parked upon any street or public property overnight for two consecutive nights within the central business district, Harbor parking lot, and the City Building parking lot.

E. No construction vehicle factory-rated above an eight thousand (8,000) pound gross vehicle weight, or any mobile construction equipment, shall be parked overnight upon any street or public property unless otherwise legally parked in close proximity to a construction or other temporary commercial enterprise on which the equipment is in current use and the daily removal to legal off-street parking would be unfeasible. (Ord. 04-04-04 § 5 (part))

10.05.050 Penalties for illegal parking.

In the event of any violation of Sections 11.40.150 through 11.40.160 and upon the written request of the rightful owner or lessee of the off-street private parking place, any vehicle parked in off-street parking facilities without permission of the owner, or any vehicle blocking the ingress and egress of motor vehicles to and from private parking spaces, shall be impounded by the municipality and the vehicle towed to an approved storage facility where it shall be retained until the owner pays the towing charges. Any vehicle not reclaimed within thirty (30) days shall be deemed abandoned and notice of sale shall be given as required by Section 11.60.020(A).

If the vehicle is worthless, or the proceeds of the sale are insufficient to cover costs of sale or removal, the person who gave written request to remove the vehicle shall be responsible for paying the difference. (Ord. 04-04-04 § 5 (part))

10.05.060 Authority to impound vehicles.

A. Any vehicle parked in violation of any ordinance or state statute or regulation is subject to impounding. The municipality may take possession of any such vehicle and remove it to a place of storage or dispose of it immediately if authorized by any other municipal ordinance.

B. The police shall concurrently, with the impounding of the vehicle, file a complaint against the owner, if known or reasonably can be discovered, and charge him with the violation in question.

C. When the owner of such vehicle claims the same, he shall be informed of the nature and circumstances of the violation for which such vehicle was impounded and to obtain release thereof shall pay to the municipality an impounding fee of fifty dollars ($50.00) plus citation fee, plus all towing charges, which shall not exceed the actual cost to the municipality.

In addition, there shall be paid a storage fee of fifteen dollars ($15.00) per day. If the owner, upon hearing before the magistrate, is found not guilty of the violation with which he is charged, the impounded vehicle shall be released by order of such judge immediately to the owner without the collection of the fees and other charges.

If the owner of such vehicle is found guilty by the judge, any fine or other penalty imposed shall be in addition to the impounding fee, towing and storage charges herein prescribed.
(Ord. 04-04-04 § 5 (part))

10.05.070 Method of sale.

A. 1. Within two weekdays after a vehicle has been impounded, the chief of police shall cause to be sent by registered or certified mail, a notice to the owner thereof, and lien holder, if with the exercise of due diligence the owners and lien holders' names can be ascertained. The notice shall accurately describe the vehicle, give the date the vehicle was impounded, and inform the owner and lien holder that unless he reclaims the vehicle within thirty (30) days after dispatch of the letter, the vehicle will be sold at public auction to the highest bidder, The notice shall also state, whether or not a citation has been issued, the fact that there is a daily storage fee, impound fee, and towing fee.

2. The notice shall state that an administrative hearing before the city council is available if requested within twenty (20) days of mailing of the notice. The hearing shall be to determine whether or not the various impound, towing and storage fees should be paid.

3. The notice shall state that a person making a timely request for a hearing may receive possession of the vehicle without prepayment of accrued fees upon affirming in writing that such fees will be paid if it is ultimately determined that the fees are proper. An adverse decision may be appealed to the district court.

B. 1. The chief of police shall also cause to be posted on local bulletin boards, as well as on the local television information channel, a description of the vehicle, the owner's name, if known, and the fact that the vehicle, and other vehicles similarly described, will be sold at public auction to the highest responsible bidder at a public sale under the direction of the chief of police at a specified time and place, not less than twenty (20) days after the publication of the notice of sale.

2. The chief of police shall keep a permanent, accurate record of all cars impounded, containing date of impounding, description of vehicle, cause for which impounded, date of redemption if redeemed, and amount paid upon redemption, date of letter to owner, if owner is known, notice of sale, record of sale and price paid at sale, and name of purchaser.

C. Should the vehicle at the discretion of the chief of police, be obviously of no value as a vehicle, he shall obtain confirmation of such fact after inspection and in writing from an employee of the municipal public works department, and after giving the owner and lien holder twenty (20) days' notice of a right of redemption or hearing from the date of mailing, the vehicle may be junked. No such junked vehicle shall thereafter be registered for road use, unless the purchaser complies with subsection D of this section.

D. Any vehicle not redeemed prior to auction or prior to being junked shall be sold only as scrap, and the municipality will not give title sufficient for vehicle registration to a purchaser unless such purchaser agrees to provide proof to the municipality within five days of the sale that both of the following conditions have been met:

1. Proper current registration of the vehicle with the state of Alaska in the name of the purchaser; and

2. Proof of liability insurance covering the vehicle.

Failure of a purchaser to provide such proof shall be a violation, subject to a fine of up to three hundred dollars ($300.00).

E. Junked vehicles and vehicles which do not sell at auction are normally given to the impound lot operator. If a person wishes to purchase such a vehicle from the impound lot operator, the impound lot operator shall request the municipality to give title capable of being registered, to the purchaser, only if the purchaser agrees to comply with subsection D of this section. Otherwise, the vehicle shall be transferred as scrap only.
(Ord. 04-04-04 § 5 (part))

Chapter 10.08

SNOW REMOVAL

Sections:
10.08.010 Parking during snow removal.
10.08.020 Penalty.

10.08.010 Parking during snow removal.

It is unlawful for any person to park any vehicle or to allow any vehicle owned or under his control to continue to be parked on any public street after proper notification, day or night, that snow removal from such street is reasonable necessary for the movement of vehicular traffic. Any vehicle found parked during such periods on a public street where snow removal is reasonably necessary, may be removed and/or cited by the city. Such vehicles shall be impounded until the cost of such removal has been paid to the city.
(Ord. 91-11-1 § 5 (part))

10.08.020 Penalty.

Violations of the sections herein enumerated shall be punishable as specified in Chapter 1.16 of this code.
(Ord. 91-11-1 § 5 (part))

Chapter 10.12

ENFORCEMENT AND OBEDIENCE TO REGULATIONS

Sections:
10.12.010 Authority of police and fire officials.
10.12.020 Noncompliance unlawful.
10.12.030 Obedience to police and fire officials.
10.12.040 Nonmotorized traffic to obey regulations.
10.12.050 Use of coasters, roller skates and similar device restricted.
10.12.060 Public employees to obey regulations.
10.12.070 Exceptions for people working on streets.
10.12.080 Authorized emergency vehicles.
10.12.090 Repealed.

10.12.010 Authority of police and fire officials.

A. It shall be the duty of the officers of the police department, or officers assigned by the police chief to enforce all vehicle and traffic laws of the city and state.

B. Officers of the police department, or officers assigned by the police chief are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency officers may direct traffic and pedestrian as conditions require notwithstanding the provisions of the traffic laws.

C. Members of the fire department, when at the scene of a fire or other emergency, may direct or assist in directing traffic.
(Added during 2002 codification)

10.12.020 Noncompliance unlawful.

It is unlawful and an infraction for any person to do any act forbidden or to fail to perform any act required in this title.
(Added during 2002 codification)

10.12.030 Obedience to police and fire officials.

No person may wilfully fail or refuse to comply with any lawful order or directions of a police officer or a fireman.
(Added during 2002 codification)

10.12.040 Nonmotorized traffic to obey regulations.

A. Every person propelling a pushcart upon the roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title and by the rules of the road portions of the state vehicle code.

B. Every person riding an animal or driving an animal-drawn vehicle upon the roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title and by the rules of the road portions of the state vehicle code.
(Added during 2002 codification)

10.12.050 Use of coasters, roller skates and similar device restricted.

No person upon roller skates, riding on or by means of any coaster, toy vehicle, skis, or similar device, may go upon any roadway except while crossing the roadway. Such persons shall be granted all the rights and shall be subject to all the duties applicable to pedestrians. This section shall not apply to any street set aside as a play street as authorized herein.
(Added during 2002 codification)

10.12.060 Public employees to obey regulations.

The provisions of this title shall apply to the drivers of all vehicles owned or operated by the United States, the state, or any political division of the state, subject to the specific exemptions as are set forth in this title or in the state vehicle code.
(Added during 2002 codification)

10.12.070 Exceptions for people working on streets.

Unless specifically made applicable, the provisions of this title will not apply to a person, team, motor vehicle or equipment while actually engaged in work upon the surface of a street, but shall apply such a person, team, motor vehicle or equipment when traveling to and from such work or when traveling to or from the actual work site as part of the work.
(Added during 2002 codification)

10.12.080 Authorized emergency vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call, in the pursuit of an actual or suspected violator of the law, or responding to but not returning from a fire alarm, may exercise the following privileges:

1. Park or stand, irrespective of the provisions of this title;

2. Proceed past a stop sign or signal, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limit without endangering life or property.

B. The exemptions herein granted to an authorized emergency vehicle shall apply only when such

vehicle is making use of an audible signal meeting the requirements of Section 10.54.320(D) and visual signals meeting the requirements of Section 10.54.190, except that an authorized emergency vehicle operated as a police vehicle and equipped with visual and audible signals shall use both unless it can be reasonably shown that the use of either or both would prevent or hamper the apprehension of an actual or suspected violator of the law.

C. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.
(Added during 2002 codification)

10.12.090 Repealed.*

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* **Editors Note:** Ord. No. 08-07-16 § 3, adopted Aug. 12, 2008, repealed § 10.12.090, which pertained to all-terrain vehicles and snow mobiles and derived from Ord. 98-11-01 § 5, amended during 2002 codification. See also the Code Comparative Table.

A. Repealed. (8-12-2008)

B. Repealed. (8-12-2008)

C. Repealed. (8-12-2008)

D. Repealed. (8-12-2008)

E. Repealed. (8-12-2008)

Chapter 10.16

SNOW VEHICLES--SNOW MACHINES AND ALL-TERRAIN VEHICLES

Sections:

10.16.010 Applicability of regulations--Parental responsibility.
10.16.020 Compliance with state laws, regulations and municipal code.
10.16.030 Snow vehicles must be registered and have a city permit.
10.16.040 Driver's license required.
10.16.050 Riding on snow vehicles.
10.16.060 Required equipment.
10.16.070 Allowed operation.
10.16.080 Off-highway vehicle use permitted for snow removal purposes.
10.16.090 Prohibited operation.
10.16.100 Reporting of accidents.
10.16.110 Definitions.
10.16.120 Penalty.

10.16.010 Applicability of regulations--Parental responsibility.

A. No parent or guardian may authorize or knowingly permit a child to violate a provision of this chapter.

B. Every person operating a snow vehicle upon an alley, street, or other public area has the rights and is subject to the duties and responsibilities applicable to the driver of any other vehicle under this title, except as otherwise provided in this chapter, and except as to those provision of this title which by nature have no application. (13 AAC 02.430)
(Ord. No. 08-07-16, § 4, 8-12-2008)

10.16.020 Compliance with state laws, regulations and municipal code.

Snow vehicles and operators must comply with all state laws, regulations and the Hoonah Municipal Code. All provisions of Title 13, Alaska Administrative Code and the Alaska Statutes regulating traffic and the operation of motor vehicles and snow machines upon streets or highways are adopted by reference. Section 10.05.060 "Authority to impound vehicles" applies to snow vehicles.
(Ord. No. 08-07-16, § 4, 8-12-2008)

10.16.030 Snow vehicles must be registered and have a city permit.

A. Except for operation on the owner's private property or the private property of another, a person may not operate a snowmobile or other off-highway vehicle which has not been registered and numbered as required in AS 28.39.010.

B. A permit shall be obtained from the city; the fee is ten dollars ($10.00) for all snow vehicles and fifteen dollars ($15.00) for a person using the vehicle for snow removal purposes.

C. A person who violates [subsection] (A) of this section is guilty of an infraction and is subject to a five hundred dollar ($500.00) fine under AS 28.40.050(c).
(Ord. No. 08-07-16, § 4, 8-12-2008)

10.16.040 Driver's license required.

Operators of snow vehicles on public streets must possess a valid state driver's license.
(Ord. No. 08-07-16, § 4, 8-12-2008)

10.16.050 Riding on snow vehicles.

A. A person driving a snowmobile or other off-highway vehicle may ride only on a permanent seat attached to the vehicle. No snowmobile or other off-highway vehicle, when driven on an alley, street, or other public area, may be used to carry persons other than the driver unless the vehicle is designed and equipped with a seat for a passenger.

B. No person shall operate or ride upon a snow vehicle unless he/she is wearing a hard, protective headgear or helmet.

C. All posted speed limits must be adhered to, however, a person may not drive a snow vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards existing at the time.
(Ord. No. 08-07-16, § 4, 8-12-2008)

10.16.060 Required equipment.

A. The city adopts and incorporates into its traffic code the following snow vehicle basic equipment requirements:

1. Brakes adequate to control the movement of and to stop and hold the vehicle under normal conditions of operation (13 AAC 04.405);

2. At least one headlamp so aimed and of sufficient intensity to reveal persons and objects at a distance of at least one hundred (100) feet ahead during hours of darkness under normal atmospheric conditions (13 AAC 04.400);

3. A throttle which, when released by hand, will return the engine speed to idle (13 AAC 04.410); and

4. An exhaust muffler in good working order (13 AAC 04.415).

B. Other equipment:

1. A rear snow flap installed to deflect downward a cleat or other object or material which may be thrown by the track or wheels;

2. A protective shield over all moving parts;

3. Reflectors placed on the sides or side cowling which meet the standards established by the Society of Automotive Engineers in effect on the effective date of this section;

4. When towing a sled or other object, a rigid drawbar no greater than ten (10) feet in length; and

5. A spark arrester. (13 AAC 04.420).

(Ord. No. 08-07-16, § 4, 8-12-2008)

10.16.070 Allowed operation.

Snow vehicles may be operated upon the streets, alleys and other public areas of the city, and if so operated:

A. Are limited to traveling from one place to another on the most reasonable direct route possible and no person shall use the streets for recreational purposes;

B. Shall be driven on the extreme right, in single file, and in accordance with all motor vehicle regulations;

C. Shall not pass any other moving vehicle while going in the same direction upon city streets; and

D. Shall yield right-of-way to all other motor vehicles.
(Ord. No. 08-07-16, § 4, 8-12-2008)

10.16.080 Off-highway vehicle use permitted for snow removal purposes.

A. The incidental use of an off-highway vehicle equipped with a snowplow, for the purpose of providing snow removal services on city streets, alleys, roads or other public areas is allowed.

B. The operator of the off-highway vehicle must have a permit issued by the city. The clerk shall issue a permit when an operator shows a valid driver's license and provides a description of the location that the snow removal services will be provided.

C. A permitted operator must comply with AS 28.10.011 vehicle registration requirements and AS 28.22.011 liability insurance requirements with a minimum amount of fifty thousand dollars ($50,000.00) per person and one hundred thousand dollars ($100,000.00) per occurrence.
(Ord. No. 08-07-16, § 4, 8-12-2008)

10.16.090 Prohibited operation.

In addition to restricted areas of operation which may be prescribed from time to time by the state pertaining to snow vehicle usage or on such portions of city streets or city vehicular areas as the city council may from time to time designate by resolution, the following prohibitions apply to snow vehicles and snow machines.

A. Snow vehicles shall not be operated:

1. By any person under the age of sixteen (16) years of age;

2. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person;

3. While under the influence of intoxicating liquor, narcotics or drugs;

4. To intentionally drive, chase, run over or kill any animal;

5. Between the hours of nine p.m. and six a.m. except on Fridays and Saturdays when they may be operated until midnight;

6. Within one hundred (100) feet of any school, park, cemetery, hospital or clinic, unless traveling directly to or from it; or

7. To transport weapons or other instruments used to hunt in other than an unloaded and enclosed condition.

B. Snow machines shall not be operated:

1. By any person under the age of sixteen (16) years of age;

2. Anywhere in the city without adequate snow cover; or

3. Within seventy-five (75) feet of any posted or designated sledding areas.

(Ord. No. 08-07-16, § 4, 8-12-2008)

10.16.100 Reporting of accidents.

The operator of a snow vehicle involved in an accident resulting in injury to or death of a person or property damage other than to his/her snow vehicle the estimate amount of which is five hundred dollars ($500.00) or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest city police officer.

(Ord. No. 08-07-16, § 4, 8-12-2008)

10.16.110 Definitions.

As used in this chapter, unless otherwise indicated, the following words and terms shall mean:

"Operate" means to ride in or on and control the operation of a snowmobile.

"Operator" means a person who operates or is in actual physical control of a snowmobile.

"Owner" means a person, other than a lienholder, having title to a snowmobile and who is entitled to the use or possession of the snowmobile.

"Possession" means physical custody of a snowmobile by an owner of a snowmobile or by an owner of a motor vehicle or trailer on or in which a snowmobile is placed for the purpose of transport.

"Snow vehicle, snowmobile, snow machine, all-terrain vehicle or off-highway vehicle" shall be used interchangeably unless otherwise specified and shall mean a vehicle propelled by mechanical power, supported in part by skis, belts, cleats or low-pressure tires, and primarily designed to travel over ice, snow, dirt or off-road.

(Ord. No. 08-07-16, § 4, 8-12-2008)

10.16.120 Penalty.

A person convicted of a violation of a provision of this chapter is subject to a fine of one hundred dollars ($100.00) for the first offense and two hundred dollars ($200.00) for each subsequent offense unless otherwise provided.

(Ord. No. 08-07-16, § 4, 8-12-2008)

Title 11

RESERVED

Title 12

HARBORS AND PORTS

Chapters:

12.04 General Provisions

12.08 Harbormaster

12.12 Vessel Regulations

12.16 Harbor Area Regulations

12.20 Moorage

12.24 Fees

12.28 Prohibited Acts--Violations--Penalties

Chapter 12.04

GENERAL PROVISIONS

Sections:

12.04.010 Purpose.
12.04.020 Policy and intent.
12.04.030 Definitions.
12.04.040 Jurisdiction.
12.04.050 Administration and enforcement.

12.04.010 Purpose.

The purpose of these boat harbor regulations is to protect and preserve the lives, health, safety, and well-being of the people of the city of Hoonah who have property in, or use or work upon the boats therein, or who use said facilities in the course of visits for commercial or pleasure purposes; to protect the property of such boat owners by regulating the harbor and its facilities to insure the widest possible public use thereof; to prevent the maintenance of nuisances, fire and health hazards; to make reasonable charges for the use of certain facilities to enable the city of Hoonah to pay the costs of maintenance, operation and supervision of the Hoonah boat harbor facilities from the revenue derived therefrom; that all of the sections of Title 12 shall be liberally construed for the accomplishments of the purposes of promoting general welfare, and of operating on a nonprofit basis a public utility consisting of public wharves and appurtenances.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.10.020)

12.04.020 Policy and intent.

It is declared to be the intent of this title to favor the use of the facilities of the boat harbor by

commercial fishermen, government vessels, commercial vessels, commercial vessels in trade and commerce and pleasure craft, and by the general public at large. It is further the intent of this title to prevent and discourage the use of facilities of the boat harbor by boats which have been abandoned by their owners to the point of becoming derelicts as herein defined, or becoming a charge and nuisance to the city of Hoonah, the harbormaster and the general public.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.10.030)

12.04.030 Definitions.

As used in this chapter the following definitions shall apply:

"Beam" means the greatest overall width of the vessel including booms, spars, gins, or any other fixed protuberances.

"City float" means the downtown float, adjacent to the city liquor store.

"Derelict" means any vessel moored or otherwise located within the boundaries of the small boat harbor or city float which reasonably appears to have been forsaken, abandoned, deserted, or cast away or which, in the opinion of the harbormaster or any recognized marine surveyor is unsound, unseaworthy, and unfit for its trade or occupation and which reflects substantial evidence of neglect.

"Exclusive moorage" refers to a signed agreement between the city and the owner/operator of a vessel for a certain, specific moorage space within the George Hall Harbor or the city float, during at which time services provided by the city of Hoonah through the harbormaster may be needed by the owner/operator of the vessel.

"Harbor facilities" means all docks, floats, berths, and other launching, loading, mooring, grid and other marine repair facilities operated by the city.

"Harbormaster" means the official hired by the city manager to serve as harbormaster and any deputy harbormaster, port security officer or other city employee authorized or designated by the harbormaster or city manager to enforce the provisions of this chapter.

"Hoonah Harbor" means that area known and defined as that area of water from the mean low waterline to a line connecting the two points established by extending the northwesterly and southwesterly corporate limits to points of five hundred (500) feet seaward from the mean low water and all saltwater or tidewater lying within the boundaries of the city.

"Length" means the overall length as measured from the most forward portion, including booms, spars, gins, or any fixed protuberances, to the most aft portion of the vessel, including booms, spars, gins, or any fixed protuberances.

"Local boat" means a vessel operating out of the port of Hoonah whose owners or operators are residents of the Hoonah area.

"Operator" means the registered master or skipper of a vessel or any other person who is in actual

physical control of the vessel.

Port of Hoonah. Whenever the term "port of Hoonah" shall be used, the same shall be constructed to mean, and shall mean, as acting for and in the name of the city of Hoonah.

"Small boat harbor" means the area of water in the Hoonah Harbor within the boundaries created by the breakwaters and by the shoreline of mean high water, together with all the harbor facilities located in that area to include the downtown city float.

"Term moorage" refers to a signed agreement between the city and the owner/operator of a vessel for an unspecified time during which services provided by the city of Hoonah through the harbormaster may be needed by the owner/operator of the vessel.

"Transient" means any boat not registered by an exclusive moorage agreement or term moorage with the harbormaster.

"Vessel and craft" means a boat, motorboat, waterborne aircraft, houseboat, float, scow, raft, piledriver or other floating structure or object used for recreational, commercial or other purpose upon the waterway or moored at any place on the waterway.

"Vessel mooring agreement" refers to either a term moorage, exclusive moorage, or daily moorage agreement.

"Wharf" means every structure to which vessels make fast, or on which merchandise is discharged, or from which it is loaded, specifically the E.D.A. constructed dock and warehouse facility on tidelands below lot 3, U.S. Survey No. 4539, Sitka Recording District.

"Wharfage" is the charge made against cargo and commodities passing over the wharf and other related facilities.

"Wharf demurage" is the charge made against cargo and commodities left on the city premises longer than the time specified.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.10.010)

12.04.040 Jurisdiction.

The governing of the Hoonah boat harbor facilities, and all improvements and additions thereto, whether or not contiguous to the present facilities, shall be under the exclusive jurisdiction of the city council. Territorial jurisdiction encompasses all tide and submerged lands within the municipal boundaries, specifically as described in A.T.S. No. 29 state of Alaska patent no. 189.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.10.040)

12.04.050 Administration and enforcement.

A. This title shall be administered and enforced by the city of Hoonah and its delegated agents. The city shall have the authority to establish and regulate harbor use fees by ordinance providing adequate public

notice.

B. A current file of all rates adopted by the city council under this title shall be available for public inspection during regular business hours at the city office and the harbormaster's office.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.10.050)

Chapter 12.08

HARBORMASTER

Sections:

12.08.010 Appointment.
12.08.020 Powers and duties.
12.08.030 Authority to board vessels.
12.08.040 Disclaimer of liability.
12.08.050 Safekeeping of vessels.
12.08.060 Denial of facilities, equipment or services.

12.08.010 Appointment.

There is created the office of harbormaster for the city of Hoonah, who under the direction of the city manager or city council shall supervise and manage all Hoonah boat harbor facilities operated by the city. The harbormaster shall be hired, paid, removed and succeeded in office as the other department heads of the city.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.20.010)

12.08.020 Powers and duties.

A. The harbormaster is charged with the duty of enforcing all of the provisions pertaining to the regulation and operation of the boat harbor, and is empowered to do so.

B. The harbormaster shall from time to time bring to the attention of the city manager, city council or harbor advisory board such rules and regulations as should be adopted to supplement the provisions of this ordinance and which are not inconsistent herewith.

C. The harbormaster shall supervise and manage the assignment of all spaces of the Hoonah boat harbor facilities; and may from time to time, in his discretion in the interests of safety, order, convenience, and health, require the owner or operator of any boat, vessel or floating structure to change from one mooring space to another.

D. The harbormaster shall have the duty and exclusive power to post signs designating the limits of harbor speeds, classifications of harbor areas, and the numbers designating exclusive mooring spaces within such mooring areas where such is allowed, and other signs and notices as would inform authorized and prohibited uses of the Hoonah boat harbor facilities. The harbormaster shall have the power to post appropriate signs to make effective all orders and decisions relating to the use of such facilities.

E. The harbormaster shall allocate and assign all mooring spaces.

F. The harbormaster shall supervise and direct all persons involved in the maintenance and

operation of the harbor facility.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.20.020)

12.08.030 Authority to board vessels.

The utilization of any city owned or city operated mooring facility or waterway within the city limits shall be deemed as a grant of authority to the harbormaster and other appropriate municipal officials to board the vessel for the purpose of enforcing municipal ordinances and to move the vessel if it is moored in violation of a provision of this chapter or if required by an emergency or other conditions set forth in this chapter.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.20.030)

12.08.040 Disclaimer of liability.

The authority granted to the harbormaster shall not create an obligation or duty requiring the harbormaster to take any action to protect or preserve any vessel or property located within the Hoonah harbor or utilization of harbor facilities. The city assumes no liability for loss or damage to vessels, equipment, appurtenances, tackle, provisions, mooring lines, gear, supplies, or any other article attached to or relating to a vessel, whether maintained or affixed to a vessel or separately stored at boat harbor facilities.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.20.040)

12.08.050 Safekeeping of vessels.

A. To avoid any necessity for services or equipment from the harbormaster the owner or operator of a vessel shall use all reasonable efforts and caution to keep the vessel in his charge securely moored with lines in a reasonably fit condition, sufficiently pumped at all times, and to otherwise attend to the equipment, or the needs of the vessel.

B. If the harbormaster determines that a vessel must be resecured, pumped, moved or otherwise attended to protect the vessel or adjacent vessels or property from existing hazards, he shall give or attempt to give written or verbal notice to the vessel owner or operator, at the registered address, of the need for the services to the vessel.

C. If the owner or operator fails, within a reasonable period of time after receipt of notice, to provide services needed for the protection of his vessel or other vessels or property, or if the harbormaster is unable to within a reasonable period of time notify the owner or operator, the harbormaster may replace defective mooring lines, attach additional mooring lines, pump vessels that are listing or sinking, move any vessel for the purpose of protecting that vessel from fire or other hazard or for the protection of other vessels or property, or render such other services as the harbormaster deems necessary.

D. A fee, based upon a schedule of rates and charges adopted by council, shall be charged to the vessel owner or operator for each service the harbormaster performs or causes to be performed for the protection of a vessel or adjacent property.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.20.050)

12.08.060 Denial of facilities, equipment or services.

A. The harbormaster may, at his discretion, when moorage facilities are crowded, refuse mooring facilities to houseboats, floats, scows, rafts, piledrivers, and other cumbersome floating structures.

B. The harbormaster may, in his discretion, refuse moorage to any vessel which is or may become or create a fire hazard or otherwise become a menace to the safety or welfare of other boats or their occupants.

C. As a condition to permitting a vessel to access mooring facilities, the harbormaster may, in his discretion, require satisfactory evidence of seaworthiness of vessel or evidence of adequate insurance coverage if seaworthiness is in question.

D. The harbormaster may refuse moorage facilities or other services or equipment to any person or vessel in violation of the provisions of this chapter or delinquent in the payment of any authorized fee or charge.

E. The owner or operator must immediately remove the vessel from all the harbor facilities. Failure to comply will result in the impoundment of the vessel. If the harbormaster has notified the owner or operator of the vessel that moorage or mooring facilities are refused, terminated or withdrawn.

1. Notice of refusal, withdrawal, or termination of facilities or other services or equipment to a vessel that is not registered may be given verbally by the harbormaster and shall be effective immediately.

2. Notice of refusal withdrawal or termination of moorage facilities to a registered vessel may be given by the harbormaster verbally or in writing. Verbal notice relating to services and equipment shall be effective immediately. Verbal notice or written notice personally delivered to the owner or operator relating to the refusal, withdrawal, or termination of mooring facilities shall be effective twenty-four (24) hours after the time of delivery unless a later effective date is specified in writing.

3. Written notice of refusal, withdrawal, or termination of mooring facilities for a registered vessel may be mailed to the address designated on the registration information or may be posted in a conspicuous place on the vessel. A written notice that is posted or mailed shall be effective at four-thirty p.m. on the fifth day following posting or mailing of such notice.

(Ord. 88-06-07-01 § 5 (part): prior code § 15.20.060)

Chapter 12.12

VESSEL REGULATIONS

Sections:

12.12.010 Vessel restrictions.
12.12.020 Blinding lights.
12.12.030 Occupancy of vessels.
12.12.040 Securing of auxiliary vessels.

12.12.010 Vessel restrictions.

A. No person may operate a vessel in the small boat harbor which has an overall length, beam, or

draft in excess of that which may be safely operated within the harbor under tidal and other conditions present. A person who operates within the small boat harbor a vessel which exceeds or may exceed the limits for safe operations shall do so at his own risk.

B. No person may operate a vessel within the waterway which does not meet all applicable requirements of the United States Coast Guard.

C. No person may operate a vessel with an outboard or inboard motor that is not equipped with an adequate exhaust muffler.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.30 .030)

12.12.020 Blinding lights.

A. No person may operate a vessel searchlight or other bright light in a manner that will temporarily blind or interfere with the vision of a operator of any other vessel in the harbor.

B. No person may operate a searchlight or other blinding light of a vessel not underway in the Hoonah Harbor, except in an emergency.

C. No person may operate a searchlight or other high intensity light on a vessel in such a manner that the safety and privacy of other persons in the immediate harbor is disturbed.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.30.020)

12.12.030 Occupancy of vessels.

A. No person may rent or lease a vessel moored at the harbor facility as its place of residence, utilize it as a roominghouse or permit it to be occupied for any period of more than five days by any person other than the normal crew for the vessel.

B. A vessel which is not in regular use for the purpose for which it is normally operated and which has remained moored to boat harbor facilities continuously for a period of ninety (90) days or more may not be occupied, except that one person and their spouse may occupy the vessel if serving in the capacity of caretaker.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.30.050)

12.12.040 Securing of auxiliary vessels.

Every owner, master or managing agent of any boat using the mooring or other facilities of the Hoonah boat harbor shall comply with the following regulations:

A. No rowboats or skiffs shall be pulled up and left on any of the city floats, finger floats, or docks.

B. All government floats must be kept clear at all times.

C. Not more than three boats shall be tied abreast or alongside each other without permission of the harbormaster.

D. Each boat must have proper spring lines to keep the boat from surging.

E. Each boat must have at least one line to the float, alternating ends.

F. All row boats and skiffs shall be on board or tied in a space allotted for that purpose, and not tied in front of or alongside larger boats.

G. No boat shall be tied so it can touch other boats fore and aft, and said persons shall supply and use adequate fenders to safeguard floats and vessels from chafing and other damages.

(Ord. 88-06-07-01 § 5 (part): prior code § 15.30.040)

Chapter 12.16

HARBOR AREA REGULATIONS

Sections:

12.16.010 Use of harbor facilities.
12.16.020 Storage on floats or docks.
12.16.030 Tampering with the facilities.
12.16.040 Float bumpers.
12.16.050 Loading ramp and docks.
12.16.060 Accident reports.
12.16.070 Fire hazards.
12.16.080 Animals.
12.16.090 Children.
12.16.100 Wheeled vehicles.
12.16.110 Regulation of signs.
12.16.120 Fishing prohibited.
12.16.130 Commercial repair of vessels.
12.16.150 Impoundment and sale of derelicts and unregistered vessels.

12.16.010 Use of harbor facilities.

A. No person may dump or deposit any waste, litter, garbage, refuse, debris, or petroleum product into the waterways or onto any dock, float, or other harbor facility not designated or designed for the disposal of trash.

B. A person in charge of or occupying a vessel shall at all times keep the floats and premises adjacent to such vessel in a neat and orderly condition, free from trash, refuse, garbage, and debris of any kind.

C. All garbage, trash, refuse, and waste to be disposed of within the small boat harbor or city float shall be deposited in garbage containers located at the top of float ramps or at the head of the dock.

D. Waste oil shall be deposited in containers designated for the disposal of waste oil and shall not be deposited in any other garbage or trash container.

E. No person may pump any bilge containing oil or gasoline residue within the Hoonah Harbor.

(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.010)

12.16.020 Storage on floats or docks.

A. All floats, docks, ramps, and approaches shall be maintained free and clear of any objects or items that are not appurtenances or fixtures to the float, dock, ramp, or approaches unless authorized by the harbormaster.

B. No person may store or place upon any float, dock, ramp, or approach any repair parts, machinery, equipment or gear, except in conjunction with the loading or unloading of a vessel or at work areas designated by the harbormaster.

C. Property of any sort found upon a float, dock, ramp, or approach may be impounded by the harbormaster if he is unable to obtain the immediate removal of such property. Impounded items will be released upon proof of ownership and payment of any impounding or storage fees.

D. The harbormaster shall give written notice of the impoundment to the owner of the property if the owner is known, and shall maintain a listing at the harbormaster's office of all property impounded and the date of impoundment. Property that is not claimed within sixty (60) days shall be forfeited to the city and may be sold pursuant to procedures regulating the disposition of other city property.
(Ord. 98-01-01 § 5; Ord. 88-06-07-01 § 5 (part): prior code § 15.40.020)

12.16.030 Tampering with the facilities.

A. No person may tap, connect, disconnect or interfere with any water outlet, waterpipe, water connection, telephone equipment, electrical outlet or electrical device maintained or operated by the city in the Hoonah Harbor without first obtaining the permission of the harbormaster.

B. No person may remove, alter, damage, or interfere with any wharf, float, gangplank, ramp, or any other boat harbor facility operated by the city.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.030)

12.16.040 Float bumpers.

No person may utilize in the small boat harbor or city float, float bumpers that are attached, permanently or temporarily, to the float facilities made from used tires, old fire hose, or similar materials. The owner or operator of a vessel assigned reserved moorage space may install standardized premolded rubber or vinyl bumpers of commercial manufacture as approved by the harbormaster.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.040)

12.16.050 Loading ramp and docks.

A. No person may utilize skids for the purpose of hauling out any boat. Boats may be hauled out only on the boat harbor loading ramp and only by using a trailer or other wheeled conveyance.

B. No person engaged in business as a common or private carrier by water may load or unload freight at any boat launch ramp without prior harbormaster approval.

C. No person shall tie-up to any boat launch ramp float for longer than is necessary to either launch

or pull out his boat.

D. No person shall leave stationary on any boat launch ramp a boat and trailer, for the purpose of cleaning the bottom, installing transducers, etc.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.050)

12.16.060 Accident reports.

The operator of any vessel involved in any accident within the Hoonah harbors resulting in the death or injury of any person or damage to property in excess of one hundred dollars ($100.00) shall immediately give oral notice of the accident to the harbormaster or, if he is unavailable to receive the notice, to the Hoonah police department. In addition, the operator shall, within twenty-four (24) hours after the accident, file a written report with the harbormaster containing the name of the vessel, the name of the vessel master, a full description of the accident, a description of the resulting injuries or damage, a description of possible causes or contributing factors, and such other information as the harbormaster may require.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.060)

12.16.070 Fire hazards.

A. No person may leave a fire or flame unattended aboard a vessel within the Hoonah Harbor that is deemed unsafe by the Hoonah harbormaster. All stoves and furnaces shall be marine approved appliances. Appliances may be deemed unsafe if excess soot, smoke or sparks are exiting the chimney or stack.

B. No person may store, deposit, or leave on any float, dock, or other harbor facility any gasoline, lubricating oil or other combustible liquid of any nature or description, except for temporary purposes in conjunction with the loading or unloading of a vessel.

C. A person using a torch or other flame-producing device in or upon any vessel, dock, float, or other boat harbor facility shall provide and have immediately available for use an approved fire extinguisher or hose connected to a water supply system adequate for suppressing any fires that may result from the use of the flame-producing device.

D. No person may smoke on any boat harbor facility designated by appropriate signs as a nonsmoking area.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.070)

12.16.080 Animals.

A. A person owning or in charge of any animal within the Hoonah Harbor shall keep that animal restrained or on a leash.

B. The owner or person in charge of any animal shall be responsible for immediate removal and disposal of any feces deposited by the animal on any city float or dock.

C. The owner or person in charge of any animal shall keep the animal from any loud barking and howling. The animal will be securely leashed and all feces deposited on deck shall be removed in a manner so

as to not prevent or hinder persons from crossing a vessels deck to board their own vessel, or otherwise disturb the peace and good order of the harbor.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.080)

12.16.090 Children.

No parent or other adult person responsible for the care or custody of any child under the age of twelve (12) years may permit that child to be on or near any dock or float within the city harbor, unless accompanied by an adult.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.090)

12.16.100 Wheeled vehicles.

No person may drive any bicycle or any motorized wheeled or tracked equipment upon any float facility without first obtaining the consent of the harbormaster.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.100)

12.16.110 Regulation of signs.

A. No person may write or post any written or printed matter in any place within the Hoonah Harbor except upon bulletin boards constructed for that purpose and only after obtaining permission by the harbormaster.

B. Signs identifying businesses or products may be erected within the Hoonah Harbor upon approval of the harbormaster.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.110)

12.16.120 Fishing prohibited.

No person may fish within the waterway in a manner which may interfere with movement of other vessels.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.120)

12.16.130 Commercial repair of vessels.

No person may engage in the commercial repair of any vessel within the small boat harbor or the city float without first notifying the harbormaster of the vessel to be repaired, if the nature of the repairs require special equipment. The harbormaster may require evidence of insurance or the execution of a hold harmless agreement as a condition to permitting commercial repair in the boat harbor, if he determines that the repairs to be performed may create a risk of damage or destruction to other vessels or property, or injury to persons in the boat harbor.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.130)

12.16.150 Impoundment and sale of derelicts and unregistered vessels.

A. The harbormaster may impound, any vessel determined to be a derelict, or any vessel which has

been restrained pursuant to Section 12.20.010 for more than fifteen (15) days without being redeemed by the owner/operator.

B. Failure of an owner to reclaim an impounded vessel prior to sale shall constitute an abandonment of his interest in the vessel, and the purchaser at public auction shall take title to the vessel free and clear of the owner's interest therein but subject to any liens or encumbrances held by parties other than the owner.

C. A vessel which has been impounded pursuant it this section may be sold at public auction upon the expiration of ninety (90) days from the date of impoundment charges and the other fees and takes possession of the vessel within ninety (90) days.

D. Notice of the sale shall be given to the owner of the vessel:

1. If the name and address of the vessel owner is known, by giving the vessel owner the actual notice of the time and place of the sale not less than thirty (30) days prior to the day of the sale;

2. If the owner of the vessel is not known and after reasonable diligence the owners whereabouts cannot be ascertained the sale shall proceed as follows:

   a. Notice of impending sale shall be posted on the vessel,

   b. Notice of the sale shall be posted in three public places within five miles of the place where the sale is to be held;

   c. Notice of sale shall be published in a newspaper of general circulation not less than three times prior to the day of the sale;

   d. Notice of the sale shall be posted or published not less than thirty (30) days prior to the day of the sale.

E. Sale of a vessel by the city pursuant to its impoundment authority does not include any warranty as to the title or otherwise.

F. The proceeds of the sale of any impounded vessel shall be applied first to any fees or charges owed to the city on account of the vessel, including reimbursement for all costs of impoundment and sale and any part of the proceeds remaining thereafter shall be made available to the owner of the vessel if claimed within thirty (30) days from the date of sale and if not so claimed shall become the property of the city.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.160)

Chapter 12.20

MOORAGE

Sections:

12.20.010 Registration and payment.
12.20.020 Exclusive moorage.
12.20.030 Open mooring.

12.20.040 Classification of harbor areas.
12.20.050 Multiple boat moorage.
12.20.060 Loading docks.
12.20.070 Gridirons.
12.20.080 Seaplane ramp.
12.20.090 Dry storage area.

12.20.010 Registration and payment.

A. No person may moor, berth, tie, attach or connect a vessel to any harbor facility without registering with the harbormaster and paying or executing an agreement to pay applicable moorage charges.

B. A person registering a vessel with the harbormaster shall provide the name, number, type, dimension, description, and uses of the vessel; the name and address of the registered owner, operator, and agent for the vessel; the type of registry requested; and such other information as may be requested by the harbormaster.

1. In the event of a change of ownership or a change in operator, a new vessel mooring agreement shall be signed within thirty (30) days after the change.

2. Vessels operating in the city's waterways or moored to public floats or dock facilities, within the city limits shall register the vessels with the harbormaster for the safety and public welfare of the Port of Hoonah.

3. It is unlawful to moor where signs prohibit moorage at floats, docks, ramps, or loading zones. It is unlawful to moor in areas restricted as exclusive moorage without first obtaining permission from the Harbormaster.

4. Vessels that are registered and moored but fail to pay moorage fees as required, or that are in violation of any section of this code, may be moved or restrained at any time by the harbormaster, with or without notice to the vessel owner or operator, and the owner or operator shall be charged the applicable fee for the harbormaster services.

C. A vessel that is moored but not registered with the harbormaster may be moved at any time by the harbormaster, with or without notice to the vessel owner or operator, and the owner or operator shall be charged the applicable fee for the harbormaster services.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.50.010)

12.20.020 Exclusive moorage.

A. Float space designated or exclusive moorage shall be assigned by the harbormaster for the exclusive use of one vessel per stall or space.

B. Exclusive moorage may not be assigned or subleased by the owner or operator of the vessel entitled to exclusive moo rage.

C. When the harbormaster deems necessary due to shortage of space available, the owner or operator of a vessel assigned exclusive moorage shall notify the harbormaster each time the space will be

unoccupied. During such periods when the assigned vessel will not be utilizing the exclusive moorage space, the harbormaster may assign such space for transient moorage.

D. Upon not less than two hours notice by the vessel entitled to exclusive moorage, the harbormaster shall cause the removal of any transient vessel utilizing the exclusive moorage space. Upon termination of exclusive moorage, written notice of the effective date shall be given on a form provided by the city to the harbormaster.

1. Sale of a vessel assigned exclusive moorage terminates the exclusive moorage agreement unless the stall or space renter replaced the sold vessel with another vessel or demonstrates to the satisfaction of the harbormaster that it is the intent to replace the sold vessel within a reasonable period of time, such period not to exceed one year.

2. If a vessel owner with exclusive moorage loses the vessel by fire, sinking by natural disaster, he may retain such exclusive moorage for a period of one year, beginning on the next anniversary date of his vessel mooring agreement. Such stalls shall be assigned for use at the discretion of the harbormaster during the period of hardship.

B. The owner or operator of a vessel occupying a moorage space assigned by the harbormaster for the exclusive use of another vessel shall provide the harbormaster with a current address and telephone number where notices relating to the vessel can be received. Immediately upon receipt of notice of termination of the transient occupancy, delivered orally or in writing to the person designated to receive notice with respect to the vessel, the owner or operator of the vessel shall cause the removal of the vessel from the assigned moorage space. If the vessel owner or operator fails to move the vessel immediately after receipt of notice, or if the harbormaster is unable to deliver notice within a reasonable time, the harbormaster may move the vessel from the moorage space, and the owner shall be charged the fee established for that service.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.50.020)

12.20.030 Open mooring.

A. Float areas not otherwise occupied or posted for assigned or restricted use shall be available for open mooring. Open mooring area shall be available to all members of the public for transient or temporary mooring of vessels. No vessel or vessel owner will have any exclusive rights to open mooring space and, upon departure, shall have no right to return to such space if it is occupied by another vessel during the period of absence.

B. A vessel mooring alongside another vessel shall moor adjacent to a vessel of similar size.

C. The owner or operator of a vessel or other crew-member having the necessary capability and qualifications shall more the vessel upon request by the harbormaster to provide access to open mooring, to permit movement of any vessel moored in tandem to permit better utilization of open mooring space or for any similar purpose. The harbormaster may move a vessel pursuant to the above reasons, with or without notice to the owner or operator.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.50.030)

12.20.040 Classification of harbor areas.

In recognition of the federal and state funds used in the original construction of the harbor and the construction and maintenance of its improvements, and of the services rendered to boat owners by the United States Coast Guard, in addition to the varying needs of different types of services, the harbor areas are classified as follows:

A. Bow Mooring. Bow moorings are numbered spaces, which spaces shall be approximately six feet in width, and in other designated areas of the floats not otherwise occupied shall be provided for bow-on mooring of small craft not over twenty-four (24) feet in overall length. Such spaces may only be occupied upon making arrangements with the harbormaster and paying the rent to the city clerk whereupon the boat whose owner has made such arrangement and paid such rent shall have exclusive use of such space.

B. Government Areas. Government areas are float areas set apart for the exclusive use of the State Division of Aviation and other federal and state agencies.

C. Rafting. Rafting is designated but unnumbered space aside a previously moored and secured vessel, at locations and to depths from time to time designated by the harbormaster. Vessels mooring in an area classified for rafting are subject to yet another vessel tethering aside, and the city of Hoonah assumes no responsibility or liability for personal injury and property damage resulting from circumstances when rafted.

D. Side Mooring. Open mooring spaces on the sides of floats not occupied for exclusive use shall be open, upon application to the harbormaster, for designation as exclusive mooring space for boats under nineteen (19) feet in length. Such spaces, after having been so designated, and the rent hereinafter provided having been paid to the city clerk shall be for the exclusive use of the boat owner or operator who has made such arrangement and paid such rent.

E. Special Areas. Special areas are all of the approaches, and designated areas of any float when suitable posted and marked, are to be used only by the general public, without charges, for the purposes of loading and unloading of supplies, equipment, stores. No boat shall be moored in such designated areas for any period longer than a reasonable time required for such loading and unloading.

F. Stalls. Stalls are numbered areas enclosed by floats set at an angle to the finger floats set apart or established by piling and designated for exclusive use of privately owned boats, both commercial and pleasure, upon the owners thereof having first made arrangements with the harbormaster and having paid in advance to the city clerk the stall rent hereinafter provided. Each shall be numbered in such a manner that its location can be readily determined.

(Ord. 88-06-07-01 § 5 (part): prior code § 15.50.040)

12.20.050 Multiple boat moorage.

A. Not more than one vessel may be moored in a stall at any one time except with the prior consent of the harbormaster. The harbormaster may permit multiple occupancy of a single stall or float area if he determines that multiple occupancy would be safe and would facilitate maximum use of harbor facilities.

B. If a person utilizing moorage facilities owns or operates more than one boat which may from time to time be moored to the float, the moorage charge shall be based on the applicable rate as set by the Hoonah city council.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.50.050)

12.20.060 Loading docks.

A. The loading docks in the small boat harbor are open to the public; and vessels may moor at the loading docks only for such period of time as is reasonably necessary to complete the loading or unloading operations.

B. The harbormaster may designate an area of the loading docks to be utilized by vessels undergoing repairs or maintenance for a period of time reasonably necessary to complete the repair or maintenance. Vessels must register with the harbormaster prior to using the designated area.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.50.060)

12.20.070 Gridirons.

The gridirons in the small boat harbor will be available at all times to boat owners for the purpose of repairing and painting boat bottoms and other customary gridiron use on a first-come-first-served basis in accordance with a list maintained by the harbormaster. No person may affix a vessel to the gridirons or their appurtenances without first obtaining permission from the harbormaster
(Ord. 88-06-07-01 § 5 (part): prior code § 15.50.070)

12.20.080 Seaplane ramp.

The seaplane ramp or float shall be under the jurisdiction of the Department of Aviation but under the supervision of the harbormaster.

A. Seaplane ramp space shall be made available to all members of the public for the transient or temporary mooring of aircraft. When the available ramp space is occupied, aircraft shall obtain mooring space that is not on or adjacent to mooring space provided for vessels other than aircraft, at the direction of the harbormaster.

B. No vessels shall be moored to the airplane float other than to discharge cargo or passengers on a commercial or private aircraft.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.50.080)

12.20.090 Dry storage area.

A. The storage of crab pots, boat parts, engine parts and other miscellaneous items is permitted on portions of the landfill as designated by the harbormaster. Persons desiring to utilize this unsecured storage area shall first register with the harbor-master and provide him with requested information regarding the description and quantity of items to be stored, as well as the anticipated period of storage.

B. Each item placed in the dry storage area shall be marked with a tag containing the name and number of the vessel to which the gear belongs, the name and address of the registered owner and the name of the operator of the vessel. All crab pots placed in storage for a single registered owner shall be laced together with a durable line so each group of crab pots stored will be readily identified.

C. A charge shall be made for storage of items for a period longer than fourteen (14) days. Items stored for a period in excess of sixty (60) days without payment shall be impounded by the harbormaster. Property so impounded may be sold at the expiration of three months from the date of impoundment unless the registered owner or his agent pays accrued storage and impoundment fees and removes the property from the harbor facilities.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.50.090)

Chapter 12.24

FEES

Sections:
12.24.010 Moorage and stall rentals--Advance payment.
12.24.020 Wharf fees--Advance payment.
12.24.030 Charges for facilities and services.
12.24.040 Lien for unpaid rentals and fees.
12.24.050 Recovery of unpaid fees.
12.24.060 Accounting.

12.24.010 Moorage and stall rentals--Advance payment.

All mooring and stall rentals and other charges herein provided shall be paid to the city of Hoonah in advance by delivery or mail to the harbormaster or his designee (city clerk at the City Hall, Hoonah, Alaska) in accordance with the fee schedule available at City Hall or the harbormaster's office.
(Ord. 07-03-07 (part): Ord. 88-06-07-01 § 5 (part): prior code § 15.60.010)

12.24.020 Wharf fees--Advance payment.

All wharfage and demurrage (dockage, storage, labor and miscellaneous fees) for use of Hoonah Wharf and related facilities shall be paid to the city of Hoonah on a billing cycle based on shipping manifest provided by the Transport Company on a monthly basis (in advance by delivery or mail to the city clerk at City Hall, Hoonah, Alaska) in accordance with the attached fee schedule available at City Hall or the harbormaster's office.
(Ord. 07-03-07 (part): Ord. 88-06-07-01 § 5 (part): prior code § 15.60.020)

12.24.030 Charges for facilities and services.

A. Charges required by the city of Hoonah to be paid in advance shall be paid at the harbormaster's office or City Hall prior to utilization of any facility or equipment, or receipt of any service.

B. Annual charges for moorage shall be due and payable as follows: annual exclusive moorage charges may be paid in four equal installments. The first installment shall be due on or before August 1st of each year and, if not paid on or before August 1st, shall accrue interest at twelve (12) percent per year from that

date until paid. The second installment shall be due and payable on or before November 1st of each year and, if not paid on or before November 1st, shall accrue interest at twelve (12) percent per year from that date until paid. The third installment shall be due and payable on or before February 1st of each year and, if not paid on or before February 1st, shall accrue interest at twelve (12) percent per year from that date until paid. The fourth installment shall be due and payable on or before May 1st of each year, and if not paid on or before May 1st, shall accrue interest at twelve (12) percent per year from that date until paid. If installment payments are not paid on or before the next installment is due, the exclusive moorage agreement shall be terminated, and the harbormaster may assign the exclusive moorage to another vessel.

C. The fees and charges for other facilities, equipment and services provided or made available within the Hoonah boat harbor that are not required to be paid in advance shall be paid within thirty (30) days after billing. Billings that are not paid within thirty (30) days shall accrue interest at the rate of twelve (12) percent per year from the date due.

D. The owner of a vessel is liable for fees and charges for moorage, equipment, and services provided by the city pursuant to this chapter, notwithstanding the fact that the moorage equipment or services were provided at the request of an operator or other agent. In addition to any suits for collection against the vessel owner or other available remedies, the city may assert a lien under admiralty law for fees or charges for moorage, equipment or services provided or rendered to the vessel that are not paid when due and may initiate appropriate proceedings for the seizure of the vessel and foreclosure of the lien.

E. A copy of the schedule of fees and charges adopted by reference as set out in the fee schedule shall be posted at the harbormaster's office.
(Ord. 07-03-07 (part); Ord. 98-01-02 § 5; Ord. 96-09-19 § 6; Ord. 96-06-14 § 6; Ord. 94-10-06 § 6; Ord. 88-06-07-01 § 5 (part): prior code § 15.60.030)

12.24.040 Lien for unpaid rentals and fees.

The city of Hoonah shall have a lien, under provisions of AS Section 34.35.220 for any unpaid mooring rentals; and a lien, under the provisions of AS Section 34.35.175 for any unpaid fees for services provided by the harbormaster and, should any of such rentals and fees be unpaid or unsecured for ninety (90) consecutive days after which rentals and fees have accrued, shall be sold by the city of Hoonah for such unpaid charges and fees in accordance with the provisions of AS Title 34, Chapter 35.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.60.040)

12.24.050 Recovery of unpaid fees.

Any owner, master, managing a debt of any boat who fails to pay the moorage and service fees as herein provided, at the time and place when such fees are due and payable, and for a period of thirty (30) days thereafter shall be subject to any action by the city council of the city of Hoonah for the recovery of such fees and charges, or the boat may be sold to satisfy the lien hereinabove provided. The harbormaster shall submit a report to the city manager each calendar quarter all the delinquencies and such report shall include the description of the boat, the names and address of its owner, and type and value of such fees which are delinquent. The city clerk shall refer all delinquencies to the city manager for appropriate action to recover fees owned to the city of Hoonah.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.60.050)

12.24.060 Accounting.

A. The port of Hoonah shall be a city operated utility to be operated in a businesslike manner. As a utility it is intended to be financially self-sufficient. The city of Hoonah may issue revenue bonds for its capitalization needs, to be secured by the general fund of the city.

B. All usage fees collected by the port of Hoonah, in connection with the Hoonah harbor shall be deposited in a special fund established by the city of Hoonah. The fund shall be used exclusively for the administration, maintenance and operation of the harbor by the port of Hoonah.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.60.060)

Chapter 12.28

PROHIBITED ACTS--VIOLATIONS--PENALTY

Sections:
12.28.010 Operating a boat under the influence.
12.28.020 Prohibited acts--Designated.
12.28.030 Violations--Penalty.

12.28.010 Operating a boat under the influence.

It is unlawful for any person using the boat harbor facilities to operate or to be in actual physical control of any boat when under the influence of intoxicating liquor or drugs as per AS Section 28.35.110.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.140(A))

12.28.020 Prohibited acts--Designated.

A. No person may anchor a vessel in any open area within the confines of the small boat harbor without first attaining permission for the harbormaster.

B. There is a five mile per hour speed limit zone in the channel and a three mile per hour speed limit zone in the small boat harbor.

C. No person shall:

1. Operate or cause to be operated any boat within the boat harbor facilities that exceeds the speed limit or causes a wake or wave action which will damage, endanger or be likely to endanger any other boat or any of the boat harbor facilities, including but not limited to floats, finger floats, any other boat or occupant thereof;

2. Throw or otherwise cause to be deposited gasoline, oil, litter, trash, garbage or refuse on any float or into the waters of the boat harbor facilities;

3. Allow or permit dogs or animals to run at large on any boat harbor facilities or to become a nuisance therein;

4. Create or maintain any nuisance within the boat harbor facilities, or to conduct or carry on any unlawful acts, business or occupation therein;

5. Erect, place, post or maintain any advertising matter, a sign, or other printed matter, other than legal notices, on any part of the boat harbor facilities without approval thereof first being obtained from the harbormaster. All unauthorized advertising and signs shall be removed by the harbormaster;

6. Post notice or sign upon any bulletin board constructed and maintained by the city in the boat harbor facilities without first having obtained permission from the harbormaster;

7. Deposit, place, or leave any cargo, merchandise, freight, supplies, articles, or anything upon any float, ramp, decline, walk, or any public place in the boat harbor facilities, excepting as such a place or places as may be designated as loading areas by the harbormaster;

8. Fail to register with the harbormaster any boat occupying any of the boat harbor facilities;

9. Tap, connect, disconnect, interfere with, or tamper with any electrical wiring, electrical outlet, or electrical device of any kind installed or maintained by the boat or harbor facilities by the city without first having permission of the harbormaster; or to interfere with or tamper with any wharf, float gangplank, ramp, associated with the water system or any other of the boat harbor facilities;

10. Tie-up, enter or otherwise use an open or reserved mooring space except as provided in this chapter;

11. Disregard, deface, remove, tamper with our damage any sign or notice posted by the harbormaster or by direction of the city manager or council relating to the use of the boat harbor facilities;

12. Refuse to comply with any lawful order by the harbormaster; or

13. To violate any provision of this chapter.

D. Fireworks shall not be allowed on any city dock, float, ramp, or approachway, nor aboard any vessel moored at any harbor facility. The launching or throwing of fireworks into or over the harbor facility is prohibited.
(Ord. 88-06-07-01 § 5 (part): prior code § 15.40.140(B))

12.28.030 Violations--Penalty.

A. Any person violating any provisions or failing to comply with any of the mandatory requirements of this chapter is guilty of a violation, and upon conviction is punishable by a fine of not more than three hundred dollars ($300.00). Each person is guilty of a separate offense for each and every day or any portion thereof during which any violation of this chapter is committed, continued or permitted by such person,

he shall be punished accordingly.

B. Such persons may also be denied the use of the harbor facilities, equipment or services. (Ord. 88-06-07-01 § 5 (part): prior code § 15.40.140(C))

Title 13

PUBLIC SERVICES*

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*Prior ordinance history: Ords. 74-11, 74-12 and 79-1.

Chapters:

13.04 Utility Bills

13.08 Refuse Collection

13.12 Sewer System

13.16 Water Service

Chapter 13.04

UTILITY BILLS

Sections:

13.04.010 Definitions.
13.04.020 Mailing and due date of bills.
13.04.030 Billing and credit.
13.04.040 Late charge and interest.
13.04.050 Disputed bills.
13.04.060 Termination--Cause.
13.04.070 Termination--Procedure.
13.04.080 Connection fees.

13.04.010 Definitions.

The term "utility bills" as used in this chapter means the statement for water service, statement for sewer service, and statement for refuse (garbage) collection and/or disposal, all of them collectively, or any combination as used by the consumer, or having singular application to any one of the utilities when the circumstances so mandate.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.30.010)

13.04.020 Mailing and due date of bills.

A. All utility bills will be mailed to the owner's address or box number as requested at the time of instituting service and establishing the account or at such other address as is subsequently requested by the customer in writing. Bills will be dated, identifying the month for which service has been rendered by the city of Hoonah. The utility bills shall be mailed the first working day of the following billing month.

B. Utility bills are due and payable on the fifth day from the day of mailing. Bills which are not paid in full shall be considered delinquent or late on the tenth day of the month presented (for example, a statement for the month of January which was mailed January 29, if the 29th is the last working day of the month, shall be considered delinquent if not paid in full before February 10th of the month following).
(Ord. 04-03-02 § 3; Ord. 85-08-06-01 § 5 (part): prior code § 54.30.020)

13.04.030 Billing and credit.

The city of Hoonah may submit a statement for different utility services on one bill or invoice, separately identifying the charges for water, sewer and/or garbage service. Payments shall be remitted to the city of Hoonah and shall be applied first against accounts past due and then current accounts. Payments received in an amount less than charged for services shall be credited pro rata according to the utility charges billed, but the subsequent billing shall simply designate the deficiency in lump sum as past due without identifying the delinquency attributable to each different utility. The city shall not be required to apply a utility account deposit to an unpaid bill for service; the deposit is intended to secure payment to the city upon termination of service.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.30.030)

13.04.040 Late charge and interest.

Effective commencing with the billing for the month of January, 1979 for which statements will be mailed on January 31, a utility bill not paid in full and one which is not disputed shall be subject to a late charge of five dollars. All billings containing reference to a customer's account past due shall be subject to such late charge which shall be recurring on a monthly basis until the arrearage is brought current by full payment. All unpaid accounts which are twenty (20) days or more in arrears (delinquent for twenty (20) days) are subject to a simple interest charge of one percent per month.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.30.040)

13.04.050 Disputed bills.

Bills which are disputed must be brought to the attention of the utility clerk by the customer within ten (10) days from the date of mailing, and the dispute shall be presented in person or in writing and not by telephone. Failure to present a dispute in such manner constitutes a customer's waiver of any and all errors respecting the account. The utility clerk is empowered, following the concurrence of the city manager, to adjust utility bills and a customer's statement of account as appears appropriate in the clerk's discretion. The clerk shall notify the customer of the determination by written advisory memorandum. A customer aggrieved by the clerk's determination may appeal for redress to the council sitting as a board of equalization and then to a court of law. If the clerk determines that the customer owes additional moneys which were not remitted pending determination of the dispute, such additional amount as determined must be paid within ten (10) days. A customer wishing to appeal the clerk's determination must pay under protest and give notice of appeal in writing within ten (10) days from the date of clerk's determination as evidence by the advisory memorandum. A customer's failure to pay under protest during pendency of appeal shall be grounds for termination. If it is determined that there has been an overcharge, such amount shall be credited against future billings for that utility service.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.30.050)

13.04.060 Termination--Cause.

Utility service may be terminated at the city's discretion at any time a delinquency continues for twenty (20) days or more. Any failure by the city to invoke enforcement by instituting prompt termination procedure shall not be deemed to be a waiver of the city's termination right at any subsequent time. Water service shall be terminated first. If there is no water service or if it is determined that a household or other consumer continues to use the sewer utility following termination of water service, then the sewer utility service may also be disconnected. A deposit shall preclude termination of service by the city only if the amount of the deposit is at least twice as much as the delinquency existing at the time termination notice is given.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.30.060)

13.04.070 Termination--Procedure.

The city will terminate service only after serving written notice and an opportunity for hearing. The city shall furnish written notice of termination to the customer's last known address advising that termination shall occur ten (10) days thereafter, excluding the date on which the notice was dated and mailed. At any time prior to but not including, the termination date, the customer may submit a written request to the utility clerk for a public hearing before the council sitting as a board of equalization. Failure to timely file a request of public hearing shall be deemed waiver of that right. The clerk shall notify the customer of the scheduled hearing date and instruct that termination not occur pending hearing determination. The customer shall have the right to appear in person (for himself) or be represented by counsel and to bring witnesses and give such testimony and evidence as is deemed by the presiding officer to be relevant and nonredundant. The board of equalization may affirm, vacate or otherwise modify the prior administrative order, and shall enter brief summation constituting findings of fact and a conclusion and order. A customer wishing to appeal the decision of the board of equalization may, at his option, place a two hundred dollar ($200.00) cash deposit with the city in lieu of obtaining court injunction to forestall utility service termination pending judicial appeal.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.30.070)

13.04.080 Connection fees.

A. The disconnect fee for water disconnection at the curb stop shall be thirty dollars ($30.00). The disconnect fee for the sewer utility shall be the city's actual cost of labor and materials, plus a fifteen (15) percent administration fee.

B. The reconnect fee for water connection at the curb stop is thirty dollars ($30.00) and the reconnect fee for sewer connection is the city's actual cost of labor and materials plus a fifteen (15) percent administration fee.

C. Restoration of service after a discontinuance for nonpayment of bills shall be made after payment of current and past due charges and payment of reconnect fees have been made and the posting of a security deposit of, one hundred dollars ($100.00) in addition to the deposits for water and sewer utility services of as elsewhere provided in this title.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.30.080)

Chapter 13.08

REFUSE COLLECTION

Sections:

13.08.010 Definitions.
13.08.020 Containers--Required--Specifications.
13.08.030 Containers--Maintenance.
13.08.040 Containers--Location.
13.08.050 Refuse disposal--Prohibitions.
13.08.060 Public works department.
13.08.070 Refuse collection fees.
13.08.090 Collection schedule.
13.08.100 Collection notification.
13.08.110 Disposal.
13.08.120 Time of disposal of refuse.
13.08.130 Refuse disposal fees.
13.08.140 Billing and payment.
13.08.150 Violations--Penalties.

13.08.010 Definitions.

The following words when used shall have the meanings respectfully ascribed to them:

"Ashes" means the solid waste products of coal, wood and other fuels used for heating and cooking, from all public and private establishments and from all residences.

"City" means the city of Hoonah.

"Collector of refuse" means the city of Hoonah or its designated representative or employee.

"Department" means the city of Hoonah department of public works.

"Garbage" means all putrescible wastes except sewage and body wastes, including vegetable wastes, but not including recognized industrial by-products, and shall include all such substances from all public and private establishments and residences.

"Person" means every person, firm, partnership, association, institution and corporation. The term shall also mean the occupant and/or the owner of the premises for which service herein mentioned is rendered.

"Refuse" means garbage, rubbish, ashes and all other putrescible and nonputrescible wastes except sewage, from all public and private establishments and residences.

"Rubbish" means all nonputrescible wastes, including, but not limited to wastepaper, boxes, debris, grass, leaves, weeds and cuttings from trees, lawns, shrubs and gardens, from all public and private establishments and residences, but shall not include recognized industrial by-products.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.140)

13.08.020 Containers--Required--Specifications.

All refuse created or accumulated shall be deposited in containers of a type approved by the public works department of the city, and shall be watertight and pest-proof and equipped with tight-fitting covers. Except in the cases where containers are provided by the department, each container shall have a capacity of not

less than five gallons and not more than fifty-five (55) gallons, and shall be kept neat and sanitary at all times. Each container shall not exceed sixty (60) pounds gross weight when full. Bulky rubbish may be bound, and such bundles shall not exceed fifty (50) pounds in weight.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.010)

13.08.030 Containers--Maintenance.

Every person in possession, charge or control of any place where refuse is created or accumulated shall provide sufficient number of containers or accommodate all refuse accumulated between successive collections. The owner of any multiple dwelling shall furnish or require his tenants to furnish proper garbage containers. Refuse containers furnished by the tenants located at multiple dwellings shall be marked so as to indicate the apartment to which they belong. Each container shall be kept closed except when it becomes necessary to deposit or to remove refuse. Each container shall be kept clean and upright so as not to create an odor or nuisance or endanger public health or safety.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.020)

13.08.040 Containers--Location.

No persons shall place refuse or refuse containers, other than those of the city of Hoonah, on the traveled right-of-way of any public street alley; provided, that such containers may be placed on the untraveled edge of a public right-of-way at specified times and places when such location is necessary for expeditious collection of refuse.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.030)

13.08.050 Refuse disposal--Prohibitions.

It is unlawful for any person to deposit refuse which may be offensive, noxious or dangerous to the public health on any private property, public ground, alley, street, or areaway or on any other public place within the city limits where it may become dangerous or offensive to the public health. Outside burning of rubbish or other combustible materials shall be restricted to authorization of a special permit by the fire chief. Nothing herein contained shall be construed to prevent a person from removing rubbish from his private property and transporting it to an approved disposal area; provided, that all city regulations relating to the use of disposal area are complied with.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.040)

13.08.060 Public works department.

The public works department (the department) shall collect and dispose of refuse accumulated and make occasional inspections for compliance with this title. It shall require such equipment and hire such employees as may be necessary to fulfill effectively its duties. No person shall operate any other public refuse collection system without permission of the council.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30 .050)

13.08.070 Refuse collection fees.

A. The garbage and refuse collection rates to be charged for service shall be determined by

ordinance of the council, and such rates shall be published in a separate schedule. This schedule appearing as Schedule C, adopted by reference by the ordinance codified in this section and on file in the office of the city clerk shall became a part of this section by reference.

B. Rates for garbage and refuse collection service provided to apartment buildings or trailer parks, or to any residential tenant, shall be the responsibility of the property owner. Such owner must file with the city the number of dwelling units, which are available to be serviced, and a rate will be charged based on that number, irregardless as to whether there are any unoccupied units.

C. Rates for garbage and refuse collection service provided to a premise, which has multiple non-residential units for occupancy by tenants, shall be the responsibility of the property owner. Such owner must file with the city the number of units, which are available to be serviced. A rate will be charged based on that number, irregardless as to whether there are any unoccupied units.

D. At its sole discretion, if in its best interest, the city may enter into an agreement for service with a commercial non-residential tenant of a premises occupied by such one tenant, who shall be held responsible for the utility service billings for the entire premises. The city administrator, or delegate shall determine the terms of such agreement.

E. Definitions as used in this section:

"B & B" means bed & breakfast business, and this rate is in addition to the residential rate. Business owner must disclose the number of guests his B & B can accommodate. This rate is not a seasonal rate, and shall apply whether or not the full accommodation is achieved. There shall be no proration of rates based on occupancy, other that that provided in this section.

"Commercial--Category 1." Business maintain office or shop space, which it shares insignificantly within owner's residence. Two pickups per week. This rate is in addition to the residential rate.

"Commercial--Category 2." Business activities generate customer traffic and refuse. Non-food business. Two pickups per week.

"Commercial--Category 3." Sales or food service, generating internal refuse in preparation and/or through customer take out of refuse. Two pickups per week.

"Commercial--Category 4." This service level (collection/disposal) approximates the use of no more than one dumpster, emptied up to five times per week.

"Commercial--Category 5." Service level (collection/disposal) approximates the use of two dumpsters, emptied up to five times per week.

"Commercial--Category 6." Service level (collection/disposal) approximates the use of no more than three dumpsters, emptied up to five times per week.

"Dwelling unit" means a single-family residential dwelling.

"Special collection" means that customer is not involved in daily sales, but requires significant collection effort when needed.

"Special consideration" means that customer does not fall in any of the above categories. The city administrator, or delegate, based on the best estimate of the refuse collection/disposal volume and frequency of service, shall establish rates for this category.

F. Service Classes. The classes of service shall be residential, commercial and special contract as follows:

1. Residential services shall consist of all services for domestic purposes supplied to single-family dwellings, apartment buildings and trailer parks.

2. Commercial services shall consist of all services where service is supplied for a commercial or business establishment.

3. Special contract services shall consist of those services under contracts authorized by the city council. When the applicant's requirements for service are unusual or large, or necessitate considerable special or reserve equipment or capacity, the city council reserves the right to make a special contract, the provisions of which are different from and have exceptions to the regularly published sewer rates and regulations. All special contracts shall be in writing, signed by the applicant, approved by the council and signed by the mayor and city clerk.

4. If service is supplied to a customer for use in both a single-family dwelling unit and a business establishment, the commercial rate shall be in addition to the residential rate.

The residential extra pickup and extra container rates also apply to apartments, trailer parks, and seniors. Extra container rate is applicable if more than two containers are emptied on each pickup trip.

If a premises is a business and also a residential dwelling, then the applicable rates shall be based on the number of dwelling units in addition to the applicable commercial rate.
(Ord. 06-02-05 § 3; Ord. 03-08-18 § 3 (part): Ord. 93-03-01 § 6 (part): Ord. 90-07-17-01 § 6 (part); Ord. 89-02 § 6 (part): Ord. 85-08-06-01 § 5 (part): prior code § 42.30.060)

13.08.090 Collection schedule.

Refuse shall be collected at such frequent intervals as to prevent health or fire hazards or unsightly conditions; provided, that collections shall be made not less than once a week from each residence, shop, store or other establishment, and not less than twice a week from restaurants, boarding houses or other places where conditions require more frequent collections. The council may set and alter by resolution the intervals between collections.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.070)

13.08.100 Collection notification.

All occupants, persons in possession, charge or control of premises and places in or upon which refuse is created or accumulated shall notify the authorized garbage collection service of the city that collections of refuse from such place is required.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.080)

13.08.110 Disposal.

The public works department shall dispose of refuse by conveying it to a garbage dump or other places designated by the council. Such garbage dump shall be kept in a sanitary condition as circumstances permit, using every reasonable means to destroy or cover the refuse and prevent it from becoming a refuge or breeding place for rats or other pests, or otherwise endangering public health and safety.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.090)

13.08.120 Time of disposal of refuse.

The garbage dump shall maintain hours as set forth in Schedule A, adopted by reference as set out in the ordinance codified in this chapter and on file in the office of the city clerk. The schedule for disposal of refuse is subject to change by the public works department which shall have the authority to establish and regulate the schedule for all domestic, commercial and industrial consumers provided adequate public notice of schedule changes is posted for a period of not less than three calendar days.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.100)

13.08.130 Refuse disposal fees.

The rates charged for garbage and refuse disposal at the city garbage dump shall be in accordance with Schedule B, adopted by reference as set out in the ordinance codified in this chapter and on file in the office of the city clerk. The rates for refuse collection are subject to change by the city council which shall have the authority to establish and regulate the rates for all domestic, commercial and industrial consumers provided adequate public notice of schedule changes is posted for a period of not less than ten (10) calendar days.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.110)

13.08.140 Billing and payment.

Billing and payment requirements for all services under this chapter shall be covered under Chapter 13.04.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.130)

13.08.150 Violations--Penalties.

Any person keeping refuse in containers other than authorized by this chapter or who keeps upon any premises in the city refuse which is offensive, or who fails to perform any act required by this chapter shall have committed a violation which upon conviction is punishable by a fine. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
(Ord. 85-08-06-01 § 5 (part): prior code § 42.30.120)

Chapter 13.12

SEWER SYSTEM

Sections:

13.12.010 Definitions.
13.12.020 Description.
13.12.030 Liability.
13.12.040 City property.
13.12.050 Sewage treatment plant.
13.12.060 Collection system.
13.12.070 Interceptors.
13.12.080 Customer service lines.
13.12.090 Joint service connections.
13.12.100 Number of service lines.
13.12.110 Construction costs.
13.12.120 Compliance with plumbing code.
13.12.130 Required connections.
13.12.140 Applications for service.
13.12.150 Establishing deposits--Credit.
13.12.160 Deposits--Receipt.
13.12.170 Deposit--Forfeiture.
13.12.190 Right of access.
13.12.200 Prohibited discharges into sewer system.
13.12.210 Required use of city system.
13.12.220 Standards for individually owned system.
13.12.230 Ground discharge.
13.12.240 Extensions of individual systems.
13.12.250 Prohibited connections.
13.12.260 Permit for connections required.
13.12.270 Interference with system.
13.12.280 Administration and enforcement.
13.12.290 Suspension of rules.
13.12.300 Easements.

13.12.010 Definitions.

For purposes of this chapter:

"Applicant" means the person, persons, firm, association, or corporation making application to the department for sanitary sewer service under the terms of this chapter.

"Customer" means any person, firm, association or corporation which uses the sanitary sewer service of the city.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.140)

13.12.020 Description.

Sewer service shall be provided by the public works department (the department), which will exercise reasonable diligence to insure the uninterrupted operation of the system.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.010)

13.12.030 Liability.

The city shall not be liable for damages resulting from interruption in service or lack of service.

Temporary suspension of services by the department for improvements and repairs will from time to time be necessary. Whenever possible, and when time permits, all customers affected will be notified prior to the suspension of service by notice.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.020)

13.12.040 City property.

All interceptors, pump stations, valves, fittings, outfall pipes, lift and force mains, aeration equipment, inlet and outfall facilities, and other appurtenances, except customer service lines as defined in Section 13.12.080, shall be the property of the city.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.030)

13.12.050 Sewage treatment plant.

The city shall construct, own and maintain a facility to be used for the treatment of effluent deposited into the sanitary sewer collection system.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.040)

13.12.060 Collection system.

The collection system shall consist of all pump stations, interceptors, customer service lines, valves, fittings and other appurtenances used for the collection and transmission of effluent to the sewage treatment plant.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.050 (part))

13.12.070 Interceptors.

Interceptors are the pipes of relatively large diameter which are connected to and used for the collection of effluent from the customer service lines and its delivery to the sewage treatment plant.

A. Within the City Limits. Sanitary sewer interceptor extensions to areas within the city limits not presently served by the existing sewage system shall be installed only after authorization by the city council.

B. Outside the City Limits. Sanitary sewer interceptor extensions outside the city limits shall be extended only at the expense of the customers served. The extensions shall become the property of the city at the time installed.

C. The city council shall determine the specifications of the extensions which shall be installed by the department or by the customers to be served thereby in accordance with plans and specifications approved by the department and pursuant to agreements between the customers to be served and the city.

D. Location of Interceptor Extension. The department will make sanitary interceptor extensions only in areas over which it holds rights-of-way, easements or title. Easements or permits secured for extensions shall be obtained in the name of the city along with all rights and title to the

extension at the time of installation.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.050(A))

13.12.080 Customer service lines.

The customer service line of any customer shall be that part of the system which is situated on the customer's property or other private property over which he has control.

A. Ownership. The customer shall own, install and maintain the customer service line.

B. Size of customer service line. The department will furnish and install a customer service line of such size and at such locations as the applicant requests; provided such requests are reasonable, an interceptor is available for connection, and the size requested is one that is approved by the department. The minimum inside diameter of the customer service line shall be four inches. The department may refuse to install a customer service line which is undersized or oversized as determined by the city council.

C. Changes in Size of Customer Service Line. Permanent changes in the size of the customer service line requested by the customer shall be paid for by the customer on the basis of actual cost to the department for making the change.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.050(B)(1--3))

13.12.090 Joint service connections.

The department may, at its option, serve two or more premises with one connection to the interceptor. In such case, the inside diameter of the joint customer service lines shall be of a size sufficient to efficiently carry all effluent which will be produced on the premises.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.050(B)(4))

13.12.100 Number of service lines.

The owner of a single parcel of property may apply for and receive as many customer service lines as he and his tenants may require, provided his application or applications meet the requirements of this chapter.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.050(B)(5))

13.12.110 Construction costs.

At the time the applicant applies for sewage service where no such service previously existed, or if he is applying for a change in the size of the customer service line or location, he shall submit with his application a statement of whether the customer has or will install the customer service line or whether the city is requested to do so. If the customer makes such installation he shall furnish such proof as is required by the department to establish that the line is properly constructed and of sufficient size to carry the sewage and pay a connection fee for connecting to the interceptor. No connection will be made to an interceptor except by the city at the request of the customer or by the customer under the supervision and control of the department. If the connection is made by the customer, an inspection fee determined by the council in its rate ordinance shall be collected in advance. If the customer service line or connection, or both, are to be made by the city, the estimated cost

thereof, including surcharge for out-of-town connections, as estimated by the department, shall be paid in advance. The customer shall pay a deposit of fifty (50) percent of the estimated cost in advance before construction begins. The utility clerk shall bill the customer based on the following labor and equipment costs for water and sewer construction: labor, forty dollars ($40.00) per hour which includes salaries plus fringe; backhoe, eighty-five dollars ($85.00) per hour; loader, one hundred dollars ($100.00) per hour; Fiat grader, seventy-five dollars ($75.00) per hour; CAT grader, one hundred ten dollars ($110.00) per hour, dump truck, sixty-five dollars ($65.00) per hour; Bobcat skid steer, forty-five dollars ($45.00) per hour; sewer snake, twenty-five dollars ($25.00) per hour or one hundred dollars ($100.00) per day; welder, forty dollars ($40.00) per hour, with a one-hour minimum charge; materials, actual cost plus twenty-five (25) percent. The customer shall pay the balance within ten (10) days of completion of the work. Penalties shall incur beginning on the 11th day after construction is completed at the rate of eighteen (18) percent per month. After sixty (60) days if the customer is still delinquent, utilities shall be denied until all penalties and balance in arrears have been paid. Customer shall incur a shutoff cost in addition to a cost to return services back to the customer in accordance with other provisions of this chapter.
(Ord. 06-01-01 § 2; Ord. 85-08-06-01 § 5 (part): prior code § 54.20.050(B)(6))
(Ord. No. 12-11-07, § 3)

13.12.120 Compliance with plumbing code.

The customer's plumbing, which shall include the customer service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry sewage, shall comply with the plumbing code of the city.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.050(B)(7))

13.12.130 Required connections.

Wherever there is now, or may hereafter be, constructed within the city limits, an interceptor for the purpose of transmitting sewage to the sewage treatment plant, the owner or owners of the property abutting on any street, alley or right-of-way along which the interceptor is constructed, must connect all improvements on such property in which any sewage or liquid waste is produced, with a customer service line and an interceptor. Whenever the city shall notify in writing any owner or owners of property to connect such improvements to such line and interceptor, it shall be the duty of such owner or owners to make application, pay the prescribed fees, and complete the connection with the interceptor within thirty (30) days from the date of the notice. The department may, for good and sufficient reason, extend the time for the completion of the connection.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.050(C))

13.12.140 Applications for service.

Each applicant for sanitary sewer service shall sign an application form provided by the city clerk giving the date of application, the location of the premises to be served, the date the applicant desires service to begin, the purpose for which such service is to be used, the address for mailing of the billings, and such other information as is required by this chapter or the department may reasonably require. In signing the application, the customer agrees to comply with this chapter. The application is a request for service and does not bind the city to furnish service. If the application is properly completed and the connection fee plus estimated costs of any construction to be done by the city have been paid, the clerk shall issue a permit for the work to the applicant and the department.

(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.060(A))

13.12.150 Establishing deposits--Credit.

At the time application for service is made, the applicant shall establish his credit with the clerk. The credit of the applicant will be deemed established if the applicant makes a cash deposit to secure the payment of bills for sewer service. The deposit shall be twenty-five dollars ($25.00) and applicable to the utility service rendered and no service shall be furnished until a deposit is made to the clerk. The twenty-five dollar ($25.00) residential deposit for apartment buildings and trailer parks will be per unit.
(Ord. 90-07-17-01 § 6 (part); Ord. 85-08-06-01 § 5 (part): prior code § 54.20.060(B))

13.12.160 Deposits--Receipt.

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 water service is discontinued as provided in Section 13.04.060, the deposit will be applied to the total amount due for sewer and water service and any amount in excess of the total amount due will be refunded. The city will not pay interest on any deposit.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.060(B)(1))

13.12.170 Deposit--Forfeiture.

If any account becomes delinquent for sewer service, construction costs or a connection fee and it is necessary to terminate the water service the deposit shall be applied to the unpaid balance due. Water service will not be restored to those premises or that customer at different premises until all outstanding bills due the department from the customer have been paid and the cash deposit is replaced.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.060(B)(2))

13.12.190 Right of access.

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 from which sewage is carried for the purpose of inspecting connections, the condition of pipes and fixtures, and the quality and composition of the sewage. The department does not, however, assume the duty of inspecting customer service lines, plumbing and equipment, and shall not be responsible therefor.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.090)

13.12.200 Prohibited discharges into sewer system.

It is unlawful and a violation of this chapter for a customer or any other person to deposit or allow to be placed into the sanitary sewage collection system any of the following materials:

A. Petroleum, coal tar, vegetable and mineral oils and products, and their derivatives and wastes;

B. Greases, oils, and sludges from service stations, garages, repair shops, machine shops, cleaning establishments or other industries or establishments;

C. Explosive or inflammable liquids and gases;

D. Acids, alkalis or other corrosive liquids, gases or substances of sufficient strength to damage sewers, manholes, pumping stations or treatment plant units;

E. Paints or waste products from paint manufacturing;

F. Substances which will form deposits or obstructions in the sewage collection system or which, when mixed with sewage, will precipitate material and thus form deposits in the system;

G. Ashes, cinders, sand, earth, coal, rubbish or metals of any kind;

H. Live steam, exhaust steam or water having a temperature above one hundred forty (140) degrees Fahrenheit;

I. Ground or unground refuse, garbage or waste materials;

J. Offal from slaughterhouses and fish process plants;

K. Dead animals;

L. Sulfate or sulfate liquor and white water from pulp mills and paper mills.

(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.100(A))

13.12.210 Required use of city system.

It is unlawful for any person to dispose of sewage, liquid wastes or human excreta from any building located within the city by any method other than through the utilization of the city sewage disposal system, if the building is located within two hundred (200) feet of any community sewage line; provided, that the building is at a higher elevation than the sewage line. Any application for an individual sewage system may be submitted to the department.

(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.100(B))

13.12.220 Standards for individually owned system.

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

(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.100(C))

13.12.230 Ground discharge.

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

(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.100(D))

13.12.240 Extensions of individual systems.

It is unlawful for any person to construct, alter or extend an individual sewage disposal system except by permission of the city.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.100(E))

13.12.250 Prohibited connections.

It is unlawful and a violation of this chapter for any customer or other person to connect drains from roofs, storm sewers, storm drains, or drains carrying fluid from excavation sites to the sanitary sewer collection system.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.100(F))

13.12.260 Permit for connections required.

It is unlawful and a violation of this chapter for any customer or other person to connect a customer service line to an interceptor without first making application, paying the connection fee, and securing a permit therefore from the department.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.100(G))

13.12.270 Interference with system.

It is unlawful and a violation of this chapter for any person to open any manhole or sewage lift station, enter into, or interfere or tamper with any sewer, manhole, sewage lift station, property at the sewage treatment plant, or stabilization pond.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.100(H))

13.12.280 Administration and enforcement.

A. This chapter shall be administered and enforced by the city of Hoonah and its delegated agents. The city council shall have the authority to establish and regulate monthly utility rates for sewer collection services for all domestic, commercial and industrial consumers (new) by resolution (end) provided adequate public notice of schedule changes is posted for a period of not less than ten (10) calendar days.

B. A current file of all rates adopted by the city council under this chapter shall be available for public inspection during regular business hours at the city office.

C. All moneys collected for water services will be used for administration, maintenance, extension, repair, capital improvement and operation of the systems.

D. All moneys collected for water service will be separately accounted for by the city treasurer.

E. The department shall adopt such additional regulations, provisions and procedures pertaining the sewer utility services as it deems proper.

F. The sewer utility system shall be operated and maintained by the department.

G. The city treasurer and the department shall prepare and submit written quarterly report for the city council. This report shall itemize all incomes and disbursements from operation and maintenance of the utility system. The report shall be filed in the city records.

H. No sewerage system lines from the city sewer utility shall be turned on for service into any premises by a person except such person or persons as the department shall authorize to perform this service. (Ord. 85-08-06-01 § 5 (part): prior code § 54.20.110)

13.12.290 Suspension of rules.

No employee of the department is authorized to suspend or alter any of the provisions contained in this chapter without specific approval or direction of the city manager, except in cases of emergency involving loss of life or property or which would place the operation of the sanitary sewer system in jeopardy.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.120)

13.12.300 Easements.

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 customer service lines, interceptors, valves and other necessary equipment.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.20.130)

Chapter 13.16

WATER SERVICE

Sections:

13.16.010 Definitions.
13.16.020 Service--Area.
13.16.030 Service--Supply.
13.16.040 Service--Liability.
13.16.050 Service--Quality.
13.16.060 Service--Ownership.
13.16.070 Service--Classes.
13.16.080 Special contracts.
13.16.090 Resale of water.
13.16.100 Service preference.
13.16.110 Application for service--Form.
13.16.120 Application for service--Amendments.
13.16.130 Establishment of credit.
13.16.140 Deposits--Receipt.
13.16.150 Deposits--Forfeiture.
13.16.160 Main extensions.
13.16.170 Services--Definition--Ownership.
13.16.180 Installation procedure.
13.16.190 Installation code.
13.16.200 Service size.
13.16.210 Changes in service size.
13.16.220 Joint service connections.
13.16.230 Number of service connections.
13.16.240 Fire service.
13.16.250 Temporary service connections.

13.16.260 Compliance with uniform codes.
13.16.270 Control valves.
13.16.280 Meters--Required.
13.16.290 Meters--Installation.
13.16.300 Meters--Responsibility.
13.16.310 Meters--Ownership.
13.16.320 Service connection charge.
13.16.340 Notices to customers.
13.16.350 Notices from customers.
13.16.360 Administration and enforcement.
13.16.370 Discontinuance of service--On customer request.
13.16.380 Discontinuance of service--Nonpayment of bills.
13.16.390 Discontinuance of service--Nonpayment of sewer service charges.
13.16.400 Discontinuance of service--Unsafe facilities.
13.16.410 Discontinuance of service--Cross-connections.
13.16.420 Discontinuance of service--Water waste.
13.16.430 Discontinuance of service--Service detrimental to others.
13.16.440 Discontinuance of service--Fraud or abuse.
13.16.450 Discontinuance of service--Unauthorized turn-on.
13.16.460 Discontinuance of service--Noncompliance with regulations.
13.16.470 Restoration of service.
13.16.480 Unusual demands.
13.16.490 Right of access.
13.16.500 Responsibility for equipment.
13.16.510 Fire hydrants.
13.16.520 Suspension of rules.
13.16.530 Easement.

13.16.010 Definitions.

For the purposes of this chapter:

Applicant. Whenever the word "applicant" is used, it means the person or persons, firm or corporation making application for water service from the department under the terms of these regulations.

Customer or user. Whenever the words "customer" or "user" are used, it means an applicant who has been accepted and who receives water service from the department.

Department. Whenever the word "department" is used, it means the city of Hoonah department of public works.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.010)

13.16.020 Service--Area.

The water service area shall be such area within the corporate limits of the city of Hoonah and such contiguous territory as is immediately adjacent to the city's water distribution system. The system shall be extended to such areas in and outside the city as the council shall from time to time determine.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.020)

13.16.030 Service--Supply.

Water service shall be provided by 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

reasonably possible any shortage or interruption in delivery.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.030(1) (part))

13.16.040 Service--Liability.

The city shall not be liable for damage resulting from interruption in service or lack of service. Temporary suspension of service by the department for improvements and repairs will be necessary. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns by notice through news media.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.030(1) (part))

13.16.050 Service--Quality.

The department will exercise reasonable diligence to supply safe and potable water at all times.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.030(2))

13.16.060 Service--Ownership.

All water mains, valves, fittings, hydrants and other appurtenances, except customer service lines, as defined in Section 13.16.170, shall be the property of the city.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.030(3))

13.16.070 Service--Classes.

The classes of service shall be residential, commercial and contract as follows:

A. Residential services shall consist of all services for domestic purposes supplied to single-family dwellings, apartment buildings and trailer parks.

B. Commercial services shall consist of all services where water is supplied for a commercial or business establishment.

C. Contract Service. Contract services shall consist of those services for business, industrial or independent water district purposes under contracts authorized by the city council.

D. If water is supplied to a customer for use in both a single-family dwelling unit and a business establishment, the commercial rate shall be in addition to the residential rate.

(Ord. 03-08-18 § 3 (part): Ord. 90-07-17-01 § 6 (part); Ord. 85-08-06-01 § 5 (part): prior code § 54.10.030(4))

13.16.080 Special contracts.

When the applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the city council reserves the right to make a special contract, the provisions of which are different from and have exceptions to the regularly published water rates and regulations. All special contracts shall be in writing, signed by the applicant, approved by the council and signed by the mayor and city clerk.

(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.030(5))

13.16.090 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.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.030(6))

13.16.100 Service preference.

In case of shortage of supply, the department has the right to give preferences in the matter of furnishing service to customers and interests as public convenience or necessity requires. Water service to uses outside of the city limits shall at all times be subject to the prior and superior rights of the customers within the city limits.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.030(7))

13.16.110 Application for service--Form.

Each applicant for water service shall sign an application form provided by the city manager or his designee giving the date of application, location of premises to be served, when the applicant desires services to begin, purpose for which service is to be used, the address for mailing of the billings, the size of line required and such other information as the department may reasonably require. In signing the application, the customer agrees to abide by the this chapter. The application is a request for service and does not bind the city to furnish service.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.040(a))

13.16.120 Application for service--Amendments.

Customers desiring a material change in the size, character or extent of equipment of 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 the change and the application for service shall be amended.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.040(b))

13.16.130 Establishment of credit.

The credit of the applicant will be deemed established when:

A. The applicant makes a cash deposit with the city to secure payment of bills for service. The deposit shall be a sum of twenty-five dollars ($25.00) for new applications; or

B. If the applicant has promptly paid all accounts due the city for a period of twelve (12) consecutive billing periods; or

C. If the applicant can otherwise convince the city that all bills will be paid when due.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.050)

13.16.140 Deposits--Receipt.

At the time the deposit is given to the city the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. The deposit will be returned to the customer when service to the customer is discontinued, provided all outstanding bills have been paid. The city may, at its option, return the deposit without application, provided all bills have been paid promptly for twelve (12) consecutive billing periods. The city will not pay interest on any deposit. When service is discontinued, the deposits will be refunded less any amount due the city for service.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.060)

13.16.150 Deposits--Forfeiture.

If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that customer at the same or different premises until all outstanding bills due the city have been paid and the cash deposit replaced.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.070)

13.16.160 Main extensions.

A. Within the City Limits. Water main extensions to areas within the city limits not presently served with water shall be installed only after authorization by the department.

B. Outside the City Limits. Water mains outside the city limits shall be extended only at the expense of the customer served. The main extensions shall become the property of the city at the time installed. The department shall determine the size of the main extensions and all extensions shall be made of suitable material approved by the department. Extensions outside the city limits shall be installed by the department or by the customers, in accordance with plans and specifications approved by the department.

C. Locations of Extensions. The department will make water 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 rights and title to the main at the time of installation.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.080)

13.16.170 Services--Definition--Ownership.

A. The "customer service line" shall be that part of the piping from the curb stop to the dwelling or point of use.

B. The customer shall own, install and maintain the customer service line.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.090(a, b))

13.16.180 Installation procedure.

All connections to the city water and sewage systems shall be made at the expense of the user. Costs of the connection and all appropriate regulations including the use of self-help and use of city equipment shall be established by the department.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.090(c))

13.16.190 Installation code.

All individual water service and sewer connections and repairs, modifications, or disconnections by such connections shall be made only under the terms and conditions as set forth by the Uniform Plumbing Code, 1985, as amended, and such further regulations as the city may make.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.090(d))

13.16.200 Service size.

The department will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the department. The minimum size of service shall be three-fourths inch. The department may refuse to install a service line which is undersized as determined by the department.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.090(e))

13.16.210 Changes in service size.

Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost plus fifteen (15) percent to the department for making the change.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.090(f))

13.16.220 Joint service connections.

The department may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines, shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service line plus meet fire flow demands. Service extensions from an existing service to other occupancies or ownerships other than that for which the existing service was intended shall not be permitted except under special contract approved by the department. In all cases, fire flow demands must be met without exception.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.090(g))

13.16.230 Number of service connections.

The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of this chapter.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.090(h))

13.16.240 Fire service.

A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service. As such, all water used through that service, regardless of its use, will be charged at the regular rates.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.090(i))

13.16.250 Temporary service connections.

For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the department. The applicant shall also pay his water bill in advance and based on an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

A. Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the department.

B. Charge for Water Served. Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

C. Installation Charge and Deposits. The applicant for temporary service will be required to do the following:

1. Pay the department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service;

2. Deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or otherwise establish credit approved by the department;

3. Deposit with the utility an amount equal to the value of any equipment loaned by the department to such applicant.

(Ord. 85-08-06-01 § 5 (part): prior code. § 54.10.090(j))

13.16.260 Compliance with uniform codes.

The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the Uniform Plumbing Code, 1985, as amended, and plumbing code of the city.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.090(k) (a))

13.16.270 Control valves.

A. Customers shall install a suitable control valve into the customer service line at a location determined by the department. The operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section.

B. It shall be a violation of this chapter for the customer to operate, cause or permit unauthorized operations of the stop or any appurtenances on the service connection.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.090(k) (b))

13.16.280 Meters--Required.

The city is authorized to require installation of a water meter at the user's expense on any residential,

industrial, or commercial line and to charge for such services as a similarly established meter rate, as set forth by ordinance.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.100(a))

13.16.290 Meters--Installation.

Installation of water meters shall be performed only by authorized employees or agents of the city and shall be undertaken at a time convenient to the city in terms of water system improvement construction and extensions. All meters shall be sealed by the city at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.100(b))

13.16.300 Meters--Responsibility.

The customer shall use all possible care to prevent damage to the meter or to any other loaned facility of the city. If the meter or other facilities are damaged, the cost of making repairs shall be assessed to the customer. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.100(c))

13.16.310 Meters--Ownership.

The city will own and maintain all water meters. The city will not pay rent or any other charge for a meter or other water facilities, including housing and connections, located on a customer's premises.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.100(d))

13.16.320 Service connection charge.

In the event the city of Hoonah makes the installation of a water supply line from the city line to the line located on private property, a service connection fee shall be levied in accordance with Schedule A annexed to the ordinance codified in this chapter and on file in the office of the city clerk and adopted as part of this section by reference. All connections from private property to city water lines shall hereafter be installed with a turnoff valve.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.110)

13.16.340 Notices to customers.

Notices from the department to the customer will normally be given in writing and either mailed to or delivered to him at his last known address. Where conditions warrant and in emergencies, the department may notify either by telephone or messengers.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.130(a))

13.16.350 Notices from customers.

Notices from the customer to the department may be given by the customer or his authorized representative orally or in writing at the accounts receivable office in the City Hall or to an agent of the

department duly authorized to receive notices or complaints.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.130(b))

13.16.360 Administration and enforcement.

A. This chapter shall be administered and enforced by the city of Hoonah and its delegated agents. The city council shall have the authority to establish and regulate monthly utility rates for water collection services for all domestic, commercial and industrial consumers by resolution provided adequate public notice of schedule changes is posted for a period of not less than ten (10) calendar days.

B. A current file of all rates adopted by the city council under this chapter shall be available for public inspection during regular business hours at the city office.

C. All moneys collected for water services will be used for administration, maintenance, extension, repair, capital improvement and operation of the systems.

D. All moneys collected for water service will be separately accounted for by the city treasurer.

E. The department shall adopt such additional regulations, provisions, and procedures pertaining the water supply service (utility services) as it deems proper.

F. The water utility system shall be operated and maintained by the department.

G. The department and the city treasurer shall prepare and submit written quarterly report for the city council. This report shall itemize all incomes and disbursements from operation and maintenance of the utility system. This report shall be filed in the city records.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.150)

13.16.370 Discontinuance of service--On customer request.

A. Each customer about to vacate any premises supplied with water 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 shall receive notice of such removal.

B. At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires to be discontinued, a bill shall 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.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.160(a))

13.16.380 Discontinuance of service--Nonpayment of bills.

A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in Section 13.04.060.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.160(b))

13.16.390 Discontinuance of service--Nonpayment of sewer service charges.

If sewer service charges are not paid when due by any person, firm or corporation whose premises are served with sewer service, then water service provided to that customer by the city may be discontinued because of the default in the payment of the sewer service charges.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.160(c))

13.16.400 Discontinuance of service--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 or state.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.160(d) (1))

13.16.410 Discontinuance of service--Cross-connections.

A cross-connection is defined as any physical connection between the water system and another 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-connection 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 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.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.160(d) (2))

13.16.420 Discontinuance of service--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 to prevent freezing rather than providing proper insulation is considered wasting water.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.160(e))

13.16.430 Discontinuance of service--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.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.160(f))

13.16.440 Discontinuance of service--Fraud or abuse.

The department will refuse to continue 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.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.160(g))

13.16.450 Discontinuance of service--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 shut off at the main. The charges for shutting off the water at the main shall be computed at actual cost to the department plus fifteen (15) percent overhead, but not less than five dollars. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the department has reasonable assurance that the violation will not reoccur.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.160(h))

13.16.460 Discontinuance of service--Noncompliance with regulations.

The department may, upon five day's notice, discontinue service to a customer's premises for failure to comply with any of the provisions of this chapter.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.160(i))

13.16.470 Restoration of service.

A. Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges and the restoration charge and posting a deposit as herein before provided.

B. Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse for noncompliance with this chapter will only be made after the irregularity has been corrected and the department has been assured that the irregularity will not reoccur.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.170)

13.16.480 Unusual demands.

Where an abnormally large quantity of water is desired, arrangements must be made with the utility prior to taking such water. Permission to take water in unusual quantities will be given only if the department facilities and other customers are not inconvenienced.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.180)

13.16.490 Right of access.

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 purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The department does not, however, assume the duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible therefor.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.190)

13.16.500 Responsibility for 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. The customer shall be responsible for valves on his premises being turned off when the water service is turned on.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.200)

13.16.510 Fire hydrants.

A. Operation. No person or persons other than those designated and authorized by the department shall open any fire hydrant belonging to the department, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, an auxiliary external valve will be provided 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 comply shall be a misdemeanor.

C. Moving a Fire Hydrant. When a fire hydrant has been installed in the locations specified by the proper authority, the department has fulfilled is obligation. If a property owner or other party desires to change the size, type or 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.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.210)

13.16.520 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 or which would place the water system operation in jeopardy.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.220)

13.16.530 Easement.

Each applicant and user gives and grants to the city and easement and right-of-way on and across his property for the installation of water mains and the necessary valves and equipment in connection therewith.
(Ord. 85-08-06-01 § 5 (part): prior code § 54.10.230)

Title 14

RESERVED

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Building Code

15.08 Electrical Code

15.12 Fire Prevention Code

15.16 Uniform Plumbing Code

15.20 Flood Damage Prevention

Chapter 15.04

BUILDING CODE

Sections:

15.04.010 Adopted.
15.04.015 Real property development permit application, approval and fee.
15.04.020 Violations--Penalties.

15.04.010 Adopted.

Pursuant to the authority of SA 29-45.010 for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures or portions thereof in the city, there is adopted by reference, as the building code of the city, that certain compilation of rules and regulations prepared and published by the International Conference of Building Officials, a nationally recognized technical trade organization, which compilation is entitled Uniform Building Code, 1967 Edition, Volumes I (Uniform Building Code) and III (Uniform Housing Code), and two copies of each of which have been filed in the office of the clerk of the city for public use, inspection and examination for a period of more than fifteen (15) days prior to the adoption of this chapter, and which compilation is made a part of this section as if fully set forth herein.
(Ord. 68-2 § 1)

15.04.015 Real property development permit application, approval and fee.

A. Application and Approval. A real property development permit application and its approval are required for all new construction, construction that changes an existing building foot print and elevation, and for grade or fill of property.

B. Application Fee. A fee of thirty dollars ($30.00) is required for all real property development

permit applications required by this section.

C. Duration. A real property development permit shall expire one year from the date of approval after which a new permit application must be submitted and approved for work to continue.
(Ord. No. 10-11-06, § 4)

15.04.020 Violations--Penalties.

A. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this chapter.

B. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than three hundred dollars ($300.00) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment.
(Ord. 68-2 § 2)

Chapter 15.08

ELECTRICAL CODE

Sections:
15.08.010 Adopted.
15.08.020 Violations--Penalties.

15.08.010 Adopted.

Pursuant to the authority of SA 29-45.010 for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures or portions thereof in the city, there is adopted by reference, as the electrical code of the city, that certain compilation of rules and regulations, which compilation is entitled National Electrical Code, 1965 Edition of the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, and two copies each of which have been filed in the office of the clerk of the city for public use, inspection and examination for a period of more than fifteen (15) days prior to the adoption of this chapter, and which compilation is made a part hereof as if fully set forth herein.
(Ord. 68-3 § 1)

15.08.020 Violations--Penalties.

A. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this chapter.

B. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed

guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than three hundred dollars ($300.00) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment.
(Ord. 68-3 § 2)

Chapter 15.12

FIRE PREVENTION CODE

Sections:
15.12.010 Adopted.
15.12.020 Violation--Penalty.

15.12.010 Adopted.

Pursuant to the authority of SA 29-45.010 for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures or portions thereof in the city, there is adopted by reference, as the fire prevention code of the city, that certain compilation of rules and regulations, which compilation is entitled Fire Prevention Code, 1965 Edition, recommended by the American Insurance Association, 465 California Street, San Francisco, California 94104, and two copies each of which have been filed in the office of the clerk of the city for public use, inspection and examination for a period of more than fifteen (15) days prior to the adoption of this chapter, and which compilation is made a part hereof as if fully set forth herein.
(Ord. 68-4 § 1)

15.12.020 Violation--Penalty.

A. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this chapter.

B. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than three hundred dollars ($300.00) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment.
(Ord. 68-4 § 2)

Chapter 15.16

UNIFORM PLUMBING CODE

Sections:

15.16.010 Adopted.
15.16.020 Violation--Penalty.

15.16.010 Adopted.

Pursuant to the authority of SA 20-45.010 for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures or portions thereof in the city, there is adopted by reference, as the uniform plumbing code of the city, that certain compilation of rules and regulations, which compilation is entitled Uniform Plumbing Code, 1964 Edition, of the Western Plumbing Officials Association, P.O. Box 247, South Pasadena, California 91031, and two copies of each of which have been filed in the office of the clerk of the city for public use, inspection and examination for a period of more than fifteen (15) days prior to the adoption of this chapter, and which compilation is made a part hereof as if fully set forth herein.
(Ord. 68-5 § 1)

15.16.020 Violation--Penalty.

A. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this chapter.

B. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than three hundred dollars ($300.00) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment.
(Ord. 68-5 § 2)

Chapter 15.20

FLOOD DAMAGE PREVENTION

Sections:
15.20.010 Statutory authorization.
15.20.020 Findings of fact.
15.20.030 Statement of purpose.
15.20.040 Methods of reducing flood losses.
15.20.050 Definitions.
15.20.060 Applicability.
15.20.070 Basis for establishing areas of special flood hazard.
15.20.080 Compliance.
15.20.090 Abrogation and greater restrictions.
15.20.100 Interpretation.
15.20.110 Warning and disclaimer of liability.
15.20.120 Development permit--Required--Contents.
15.20.130 Designation of mayor as floodplain administrator.
15.20.140 Mayor--Permit review.
15.20.150 Mayor--Use of other base flood data.
15.20.160 Mayor--Information to be obtained and maintained.
15.20.170 Mayor--Alteration of watercourses.

15.20.180 Mayor--Interpretation of FIRM boundaries.
15.20.190 Anchoring.
15.20.200 Construction materials and methods.
15.20.210 Utilities.
15.20.220 Subdivision proposals.
15.20.230 Review of building permits.
15.20.240 Specific standards--Generally.
15.20.250 Residential construction.
15.20.260 Nonresidential construction.
15.20.270 Mobile homes.
15.20.280 Variances-Appeal board--Guidelines.
15.20.290 Variances--Conditions.
15.20.300 Violation--Penalty.

15.20.010 Statutory authorization.

The legislature of the state of Alaska has in Alaska Statute Sections 29.48.010, 29.48.030 and 29.48.035 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the council of the city of Hoonah, Alaska, does ordain in this chapter as follows.
(Ord. 79-2 § 5 (part): prior code § 18.50.001.1)

15.20.020 Findings of fact.

A. The flood hazard areas of the city of Hoonah are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
(Ord. 79-2 § 5 (part): prior code § 18.50.001.2)

15.20.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize the public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money and costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric,

telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 79-2 § 5 (part): prior code § 18.50.001.3)

15.20.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(Ord. 79-2 § 5 (part): prior code § 18.50.001.4)

15.20.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appeal" means a request for a review of the mayor or his delegate's interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one

percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing mobile home park or mobile home subdivision means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance codified in this chapter.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets)

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

"Mobile home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

"New mobile home park" or "new mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the ordinance codified in this chapter.

"Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as a part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home on its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"Structure" means a walled and roofed building or mobile home that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(Ord. 79-2 § 5 (part): prior code § 18.50.002)

15.20.060 Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Hoonah.
(Ord. 79-2 § 5 (part): prior code § 18.50.003.1)

15.20.070 Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Hoonah" dated April 2, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at City Hall, Hoonah, Alaska, including "Flood Insurance Rate Map for the City of Hoonah, #020049-0001-B, effective 4-2-79".
(Ord. 79-2 § 5 (part): prior code § 18.50.003.2)

15.20.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.
(Ord. 79-2 § 5 (part): prior code § 18.50.003.3)

15.20.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 79-2 § 5 (part): prior code § 18.50.003.4)

15.20.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. 79-2 § 5 (part): prior code § 18.50.003.5)

15.20.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside

the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Hoonah, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. 79-2 § 5 (part): prior code § 18.50.003.6)

15.20.120 Development permit--Required--Contents.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.20.070. The permit shall be for all structures including mobile homes, as set forth in Section 15.20.050 and for all other development including fill and other activities, also as set forth in Section 15.20.050. Application for a development permit shall be made on forms furnished by the mayor or his delegate and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

B. Elevation in relation to mean sea level to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.20.260; and

D. Description of the extent to which any watercourse may be altered or relocated as a result of proposed development.

(Ord. 79-2 § 5 (part): prior code § 18.50.004.1)

15.20.130 Designation of mayor as floodplain administrator.

The mayor, or his delegate is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
(Ord. 79-2 § 5 (part): prior code § 18.50.004.2)

15.20.140 Mayor--Permit review.

Duties of the mayor, or his designate, shall include, but not be limited to:

A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

B. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(Ord. 79-2 § 5 (part): prior code § 18.50.004.3-1)

15.20.150 Mayor--Use of other base flood data.

When base flood elevation data has not been provided in accordance with Section 15.20.070, the mayor, or his designate shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 15.20.250 and 15.20.260.
(Ord. 79-2 § 5 (part): prior code § 18.50-004.3-2)

15.20.160 Mayor--Information to be obtained and maintained.

Duties of the mayor, or his designate, shall include, but not be limited to:

A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed structures:

1. Verify and record the actual elevation (in relation to mean sea level); and

2. Maintain the floodproofing certifications required in Section 15.20.120(C).

C. Maintain for public inspection all records pertaining to the provisions of this chapter.
(Ord. 79-2 § 5 (part): prior code § 18.50.004.3-3)

15.20.170 Mayor--Alteration of watercourses.

Duties of the mayor, or his designate, shall include, but not be limited to:

A. Notify adjacent communities and the Alaska Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
(Ord. 79-2 § 5 (part): prior code § 18.50.004.3-4)

15.20.180 Mayor--Interpretation of FIRM boundaries.

Duties of the mayor, or his designate, shall include, but not be limited to making interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 15.20.280 and 15.20.290.
(Ord. 79-2 § 5 (part): prior code § 18.50.004. 3-5)

15.20.190 Anchoring.

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring one additional tie per side;

2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four additional ties per side;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

4. Any additions to the mobile home be similarly anchored.

C. An alternative method of anchoring may involve a system designed to withstand a wind force of ninety (90) miles per hour or greater. Certification must be provided to the mayor or his designate, that this standard has been met.
(Ord. 79-2 § 5 (part): prior code § 18.50.005.1-1)

15.20.200 Construction materials and methods.

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
(Ord. 79-2 § 5 (part): prior code § 18.50.005.1-2)

15.20.210 Utilities.

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge form the systems into floodwaters.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
(Ord. 79-2 § 5 (part): prior code § 18.50.005.1-3)

15.20.220 Subdivision proposals.

A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five acres (whichever is less).
(Ord. 79-2 § 5 (part): prior code § 18.50.005.1-4)

15.20.230 Review of building permits.

Where elevation is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, highwater marks, photographs of past flooding, etc., where available.
(Ord. 79-2 § 5 (part): prior code § 18.50.005.1-5)

15.20.240 Specific standards--Generally.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 15.20.070 and 15.20.150, the following provisions in Sections 15.20.250 through 15.20.270 are required.
(Ord. 79-2 § 5 (part): prior code § 18.50.005.2)

15.20.250 Residential construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
(Ord. 79-2 § 5 (part): prior code § 18.50.005.2-1)

15.20.260 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

A. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

C. Be certified by a registered professional engineer or architect that the standards of this section

are satisfied. Such certifications shall be provided to the official as set forth in Section 15.20.160(B).

(Ord. 79-2 § 5 (part): prior code § 18.50.005.2-2)

15.20.270 Mobile homes.

A. Mobile homes shall be anchored in accordance with Section 15.20.190.

B. For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

2. Adequate surface drainage and access for a hauler are provided; and

3. In the instance of elevation on pilings, that:

   a. Lots are large enough to permit steps,

   b. Piling foundations are placed in stable soil no more than ten (10) feet apart,

   c. Reinforcement is provided for pilings more than six feet above the ground level.

C. No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

(Ord. 79-2 § 5 (part): prior code § 18.50.005.2-3)

15.20.280 Variances--Appeal board--Guidelines.

A. The planning commission as established by the council of the city of Hoonah shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the mayor, or his designate, in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the planning commission, or any taxpayer, may appeal such decision to the superior court.

D. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, for the proposed use which are not subject to flooding or erosions damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subparagraphs 1 through 11 of subsection D of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.

F. Upon consideration of the factors of subsection D of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

G. The mayor or his designate shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
(Ord. 79-2§ 5 (part): prior code § 18.50.004.4-1)

15.20.290 Variances--Conditions.

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the

procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood level during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 15.20.280(D), or conflict with existing local laws or ordinances.

E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
(Ord. 79-2 § 5 (part): prior code § 18.50.004.4-2)

15.20.300 Violation--Penalty.

Penalties for violations of this chapter shall be punishable by a fine of not more than three hundred dollars ($300.00), or by imprisonment for not more than thirty (30) days, or both. Each and every day that such person fails to comply with provisions of this chapter beyond the date fixed for compliance shall constitute a separate offense.
(Ord. 79-2 § 5 (part): prior code § 18.50.006)

Title 16

PUBLIC LANDS

Chapters:

16.04 Real Property Acquisition

16.08 Real Property Sales

16.12 Real Property Lease

16.16 Regulation of Tidelands

16.20 Leasing of Tidelands

Chapter 16.04

REAL PROPERTY ACQUISITION

Sections:

16.04.010 Real property defined.
16.04.020 Acquisition and ownership.
16.04.030 Acquisition--Form.
16.04.040 Acquisition and ownership--Rights and power.
16.04.050 Acquisition--Dedication by plat.
16.04.060 Industrial sites.
16.04.070 Real property as security.

16.04.010 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.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.20.020)

16.04.020 Acquisition and ownership.

The city may acquire, own and hold real property within or outside the city boundaries by any lawful means or conveyance.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.20.010)

16.04.030 Acquisition--Form.

A. The city of Hoonah may acquire, own and hold real property by warranty or quit- claim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease tax deed, will or any other lawful method or mode of conveyance or grant. Real property shall be held in the name of the city of Hoonah, Alaska. Any instrument requiring execution by the city shall be signed by the city

manager and attested by the city clerk.

B. Only upon a specific resolution of the city council, may the city manager act on its behalf in the acquisition of real property or interest in real property when that property to be acquired is for a valuable consideration.

C. Prior to approval, the city manager is to furnish the council with an abstract of title, an appraisal of the real property, cost parameters, and a review of any problems in acquisition, but the failure to furnish the council with such material 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 city manager 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.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.20.030)

16.04.040 Acquisition and ownership--Rights and power.

The city shall have and may execute all rights and powers in the acquisition, ownership, and holding of real property as if the city were a private person.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.20.040)

16.04.050 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 city manager, and has been reviewed and accepted by the planning and zoning commission.
(Ord. 86-03-04-02 § 45.l0.050 (part): prior code § 45.20.050)

16.04.060 Industrial sites.

The city may acquire, own and hold real property, either inside or outside the city boundaries, for sites available for new industries which will benefit the city, as determined by the council by resolution.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.20.060)

16.04.070 Real property as security.

The city 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.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.20.070)

Chapter 16.08

REAL PROPERTY SALES*

Sections:

16.08.010 Power to dispose of real property.
16.08.020 Sale or disposal--Form.
16.08.030 Sale or disposal--Rights and power.
16.08.040 Property exchanges.
16.08.050 Public sale--When required.
16.08.060 Public sale--Procedures.
16.08.070 Minimum bids.
16.08.080 Conditions of sale.
16.08.090 Proceeds of sale.
16.08.100 Contracts and reversionary interest.
* Prior history: Prior code §§ 45.50.010--45.50.091 as amended by Ords. 86-03-04-02 and 91-12-12.

16.08.010 Power to dispose of real property.

The city may sell, convey, exchange, transfer, donate, dedicate, direct or assign to use, or otherwise dispose of city owned real property or an interest in real property by any lawful means of conveyance. Except, the disposition of tidelands preference rights and leases shall be as separately treated in Chapter 16.16 of this title.
(Ord. dated 10-9-01 (part))

16.08.020 Sale or disposal--Form.

The city may sell or dispose of real property any lawful means. Any instrument requiring execution by the city shall be signed by the city administrator and attested by the city clerk.
(Ord. dated 10-9-01 (part))

16.08.030 Sale or disposal--Rights and power.

The city shall have and may exercise all rights and powers in the sale and disposal of real property as if the city were a private person. The city may sell or dispose of any real property, including property acquired or held for or devoted to a public use, when in the judgment of the city council it is no longer required for city purposes.
(Ord. dated 10-9-01 (part))

16.08.040 Property exchanges.

The city council may approve after public notice the conveyance and exchange of a parcel of city property for a parcel of property of equivalent value owned by another person subject to such conditions as the council may impose on the exchange whenever, in the judgment of the city council, it is advantageous to the city to make the property exchange.
(Ord. dated 10-9-01 (part))

16.08.050 Public sale--When required.

A. Unless otherwise provided in this chapter, a real property no longer used or useful for a public use or purpose shall be sold at a public sale.

B. A public sale shall not be required where the real property of the city is subject to any term or

condition restricting or limiting the ability of the city to obtain the fair market value of the property.

C. A public sale shall not be required where the city council has elected to dispose of real property or an interest in real property to any person or entity in furtherance of economic development. If a disposal is made to further economic development, the non-code ordinance authorizing the disposal must include:

1. A finding that the property or property interest which is the subject of the disposal will be used in furtherance of local trade or industry; and a requirement that the conveyance of the property or property interest disposed include a condition that title will revert to the municipality in the event the property is no longer used for the local trade or industry justifying the disposal; or

2. A finding that there is a residential housing shortage which the property subject to disposal will be used to remedy; and a requirement that title to the property revert to the city if a habitable dwelling is not constructed on the property within two years after the disposal.

(Ord. 06-06-06 § 2: Ord. dated 10-9-01 (part))

16.08.060 Public sale--Procedures.

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

A. An estimated value of the property by a qualified appraiser or the assessor shall be made.

B. Land valued at under two hundred twenty-five thousand dollars ($225,000.00) shall be disposed of as follows:

1. The mayor may, if in his/her opinion it is in the best interest of the city to do so, recommend to the council that such parcels of land be disposed. Such recommendation shall set out the development of the property, if the mayor determines such a plan to be necessary, the estimated value of the property as made by a qualified appraiser, and the recommended terms and conditions of sale. The planning and zoning commission may also bring recommendations for the sale of land to the city council.

2. After receipt of the recommendations, the council may, by resolution, recommend the sale or lease or such lands under such terms and conditions, as it requires. The council may, by non-code ordinance, elect to proceed with a sale as described below.

3. Notice shall be posed in at least three public places within the city for at least thirty (30) days prior to the disposal.

4. Notice shall also be given by other means considered reasonable by the city mayor and council.

5. The notice must contain a brief description of the land, its areas and general location, proposed use, terms, computed annual minimum rental or minimum offer, limitations, if any, and time and place set for the auction or bid opening if applicable.

6. The council may elect to sell the property by sealed bid, public outcry auction, lottery, over-the-counter, point system or lease. Where a lottery system is used, the appraised value shall be the sales price, and an impartial random method of determining the successful purchaser shall be used.

7. The council may elect to limit sales to citizens where it is established that the land is necessary to solve local housing shortages or lack of suitable housing.

8. No person, corporation or other entity may register to bid if they have failed to remedy a default on a prior sale or lease of city real property, or if they failed to pay, in full, the amount of any judgment obtained against them by the city from a court of law.

9. The council may elect to dispose of property to a public agency or nonprofit group at a price less than fair market value where it is established that a broad community benefit would be realized.

10. The value of property offered for sale or lease shall be established by an appraiser qualified in the type of appraisal being conducted. Where a lease is for a term at one year or less the requirement may be waived.

C. Sale and other permanent disposition of land valued at two hundred twenty-five thousand dollars ($225,000.00) and over, shall not be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question is submitted to the voter. A notice stating the time of the election at which the question is submitted to the voter. A notice stating the time of the election and the place of voting, describing the property to be sold, leased or disposed of, giving a brief statement of the terms and conditions of the sale and the consideration, shall be given by posting a copy of it in at least three public places in the city at least thirty (30) days before the election. When a lower limit is established in state law, it shall prevail.

D. The city council shall initiate the disposal of any real property only after a resolution has been passed directing the disposal of such real property. Where required by state law, the property may be disposed of only after a noncode ordinance has been passed by the council directing the disposal. This ordinance shall be passed only after any required election has been held and the question has been approved by the voters of the city.

E. The council may elect to require that the sale of property be paid in full or allow for the sale to be made under a sales contract with, credit. Where a credit arrangement is provided, a minimum of ten (10) percent down payment shall be required with a loan term of not more than fifteen (15) years. Loan payments of principal and interest shall be made monthly. Full payment not received by the city by the end of fifteen (15) calendar days after the date it is due, shall be assessed a late penalty of five percent of the late payment due. Where council determines it serves a broad public purpose, they may elect to grant credit terms that vary from the parameters herein described.

(Ord. dated 10-9-01 (part))

(Ord. No. 11-09-15, § 4)

16.08.070 Minimum bids.

If there are no acceptable offers, the city administrator may negotiate for the sale or lease of the real property but the council must, by resolution or ordinance as is appropriate, approve the terms and price of any such negotiated sale of lease before such sale or lease shall be binding upon the city.
(Ord. dated 10-9-01 (part))

16.08.080 Conditions of sale.

The council, in the ordinance or resolution authorizing the sale of the real property, shall set forth the terms and conditions of the public sale. To qualify to purchase city lands, an individual must be eighteen (18) years of age and older and have an Alaskan domicile; a corporation must be registered to do business in the state. The council may reserve the right to reject any and all bids received at the public sale, if the highest bid is below the fair market value and cost of sale or is not made by a responsible bidder. The ordinance or resolution shall provide if the sale is for cash, or cash deposit and purchase agreement. The city council shall approve all public sales of real property, and shall approve any purchase agreement prior to its execution by the city. The approval of any public sale by the council authorizes the city administrator to take all steps and execute all instruments to complete and close the sale. The city administrator, or his/her designee, shall conduct the sale and shall give to the buyer a receipt for all moneys received by the city. A purchaser at a public sale who falls to make such other cash payments within the times required by the ordinance or resolution shall forfeit any cash deposit paid to the city.
(Ord. dated 10-9-01 (part))

16.08.090 Proceeds of sale.

All proceeds of a sale should be deposited in the general fund of the city and may be used for any purpose the council may deem appropriate unless otherwise stated by state or federal law.
(Ord. dated 10-9-01 (part))

16.08.100 Contracts and reversionary interest.

If the city has reserved a reversionary interest in any conveyance of city land to a third parts (such as, for example but not by way of limitation, a right of reentry or a reverter for breach of a covenant in a subdivision agreement), or has sold land on a conditional land sale contract, any resident of the city claiming that the condition upon which that reversionary interest depends has occurred or the condition of the land sale contract has been breached may file a written petition with the city clerk requesting that the city exercise its rights under the contract or deed. Upon receipt of such a petition, the city clerk shall: (1) place the matter on the agenda for hearing at the next regularly schedule city council meeting; (2) provide the owner of record of the affected parcel and the occupants of the affected parcel (if any) with a copy of the petition and with the written notice of the scheduled council hearing; and (3) conduct an informal preliminary investigation of the facts asserted in the petition. At the council meeting, the city clerk shall present the petition to the council. After the city clerk's presentation, the affected owner, the occupant, and any other party having a legal interest in the property shall each be entitled to present evidence and agreements to the council concerning the petition. If the council determines the factual assertions contained in the petition are correct, the council shall adopt a resolution

authorizing the city administrator to take such action as is necessary under the applicable contract or deed provision to perfect the city's rights in the land.
(Ord. dated 10-9-01 (part))

Chapter 16.12

REAL PROPERTY LEASE

Sections:

16.12.010 Property available for leasing.
16.12.020 Term of lease.
16.12.030 Lease procedure.
16.12.040 Fair rental value.
16.12.050 Adjustment of rental value.
16.12.070 Improvements and chattels.
16.12.080 Inspection of the leased premises.
16.12.090 Easements and rights-of-way.
16.12.100 Condemnation of premises--Lease termination.

16.12.010 Property available for leasing.

All real property, including tide, submerged or shorelands, 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.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.60.010)

16.12.020 Term of lease.

The council shall determine from the purpose, use of the premises, and nature of the improvements which may be placed thereon the term that would benefit the city and would be consistent with approved comprehensive plans or coastal management plans. A lease may be negotiated by the city administrator as the chief custodian of city property. All leases, and renewals, modifications or transfers of leases shall be approved by the city council.
(Ord. 91-12-12 § 6 (part): Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.60.020)

16.12.030 Lease procedure.

A. The provisions of the Section 16.08.010 on the method of disposition of city owned real property apply to all leases of city land authorized by this chapter, including public notice. The council may lease property to a party if it determines the lease to be in the best interest of the public.

B. The lessee shall be responsible for all costs associated with leasing municipal property including but not limited to surveying, staking and platting of leased property.
(Ord. 92-02-02 § 5; Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.60.030)

16.12.040 Fair rental value.

Property shall be leased for a fair rental value. Fair rental value means the highest price described in terms of money for which the property would rent, if exposed for rent for a reasonable time in the open market,

for use permitted by the city.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.60.040)

16.12.050 Adjustment of rental value.

A lease having a term for more than two years shall provide for adjustment of rental charges at specified intervals during the term of the lease and the intervals shall be not more than every two years. This may or may not be incorporated in each lease by reference and is enforceable as if fully stated in the lease.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.60.050)

16.12.070 Improvements and chattels.

The lease shall provide the terms, conditions and limitations of the removal or reversion of any improvements or chattels upon the lease premises after termination of the lease. The retiring lessees may, with the consent of the city manager, sell the improvements to the succeeding lessee. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice to the lessee, be sold at public sale to be provided by regulation of the city manager. The proceeds of such sale shall be deposited into the city general fund.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.60.070)

16.12.080 Inspection of the leased premises.

The lessee shall allow an authorized representative of the city to enter the leased premises for inspection at any reasonable time.
(Ord. 86-03-04-02 § 45.lO.050 (part): prior code § 45.60.080)

16.12.090 Easements and rights-of-way.

The city of Hoonah expressly reserves the right, with compensation or adjustment in rentals to the lessee, to grant reasonable surface, underground or overhead utility easements or rights-of-way in or upon the leased property.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.60.090)

16.12.100 Condemnation of premises--Lease termination.

Upon condemnation of the premises or any party thereof by the state or federal government or agency thereof, including inverse condemnation, the lease shall terminate without any liability to the city. The city shall not be liable for damages or pay any compensation to the lessee as a result of the condemnation terminating the lease.
(Ord. 86-03-04-02 § 45.10.050 (part): prior code § 45.60.100)

Chapter 16.16

REGULATION OF TIDELANDS

Sections:
16.16.010 Purpose.

16.16.020 Definitions.
16.16.030 Acceptance of state conveyance.
16.16.040 Adoption of subdivision plat.
16.16.050 Posting plat.
16.16.060 Posting of notice.
16.16.070 Period of application acceptance.
16.16.080 Application procedure.
16.16.090 Filing costs.
16.16.100 Additional filing costs.
16.16.110 Application procedure.
16.16.120 Assessor appraisal.
16.16.130 Application approval.
16.16.140 Adverse claims.
16.16.150 Deeds--Permanent register.
16.16.160 Hearing officer--Created--Duties.
16.16.170 Objections and adverse claims.
16.16.180 Deposit and purchase funds.
16.16.190 Forfeiture of preference rights.
16.16.200 Forms.

16.16.010 Purpose.

The purpose of this chapter is to carry out the duty of the city as expressed in the Alaska Land Act, Article III, Sec. 5(3), as follows:

h. Each municipal corporation receiving such conveyances (of tide and submerged land lying seaward of the city) shall by ordinance provide for reasonable regulations governing the filing and processing of applications, publication of notices and the adjudication of disputes between claimants by the governing body of the corporation. Any party aggrieved by its determination shall have a right of appeal to the Superior Court.

The intent of the council in enacting this chapter is:

A. To expedite granting conveyances to qualified occupants who are entitled to and who exercise their preference rights in accordance with the provisions of law and of this chapter.

B. To provide due process and sufficient notice to all parties who qualify as occupants of such lands and who are entitled to exercise preference rights, of applications filed, disputes and conflicting claims and of approved applications.

C. To provide simple procedures by which occupants may exercise their preference rights.

D. To equitably apportion the costs of administering and processing applications, hearing disputes, costs of appraisal, transfer, and survey among those who will benefit therefrom.

E. To limit the issue to be determined by the council in adjudication of disputes to rights conferred by the Alaska Land Act and this chapter.

F. To safeguard and protect the interests of the city and its citizens in tide and submerged lands conveyed to the city not subject to preference rights, or where preference rights were or will not be exercised in the time allowed by law, by providing for rules and regulations for the administration of such lands in the best interests of all of the residents of the city.

(Prior code § 45.30.010)

16.16.020 Definitions.

For the purpose of this chapter the terms defined herein shall have the meanings provided and rights defined unless the context requires otherwise:

"Additional land" means additional tide and contiguous submerged lands as shall be reasonably necessary in the opinion of the city council for such occupant's use and enjoyment of the occupied or developed land, but which additional land shall not include tide or submerged lands which if granted to the occupant would unjustly deprive an occupant of adjoining lands from his reasonable use and enjoyment of them.

"Alaska" means the state of Alaska.

"Assessor" means the assessor of the city of Hoonah, Alaska.

"City" means the city of Hoonah, Alaska.

"City engineer" means the city engineer, or other city official designated to perform the functions herein assigned to the city engineer.

"Class I preference right" means the right extended to persons who occupied or developed tide or submerged lands seaward of a surveyed townsite on and prior to September 7, 1957, upon the execution by such persons of a waiver to the city and state of all rights such occupant may have had pursuant to Public Law 85-303. Upon execution of the waiver, such persons or their successor in interest, have the right to acquire such occupied or developed tide or submerged lands from the city for a consideration equal to the cost of surveying, transferring and conveying such lands.

"Class III preference right" means the right extended to persons who occupied or developed tide or submerged lands after September 7, 1957, and who continued to occupy the same on January 3, 1959, Such persons, or their successors, have the right to acquire such occupied or developed tide or submerged lands for a consideration not to exceed the cost of appraisal, administering, transferring and surveying such lands, together with the appraised fair market value thereof, exclusive of any value from improvements or development, such as fill material, buildings or structures thereon.

"Clerk" means the clerk of the city.

"Council" means the council of the city.

"Director" means the Director of Division of Lands, state of Alaska.

"Director's line" means a line seaward of the city, approved by the director, with the concurrence of the Commissioner of Natural Resources, state of Alaska, seaward of all tide and submerged lands occupied or suitable for occupation and development without unreasonable interference with navigation.

"Fair market value" means the highest price, described in terms of money, which the property would

bring if exposed for sale for a reasonable time in the open market, with a seller, willing but not forced to sell, and a buyer, willing but not forced to buy, both being fully informed of all the purposes for which the property is best adapted or could be used.

"Fill" means earth, gravel, rock, sand or other similar materials placed upon tide or contiguous submerged lands to a height above the mean high water line for the purpose-of elevating the lands for a specific useful purpose. Earth, gravel, rock, sand or other similar materials placed on tide or submerged land solely for the purpose of spoils disposal shall not be considered fill unless such fill was used for a useful and beneficial purpose on and prior to January 3, 1959.

"Harbor line" means that line fixed by the Secretary of the Army which is the limit to which piers, wharves, bulkheads, or other work may be extended in navigable waters without further authorization (30 Stat. 1151; 33 U.S.C. 404).

"Hearings officer" means that city official employed to hear disputes between claimants, summarize the testimony, attempt to reach stipulations of fact between the parties, assemble the record of the dispute, and submit the same to the council for determination.

"Improvements" means buildings, wharves, piers, dry docks, and other similar types of structures permanently fixed to the tide or contiguous submerged lands that were constructed and/or maintained by the applicant for business, commercial, recreation, residential, or other beneficial uses or purposes. Floats secured by guide piles used as floating wharves, where access is provided to the shore, shall be improvements within the meaning of this section. Fill material to the extent actually in place above the line of mean high tide on January 3, 1959, and actually utilized for beneficial purposes on January 3, 1959 by the applicant shall be considered a permanent improvement, but in no event shall fill be considered a permanent improvement when placed on the tidelands solely for the purpose of disposing of waste or spoils. Fill material not utilized for a beneficial purpose on and prior to January 3, 1959 and fill material not actually in place to above the line of mean high tide on January 3, 1959, shall not be the basis for an application, nor shall it be included in any application for the exercise of preference rights hereunder.

"Industrial and commercial lands" means tidelands chiefly valuable for industrial, manufacturing or commercial purposes.

"Hoonah" means the city of Hoonah, Alaska.

"Mayor" means the mayor of the city of Hoonah.

"Mean high tide" means at any place subject to tidal influence shall be interpreted as the tidal datum plane derived from averaging all the high waters observed at that place over a period of nineteen (19) years. Mean high water line shall be interpreted as the intersection of the datum plane of mean high tide with the shore.

"Mean low tide" shall be interpreted to be mean lower low water which is the mean of the lower of the two low waters of each day for a tidal cycle of nineteen (19) years.

"Occupant" means any person as defined herein, or his successor in interest, who actually occupied for

any business, residential, or other beneficial purpose, tide or submerged lands within Alaska Tidelands Survey No. 29, on or prior to January 3, 1959, with substantial permanent improvements. The holder of a permit of clearance in respect to interference of navigation, or of a special use permit from a government agency will not qualify as an "occupant" unless such entry on the land had, through exercise of reasonable diligence, resulted in actual occupancy and substantial permanent improvements. No person shall be considered an occupant by reasons of having (a) placed a fish trap in position for operation or storage upon the tide, shore, or submerged land; (b) placed a setnet or piling therefor or any other device or facility for taking of fish; (c) placed pilings or dolphins for log storage or other moorage; (d) placed telephone, power or other transmission facilities, road, trails or other improvements not requiring exclusive use or possession of tide or contiguous submerged lands; or (e) claimed the land by virtue of some form of constructive occupancy. Where land is occupied by a person other than the owner of the improvements thereon, the owner of the improvements shall, for the purposes of this chapter, be considered the occupant of such lands.

"Occupied or developed" means the actual use, control and occupancy, but not necessarily residence, of the tide or submerged land by the establishment thereon of substantial permanent improvements.

"Ordinance" means Title 16 of the Hoonah city code.

"Park and recreation lands" means tidelands chiefly valuable for public park and recreation use, including scenic overlooks.

"Person" means any person, firm, corporation, cooperative, association, partnership, or other entity legally capable of owning land or any interest therein.

"Preference right" subject to the classifications thereof herein established means the right of an occupant to acquire by grant, purchase, or otherwise, at the election of the occupant, except as otherwise limited or prescribed in this chapter, any lot, piece, parcel or tract of tidelands or submerged land occupied or developed by such occupant on and prior to January 3, 1959.

"Pierhead line" is a line fixed by the Corps of Engineers roughly parallel to the existing line of mean low tide at such distance offshore therefrom that the pierhead line shall encompass landward all stationary, manmade structures under the authority of Public Law 85-303 (48 USCA 455-455e).

"State" means the state of Alaska.

"Submerged lands" means land covered by tidal waters between the line of mean low water and seaward to a distance of three geographic miles, in their natural state, without being affected by manmade structure, fill and so forth.

"Substantial permanent improvements" shall for the purposes of this chapter have the same meaning as improvements herein defined.

"Tidelands" means lands periodically covered by tidal waters between the elevations of mean high and mean low tides, without regard to artificial interference with tidal flows caused by manmade structures, breakwaters, fill and the like. When used in this chapter it shall also include submerged lands conveyed by the state to the city.

"Tidelands subdivision plat" is that certain plat officially designated as Tidelands Addition to the City of Hoonah, Subdivision of Alaska Tidelands Survey No. 29, prepared by Toner & Nordling, registered engineers of Juneau, Alaska, the plat consisting of three sheets and being approved and accepted by the city of Hoonah on June 30, 1971.
(Prior code § 45.30.020)

16.16.030 Acceptance of state conveyance.

The conveyance by the state to the city, dated March 2, 1966, of tidelands and submerged lands lying seaward of the city is approved and accepted.
(Prior code § 45.30.030)

16.16.040 Adoption of subdivision plat.

The tidelands subdivision plat, hereinafter called plat, is approved and adopted as the official tidelands subdivision plat of tide 'and submerged lands conveyed by the state to the city. The plat purports to show all structures and improvements located upon or partially upon tidelands as of the date of plat adoption. The subdivision survey was undertaken by registered engineers who assumed no responsibility for investigation into the earlier use, development or occupancy of the structures and improvements, and accordingly the boundaries of the tideland lots designated T-1 through T-31 may or may not correspond with the scope of historical use and area not occupied or developed on the respective lot or tract. The shape and size of the tideland tract to be awarded a tideland preference right applicant may be smaller, larger, or identical to the lot designations T-1 through T-31, and the boundaries of the tract to be awarded shall be historically concomitant to the area reasonably necessary in the opinion of the council for the use and enjoyment of the structures and improvements thereon by the owner or claimant, but shall not include any tide or submerged lands which if granted to such occupant would unjustly deprive any occupant of adjoining lands from his reasonable use and enjoyment thereof.
(Prior code § 45.30.031)

16.16.050 Posting plat.

The plat shall be posted for a period of not less than sixty (60) days, commencing with the date following the date of final passage of the ordinance codified in this chapter, in one public place of the city, namely in the office of the clerk, municipal building.
(Prior code § 45.30.032)

16.16.060 Posting of notice.

The clerk shall cause to be posted in three conspicuous places in the city, commencing the date after the date of final passage of the ordinance codified in this chapter, a notice of the plat containing the following statements:

A. Time and places of posting;

B. The date of final passage and the effective date of the ordinance codified in this chapter, and that

the plat is the official tidelands subdivision plat of the tide and submerged lands conveyed by the state to the city on March 2, 1966;

C. That any and all persons having or claiming preference rights provided by law as herein defined to any part or parts of the subdivided land embraced within the boundaries of the plat, who fail to apply to exercise such rights under the provisions of this chapter within two years from and after September 29, 1976, which is declared to be the date upon which applications for preferences rights will be again accepted by the city, shall forfeit their preference rights provided by law and this chapter;

D. That this chapter was enacted to protect occupants having preference rights, to afford due process of law, to provide procedures for applying for exercise of preference rights, for hearing adjudicating adverse claims, and for conveying title to occupants holding preference rights defined by law and this chapter; and

E. That copies of this chapter and application form are available at the office of the clerk of the city.
(Prior code § 45.30.033)

16.16.070 Period of application acceptance.

Application forms, in substantially the form set forth in Section 16.16.200 will continue to be accepted for filing on September 29, 1976 and for a period ending two calendar years thereafter at the close of business at 4:30 p.m. on September 30, 1978 after which no application forms will be furnished and after which no applications will be accepted for filing. Deeds may, however, be issued by the city prior to expiration of the application filing period (see Section 16.16.130).
(Prior code § 45.30.034)

16.16.080 Application procedure.

Applications shall be submitted, and will be received for filing, only for the purpose of claiming preference right herein defined to the tidelands conveyed by the state to the city.

A. Application forms will be provided by the clerk without charge at his office in the municipal building.

B. Applications must be submitted in triplicate.

C. Applications not clearly legible nor properly completed and certified by the applicant will not be accepted for filing. Since the facts alleged may be used in hearings of disputes their truth must be certified. The facts alleged will also be the basis for the conveyance of valuable property. Wilful and deliberate misstatements of fact will be equivalent to attempting to obtain property under false pretenses.

D. Applications may be delivered or mailed to the clerk, municipal building, Hoonah, Alaska, with the proper deposit computed according to the nature of the applications made. Applications properly completed accompanied with the proper deposit will be stamped with the time and date

of filing and signed by the person accepting the deposit. The triplicate copy will then be delivered to the applicant or mailed to him.

E. Any application for a deed based on an asserted right other than a preference right shall be rejected.

F. No single application based on more than one class of preference right, except an application for a single subdivided lot the claim of right to which is based on more than one class of preference right, nor any single application claiming title to two or more lots which are not contiguous, shall be accepted for filing. Such applications shall be rejected and delivered to the applicant, or mailed to him.

(Prior code § 45.30.035)

16.16.090 Filing costs.

The application form will assist the applicant in determining the proper costs to advance, which will depend upon the nature of the right claimed. In all cases a filing fee of twenty-five dollars ($25.00) will be required. Survey costs depend upon the area claimed at the rate of five cents per square foot. If the area claimed is different from the lot as it appears on the plat, the applicant shall show the measurements of the additional or lesser area claimed and compute and pay the survey costs accordingly. Transfer costs will be the same in all cases. They cover the cost of time estimated to be required to examine, process and approve the application, as well as to prepare and execute the deed, publish notice, give notice of additional costs, if any, and give notice to applicant. In all cases transfer costs will be required in all cases of Class III preference rights, or where another asserted right is determined by the council to be a Class III right. Appraisal costs will depend upon the area involved and the complexity of the appraisal sought. Where required as a deposit the minimum amount is forty dollars ($40.00) but additional amounts may be required prior to delivery of deed.

(Prior code § 45.30.036)

16.16.100 Additional filing costs.

Aside from deposits required at the time of filing applications, additional costs will be required to be paid prior to hearings where disputes require hearings, and for cost of land under a Class III right as well as appraisal thereof when a preference right sought to be exercised is determined to be a Class III right, as follows:

A. When the evidence of occupancy or development does not manifestly conform to the area claimed it is necessary to have a hearing to establish the validity of the right claimed. This requires notice to be given to adjacent occupants, if known, so that all parties in interest may be heard at the hearing.

B. When applications conflict with the same area or portions thereof it shall be necessary to conduct a hearing to determine the facts and the issue in question. Conflicting claims will be carefully scrutinized and each disputing party will bear the burden of proving facts sufficient to establish the validity of his claim.

C. The party filing an application conflicting with a claim previously filed shall be required to deposit hearings costs in the amount of fifty dollars ($50.00). If the conflict is not known at the

time of filing the applicant shall be advised of the conflict as soon as it is known and of the need to deposit the hearing cost deposit.

D. The applicant who after hearing and determination by the council is determined to have claimed the land of another shall be the party to bear the cost of the hearing. If such party did not deposit such costs no deed shall be delivered to him until the cost is paid. Where the depositor is the prevailing party the hearing cost deposited shall be refunded to him by the city.

E. When title by Class III preference right is claimed the applicant shall be required to deposit the appraised purchase price after appraisal has been made and the purchase price has been so determined. The same procedure will be applied when an application under another class of right is sought but it is determined that the only available right to the applicant is a Class III right.

F. When a preference right is sought to be exercised other than a Class III right and such right is determined to be a Class III right, then the applicant shall be required to deposit the estimated cost of appraising the property claimed.

G. The applicant who receives a deed from the city shall at his own cost pay for documentary stamps and the cost of recording the deed.

(Prior code § 45.30.037)

16.16.110 Application procedure.

The clerk shall cause the following procedures to be carried out:

A. All copies of applications accepted for filing shall be stamped with time and date of filing and an application number in chronological order of filing.

B. All original applications shall be filed in a permanent register and the names of the applicants entered in an alphabetical index which shall be a permanent part of such register.

C. The application register shall be available for public inspection during office hours of the clerk except when in actual use for filing and indexing.

D. Certified copies of all applications shall be prepared for all persons upon request upon their paying one dollar per page for copies of the applications and any attachments forming a part thereof.

E. Processing of Duplicate Applications. The third copy of the application will be returned to the applicant as his record and as receipt for deposit made, or mailed to applicant. The second copy shall be the working file copy to be handled and processed as follows:

1. Applications to exercise Class I preference rights having waivers attached and which apply for lands which conform to a lot on the plat with respect to area and boundary locations and do not include any unoccupied or unimproved lot, or any lot occupied and improved by the city, shall be processed by the city clerk. Applications to exercise Class I

preference right which do not have waivers attached, irrespective of whether the lands applied for comply with the plat, shall be segregated for handling in the same manner as Class II preference right applications.

2. Applications to exercise Class I preference rights having waivers attached and which claim lands which do not conform to a lot or lots on the plat with respect to area and boundary locations shall be transmitted to the hearing officer for processing as provided in Section 16.16.160(A).

3. Applications to exercise Class III preference rights, and all applications determined in whole or in part to be Class III, shall be transmitted to the assessor for appraisal as provided in Section 16.16.120.

4. No applications which combine Class I and Class III preference rights will be accepted for filing. Any such application presented for filing shall be returned to the applicant for revision into two or more applications each of which will apply for land under one type of preference right.

(Prior code § 45.30.038)

16.16.120 Assessor appraisal.

All applications for Class III preference rights shall be transmitted to the assessor for appraisal. The appraiser's report shall be prepared in four copies. One copy shall be mailed to the applicant, one copy kept by the appraiser and the other two attached to the copies of the application on file with the city. The appraiser will then return the copy of the application to the city clerk for further processing.
(Prior code § 45.30.039)

16.16.130 Application approval.

All applications which the clerk is authorized to process shall be processed by the clerk in the following manner. The clerk shall ascertain if the deposit made by the applicant is sufficient to pay all known and estimated costs of survey, appraisal and transfer (and purchase if of Class III) and if not, to advise the applicant that the remainder due must be deposited with the clerk before further processing. If or when the deposit is sufficient to pay all such costs, the clerk shall cause to be posted for two weeks in three conspicuous public places in the city, notice of the names of the applicant(s), the block and lot numbers or other description of the property claimed, according to plat designations, and if Class III, its appraised value, and that the city will issue to the applicant(s) its deed therefor within thirty (30) days after expiration of posting, provided, that before the date no adverse application or claim has been filed with the city.
(Prior code § 45.30.040)

16.16.140 Adverse claims.

At the end of the period of posting the clerk shall note on the applications whether or not any adverse claims have been filed for the land described therein. If no adverse claim has been filed to an application it shall be processed by the clerk as provided in Section 16.16.150. If an adverse claim has been filed to an application, it shall be processed for hearing with the time of filing endorsed thereon. One copy shall be mailed by the clerk

to the applicant with a notice that the hearing officer will set a date for hearing thereon and notify the applicant and objector or adverse claimant of the time and date of such hearing.
(Prior code § 45.30.041)

16.16.150 Deeds--Permanent register.

When all other processing has been completed, the clerk shall then cause a deed to be prepared conveying the land to the applicant(s) from the city and transmit the deed to the, mayor for execution. Notice shall then be sent to the applicant to take delivery of the deed at the office of the clerk, who shall deliver the same to the applicant if all requirements have been met and all costs including purchase price, if required, have been paid. Duplicate originals of all executed deeds shall be kept in the office of the clerk in a permanent register entitled Hoonah tidelands deeds with permanent alphabetical index of grantees.
(Prior code § 45.30.042)

16.16.160 Hearing officer--Created--Duties.

A. There is created, for the purpose of assisting the council in performing its duties of adjudicating disputes between claimants of preference rights to tidelands, the office of hearing officer. He shall be appointed by the council to serve without compensation other than an agreed part of the deposits made by claimants for hearing costs. His duty shall be to set disputes for hearing and hear the evidence under oath of the parties to the disputes. Proceedings shall be informally conducted and their object shall be to determine without delay the respective basis of the conflicting claims. Upon the submission of each dispute the officer shall prepare a report consisting of a short summary of the conflicting claims and the evidence submitted in support thereof, together with his findings of fact and conclusions of law. This report shall be transmitted to the council for consideration and adjudication. Copies thereof shall be mailed to all parties to the dispute.

B. Upon receipt of the working files in a disputed case and the report of the hearing officer, together with a copy of the notice of hearing served upon or mailed to all parties to the dispute, the council shall set the dispute for hearing and final determination, and cause notice of hearing to be served on all parties. Upon the council having heard the dispute it shall enter its decision thereon as quickly as possible, but not later than ten (10) days after the matter is submitted. Aggrieved persons shall have the right of appeal to the superior court within thirty (30) days after the ruling of the council is rendered.

C. Wherever it is possible to reach an agreement between the parties at a hearing before the hearing officer a stipulation shall be prepared and agreed upon by the parties. Where this is done the officer shall prepare his report, including his conclusions of law, and submit the report to the city council for a hearing if necessary, and decision as provided in subsection B of this section. Should it be determined by the city council that the stipulation adversely affects the interest of the city or those of the third parties the dispute shall be returned to the officer for further proceedings upon notice given.
(Prior code § 45.30.043)

16.16.170 Objections and adverse claims.

No objection or adverse claim to the granting of an application shall be accepted by the clerk or filed unless filed by an applicant for lands described in such application. The filing date shall be endorsed on all copies and the third copy returned to the adverse claimant.

(Prior code § 45.30.044)

16.16.180 Deposit and purchase funds.

All funds received as deposits with applications for costs or for the purchase price for tidelands shall be deposited by the clerk in the general fund. Such deposits will be credited by the clerk as follows:

A. Survey costs, as a credit to disbursements made by the city for costs of preparing the tidelands subdivision plat.

B. Transfer costs, to administrative costs as deeds are issued.

C. Appraisal costs, to administrative costs as earned, or as credit to appraisal costs incurred.

D. Hearing costs, to administrative costs, hearing officer.

E. Purchase costs of Class III lands shall be credited to a separate account in the general fund to pay for improvements in tidelands areas consisting of fill, street, sidewalk and sewer improvements.

(Prior code § 45.30.045)

16.16.190 Forfeiture of preference rights.

Any occupant or owner or holder of preference rights as herein defined, who has not applied to the city for title thereto as herein provided, before one year after the date applications to exercise preference rights will be accepted for filing by the city under this chapter, by a properly completed application duly filed with the clerk and accompanied by the required deposit, shall have forfeited his right to assert his preference rights and acquire title to tidelands subject thereto from the city; and such tidelands and contiguous submerged lands subject to such unused preference rights shall thereafter be free and clear of all claims to preference rights and the city shall have no obligation to convey the same to any person or persons whomsoever, and the land shall then be and remain the property of the city and be subject to such disposition as this title hereinafter provides in Chapter 16.20.

(Prior code § 45.30.046)

16.16.200 Forms.

The clerk shall cause to be printed application forms and other forms for use in processing the same in substantially the following form:

A. APPLICATION FOR TIDELANDS PREFERENCE RIGHTS, NO. _____

Name _____

Home Address _____

Post Office Address _____

Phone or Name of Local Contact _____

1. Mark X to designate nature of Preference Right claimed.

Class I _____

Class III _____

2. If the Tidelands Subdivision Plat correctly shows the land applied for, describe as follows:

Lot _____

3. If the Tidelands Plat does not correctly show land applied for, describe it by metes and bounds and attach plat of land applied for. (Use attachment if more space is required.)
____
____

4. Were any of the improvements now on the land constructed or placed there:

(a) Prior to September 7, 1957
Yes _____ No _____

(b) Between September 7, 1957 and January 3, 1959
Yes _____ No _____

(c) After January 3, 1959
Yes _____ No _____

5. State the nature and extent of the improvements constructed or placed during each of the periods and the location and area occupied by each.
____
____

6. If any of the improvements were constructed as replacements for previously existing improvements, explain fully:
____
____

7. To what beneficial purpose was fill used prior to (a) September 7, 1957; (b) January 3, 1959? Describe.
____
____

8. Was the beneficial use continued through January 3, 1959? Describe.
____
____

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

____

____

10. I offer Cash _____ Money Order _____ Cashier's Check _____ in the amount of _____ as a deposit for the following costs:

		(Used by Clerk)
Filing fee	$25.00	____
Survey costs (at rate of 5¢ per sq. ft.)	$_____	____
Appraisal costs (Class III applications)	$_____	____
Transfer costs ($35.00 per parcel)	$_____	____
Hearing costs (If claim adverse to prior application a deposit of $50 for hearing and service of notice is required)	$_____	____
Total deposit (does not include purchase price of land in Class III applications)	$_____	____
Deposit received by City by	____	
Date of Application	____	20_____
Date Application received by City	____	20_____
Time filed	____	____

Certification

I, _____, the above named applicant, or agent, hereby certify that all of the statements made in this application and attachments thereto, if any, are true and correct.

_____
Print Name(s)

B. WAIVER OF CLASS I PREFERENCE RIGHTS (TO BE ATTACHED TO EACH CLASS I APPLICATION)

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

DATED this _____ day of _____, 20_____.

_____
Print Name

_____
Signature

C. ASSESSOR'S APPRAISAL (TO BE COMPLETED BY ASSESSOR FOR CLASS III APPLICATIONS)

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

Tideland _____ sq. ft. at $_____ per sq. ft.

$ _____

DATED this _____ day of _____, 20_____

SIGNED: _____

D. DETERMINATION OF ADVERSE CLAIM OR OBJECTION

Application No. _____

Adverse Claimants

1. _____

2. _____

3. _____

4. _____

Description of land according to Plat _____ Block _____ Lot _____

Other description:
____
____

Date of hearing _____ Notice given _____

Persons appearing:

____

____

Adverse claim or objection:

____

____

Determination:

____

____

_____

Mayor

Attest:

_____

City Clerk

(Amended during 2002 codification; prior code § 45.30.047)

Chapter 16.20

LEASING OF TIDELANDS

Sections:

16.20.010 Lands available for leasing.
16.20.020 Applications--Fee--Contents.
16.20.030 Deposits for costs.
16.20.040 Rights prior to leasing.
16.20.050 Classification prior to lease required.
16.20.060 Public use.
16.20.070 Review.
16.20.080 Term of lease.
16.20.090 Appraisal.
16.20.100 Payment of annual rentals.
16.20.110 Leasing procedure.
16.20.120 Public notice.
16.20.130 Receipt of bid.
16.20.140 Appeal.
16.20.150 Completion of bid requirements.
16.20.160 Issuance of lease.
16.20.170 Terms of lease.
16.20.180 Location of improvements.
16.20.190 Lease utilization.
16.20.200 Adjustment of rental.
16.20.210 Subleasing.
16.20.220 Assignments.
16.20.230 Modifications of lease.
16.20.240 Cancellation--Forfeiture.
16.20.250 Notice or demand.
16.20.260 Rights of mortgagee or lienholder.

16.20.270 Entry and reentry.
16.20.280 Re-lease.
16.20.290 Forfeiture of rental.
16.20.300 Written waiver.
16.20.310 Expiration of lease.
16.20.320 Renewal of lease.
16.20.330 Removal of improvements.
16.20.340 Sanitation.
16.20.350 Building and zoning codes.
16.20.360 Fire protection.
16.20.370 Inspection.
16.20.380 Personal use of materials.
16.20.390 Restriction and reservations.
16.20.400 Sale of tide and submerged lands.
16.20.410 Permits for five years or less.

16.20.010 Lands available for leasing.

All tide and submerged land within the limits of the city to which the city holds title and which the city council has classified for leasing may be leased as hereinafter provided, for surface use only.
(Prior code § 45.40.010)

16.20.020 Applications--Fee--Contents.

All applications for lease of tidelands shall be filed with the city clerk on forms provided by him and available at the municipal building. Only forms completed in full and accompanied by a ten dollar ($10.00) filing fee will be accepted for filing. Filing fees are not refundable. With every application the applicant shall submit a development plan showing and stating:

A. The purpose of the proposed lease;

B. The use, value and nature of improvements to be constructed;

C. The type of construction;

D. Dates construction is estimated to commence and be completed;

E. Whether intended use complies with the zoning ordinance and comprehensive plan of the city.
(Prior code § 45.40.020)

16.20.030 Deposits for costs.

All applications filed with the city clerk will be forwarded to the city engineer or other designated official to determine his estimate of costs required to handle the application, including but not limited to one or more of the following: survey, appraisal, and advertising of the proposed lease of the area under application. Upon determination of the estimated costs the official shall notify applicant in writing of such costs and a deposit thereof must be made within thirty (30) calendar days after the notice is mailed. Failure of applicant to pay the deposit shall result in the application being cancelled. If the applicant does not accept a lease within thirty (30) calendar days after it is offered to the applicant, all deposit money spent or encumbered for survey, appraisal or advertising shall be forfeited, and the balance, if any, shall be returned to the applicant. If the land

applied for upon which deposit for costs is made is leased to another, the latter shall be required to pay actual costs of survey, appraisal and advertising, and the original deposit shall be returned to the depositor. The lessee shall be required to pay any excess of costs over deposits, and where the deposit exceeds actual costs, the excess shall be credited to present or future rents under the lease. All survey, appraisal and advertising shall be performed only under the control of the city, and any such work done without such control will not be accepted by the city.
(Prior code § 45.40.030)

16.20.040 Rights prior to leasing.

The filing of an application for a lease shall give the applicant no right to a lease or to the use of the land applied for. Any use not authorized by a lease shall constitute a trespass against the city.
(Prior code § 45.40.040)

16.20.050 Classification prior to lease required.

Before accepting applications to lease tidelands the area involved shall have first been classified for leasing and for particular land uses and a land use plan of the area prepared and publicly posted in the office of the city clerk for a period of not less than ten (10) calendar days. The land use plan shall be prepared and approved by the council prior to posting. No lease shall be granted except for the particular use for which the tract is classified.
(Prior code § 45.40.050)

16.20.060 Public use.

The lease of any city tidelands may be made to any state or federal agency or political subdivision of the state for less than the appraised value, and for a consideration to be determined by the council to be in the best interests of the city.
(Prior code § 45.40.060)

16.20.070 Review.

The classification of a tract of leased land may be changed only by the council on application of the lessee. No renewal lease may be issued until the proposed renewal has been reviewed and approved by the council.
(Prior code § 45.40.070)

16.20.080 Term of lease.

Leases may be issued for a term of not less than five nor more than fifty-five (55) years. The applicant shall state in his application the term desired. In determining whether to grant a lease for the requested term the council shall consider the nature, extent and cost of the improvements which the applicant agrees, as a condition of the lease to construct thereon, the value of the applicant's proposed use to the economy of the city and other relevant factors.
(Prior code § 45.40.080)

16.20.090 Appraisal.

A. No tidelands shall be leased, or a renewal lease issued therefor, unless the same has been appraised within six months prior to the date fixed for beginning of the term of the lease or renewal lease. No land shall be leased for an annual rent less than six per centum of the appraised value of the land and any improvements thereon owned by the city.

B. Upon the filing of an application for a lease of a parcel of classified tidelands and the deposit of the costs estimated by the city clerk, the city assessor shall cause the tract, and any improvements thereon owned by the city, to be appraised at their fair market value. The appraisal shall be transmitted by the assessor to the council which shall review the same and determine the appraised value of the tract and improvements thereon owned by the city. Facilities for supplying utility services shall not be considered as such improvements. The council shall determine the annual rental as six per centum of the appraised value and shall determine any limitations, reservations, requirements or special conditions to be included in the lease. Each lease shall contain a requirement that the lessee construct improvements suitable for the use of which the land is classified of a specified minimum value within one year from the date of the lease. The applicant shall be notified of the amount of the minimum annual rental and the value of the improvements required to be constructed thereon.
(Prior code § 45.40.090)

16.20.100 Payment of annual rentals.

Unless the lease specifies otherwise, annual rentals shall be paid annually in advance. Full annual rental payments not received by the city by the end of thirty (30) calendar days after the date it is due shall be assessed a late penalty equal to five percent of the payment due.
(Prior code § 45.40.100)
(Ord. No. 11-09-15, § 4)

16.20.110 Leasing procedure.

Leases of land with an initial annual minimum rental of less than one hundred dollars ($100.00) shall be issued by the city clerk after being so instructed by the council and without the necessity of a public auction. All leases having a computed annual minimum rental of more than one hundred dollars ($100.00) shall be offered at public auction. All public auctions of tidelands in the city shall be held in the council chambers, municipal building, by the mayor, or in his absence, the city clerk. At the completion of the auction of each tract of land the official shall indicate the apparent high bidder. Under any type of lease the owner or owners upland to the subject leased parcels shall be accorded a preference to meet the negotiated amount or high bid and be awarded same upon exercise of that option within two days. The apparent high bidder shall thereupon deposit with the official the portion of the annual rental then due together with the unpaid costs of survey, appraisal and advertising. All payments must be made in cash, money order, check or cashier's check, or any combination thereof within one hour.
(Prior code § 45.40.110)

16.20.120 Public notice.

Public notice of lease of land is required to be given under the provisions of this chapter. Thirty (30)

days' notice shall be given by publishing notice thereof in a newspaper of general circulation published in the city once a week for three weeks prior to final action of public auction. The notice must contain a brief description of the land, its area and general location, proposed use, term, computed annual minimum rental, limitations, if any, and time and place set for the lease auction, if auction is required, together with the name or names of the record owner or owners of the adjacent upland.
(Prior code § 45.40.120)

16.20.130 Receipt of bid.

Upon deposit of the required sum by apparent high bidder, the official conducting the auction shall thereupon issue to the successful bidder a receipt for the required sum.
(Prior code § 45.40.130)

16.20.140 Appeal.

An aggrieved bidder may appeal the determination of the apparent high bidder to the council, within five days (excluding Saturday and Sunday) following such determination. Such appeals must be in writing and contain a short statement of the grounds for appeal and rule thereon. The council's decisions shall be final, but without prejudice to any other right or rights the aggrieved bidder may have.
(Prior code § 45.40.140)

16.20.150 Completion of bid requirements.

Following the appeal period or the council's ruling, the city clerk shall notify the successful bidder that the city is prepared to issue an appropriate lease. The bidder shall be given fifteen (15) calendar days from date of mailing the notice in which to remit to the city clerk any bid balance, or any other sums that may be due and sign the lease. Failure to do so shall result in forfeiture of any and all rights previously acquired in the proposed lease, and in addition, any moneys paid or deposited with the city shall be forfeited.
(Prior code § 45.40.150)

16.20.160 Issuance of lease.

After expiration of the five day appeal period, or after the ruling on the appeal to the council, the city clerk shall execute a lease containing such terms as the council by its determination shall establish.
(Prior code § 45.40.160)

16.20.170 Terms of lease.

All leases shall be issued on standards forms approved by the council, but shall contain such limitations, reservations, requirements or special conditions as the council has determined, including requirements for improvements of a specified value to be constructed or located on the land within one year from the date of the lease.
(Prior code § 45.40.170)

16.20.180 Location of improvements.

It shall be the responsibility of the lessee to properly locate his improvements on the leased land within such one year period. It is unlawful to encroach on other lands of the city or on lands owned or leased by another, and violation shall constitute a misdemeanor.
(Prior code § 45.40.180)

16.20.190 Lease utilization.

Leased tidelands shall be utilized for purposes within the scope of the land use classification, the terms of the lease, and in conformity with the ordinances of the city, including any zoning ordinance. Utilization of development for other than the allowed uses shall constitute a violation of the lease and subject the lease to cancellation at any time. The terms of this chapter are made a part of all leases and any violation thereof shall be grounds for cancellation of any leases.
(Prior code § 45.40.190)

16.20.200 Adjustment of rental.

The annual rental payable pursuant to any lease issued under the provisions of this chapter shall be subject to adjustment by the council on the fifth anniversary of the date of the lease and each anniversary date thereafter which is divisible by the number five. All adjusted rates shall be computed at the six per centum on the fair market value of the land and improvements owned by the city and leased thereunder. Such value shall be determined by an appraisal made by the city assessor and reviewed and determined by the council as provided in Section 16.20.090.
(Prior code § 45.40.200)

16.20.210 Subleasing.

Any lessee may sublease lands or any part therefor leased to him hereunder, provided, that the proposed lessee first obtains the approval of the city council to such sublease. Subleases shall be in writing and be subject to the terms and conditions of the original lease. A copy of the sublease shall be filed with the city clerk.
(Prior code § 45.40.210)

16.20.220 Assignments.

Any lessee may assign the lease issued to him, provided, that the proposed assignment shall be first approved by the city clerk. The assignee shall be subject to all of the provisions of the lease and the assignor shall not be relieved of his obligations thereunder.
(Prior code § 45.40.220)

16.20.230 Modifications of lease.

A. No lease maybe modified orally or in any manner other than by an agreement in writing signed by all parties in interest or their successory in interest.

B. In the event any lessee requires an extension of lease term by reason of the requirements of any mortgagee or lending institution, or the requirements of any government regulatory agency or government agencies insuring or in any way guaranteeing improvements or purchase loans, upon application to the council

and a showing of good cause, the council shall liberally grant extensions of lease terms by modification of existing leases.
(Prior code § 45.40.230)

16.20.240 Cancellation--Forfeiture.

A. Leases in good standing may be cancelled in whole or in part at any time, upon mutual written agreement by the lessee and the council.

B. Any lease of lands used for any unlawful purpose may be terminated by the council.

C. If the lessee shall default in the performance or observance of any of the lease terms, covenants, or stipulations, or the terms of this chapter, or any of the ordinances of the city, and the default continues for thirty (30) calendar days after service of written notice by the city on lessee without remedy by lessee of the default, the city council shall take such action as is necessary to protect the rights and best interests of the city, including the exercise of any or all rights after default permitted by the lease. No improvements may be removed by lessee or any other person during any time the lessee is in default.
(Prior code § 45.40.240)

16.20.250 Notice or demand.

A. Any notice or demand, which under the term of a lease or unto any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address of record. However, either party may designate in writing such new or other address to which such notice or demand shall thereafter be so given, made or mailed.

B. A notice given hereunder shall be deemed delivered when deposited in a U.S. general or branch post office enclosed in a registered or certified mail prepared wrapper or envelope addressed as hereinabove provided.
(Prior code § 45.40.250)

16.20.260 Rights of mortgagee or lienholder.

In the event of cancellation or forfeiture of a lease for cause, the holder of a properly recorded mortgage of the improvements on the land and every sublease thereof, shall be given a duplicate copy of any notice of default in the same manner as notice is given the lessee, provided, such mortgagee or sublessee has given the city clerk notice of such mortgage or sublease.
(Prior code § 45.40.260)

16.20.270 Entry and reentry.

In the event the lease is terminated, or in the event that the demised lands, or any part thereof, are abandoned by the lessee during the term, the lessor or its agents, servants, or representative, may, immediately or any time thereafter, reenter and resume possession of the lands or such part thereof, and remove all persons and property therefrom either by summary proceedings or by a suitable action or proceeding at law without being liable for any damages therefor. No reentry by the lessor shall be deemed an acceptance or a surrender of

the lease.
(Prior code § 45.40.270)

16.20.280 Re-lease.

In the event that a lease is terminated the city council may offer the lands for lease or other appropriate disposal pursuant to the provisions of this chapter.
(Prior code § 45.40.280)

16.20.290 Forfeiture of rental.

In the event that the lease should be terminated because of any breach by the lessee, as herein provided, the annual rental payment last made by the lessee shall be forfeited and retained by the lessor.
(Prior code § 45.40.290)

16.20.300 Written waiver.

The receipt of rent by the lessor with knowledge of any breach of the lease by the lessee or of any default on the part of the lessee in observance or performance of any of the conditions or covenants of the lease, shall not be deemed to be a waiver of any provision of the lease. No failure on the part of the lessor to enforce any covenant or provision therein contained, nor any waiver of any right thereunder by the lessor unless in writing, shall discharge or invalidate such covenants or provisions or affect the right of the lessor to enforce the same in the event or any subsequent breach or default. The receipt, by the lessor of any other sum of money after the termination, in any manner, of the term demised, or after the giving by the lessor of any notice thereunder to effect such termination, shall not reinstate, continue, or extend the resultant term therein demised, or destroy, or in any manner impair the efficacy of any such notice or termination as may have been given thereunder by the lessor to the lessee prior to the receipt of any such sum of money or other consideration, unless so agreed to in writing and signed by the lessor.
(Prior code § 45.40.300)

16.20.310 Expiration of lease.

Unless the lease is renewed or sooner terminated as provided herein, the lessee shall peaceably and quietly leave, surrender and yield up unto the lessor all of the leased land on the last day of the term of the lease.
(Prior code § 45.40.310)

16.20.320 Renewal of lease.

A. Upon the expiration of the term of any lease, or the cancellation of a lease by mutual consent of all parties thereto, the council may grant a new lease to the lessee or his assignee who owns valuable improvements thereon, without offering the lease at auction, provided:

1. The lessee or his assignee makes written application therefor at least sixty (60) days prior to such termination;

2. The lessee is not in default under the lease;

3. The use to which the land is to be put is compatible with the current use classification and zoning provisions of the city ordinances on that subject;

4. Mutually agreeable terms are negotiated by the council and the prospective lessee.

B. Such lease shall be for an annual rental equal to the per centum of the appraised value of the land which is then being charged for new leases and shall be subject to adjustment on every fifth anniversary.
(Prior code § 45.40.320)

16.20.330 Removal of improvements.

A. Improvements owned by a lessee may within sixty (60) calendar days after the termination of the lease be removed by him; provided, that the city council may extend the time for removing such improvements in cases where hardship is proven. All periods of time granted the lessees to remove improvements are subject to the lessees paying to the city pro rata lease rentals for the periods.

B. If any improvements and/or chattels are not removed within the time allowed, such improvements and/or chattels shall revert to, and absolute title shall vest in, the city.
(Prior code § 45.40.330)

16.20.340 Sanitation.

The lessee shall comply with all ordinances of the city which are promulgated for the promotion of sanitation. The premises of the lease shall be kept in a neat, clean and sanitary condition and every effort shall be made to prevent the pollution of waters.
(Prior code § 45.40.340)

16.20.350 Building and zoning codes.

Leased lands shall be utilized only in accordance with the building and zoning ordinances and rules and regulations thereunder. Failure to do so shall constitute a violation of the lease.
(Prior code § 45.40.350)

16.20.360 Fire protection.

The lessee will take all reasonable precaution to comply with all laws, regulations and rules promulgated by the city for fire protection within the area wherein the leased premises are located.
(Prior code § 45.40.360)

16.20.370 Inspection.

The lessee shall allow an authorized representative of the city to enter the leased land at any reasonable time for the purposes of inspecting the land and improvements thereon.
(Prior code § 45.40.370)

16.20.380 Personal use of materials.

All coal, oil, gas and other minerals and all deposits of stone, earth or gravel valuable for extraction or utilization, are reserved by lessor and shall not be removed from the land. The lessee shall not sell or remove for use elsewhere any timber, stone, gravel, peatmoss, topsoil, or any other material valuable for building or commercial purposes; provided, however, that material required for the development of the leasehold may be used, if its use is first approved by the city council.
(Prior code § 45.40.380)

16.20.390 Restriction and reservations.

The lease shall contain such restrictions and reservations as are necessary to protect the public interest.
(Prior code § 45.40.390)

16.20.400 Sale of tide and submerged lands.

When it is in the public interest the council may by resolution authorize the sale of tracts of tidelands and submerged lands. All sales of tidelands and submerged lands shall be public sales and shall be governed by the provisions of this chapter, insofar as may be applicable. The assessed value of the property shall be stated in the notice required by Section 16.20.120 instead of the annual minimum rental. All sales shall be made for cash and the successful bidder must make payment in full at the time of the sale. The council may provide additional requirement not inconsistent with this chapter in the resolution authorizing such sale. Anything herein to the contrary notwithstanding, all such sales shall be subject to charter provisions.
(Ord. 08-04-06 § 3; prior code § 45.40.400)

16.20.410 Permits for five years or less.

The council may authorize the city clerk to grant permits to applicants and to use such applicant's permits for the use of tide and/or submerged lands for a period to not exceed five years, without appraisal of the value of the land or public auction of the permit, for any purpose compatible with the land use classification of such lands and on such terms for such rental as the council shall determine. The provisions of Sections 16.20.020 through 16.20.070, 16.20.170 through 16.20.190, 16.20.210 through 16.20.310 and 16.20.330 through 16.20.390 of this chapter pertaining to leases, shall, insofar as practical, apply and be a part of every such permit. Such permit may, however, be granted for the purpose of removing earth, stone or gravel from such lands, in which event the rental may be on a yardage basis and Section 16.20.380 of this chapter shall not apply.
(Prior code § 45.40.410)

Title 17

SUBDIVISIONS

Chapters:

17.04 General Provisions

17.08 Definitions

17.12 Administration

17.16 Platting Board

17.20 Plats

17.24 Minor Subdivisions

17.28 Major Subdivisions

17.32 Planned Unit Developments and Cluster Subdivisions

17.36 Administrative Plats

17.40 Platting Variances

17.44 Street and Public Area Vacations

17.48 Boundary Survey Maps

17.52 Appeals

17.56 Notice

17.60 Violations--Penalties

Chapter 17.04

GENERAL PROVISIONS

Sections:

17.04.010 Short title.
17.04.020 Purpose and interpretation.
17.04.030 Scope and jurisdiction.

17.04.010 Short title.

This title may be referred to as the subdivision ordinance of the city of Hoonah. (Ord. 86-03-04-01 § 1 (part): prior code § 95.08.010)

17.04.020 Purpose and interpretation.

The purposes of this title are:

A. Land subdivision is the first step in the process of community development. Once land has been developed into streets, lots and blocks, and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility in that properly constructed roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important aspects. It is therefore in the interest of the public, the developer and the future owners that any subdivision be conceived, designed and developed in accordance with sound rules and proper standards.

B. To promote and protect the public health, safety and welfare; to provide for the proper arrangement of roads and streets in relation to existing or proposed roads and streets; to provide for adequate, useful and convenient open spaces; to provide for the efficient movement of vehicular, pedestrian and other modes of transportation; to assure adequate and properly placed utilities; to provide for access for fire fighting apparatus; to provide recreation, light and air, and to avoid population congestion; to facilitate the orderly and efficient layout and use of the land in light of the constantly changing conditions; and to provide for the accurate surveying of land.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.08.020)

17.04.030 Scope and jurisdiction.

A. This title governs all subdivisions within the city of Hoonah. Except as otherwise provided by law, this title governs subdivisions of land owned by the federal government, the state and its instrumentalities and the municipality in the same manner as it governs subdivisions of land owned by private persons.

B. Grandfather Rights. The provisions of this title shall not apply to any of the subdivision applications in process within the last year under existing subdivision regulations if the plat has received preliminary or final approval by the planning commission or assembly. All other proposed subdivisions shall be governed by the provisions of this title.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.08.030)

Chapter 17.08

DEFINITIONS

Sections:

17.08.010 Alley.
17.08.020 Aggrieved person.
17.08.030 Area.
17.08.040 Block.
17.08.050 Block length.
17.08.060 Boundary survey map.
17.08.070 City manager.
17.08.080 Comprehensive plan.
17.08.090 Crosswalk.

17.08.100 Dedication.
17.08.110 Easement.
17.08.120 Floodplain.
17.08.130 General land use plan.
17.08.140 Legal access.
17.08.150 Lot.
17.08.160 Lot depth.
17.08.170 Lot frontage.
17.08.180 Lot width.
17.08.190 Monument.
17.08.200 Municipality.
17.08.210 Parcel.
17.08.220 Person.
17.08.230 Planting strip.
17.08.240 PUD.
17.08.250 Right-of-way.
17.08.260 Roadway.
17.08.270 Screening easement.
17.08.280 Shall.
17.08.290 Sidewalks.
17.08.300 Streets.
17.08.310 Structure.
17.08.320 Subdivider.
17.08.330 Subdivision.
17.08.340 Surveyor.
17.08.350 Tract.
17.08.360 Transportation plan.
17.08.370 Unit.
17.08.380 Zero lot line.

17.08.010 Alley.

"Alley" means a permanent service right-of-way providing a secondary access to abutting properties.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.020 Aggrieved person.

"Aggrieved" means:

A. The applicant or any person adversely affected by the decision who previously made a written or oral presentation before the decisional authority.

B. Any governmental unit who is a party to or has submitted comments on any actions before the platting board and contends the fulfilling of their governmental responsibilities are threatened by the action of the platting board or council.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.030 Area.

"Area" means the total unit of land identified for the planned unit development for purposes of calculating intensities, densities and land uses.
(Ord. 86-03-04-01 § 1 (part): prior code § 93.21.010 (part))

17.08.040 Block.

"Block" means an area of land within a subdivision that is entirely bounded by rights-of-way (other than alleys), physical barriers, and exterior boundaries of the subdivision.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.050 Block length.

"Block length" means the distance between intersections of through streets, measured between the right-of-way lines of the intersecting streets, which distance is the longest dimension of a block.
(Ord. 86-03-04-01 § l (part): prior code § 95.21.010 (part))

17.08.060 Boundary survey map.

"Boundary survey map" is a map of boundaries of a parcel previously unsurveyed or conveyed only by metes or bounds or aliquot part description in existence prior to formation of the platting board and subdivision authority, and includes any map correcting an approved boundary survey map.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.070 City manager.

"City manager" means the city manager of the city of Hoonah or his designee.
(Ord. 86-03-04-01 § l (part): prior code § 95.21.010 (part))

17.08.080 Comprehensive plan.

"Comprehensive plan" means the comprehensive development plan, revised July 10, 2012. This provides for and addresses the overall long-range plan for the city development which includes goals and policies, future land use, transportation and community facilities plans, as they might be adopted and amended.
(Ord. 94-04-02 § 6: Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))
(Ord. No. 12-06-05, § 3)

17.08.090 Crosswalk.

"Crosswalk" means a public right-of-way, ten (10) feet or more in width, which provides pedestrian passage through a street or within a block.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.100 Dedication.

"Dedication" means the devotion of land to a public use by the owner manifesting the intention that it shall be accepted and used presently or in the future for such public purpose. A dedication by the owner under the terms of this section in a conveyance of an interest in property which shall be deemed to include the warranties of title listed in AS 34.15.030. The dedication of streets, alleys, sidewalks, or public open space shall convey a free interest in the area dedicated. The dedication of all other public rights-of-way including utility rights-of-way shall be deemed to create an easement in gross to perform the indicated function in the area depicted.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.110 Easement.

"Easement" means a right granted to use certain land for specific purposes.
(Ord. 86-03-04-01 § l (part): prior code § 95.21.010 (part))

17.08.120 Floodplain.

"Floodway" means that area of land adjoining the channel of a river, stream or other similar body of water which may be inundated by a flood that can be reasonably expected to occur. The floodplain includes all the lands within the limits of the one hundred (100) year flood and the floodway within it if such floodway is delineated. The floodplain area is defined by the Corps of Engineers.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.130 General land use plan.

"General land use plans means an element of the city's comprehensive plan which identifies the general types and dispersion of land use over time.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.140 Legal access.

"Legal access" or "physical access means access over a roadway meeting residential road standards, having a width of at least twenty (20) feet and constructed in accordance with official construction standards approved by the platting board.
(Ord. 86-03-04-01 § l (part): prior code § 95.21.010 (part))

17.08.150 Lot.

"Lot" means a parcel intended for one principal structure.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.160 Lot depth.

"Lot depth" means the distance between straight lines connecting side lot lines, measured between the midpoint of such lines, except that such measurement shall not extend outside the lot lines of the lot being measured.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.170 Lot frontage.

"Lot frontage" means all property abutting the right-of-way of a dedicated street, private road or road easement, measured along the right-of-way between side lot lines of a lot.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.180 Lot width.

"Lot width" means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines, except that such measurement shall not extend outside the lot lines of the lot being measured.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.190 Monument.

"Monument" means a permanent survey control point.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.200 Municipality.

"Municipality" refers to the city of Hoonah.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.210 Parcel.

"Parcel" means a portion of a larger plot of land.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.220 Person.

"Person" means an individual, corporation, partnership, unincorporated association, or government agency.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.230 Planting strip.

"Planting strip" means a strip of land between the roadway and the sidewalk or sidewalk site.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.240 PUD.

"PUD (planned unit development)" means a flexible, alternative type of subdivision which allows reasonable deviations from normal requirements provided the total concept is consistent with general municipal policy.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.250 Right-of-way.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street (road), walkway, road, utilities, gas or oil pipeline, water main, sewer main, shade trees, or for any other public purpose.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.260 Roadway.

"Roadway" means the portion of a street designated for vehicular traffic, and where curbs are laid, the portion between curbs.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.270 Screening easement.

"Screening easement" (buffer and landscape areas) means a strip or parcel of land for the purpose of insulating land uses against the adverse effects of adjacent land uses; designating access along arterial highways; providing a wind screen; filtering dust; muffling noise; deterring glare and reducing soil erosion. The easement shall be at least ten (10) feet in width.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.280 Shall.

The term "shall" is synonymous with will and is always mandatory and not discretionary; the word "may" is permissive.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.290 Sidewalks.

"Sidewalks" means an improved right-of-way for pedestrian circulation that is part of the street right-of-way.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.300 Streets.

"Streets" means a right-of-way which provides for vehicular and pedestrian circulation.

"Arterial street" and "highways" are those which are used primarily for fast or heavy traffic. The minimum width of arterials which are part of the subdivision to be approved is eighty (80) feet.

"Collector streets" are those which carry traffic from minor streets to the major street system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation with the development. Their minimum width, when a part of the subdivision to be approved, is sixty (60) feet.

"Cul-de-sac street" means a local street of short length having only one outlet with provisions for a turnaround at its termination, and which is not intended to be extended or continued to serve future subdivisions or adjacent land.

"Marginal access streets" are minor streets which are parallel with and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

"Minor streets," also called "local access streets," are those which are used primarily for access to

abutting properties. Their minimum width is fifty (50) feet.

"Street width" means the shortest distance between the lines delineating the right-of-way of streets.

"Stub street" means a dead-end local street which provides for eventual extension of the street onto unplatted land.
(Ord. 86-03-04-01 § l (part): prior code § 95.21.010 (part))

17.08.310 Structure.

"Structure" means anything that is constructed or erected and located on or under the ground, or attached to something fixed to the ground.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.320 Subdivider.

"Subdivider" means a person who holds any legal or equitable interest in land being subdivided. The terms shall also include all heirs, assigns or successors in interest, or representatives of the subdivider.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.330 Subdivision.

"Subdivision" means the division of a tract or parcel of land into two or more lots, sites or other divisions for the purpose, whether immediate or future, of sale, lease or building development, including any resubdivision and when appropriate to the context, the process of subdividing or the land subdivided.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.340 Surveyor.

"Surveyor" means a professional land surveyor who is registered and has complied with the laws of the state of Alaska.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.350 Tract.

"Tract" means an area of land which has been delineated on record, but has not been designated by lot and block numbers.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.360 Transportation plan.

"Transportation plan" means an element of the city's comprehensive plan which addressed transportation modes, routes and facilities over time.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.370 Unit.

"Unit" means a room or rooms connected together, constituting separate, independent living quarters for a person or family, permanently or temporarily, continuously or transiently, and containing sleeping quarters with or without bathing or cooking facilities.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

17.08.380 Zero lot line.

"Zero lot line" means those lot lines with zero setback requirements.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.21.010 (part))

Chapter 17.12

ADMINISTRATION

Sections:
17.12.010 Fees.
17.12.020 Waivers and exceptions.

17.12.010 Fees.

There shall be a schedule of fees for plat, variance and vacation applications, and for appeals under this title. They shall be as follows:

A. All subdivision plat applications, fifty dollars ($50.00);

B. Platting variance, forty dollars ($40.00);

C. Street or other dedicated area vacation, forty dollars ($40.00);

D. Planned unit development, one hundred dollars ($100.00);

E. Boundary survey application, forty dollars ($40.00).
(Ord. 86-03-04-01 § 1 (part): prior code § 95.09.020)

17.12.020 Waivers and exceptions.

The platting board may waive any or all improvements and requirements except for the preparation, submission for approval and recording of a plat upon proof that:

A. Physical access to each tract or lot within the subdivision exists over a street dedicated to the public or over other legal access as defined in Chapter 17.08 of this title.

B. The subdivision will create no more than four parcels.

C. No dedication of a public right of way, easement or other public area is required. D. Proof has been submitted demonstrating that adequate utility easements are provided.

E. The outside corners of each lot are marked and at least two outside corners of the whole subdivision tract are monumented and referenced to publicly recorded survey markers.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.09.030)

Chapter 17.16

PLATTING BOARD

Sections:

17.16.010 Planning commission designated.
17.16.020 Duties and responsibilities.
17.16.030 Meetings.
17.16.040 Action on application or appeal.
17.16.050 Conflict of interest.

17.16.010 Planning commission designated.

The planning commission shall be the platting board for the city of Hoonah and for the purposes of this title shall be referred to as the platting board. Unless otherwise directed by the council, the platting board shall be the representative of the city for all coastal zone management programs. (AS 6.40.010-100 and Title 6 AAC, Chapter 85.)

(Ord. 86-03-04-01 § 1 (part): prior code § 95.10.010)

17.16.020 Duties and responsibilities.

The platting board shall have the responsibility for preliminary and final approval of all subdivision plats, variances, vacation of streets and waivers of subdivision regulations.

(Ord. 08-06-14 § 4 (part): Ord. 86-03-04-01 § 1 (part): prior code § 95.10.020)

17.16.030 Meetings.

The platting board shall hold regular meetings normally coincident with the regularly scheduled planning commission meeting or at such additional times as may be required. The chairman or majority of members may call a special meeting of the board. The platting board shall organize itself but unless modified by said board shall proceed according to Robert's Rules of Order.

(Ord. 86-03-04-01 § l (part): prior code § 95.10.030)

17.16.040 Action on application or appeal.

The platting board shall take formal action by voting on a motion to approve an application or in those limited instances when the city manager may make the decision to grant approval of an application, the director's action shall be entered in platting board minutes. The board's decision shall be recorded in the minutes approving or denying the action in question, prepared by the secretary to the board. The action may include findings of fact supporting the decision, based upon the facts presented to the board and the board's debate on the matter. A decision of the board is adopted when it is within a reasonable time signed by the chairman, signifying his approval of the form thereof.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.10.040)

17.16.050 Conflict of interest.

A. A board member shall publicly disclose and shall not participate in deliberation or vote on a question if:

1. The board member or a member of his immediate family has a substantial financial interest in any property affected by the decision; or

2. A board member has a conflict.

B. A board member who has had personal information or communication from an applicant or someone speaking for him outside of a board meeting shall inform the rest of the board giving an outline of the event and the minutes shall so reflect.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.10.050)

Chapter 17.20

PLATS

Sections:
17.20.010 Types of plats and subdivisions.

17.20.010 Types of plats and subdivisions.

There are various types of subdivisions each with its own requirements as stated more fully below. Persons desiring to apply for approval of a subdivision plat, should familiarize themselves with the various options to determine which best fits their situation. The following are the various types of subdivisions or plats. The platting board has the authority to be flexible within the limits of this title.

A. Minor subdivision: a subdivision creating no more than four lots or tracts as more fully described as to requirements and procedures in Chapter 17.24.

B. Major subdivisions: a subdivision of more than four lots or tracts requiring the full procedure as more fully stated in Chapter 17.28.

C. Planned unit developments: a subdivision designed to encourage imagination and innovative design with regard to which the concept of good planning and utilization is more important than the technical requirements of normal subdivision plats. Limited examples are cluster developments, industrial parks, and shopping centers.

D. Condominium developments: a subdivision of planned unit developments, condominium lots utilizing less than normal setbacks or zero setbacks, also known as zero lot lines as more fully set forth Section 17.32.140.

E. Administrative plats: plats which need to be approved only by the city manager pertaining to minor mutual lot line adjustments and party wall agreements.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.11.010)

Chapter 17.24

MINOR SUBDIVISIONS

Sections:

17.24.010 Application--Permitted when.
17.24.020 Application--Contents.
17.24.030 Procedure after application.

17.24.010 Application--Permitted when.

The minor subdivision plat procedure shall be available to create a subdivision of a single tractor parcel into no more than four tracts or lots providing the following conditions are met:

A. No dedications needed;

B. Monuments exist sufficient to locate all proposed lots on site;

C. Preapplication procedures of the major subdivision plat requirements is advisable if there are any questions regarding suitability under this procedure and such procedures or such parts as may be applicable may be required by the platting board.

D. The plat shall include land under contiguous ownership.

(Ord. 86-03-04-01 § l (part): prior code § 95.12.010(A--D))

17.24.020 Application--Contents.

The subdivider shall submit an application for plat approval, including the following items, no less than fifteen (15) days before the regular meeting of the platting board at which that plat is to be considered. The following shall be required:

A. Plat. Three copies of the plat prepared by a registered surveyor (or less number of plats as approved by the platting officer) drawn to a scale of one inch equals one hundred (100) feet on paper of one of the following sizes with each sheet being the same size: eighteen (18) by twenty-four (24) inches, twenty-four (24) by thirty-six (36) inches or thirty (30) by forty-two (42) inches. The plat shall include the same information as a plat of a major subdivision according to Section 17.28.050.

B. The plat shall contain a topographic map which includes the following information:

1. The location of all property lines, utilizing the plat as base map;

2. For land that slopes less than five percent, show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions;

3. For land that slopes more than five percent, show contours with an interval of not more than five feet where the ground slope is regular, and such additional information as sufficient for planning purposes, or show contours with an interval of not more than two feet where necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;

4. Any area within the proposed subdivision which is exposed to geophysical hazard shall be delineated and identified on the plat.

C. Additional Data for Areas Outside the Hoonah Road System. When the subdivision is not adjacent to the existing Hoonah road, sewer, or water system, the subdivider shall submit supporting written information including:

1. All soils and engineering data required by state regulatory authorities for the review of installation of on-site and water facilities, if such are needed. Applications proposing community water supply and/or sewage disposal systems, shall include engineering plans, data and any other information required under Section 17.28.050.

2. An evaluation by an experienced person of the practicability and feasibility of constructing and maintaining a community water supply system where planned by the subdivider.

D. Other Required Data. All proposed condition data, standards, design proposed construction methods, if needed, and all other requirements for major subdivision procedure (see Section 17.28.050) shall be also required for the standard minor subdivision procedure to the extent required by the platting board.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.12.010(E))

17.24.030 Procedure after application.

A. The time for submission for action by the platting board and appeals from the platting board shall be the same as major subdivision procedure.

B. All notices shall be required and given as provided for in major subdivision procedures (see Section 17.28.010).

C. After consideration of the minor subdivision, the platting board may require a plat restriction concerning improvements.

D. The plat shall be prepared by a registered land surveyor and said plat and certificates required with, or as part of it, shall be the same as a major subdivision.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.12.020)

Chapter 17.28

MAJOR SUBDIVISIONS

Sections:

17.28.010 General approval procedure.
17.28.020 Preapplication.
17.28.030 Application.
17.28.040 Preliminary plat--Contents.
17.28.050 Final plat--Contents.
17.28.060 Design principles and standards.
17.28.070 Streets--Generally.
17.28.080 Streets--Arrangement.
17.28.090 Streets--Access to primary roads.
17.28.100 Streets--Reserve strips.
17.28.110 Streets--Names--House numbers.
17.28.120 Streets--Design standards.
17.28.130 Rights-of-way.
17.28.140 Easements.
17.28.150 Lots and blocks.
17.28.160 Procedure and effect after approval.

17.28.010 General approval procedure.

The following are the basic steps to obtain major subdivision approval:

A. Preapplication including a preapplication conference;

B. Application of preliminary plat to the platting officer for submission to the platting board;

C. Submission of the final plat to the platting officer for submission to the board;

D. Reconsideration by the board, or appeal to the council, as may be applicable;

E. Further appeal to a court of competent jurisdiction.

(Ord. 86-03-04-01 § l (part): prior code § 95.13.010)

17.28.020 Preapplication.

A. Preapplication comprises an investigatory and conference period which precedes actual preparation of the preliminary plat. During this stage, the subdivider makes known his intentions to the planning official and is advised of specific public objectives related to development of the subject tract, and to platting procedures and requirements. If the subdivision qualifies under the minor subdivision provisions as stated in Sections 17.24.010 and 17.24.020, no further preapplication action is needed, the planning official shall determine the extent of the preapplication procedure as needed within the limits as stated herein. If the subdivision has five or more lots, such procedure is mandatory. If requested, the applicant shall submit a preliminary sketch plat for consideration by the planning official, which may be drawn in pencil, containing all the information required for a subdivision plat, except that bearings, angles and curve data may be approximate, and the layout of proposed streets and lots may be tentative. During this stage, it may be determined that change in zoning would be required for all or part of the subject tract, whereupon the subdivider may immediately initiate the necessary zoning application. Nothing herein shall be construed to mean that said rezoning or subdivision will be mandatory or ultimately approved.

B. At the conference, the city manager shall review with the subdivider the municipality's development policies, and platting procedures and requirements, as they pertain to the proposed application, and recommend modifications to conform the proposed application to those policies, procedures and requirements.

C. The subdivider may appear before the platting board to appeal any interpretation of this title by the planning staff at the preapplication conference which the subdivider regards as incorrect or unreasonable. While taking no formal action on the proposed application, the platting board may indicate its views on the issues of interpretation raised by the subdivider.

D. No proceeding under this section binds the platting board or the platting officer in their review of any plat, or relieves a subdivider of the responsibility independently to become familiar with the procedures and standards for approval of an application under this title.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.13.020)

17.28.030 Application.

A. Application for approval of any plat, vacation or variance shall be submitted to the planning department. An application for subdivision preliminary plat approval shall incorporate any required applications for platting variances and vacations necessary to the approval of the preliminary plat. But if not part of a subdivision application, the same shall be by separate application. Applications shall be in a form provided by the city.

B. Applications shall include the application fee prescribed under Section 9.12.010 and the following material:

An application for preliminary plat approval shall include the terms required by the next section and shall be signed by all persons holding an interest in the property that is the subject of the application. If a subdivider intends to develop the land covered by the preliminary plat in phases, the application for preliminary plat approval shall include a master plan specifying the timing and sequence of development.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.13.030)

17.28.040 Preliminary plat--Contents.

A. The preliminary plat shall include all contiguous land under applicant's ownership even if under separate legal description. If only a portion of the applicant's land is intended for immediate development, the remaining portion shall be given a tract designation and shall be part of the preliminary and final plat.

B. The subdivider shall submit an application for preliminary plat approval including the following items, no less than fifteen (15) days before the regular meeting of the platting board at which the plat is to be considered:

1. Four blue or black line prints of the preliminary plat shall be submitted to the platting officer. In addition, the applicant shall submit one copy to Alaska Department of Environmental Conservation as required and to the private phone/television companies for any input.

2. Plats should be at appropriate scale to show details necessary to make appropriate decisions.

3. All plats should be of appropriate scale to show details and to make appropriate decisions and submitted on one of the following sizes with each sheet being the same size: eighteen (18) by twenty-four (24) inches, twenty-two (22) by thirty-four (34) inches or thirty (30) by forty-two (42) inches. The plat shall have four distinctive line weights according to the following breakdown from heaviest to lightest:

    a. Boundary;

    b. Block and tracts;

    c. Lot;

    d. Easement street centerlines, contours and so on.

4. The preliminary plat shall include the following information:

    a. Title block enclosed in bottom right corner of plat showing:

        i. Name of proposed subdivision,

        ii. Scale,

        iii. Date,

        iv. Sheet number(s),

        v. Total area,

        vi. Description of parcel being subdivided,

        vii. Lots, block numbers and street names,

        viii. Name and address of surveyor preparing plat and subdivider(s),

        ix. Owner(s) of the property and address,

        x. When a plat consists of more than one sheet, an index sheet is required. The index sheet must show the entire project with street names, lots, block numbers, match lines indicating the sheet numbers which will display pertinent data of that particular portion of the project. The match lines shall follow obvious divisions within the plat and be easily recognizable. When more than one sheet is submitted, one sheet shall contain all the approval certificates. All sheets must be the same size.

b. North arrow;

c. Vicinity map which includes the following:

i. Scale of one inch equals one square mile;

ii. Principal road systems, sections and townships if applicable, major water bodies and/or water courses, boundaries of national forest or other pertinent boundaries, location of subdivision and north arrow;

d. Dedicated rights-of-way, patent reservations road easements or utility and other reservations, public or private, within the proposed subdivision boundaries and within one hundred (100) feet of the subdivision boundaries showing location, dimensions, and purposes;

e. Adjacent property lines shall be shown with dashed lines to show their general relation to the proposed plat;

f. Proposed lot lines, tract lines, and rights-of-way including approximate dimensions and areas of all lots and tracts, approximate curve radii and lengths, and similar information;

g. Designation of proposed public areas;

h. Topography shall be shown with contour intervals of: two feet for any portion of the proposed subdivision within the floodplain of any watercourse; five feet outside floodplain areas if the ground slope is less than ten (10) percent; and intervals of ten (10) feet if the ground slope is greater than ten (10) percent;

i. Preliminary horizontal location of streets, water supply, sewage disposal systems and other public improvement details to enable the platting authority to make a preliminary determination as to conformance, with municipal and state standards;

j. The location of water bodies and drainage courses, including the location of flood hazard areas;

k. The location of existing facilities, permanent buildings and structures within the proposed subdivision such as roadways, buildings, sewage systems, wells, oil lines including pipe sizes, utility poles and lines, underground power lines, excavations, bridges, and culverts.

l. A plat certificate showing all persons holding any legal equitable interest in the land being subdivided, prepared by a title insurance company authorized by law to do business in the state of Alaska.

5. Legal access from the public road system where necessary;

C. The subdivider shall submit supporting written information including all soils and engineering

data required by the appropriate state agency for the review of installation of either on-site sewer and water facilities, if such are needed, or the general design and layout when such utilities are to become a part of the city community system. If this subdivision or any part thereof is in a coastal management area, any information required for coastal management consistency review shall also be submitted as may be required by the city manager.

D. Accompanying the preliminary plat shall be a plat certificate showing all persons holding any legal equitable interest in the land being subdivided, prepared by a title insurance company authorized by law to do business in the state of Alaska.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.13.040)

17.28.050 Final plat--Contents.

A. The subdivider shall submit an original and four copies of the final plat. The original shall be reproducible, drawn on mylar or equivalent (mylar is a brand name for stable base polyester film) three mils thick or equivalent, and be of good drafting, in india ink, with legible lettering. The final plat shall be of the size and scale, and bear the information, specified for the preliminary plat in Section 17.28.040; in addition, the final plat shall show the following:

1. The boundaries of the plat showing clearly what stakes, monuments or other evidence were found on the ground to determine the boundaries of the tract. If existing, the corner of adjoining subdivisions or portions thereof shall be identified and ties shown;

2. Bearings and distances to the nearest established street lines, section lines or official monuments which are necessary in accurately describing the location of the plat. Where a government authority has established the centerline of a street or alley, such data shall be considered in making the surveys and preparing the final plat. All monuments found shall be indicated and proper references, including the date set, type of monument, the surveyor and his registration number shall be indicated. If the points were reset by ties, that fact shall be stated.

3. Within the subdivision, the final plat shall show the centerlines of all streets, lengths, tangents, radii and central angles of all curves, the total width of each street, the width of the portion being dedicated and the width of the existing dedications, the width of portions of streets each side of the centerline; also, the width of rights-of-way, and easements;

4. The final plat shall show the width, bearing and other necessary data to delineate all easements to which the lots are subject. If the easement is not definitely located on record, a statement referring to the easement shall appear on the title sheet. Easements for storm drains, sewers and other purposes shall be denoted by broken lines. If an easement is not parallel to and adjacent to the lot lines, distances and bearings on the sidelines of the lots which are cut by the easement shall be shown as to indicate clearly the actual length of the lot line from the lot corners to the easement. Easements being dedicated shall be so indicated in the certificate of dedication;

5. All lot and block numbers shall be shown. Sufficient data shall be shown to determine readily the bearing and length of each line. No ditto marks shall be used;

6. The names of adjacent subdivisions and the lot numbers of adjacent lots. If the adjacent land is not subdivided, it should be so indicated;

7. The exact boundaries of all areas to be dedicated or reserved for public use or for the common use of property owners. The purpose of the dedication or reservation shall be set forth on the plat. Rights-of-way not dedicated to the public must be clearly marked as not dedicated on the face of the plat;

8. All lots, blocks or tracts affected by the floodplain regulations adopted by the city shall be labeled "Flood Hazard Area" on the face of the plat. Such notation may include a written statement, stating the affected lots, blocks and tract by legal description and the report and date of the report used to make the determination of the floodplain;

9. The location, boundaries, area, and identification of all unsubdivided tracts defined by aloquet parts with reference to monumentation of those tracts.

B. The final plat shall bear the following certificates:

1. A certificate signed and sealed by the land surveyor who prepared the plat as follows:

I, _____ certify that I am a registered land surveyor in the State of Alaska, that this plat is a true and correct representation of lands surveyed by me or under my direct supervision; that the distances and bearings are shown correctly and the error of closure for field traverses does not exceed one part in 5,000; and that all permanent exterior control monuments, all other monuments, and lot corners have been set and staked.

2. Where a dedication of land to the public is proposed in the plat, the final plat shall bear a statement of ownership and dedication as follows:

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

_____
Date

_____
Owner

_____
Witness

_____
Owner

Notary' s acknowledgement:

____

This certificate shall be signed by all persons holding any legal or equitable interest in the land being platted or dedicated. The certificate shall be signed before the municipal clerk or a notary public. Proof that all persons who hold such an interest have signed the certificate shall be established by the certificate to plat required under subsection C of this section.

3. A certificate of approval of the planning commission signed by its chairman;

4. A certificate of approval by the council signed by the mayor.

5. A certificate by the municipal assessor to the effect that all taxes are paid and assessments are current.

C. Final Plat Monuments.

1. Primary monuments must be established for surveys as set forth herein. A primary monument must consist of a minimum two-inch diameter metal pipe at least thirty (30) inches long with a minimum four-inch flange at the bottom. A minimum two and one-half inch diameter metal cap must be permanently attached at the top. If both the cap and the pipe are of nonferrous metal, then additives with magnetic qualities must be permanently attached at both the top and bottom of the monument. Every primary monument cap must be permanently stamped with the year set, the surveyor's registration number, and the corner identification. If it is impractical to set the primary monument as laid out in these standards one of the following may be substituted: A cap grouted into firm stone or a durable tablet containing a minimum of two cubic feet of concrete and a cap marking the actual corner point.

2. Every subdivision must have a minimum of two primary monuments set or recovered on the boundary of the subdivision. All angle points along the subdivision boundary should have a primary monument. Primary monuments along a subdivision boundary may not be situated more than 1320.00 feet apart. If an exterior boundary line is less than 2540.00 feet, but more than 1320.00 feet long, then the immediate primary monument must be set as close to the midpoint as practical. If the point for a primary monument is in a place that would be impractical to monument because of natural obstacles such as water bodies or roads a corner must be set. The witness distance and course must be shown on the plat of survey from the existing monument as set to the true corner position. Witness corners must always be set on a survey property line at a distance considered reasonable and practical from the true corner point. Witness corners must comply with the standards for primary monuments.

3. Secondary monuments shall be used for property line curvature control, at interior angle points, and on interior lines that exceed 1320.00 feet in length and are not monumented with primary monuments and all other corners that are part of the subdivision. Secondary monuments will consist of at least a five-eighths inch metal bar four feet long with one and one-half inch cap attached at the top with the surveyor's registration number and corner identification stamped on

the top.

4. Monument Accessories. Secondary monuments do not require monument accessories. All primary monuments must be referenced to at least three bearing trees or objects. If bearing trees or objects are used, they must be located as nearly as possible at right angles and may not be farther than one hundred (100) feet from the monument. A distance to trees or objects must be measured at waist height and in the case of trees measured to the center of the tree with distances reduced to horizontal equivalent. Bearing trees must be marked with a nonferrous metal tag of at least nine square inches in size which must be placed facing the monument. These tags must be clearly and permanently marked as to the corner nomenclature and distance.

D. The final plat shall bear the following information:

1. A statement referring to private covenants governing the subdivision, if any, as follows:

Restrictive covenants were recorded _____, 20_____, at the _____ Recording District in Book _____, Page _____.

2. A statement limiting placement of habitable structures if any portion of the plat depicts areas within shorelands. The statement, where required, shall read:

No habitable structure may be placed upon any lot which shall have an elevation of the lowest floor, including a basement of less than, at, or above the highest known water elevation to comply with the floodplain provisions.

E. Development Plat Restriction. All major subdivisions or other plats requiring public construction improvements shall contain the following plat restriction which shall conspicuously appear on the face of the final plat:

No lot tract, or parcel within this subdivision may be conveyed by OWNER until served by road, water, and sewer and said improvements have been inspected, approved and accepted for maintenance by the City of Hoonah, Alaska.

(Amended during 2002 codification; Ord. 86-03-04-01 § 1 (part): prior code § 95.13.050)

17.28.060 Design principles and standards.

A. General Provisions.

1. Compliance. The proposed subdivision shall conform to the comprehensive plan and official map.

2. Names. All subdivisions shall be named. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision. The platting board has final authority to designate the name of the subdivision and shall do so before final plat approval.

3. Debris and Waste. Cut trees, timber debris, earth, rock, stones, or other waste material created by the development of this subdivision may be deposited within the subdivision only if approved by the platting board and in an area not designated as a future building site. In all other cases, such debris shall be removed and deposited in a proper disposal area.

4. Lands Unsuitable for Development. Lands which have been found to be unsuitable for subdivision because of potential hazards, such as flooding, snow avalanches, rock falls, landslides, unstable slopes, subsidence, highwater table, polluted or nonpotable water supply, high voltage lines, air or vehicular traffic hazards or other features which may be detrimental to the health, safety or general welfare of existing or future residents, shall not be developed or subdivided and shall not be included in any building lot unless the hazards are eliminated or will be overcome by approved design and construction plans. The subdivider shall be responsible to submit engineered plans, acceptable to the municipality, to show said design and construction if development is desired in the areas.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.13.060)

17.28.070 Streets--Generally.

A. Generally. The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, in their appropriate relation to adjoining subdivisions, and their compatibility with the city. The arrangement and other design standards of streets will conform to the provisions of this title.

B. Improvements. Roads shall be graded and improved to conform to applicable standards and specifications and the standards adopted by the council and shall be approved as to design and specifications by the municipal city manager in accordance with the approved construction plans.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.13.070)

17.28.080 Streets--Arrangement.

A. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated easements and rights-of-way as established in the comprehensive plan.

B. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and where these adjoining areas are not subdivided.

C. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topographic or other physical conditions or designed as permanent dead end streets.

D. A gridiron street pattern need not necessarily be adhered to and the use of curvilinear streets, cul-de-sacs and loop streets shall be encouraged where such use will result in a more desirable layout. The street shall be laid out in such a way as to make the best use of the topography of the land consistent with the type of development.

E. Where a half-street is adjacent to the subdivision, the other half of the street shall be dedicated by

the subdivider.

F. Major streets shall be properly integrated with the existing and proposed systems of major streets and highways.

G. Collector streets shall be properly related to special traffic generating from facilities such as schools, churches, and shopping centers, to population densities and to major streets in which they feed.

H. Minor streets, which include local access and/or cul-de-sac streets, shall be laid out to conform as much as possible to topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of street necessary to provide convenient safe access to property.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.13.080)

17.28.090 Streets--Access to primary roads.

A. Where a subdivision borders on or contains a limited access highway right-of-way or easement or an existing or proposed major street, the platting board may require that access to such streets be limited by one of the following means:

1. Subdivision of lots so as to back onto the primary arterial street and to front onto a parallel local street; no access provided from the primary arterial street and to front onto a parallel local street; no access provided from the primary arterial and screening and/or a corridor of land provided along the rear property line of such lots;

2. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major arterial.

3. A marginal access or service road separated from the arterial by a corridor of land and having access thereto at suitable points.

(Ord. 86-03-04-01 S1 (part): prior code § 95.13.090)

17.28.100 Streets--Reserve strips.

Reserve strips controlling access shall be prohibited except where their control is required by the city of Hoonah under conditions approved by the platting board.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.13.100)

17.28.110 Streets--Names--House numbers.

Names of new streets shall not duplicate existing street names unless a new street is a continuation of or in alignment with the existing street. On major subdivisions, street names may be recommended by the city manager and approved by the platting board. House numbers shall be assigned in accordance with the house numbering system in effect in the city of Hoonah.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.13.110)

17.28.120 Streets--Design standards.

A. Cul-de-Sacs. Streets designed to have one end permanently closed shall be not longer than ten (10) times the minimum lot width as determined by the zoning ordinance, and shall be provided at the closed end with a circular turnaround having a radius not less than forty-five (45) feet. Offset or T-shaped turnarounds providing equivalent radius may be substituted.

B. Grade. The grade of streets shall not exceed twelve (12) percent unless approved by the platting board. The minimum grade of all streets shall be not less than one percent.

C. Grade Changes. All changes in street grades shall be connected by vertical curves.

D. Curves. The minimum sight distance with clear visibility, measured along the centerline, shall be at least two hundred thirty-five (235) feet on major streets, one hundred seventy-five (175) feet for collector streets and one hundred fifty (150) feet on minor streets.

E. Intersections.

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. The intersection of two new streets at an angle of less than seventy (70) degrees shall not be permitted, unless approved by platting board. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two streets shall intersect at any one point unless specifically approved by the platting board.

2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street.

3. Minimum property line radius at the intersection of two local streets shall be at least fifteen (15) feet; and minimum property line radius at an intersection involving a collector street shall be at least twenty (20) feet.

4. Intersections shall be designed with a minimum grade. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided to ensure adequate traffic safety as determined by the city manager.

5. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way or easement to the extent deemed necessary to provide sight distance. An easement shall be provided on the plat for required cut slopes.

6. The cross-slopes on all streets, including intersections, shall be three percent or less.

7. Alleys. Alleys may be required to the rear of all lots used for business purposes.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.13.120)

17.28.130 Rights-of-way.

A. The right-of-way of all streets shall be of the width specified below, unless necessitated by unusual topographic, physical or design features as determined by the platting board.

	Right-of-Way (in feet)
Pedestrian walkway	10
Alleys or easements	20
Arterials	80
Collectors	60
Local	
Local access	50
Cul-de-sac	50

B. Excess Right-of-Way. Right-of-way widths in excess of the standards designated in this title shall be required whenever, due to topography, additional width is necessary to provide adequate cut slopes. (Ord. 86-03-04-01 § 1 (part): prior code § 95.13.130)

17.28.140 Easements.

A. Generally. Rights-of-way or easements at least ten (10) feet wide, five feet on each side of the rear or side property lines of lots, together with the right of ingress and egress thereto and therefrom, shall be provided where necessary for public utilities. An anchor pole easement ten (10) feet wide, twenty-five (25) feet deep, appropriately placed, together with the right of ingress and egress thereto and therefrom shall be provided where necessary for public utilities. Buried utilities are recommended wherever possible.

B. Allocation Consideration. Due consideration should be given to the allocation of suitable areas for school, park, playground, and other areas to be dedicated for public use or reserved for future acquisition by a public body.

C. Temporary Easements. An additional five foot temporary easement, on each side of the existing easement, shall be granted for initial installation of utility systems when necessary. The temporary easement shall be for a term not to exceed ninety (90) consecutive days from the date of beginning of construction unless otherwise required by the platting board.

D. Drainage Easements.

1. Where a subdivision is traversed by a watercourse, drainageway, channel or stream there shall be provided a stormwater or drainage easement or right-of-way conforming substantially with the exterior boundaries of such watercourse, drainageway, channel or stream, and which may be of such additional width or construction, or both, as will be adequate as determined by the municipal city manager. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

2. There shall be at least a ten (10) foot wide easement on either side of any creek or stream. The platting board may require wider easements if the stream is anadromous as determined by the

board after consultation with Alaska Department of Fish and Game.

3. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-ways, perpetual unobstructed easements at least ten (10) feet in width for such drainage facilities shall be provided across property outside the road right-of-way lines and with satisfactory access to the road. All easements shall be indicated on the plat. Drainage easements shall be carried from any road to a natural watercourse or to other drainage facilities.

4. When proposed drainage system is designed to carry water across private land outside the subdivision, appropriate drainage easements or other rights must be secured by the subdivider and indicated on the application.

5. Low lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas designated for dedication, shall be preserved and retained in their natural state as drainage ways.

(Ord. 86-03-04-01 § l (part): prior code § 95.13.140)

17.28.150 Lots and blocks.

A. Lots Generally. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lot arrangement shall be such that there will be no foreseeable difficulties by reason of topography, or other conditions, in building on all lots in compliance with the zoning ordinance and Alaska Department of Environmental Conservation regulations and in providing driveway physical access to buildings on such lots from an approved street.

B. Lot Dimensions and Arrangement.

1. Lot dimensions shall not be less than ten thousand (10,000) square feet or the requirements specified in the zoning ordinance.

2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and development contemplated, as established by the zoning ordinance.

3. Residential lots abutting on major streets and highways shall be platted with sufficient depth to permit adequate separation between the buildings and such traffic ways.

4. Residential lots should be designed with a suitable proportion between width and depth.

5. Corner lots should be a minimum of twenty (20) percent larger to meet front yard setbacks on both streets as required by the applicable zoning requirements.

6. Septic Tank Construction. In areas where no public sewer system is available, the lots shall be large enough to conform to the regulations and specifications of the appropriate environmental regulation agency.

7. Abutment. Each lot shall abut on a dedicated street or other approved access.

8. Double Frontage Lots. Double frontage lots, other than corner lots, shall be permitted only under unusual conditions.

9. Side Lot Lines. To the extent feasible, side lot lines shall be perpendicular to straight roads and radial to curved roads.

10. Arterial Function. If feasible, the arterial function shall be preserved through controlled access with individual lots not being indirectly accessible from arterials.

C. Blocks.

1. Blocks shall generally be of sufficient width to provide for two tiers of lots of minimum depth. Exceptions may be permitted in blocks adjacent to major streets, waterways and waterbodies or other land features restrictive to further development. The platting board may require easements and/or rights-of-way through a block to accommodate utilities, drainage and pedestrian traffic, and access to public fresh and marine shorelines and waters.

(Ord. 86-04-03-01 § 5 1987; Ord. 86-03-04-01 § 1 (part): prior code § 95.13.150)

17.28.160 Procedure and effect after approval.

The platting officer will within five working days after obtaining all certificates of approval of the final plat, file the final plat in the Hoonah recording district.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.13.160)

Chapter 17.32

PLANNED UNIT DEVELOPMENTS AND CLUSTER SUBDIVISIONS

Sections:

17.32.010 General provisions.
17.32.020 Cluster development projects.
17.32.030 Ownership.
17.32.040 Preliminary review.
17.32.050 Site conditions map.
17.32.060 Concept plan and provisions.
17.32.070 Permitted initial construction.
17.32.080 Changes in concept plan.
17.32.090 Exemptions from subdivision regulations.
17.32.100 Staged development.
17.32.110 Common space.
17.32.120 Modifications by city manager.
17.32.130 Final plat approval.
17.32.140 Condominium developments.

17.32.010 General provisions.

In addition to standard subdivision layouts, it is the intent of the city of Hoonah to permit a reasonable

degree of latitude in subdivision design and improvement standards to encourage imaginative and innovative design. This is allowable for subdivision developments proposed as planned unit cluster development projects, commercial centers, industrial parks, and shopping centers. Any such plans submitted shall include design and construction elements, common use facilities, open space private housing and land management maintenance, financing, etc., subject to requirements of all existing city ordinances, except as my be modified by this chapter, in order to arrive at alternative urban and rural land development quality than would result under conventional design.

Furthermore, it is the general purpose of the planned unit development to do the following:

A. Encourage enhancement and conservation of lands which have scenic, environmental, cultural and historical significance;

B. Create an alternative method for the subdivision of property other than by the strict application of subdivision standards which do not address themselves directly to the process of multiple residential and commercial development processes and land subdivision techniques;

C. Provide for more efficient use of land, resulting in smaller networks of utilities and safer networks of streets, promoting greater opportunities for public and private recreation open space, and resulting in lower construction and maintenance costs to the general public;

D. Encourage harmonious and coordinated development of the site, considering the natural features, community facilities, pedestrian and vehicular circulation in conformance with the transportation plan, and the land use relationship with surrounding properties and the general community.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.010)

17.32.020 Cluster development projects.

A. Planned unit developments may include cluster development projects in which the individual lots are substantially smaller than otherwise allowed, provided there is at least as much open space within the total development as would exist if all lots were of standard size. The net density of units of the project area as a whole shall be the same as allowed under regular zoning with the same average area for each unit unless otherwise approved by the platting board.

B. Most of such open space shall be dedicated to scenic or recreational purposes and to be enjoyed in common by all residents of the developments the requests and where applicable, by the general public.

C. The purpose of such a cluster development is to allow small numbers of residences to be built fairly close together, but with substantially larger, total, open spaces to provide better use of land contours and to utilize what otherwise might be wasteland as common areas to be enjoyed by all. All such cluster developments shall include provisions as follows:

1. Appropriate provisions for continued use and maintenance of open areas. These provisions shall include a contract commitment (which shall be a charge against the tract if not complied with for all existing and future owners) to maintain the common areas, a provision for its administration and specification of uses. Equivalent provisions for the above may be accepted by the platting

board.

2. The common areas shall be utilized in a feasible manner beneficial to the residents primarily, but unless specified to the contrary for reasons acceptable to the platting board, consideration shall be given to the public use.

3. If there are to be individual owners of the cluster development units, then appropriate and adequate provisions must be made concerning the future sale of such units to provide for the maintenance and upkeep of the open spaces as stated in subparagraph 1 of this subsection as well as free alienation of the units.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.020)

17.32.030 Ownership.

All land included for the purpose of development within a planned unit development shall be owned by or be under control of the applicant, whether that applicant is an individual, partnership or corporation, or groups of individuals, partnerships or corporations. The applicant shall present proof of the unified control of the entire area within the proposed planned unit development and shall state agreement that, if the applicant proceeds with the proposed subdivision, the applicant will:

A. Do so in accordance with the concept plan of development officially adopted for the planned unit development; the regulations existing when the resolution creating the planned unit development is passed and such other conditions or modifications as may be attached to the land at the time of planned unit development;

B. Provide agreement, contracts and proposed deed restrictions acceptable to the municipality for the completion of the undertaking in accordance with the adopted concept plan as well as for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at general public expense;

C. Bind any developer successors in title to any commitments made under subsections A and B of this section.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.030)

17.32.040 Preliminary review.

A. Concept Review. After initial consultation with the city manager pursuant to Section 17.28.020, a review of the preliminary development concept shall be made by the platting board. This will identify many of the planning and platting complications posed by the development and will also afford the applicant with an early indication of the community's intent towards the proposal before proceeding with extensive planning and engineering studies usually necessitated by this development approach.

B. Preliminary Plat Review. The preliminary plat submittal shall contain essentially the same information required in the regular platting procedure and shall also contain a written statement identifying all platting ordinance design and improvement standards which are proposed to depart from regular requirements. This formal preliminary plat review shall be made before the platting board holds the required public hearing.

Along with the preliminary plat, or at the option of the subdivider's part of the preliminary plat, the subdivider shall submit the following listed in Sections 17.32.050 and 17.32.060.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.040)

17.32.050 Site conditions map.

This map or series of maps shall be drawn to an acceptable scale and shall indicate the following:

A. Name of the planned unit development and name and address of the developer and/or agent;

B. Scale, date, north arrow, and general location map showing the relationship of the site adjacent to such external facilities as highways, residential areas, shopping areas, fire station, school, cultural complex and existing public facilities. Notation of this information on a scaled map is acceptable;

C. Boundaries of the subject property, including gross acreage, all existing streets, buildings, watercourse, easements, and other important physical features within the proposed subject, other information or physical features affecting the proposed project as may be necessary;

D. Existing topography (minimum five-foot contour elevation or other standards as determined necessary by the city manager). Significant point elevations are acceptable if the tract is essentially level, but gullies and hills must be contoured to show streams and drainage systems.

E. Information about and limits of existing vegetative cover, bodies of water, areas subject to flooding or periodic inundation, and general soil types as appropriate to the proposed project;

F. The location and size (as appropriate) of all existing drainage, water, sewer and utility provisions.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.050)

17.32.060 Concept plan and provisions.

This plan shall be prepared at the same scale as the site condition map, as set forth in Section 17.32.060, and shall indicate:

A. The sketch plan for pedestrians and vehicular circulation, showing right-of-way widths as well as access points to the major thoroughfare systems. The applicant may submit one or more alternate proposals for a pedestrian system, bicycle path, or other alternative for the movement of persons within the planned unit development by means other than privately owned automobile;

B. A general plan for the use of all lands within the proposed planned unit development. In units of more than twenty (20) lots or dwelling units when directed by the platting board, such plans shall indicate the general location, function and extent of all components or units of the plan including low-density, medium-density, and high-density for each category; open space provisions, such as parks, outdoor recreation or scenic areas; community-serving recreational, and education, or leisure time facilities;

C. A statement indicating what proposed arrangements are made with the appropriate agencies for the provision of needed utilities to and within the planned unit development, including, if appropriate, municipal sewer and water supply, sewage treatment and disposal where on-site treatment is proposed, electrical, communications, ambulance and fire protection.

D. Notice to Review Agencies. The subdivider shall submit evidence that the conceptual plan and any supporting documents have been submitted to such appropriate agencies or departments of the city and state as may be designated by the city manager appropriate to the type of development. Unless otherwise indicated by the city manager, at least the following agencies shall be sent the conceptual plan and supporting documents: Electric Utility, Public Works, Public Safety, Planning Department, Department of Environmental Conservation of the state, and State Division of Governmental Coordination if applicable. The agencies shall within thirty (30) days transmit their comments directly to the planning department, and if their comments are not received within that time, it may be assumed that they have no objection. All comments received by the applicant shall be available prior to the public hearing concerning the concept plan or preliminary plat unless justification is submitted to the satisfaction of the platting board why the comments should not be incorporated;

E. The Action of the Platting Board. The platting board after the hearing on the preliminary plat and concept plan will review and give concept plan approval as submitted, conditional approval or deny the concept plan application. If given conditional approval, the applicant shall submit additional data meeting the conditions of the platting board, within thirty (30) days of such approval or such extension as may be allowed by the city manager or the platting board. If the platting board elects to deny the concept plan application, it must state the specific reasons for such denial as further provided in Section 17.32.040 and state what corrective measures may be taken by the applicant, if any, to meet the stated objections.

F. If the applicant is denied concept plan approval or is in disagreement with conditional approval, the applicant may:

1. Resubmit the concept plan and/or preliminary plat satisfying the conditions and objections of the platting board at least ten (10) days prior to any platting board meeting within the next six months; or

2. Appeal the decision of the platting board to the council.

G. The concept plan shall contain provisions for financial responsibility to ensure:

1. The completion of each stage of the project;

2. To indemnify the municipality for a period of five years after completion of construction as to any costs the municipality may incur by reason of deficiency of design or construction. Should any of the tracts have been sold to the general public before any bankruptcy or default, any settlement agreement made after such bankruptcy or default shall be approved by a majority of those who have purchased property within the

development in good faith.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.060)

17.32.070 Permitted initial construction.

Upon approval of the concept plan, submission and approval by the municipal engineering department of prepared construction documents, construction may proceed for public and/or approved private roads, utility installation, community-serving open space and recreational facilities not involving residential or commercial use but including clubhouses and other accessory and related facilities. No lots or rights shall be sold until final plat recording.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.070)

17.32.080 Changes in concept plan.

It is not intended that the planned unit development concept plan so approved shall be inflexibly applied, but rather the planned unit development should be in conformance with the concept plan, subject to modification upon approval of the platting board due to changed economic, social or demographic conditions.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.080)

17.32.090 Exemptions from subdivision regulations.

Exemption from or modification of the normal requirements of the subdivision regulations may be permitted when the developer demonstrates to the platting board that adequate provisions have been made in the planned unit development for sufficient light and air, that the density of development is compatible with surrounding land uses, that pedestrian and vehicular traffic circulation systems are safe and efficient, that the development will progress in orderly phases and that the public health, safety and general welfare will be protected. Further such modification should be likely to result in at least equivalent quality of living standards compared to regular developments.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.090)

17.32.100 Staged development.

A subdivision proposed for completion in stages shall be designed and constructed so that each stage would be self-supporting should future proposed stages not occur. The concept plan is to include details as to each development stage and the expected timing of each stage.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.100)

17.32.110 Common space.

The type, ownership, maintenance and management of all common space shall require that clearly identified responsibilities be established between the public, homeowner's associations or other owners.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.110)

17.32.120 Modifications by city manager.

When unforeseen circumstances occur during the site development which may result in minor shifts,

extensions, alterations or modifications of buildings or structures, such may be authorized by the city manager if they are consistent with the purposes and intent of the final development plan and subdivision regulations.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.120)

17.32.130 Final plat approval.

A final plat approval must follow the regular platting procedures and final plat standards except as modified below by this chapter and may be submitted only after any zoning changes, if necessary, have been completed. All planned unit development projects must receive final approval of the planning commission which shall:

A. Approve the plan concept;

B. Approve the methods utilized to carry out the plan concept;

C. Approve the subdivision plat as may be backed up by any supporting documents, giving findings of fact and the reasons for acceptance. Should the planned unit development be rejected the planning commission will adopt findings and facts and give full reasons for such rejection within thirty (30) days of its action.

(Ord. 08-06-14 § 4 (part); Ord. 86-03-04-01 § 1 (part): prior code § 95.14.130)

17.32.140 Condominium developments.

Condominium developments shall follow the same procedures as cluster developments with zero setbacks allowed, provided it is consistent with the concept plan. The concept plan shall include specific provisions concerning the division of ownership of the individual dwelling units, as well as provisions for maintenance, utility costs, ownership of common areas, appearance and cleanliness, violations of agreement provisions along with such other provisions as may be required by the platting board or the city manager, as may be consistent with the provisions of this chapter.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.14.140)

Chapter 17.36

ADMINISTRATIVE PLATS

Sections:
17.36.010 Authorized when.
17.36.020 Procedure.

17.36.010 Authorized when.

A. The city manager is authorized to approve administrative plats in the following instances:

1. The owners of adjoining lots mutually petition for an adjustment of mutual lot lines between them with the lot line adjustment to be no more than ten (10) feet from any existing lot line; and unless there is a party wall, the required setbacks are maintained. Each lot following the adjustment shall contain at least the minimum size as prescribed by law. If undersigned lots of

record are involved, each lot shall be maintained as to size.

2. In instances of encroachment of improvement upon an adjoining lot with petition by each adjoining lot owner, the lot line adjustment may be more than ten (10) feet, but is limited to a two-foot area around the encroaching building.

3. Party wall agreements are required in either commercial or industrial situations where an individual lot owner(s) wishes to build adjacent to their mutual lot lines, even though normal regulations require setbacks.

B. Applicants shall prepare a survey plat with dimensions and bearings. Providing there is no encroachment of improvements as stated in subparagraphs 1 and 2 of subsection A of this section, the area of the plat to be transferred shall become a portion of the adjoining lot. As to applications under subparagraph 3 of subsection A of this section, the proposed improvements resulting in party wall(s) shall be shown. In addition, the proposed party wall construction details shall be stated either on the plat or on an attached sheet. The plat showing the area involved shall contain a certification of approval by the city manager citing the date of approval and bearing his signature.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.15.010)

17.36.020 Procedure.

A. All applicants shall join in an application setting forth their reasons for requesting an administrative subdivision approval. A plat of survey of the lots involved along with dimensions and bearings and a statement of the reasons for the application shall be included. The city manager may require additional data as may be advisable.

B. The city manager shall make his decision with supporting facts and reasons.

C. All administrative plat approvals by the city manager along with any supporting documents or statements by the applicants and a written decision by the city manager, including the actual basis for such decision and the reasons for such decision, shall be submitted to the platting board. Any approval shall not be effective until five days after the next meeting of the platting board after submission by the city manager. The platting board shall review the action of the city manager by examination of the data submitted without a hearing and if there is unanimous concurrence that there is no objection to the city manager's action, such action of the city manager shall be final. Should the city manager deny the application, appeal may be made to the platting board. Should the platting board object to the action of the city manager, there shall be notice and hearing as provided for in the minor subdivision procedure.

D. Any aggrieved party may appeal to the platting board from the action of the city manager within fifteen (15) days of the date of his decision or to the council within fifteen (15) days after the decision of the platting board.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.15.020)

Chapter 17.40

PLATTING VARIANCES

Sections:

17.40.010 Requirements for variances.
17.40.020 Procedure.

17.40.010 Requirements for variances.

A variance from the requirements of this title may be granted only if the platting board finds all of the following:

A. The granting of a platting variance will not be detrimental to the public health, safety or welfare, or injurious to adjacent property. A hearing shall be held concerning said platting variance after due notice;

B. The conditions upon which the platting variance is based do not apply generally to the properties other than the property for which the variance is sought;

C. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.16.010)

17.40.020 Procedure.

Application for a platting variance shall include:

A. Sketch plat or photocopy of an existing survey;

B. Evidence of title of the applicant;

C. A written application which may be informal explaining the conditions, facts and reasons why a variance should be granted and why such facts and reasons constitute compliance with the requirements for a variance as stated herein. Application shall be to the city manager who shall forward it to the platting board which shall have the authority to grant platting variances. In granting or denying any platting variance, the platting board shall state fully the facts that it finds which are sufficient to warrant the granting of the variance and its reasons for granting such variance.

D. Any aggrieved party from the action of the platting board may appeal to the council.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.16.020)

Chapter 17.44

STREET AND PUBLIC AREA VACATIONS

Sections:

17.44.010 Applicability--Disposition of vacated lands--Appeal.

17.44.010 Applicability--Disposition of vacated lands--Appeal.

This section applies to vacation of streets, parks or other public areas other than those vacations which are part of the planned unit developments.

A. Street, alley and public thoroughfare vacations will be as provided for in the Hoonah general code. Petition shall be to the platting board with appeal to the council as provided for in Chapter 17.52.

B. If a public square, park or other open recreation area is vacated, the title to it shall vest in the city of Hoonah. The council may determine if all or a portion of the vacated area should be devoted to another public purpose, held, or disposed of according to law.

C. The council may determine that all or a portion of the vacated area of any street should be devoted to another public purpose and if so, title to the area vacated remains in the city and held for another public purpose as applicable.

D. Any aggrieved party from the action of the platting board may appeal to the council according to the procedures specified in Chapter 17.52.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.17.010)

Chapter 17.48

BOUNDARY SURVEY MAPS

Sections:

17.48.010 Applicability.
17.48.020 Application and procedure.
17.48.030 Map form, material and contents.
17.48.040 Boundary survey monumentation.
17.48.050 Appeal.

17.48.010 Applicability.

A. Boundary surveys are required when there is a conveyance of a parcel previously unsurveyed or described only by metes and bounds or aloquit parts and in existence prior to the date of enactment of this ordinance.

B. No person may record a boundary survey map until the map has been approved in accordance with this chapter. Acceptance of a boundary map by the platting board shall not constitute a determination of ownership by the municipality or determine any legal rights in the property surveyed between various parties.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.18.010)

17.48.020 Application and procedure.

A. Application for approval of boundary survey maps shall be submitted to the city manager on a form prescribed by the platting board and should be accompanied by an application fee of forty dollars

($40.00). Three copies of the proposed map conforming to Section 17.48.030 shall be submitted at the time of application.

B. The city manager may reject any application that does not conform to the requirements of this chapter and inform the applicant in writing of the reasons for the rejection. A rejected application may be resubmitted in proper form without payment of additional application fee, if the resubmission occurs within forty-five (45) days of the date of notice of the rejection being sent to the applicant.

C. The platting board shall approve a boundary survey map only if it conforms with the requirements of Section 17.48.030 and no part of the tract was created in violation of this title. The platting board shall within thirty (30) days of the submission of an application for boundary survey map approval, approve or disapprove that application and inform the applicant in writing of the decision on the application. If the written decision is not sent to the applicant within the thirty (30)-day period, the boundary survey map will be considered approved and the city manager shall certify its approval.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.18.020)

17.48.030 Map form, material and contents.

Boundary survey maps shall be drawn on Mylar or equivalent with India ink or equivalent, shall not be larger than twenty-two (22) inches by thirty-four (34) inches in dimension, and shall show the following information:

A. Date, scale, acreage of tract, legal description, north arrow, vicinity sketch, existing rights-of-way and structures, title block containing the legend "Deed of Record Boundary Survey" and the book and page numbers where the deeds establishing the parcels represented on the map are recorded in the district recorder's records;

B. A control diagram showing bearings and distances and tying the survey to a GLO or BLM monument; provided that if no such monument exists within two miles of the boundary of any parcel represented on the map, the map may be tied by latitude and longitude to the nearest existing control;

C. The location, and types of all monuments indicating monuments found and monuments set which shall demonstrate that the monumentation conforms to Section 17.48.040;

D. The initial point of survey, original or reestablished corner, and description of all corners;

E. The legend showing types of monuments and all other items represented by symbol;

F. A certificate signed and sealed by the land surveyor who prepared the map, as follows:

I, _____, certify that I am a registered land surveyor, that this map is true and correct representation of lands surveyed by me or under my supervision, that the monuments shown thereon are in place and conform to Section 17.48.040 of the Hoonah Municipal Code, City of Hoonah, and that the error of closure for field traverses represented hereon does not exceed one part in five thousand.

G. A certificate of ownership signed by all persons holding a legal and equitable interest in the property, as follows:

I (we) hereby certify that I (we) hold the property interest described herein in the property described and shown hereon, that I (we) accept this boundary survey map as correct, and that I (we) further certify that no parcel represented on this map was created in violation of the land subdivision regulations of the city of Hoonah.

H. A certificate to be signed by the city manager, as follows:

I certify that this boundary survey map conforms to the boundary survey map standards of the city of Hoonah.

_____
Dated

_____
City Manager
City of Hoonah
(Ord. 86-03-04-01 § 1 (part): prior code § 95.18.030)

17.48.040 Boundary survey monumentation.

All boundary survey monumentation shall conform to subdivision standards unless the city manager allows deviations for reasons to be stated in his report to the platting board.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.18.040)

17.48.050 Appeal.

Decisions of the platting board on application for approval of boundary survey maps may be appealed to the council. An appeal from a decision disapproving a plat because it represents a parcel created in violation of this title may, at the discretion of the platting board, be treated as an application for a waiver. Such waiver shall not limit the board from imposing a fine for such violation.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.18.050)

Chapter 17.52

APPEALS

Sections:
17.52.010 Criteria for appeal--Presentation of evidence.
17.52.020 Appellants designated.
17.52.030 Commencement of appeal--Stay.
17.52.040 Additional evidence for appeal.
17.52.050 Appeal hearing--Notice.
17.52.060 Appeal hearing--Scheduling rehearing.
17.52.070 Scope of review.
17.52.080 Scope of decision.
17.52.090 Judicial review.

17.52.010 Criteria for appeal--Presentation of evidence.

A. The platting board may reconsider its decision upon petition of any aggrieved person, filed within fifteen (15) days after the decision.

B. The commission may reconsider its decision only if it finds any of the following:

1. That there was a clerical error in the decision;

2. The decision resulted from fraud or mistake;

3. There is newly discovered evidence or a change in circumstances;

4. The board previously rejected the application by a tie vote.

C. The platting board shall review the petition at the next regular meeting feasible, and decide whether to reconsider the matter. The decision shall be based on the petition and any oral argument of the petitioner which the platting board may decide to hear. Additional evidence shall be taken as required by the grounds for reconsideration. If the petition is granted, the platting board then shall decide the matter or set the matter on the agenda for rehearing. The decision of the platting board on reconsideration shall be final, subject to further appeals to the council.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.19.010)

17.52.020 Appellants designated.

A decision of the platting board granting or denying approval of any final action by the platting board authorized under this title may be appealed by:

A. The applicant before the platting board; or

B. Any person adversely affected by the decision who appeared and made an oral or written presentation before the platting board; and

C. Any governmental agency that has previously submitted comment on the issue;

D. Any member of the council platting board or the city manager.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.19.020)

17.52.030 Commencement of appeal--Stay.

A. A decision of the platting board is final unless an appeal of the decision is commenced within fifteen (15) days after the platting board's final action, including reconsideration, on the application at issue.

B. An appeal is commenced by filing with the municipal clerk a written notice of appeal, specifically stating the reason for the appeal and the relief sought.

C. Upon commencement of an appeal the decision appealed from is stayed until the decision on appeal becomes final.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.19.030)

17.52.040 Additional evidence for appeal.

Appeals alleging new evidence or changed circumstances shall not be heard by the council but shall be remanded forthwith by the city clerk to the platting board where they shall be treated as petitions for reconsideration.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.19.040)

17.52.050 Appeal hearing--Notice.

A. Upon timely commencement of an appeal the municipal clerk shall schedule the appeal hearing, mail notice of the appeal, and prepare the appeal record.

B. The municipal clerk shall mail notice of the appeal to each person who would have been entitled to notice of the original proceeding. The notice shall include the appellant's notice of appeal, describe the decision appealed from, and state the date of the appeal hearing and that written argument supporting or opposing the appeal may be submitted by persons who do not intend to be present at the hearing up to thirty (30) hours before the hearing time.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.19.050)

17.52.060 Appeal hearing--Scheduling rehearing.

A. The council shall hold a public hearing on the appeal at its first regular meeting that takes place at least ten (10) days after the filing of the appeal unless the platting board, the applicant(s), or a member of the council requests it be heard at the next following regular meeting.

B. At the discretion of the council, a full rehearing may be ordered with all parties presenting whatever evidence is relevant with opportunity to make argument. The council may also elect to make its decision only on the record as to evidence, considering only the arguments of those opposing or supporting the appeal.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.19.060)

17.52.070 Scope of review.

The council may exercise its independent judgment on legal issues raised by the appellant. Legal issues are those matters that relate to the interpretation or construction of ordinances or other provisions of law.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.19.070)

17.52.080 Scope of decision.

Every decision of the council shall be based upon findings and conclusions adopted by the council. Such findings should be reasonably specific so as to provide the community and where appropriate, reviewing

authorities, a clear and precise understanding of the reason for the decision.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.19.080)

17.52.090 Judicial review.

Any person aggrieved by a final decision of the council under this chapter may appeal that decision to the Superior Court. An appeal to the Superior Court shall be heard solely on the record before the council and the platting board. The findings of the council shall not be reversed, if in light of the whole record, they are supported by substantial evidence.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.19.090)

Chapter 17.56

NOTICE

Sections:
17.56.010 Contents and timing.

17.56.010 Contents and timing.

A. Notice of any public hearing required under this title shall be given in accordance with this section. Such notice shall be given for all subdivisions.

B. Forms of Notice.

1. Every notice required by this section shall state the date, time, and location of the public hearing, a description of the action requested, a description of the property that is the subject of the application, and the names of the applicants and owners of the subject property.

2. From the time of filing an application or an appeal all plans, data, and other supporting material shall be available for public inspection at the city.

3. The failure of any person to receive any notice required by this section, shall not affect the validity of any proceeding under this chapter.

(Ord. 86-03-04-01 § 1 (part): prior code § 95.20.010)

Chapter 17.60

VIOLATIONS--PENALTIES

Sections:
17.60.010 Violations--Penalties.

17.60.010 Violations--Penalties.

A. The owner or agent of the owner of land located within a subdivision who offers to sell, transfers, sells or enters into a contract to sell land in a subdivision before a plat of the subdivision has been

prepared, approved and recorded in accordance with this title, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than five hundred dollars ($500.00) for each lot or parcel offered for sale, transferred, sold or included in a contract to be sold.

B. No person may record a plat or seek to have a plat recorded unless it has been formally approved by the city. A person who knowingly violates this subsection is punishable upon conviction by a fine of not more than five hundred dollars ($500.00).

C. The city of Hoonah or any aggrieved person may bring a civil action to enjoin any violation of this title, any transfer or sale of an unlawfully subdivided parcel, the violation of any order of the platting board or the council pursuant to this title issued, and the violation of any term or condition of any plat or other entitlement approved under this title, and to obtain damages for any injury the plaintiff suffered as a result of the violation. An action for injunction under this section may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of an existing or threatened violation, the Superior Court shall enjoin the violation.
(Ord. 86-03-04-01 § 1 (part): prior code § 95.09.010)

Title 18

LAND USE

Chapters:

18.01 Introduction and Purpose

18.02 Zoning Districts

18.03 Allowable Uses, Conditional Uses, Variances and Rezones

18.04 Administration

18.05 Coastal Management Plan

18.06 Definitions

18.07 Mobile Home Park

18.08 Recreational Vehicle Park

18.09 Signs

Chapter 18.01

INTRODUCTION AND PURPOSE

Sections:

18.01.010 Introduction.
18.01.020 Purpose.
18.01.030 Land use definitions.

18.01.010 Introduction.

This title and the zoning maps accompanying the ordinance codified in this title comprise the Hoonah land use code. This code text and maps are based on the Hoonah comprehensive plan, which provides the policy basis for land use decision-making in Hoonah. The code is also consistent with the Hoonah coastal management plan. The following factors guided the preparation of this land use code: ease of administration and enforcement; freedom from burdensome, unnecessary requirements and the need to maintain an updated map of land development in the city.
(Ord. 96-07-15 § 5 (part))

18.01.020 Purpose.

The Hoonah land use code is designed to fulfill the following recognized public purposes:

A. Provide an open and predictable public process for land use decisions.

B. Provide a means to notify the city of new development to ensure safe and efficient delivery of water, sewer and road services.

C. Provide development setbacks to limit conflicts between neighbors and utilities and provide space for fire protection.

D. Provide zones to encourage development for Hoonah that is compatible with the Hoonah comprehensive plan and the Hoonah coastal management plan.

(Ord. 96-07-15 § 5 (part))

18.01.030 Land use definitions.

As used in this chapter the following definitions shall apply:

"Access road" means a public or private road which affords the principal means of vehicular access to a property, structure, or development.

"Addition" means an increase in gross floor area or height of a building or structure.

"Alaska Coastal Management Program (ACMP)" means the state coastal management program which was developed as provided in AS 46.40, 6 AAC 80, and 6 AAC 85, and approved by the Secretary of the United States Department of Commerce under authority of Section 305 of the Coastal Zone Management Act of 1972, as amended, 16 USC 1454.

"Alley" means a dedicated public way which affords a secondary means of access to abutting property but is not intended for general traffic circulation.

"Alteration" means any change, addition or modification in the construction, location or use of a building.

"Apartment" means any portion of a building which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of an individual for daily living and doing one's own cooking independently of any other individual or family in the same building.

"Awning" means an architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering, typically of cloth or aluminum, is attached.

"Backfill" means the material used to refill a ditch or other excavation, or the process of doing so.

"Board" means the city of Hoonah's Planning/Zoning Board.

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

"Building area" means a total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of external steps.

"Building--Existing" means a building erected prior to the adoption of this code or one for which a legal building permit has been issued.

"Building--Height" shall be measured vertically from any point on a proposed or existing building element to the existing grade prior to construction directly below said point on a proposed or existing building element. (The highest to lowest measurement at any given vertical structure line.)

GRAPHIC UNAVAILABLE: Click here

Excluded from the height measurement are: Antennas (approved), roof stair access enclosures/projections, cupolas, chimneys (up to ten (10) feet above the highest point of the roof surface), steeples, and spires.

"Building permit" means a permit issued pursuant to Chapter 15.04 of this code.

"Building space" means the combined square footage of each floor of the structure.

"Bulk storage" means the storage of chemicals, petroleum products and other materials in containers for subsequent sale.

"Business--General sales" means a premises where the sale of goods or commodities to the consumer takes place; i.e., groceries, bakeries, hobby, knot or yarn shops, book, gift or apparel shops, fishing equipment, hardware shops, hardware stores, restaurants, vehicle rental and/or sales shops or variety stores.

"Canopy" means an architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached. A canopy is a permanently affixed, horizontal roof-like structure.

"Civil engineer" means a professional engineer licensed as such by the state.

"Clinic" means a building or portion thereof containing offices and facilities for providing out-patient medical, dental or psychiatric services, and which may include a dispensary to handle medication and other merchandise prescribed by physicians in connection with their medical practice.

"Change of use" means any use which substantially differs from the previous use of a building or land.

"Child care center" means a building or portion thereof, used for the purpose of caring for thirteen (13) or more children under the age of twelve (12), any of whom are nonresidential of the building.

"Child care home" means a building or portion thereof, used for the purpose of caring for nonresidential children under twelve (12) years of age, such use being incidental and subordinate to the occupant's residential

use of the building. At no time shall there be present a total of more than twelve (12) resident[ial] and nonresidential children under the age of twelve (12).

"Child care residence" means a home for no fewer than six, nor more than nine children under eighteen (18) years of age, together with not more than two adults who supervise such children for compensation, all of whom live together as a single housekeeping unit.

"Coastal development" means any physical structure or alteration of coastal resources which is regulated by this title.

"Coastal water" means all water bodies in the coastal area, including wetlands and the intertidal area.

"Coastal zone" means the area subject to the policies of this title depicted on the Hoonah Coastal Zone map.

"Cul-de-sac" means the turnaround at the end of a dead-end street.

"Design professional" means a licensed engineer, a licensed architect or a graphic artist.

"Developer" means the person or persons who own or control property used for a development.

"Development" means any of the following:

1. Construction, reconstruction or enlargement of a structure involving more than one hundred twenty (120) square feet;

2. A subdivision;

3. Conduct of a home occupation;

4. Change of use of a lot, including any structure thereon;

5. Installation or emplacement of a mobile or modular home;

6. Removal of substantial vegetative cover;

7. Excavation, dredge or fill activity;

8. Installation of a sign;

9. Any site work in preparation or anticipation of the above.

"Development permit" means department approvals, allowable use permits and conditional use permits.

"Double wide unit" means two mobile home segments, attached side by side to form a complete mobile home.

"Drainage" means:

1. Surface water runoff;

2. The removal of surface water or groundwater from land by drains, grading or water runoff controls designed to minimize erosion and sedimentation during and after development, to preserve a water supply or to prevent or alleviate flooding.

"Dredged material" means material that is excavated from waters of the United States, including wetlands.

"Drinking establishment" means any premises wherein the principal purpose is the retail sale of alcoholic beverages for consumption on the premises and minors are excluded therefrom by law; includes bar, cocktail lounge, tavern and nightclub.

"Duplex" means a building on a single lot containing two dwelling units, each of which, except for a common stairwell exterior to both dwelling units, is separated from the other by an un-pierced wall extending from floor to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall.

"Enclosed industrial use" means any industrial use where goods, materials, noise, odor, and glare are wholly contained within a building.

"Encroachment" means any structure located in, on, under or over a floodway, setback, right-of-way, adjacent lot or public facility.

"Estuary" means a semi-enclosed coastal body of water which has a free connection with the sea and within which seawater is measurably diluted with freshwater derived from land drainage.

"Feasible and prudent" means consistent with sound engineering practice and not causing environmental, social, or economic costs that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent."

"Fence, sight-obscuring" means a fence other than one made of chainlink, chicken wire, or similar materials.

"Fill" means a deposit of material placed by artificial means for the primary purpose of replacing an aquatic area, including a wetland, with dry land or rock.

"Finish elevation" means the proposed elevation of the land surface of the site after completion of all site preparation work.

"Floodplain" means the channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

"Frontage" means that side of a lot abutting a street; the front lot line.

"Garage--Private" means an accessory building or portion of a main building designed or used solely for storage of motor vehicles, boats and similar vehicles owned by the occupants of the building to which it is accessory.

"Geophysical hazard areas" means those areas which present a threat to life or property from geophysical or geological hazards, including flooding, tsunami, or storm surge run-ups, landslides, snowslides, faults, ice hazards, erosion and littoral beach processes.

"Grade (adjacent ground level)" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between a building and a property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

"Greenbelt" means an open area which is cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

"Guest house" means an accessory building occupied on a temporary basis solely by non-paying guests.

"Guide service building" means any premises used for collecting or returning persons from recreation trips when remuneration is provided for the service.

"Hotel" means a facility with six or more guest rooms on premises management offers for transient lodging accommodations to the general public on a daily rate where access to all sleeping rooms is through a main entrance and which may provide food, entertainment, meeting rooms, recreational facilities or various personal services including lodges and inns.

"Junk" means dismantled or wrecked automobiles, aircraft, motor vehicles or machinery, mobile homes, trailers, used appliances or furniture, scrap building materials, metals, rubber, paper, plastic or other scrap materials.

"Loading space" means a space located on premises for pickup and delivery at the premises. Required off-street loading spaces shall not be included as an off-street parking space.

"Lodging" means the renting out of a dwelling, or portion thereof, to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days. The use includes the providing of meals to overnight guests only. The use includes bed and breakfasts, but does not include motels, hotels or hostels.

"Lot--Buildable or useable area" means that portion of a lot that a prudent person would use to construct a building and provide required parking. This excludes lakes, rivers, creeks, cliffs, marshes and other similar natural obstacles to development with the property counting towards minimum required size.

"Lot--Corner" means a lot situated at the intersection of two or more streets having an angle of intersection of not more than one hundred thirty-five (135) degrees.

"Lot--Coverage" means the area of a site covered by building or roofed areas, including covered porches, decks and accessory buildings, but excluding allowed projecting eaves.

"Lot--Depth" means the horizontal distance between the front and rear lot lines measured on the longitudinal centerline.

"Lot line--Front" means in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the owner may chose which street he shall designate as the front of the lot. Once the choice of frontage has been made, it cannot be changed unless all requirements for yard space are met.

"Lot line--Rear" means a line opposite and most distant from the front lot line and, in the case of irregular or triangular shaped lots, a line not less than ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

"Lot line--Side" means a lot boundary that is not a front lot line or a rear lot line.

"Lot width" means the average horizontal distance separating side lot lines of a lot and at right angles to its depth.

"Manufacturing--Heavy" means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials; or a use engaged in storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

"Manufacturing--Light" means a use engaged in the manufacture, predominantly from previously prepared material, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

"Marina" means a facility for storing, servicing, fueling, and berthing, securing and launching of boats that may include the sale of fuel and incidental supplies for boat owners and guests. Also includes harbors.

"Marquee" means any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above any entrance used as a signboard and shelter over the sidewalk of a theater or hotel.

"Mean high water" means the average elevation of the high tides.

"Mitigate" means:

1. Avoiding the impact altogether by not taking certain action or parts of an action;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

5. Compensating for the impact by replacing or providing substitute resources or environments.

"Modular home" means a pre-fabricated factory built residential structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. Includes factory built and manufactured homes.

"Motel" means a building, or group of detached or connected buildings, having six or more guest rooms, an on-premises manager and parking conveniently located on the premises, which are designed primarily to offer sleeping accommodations, with or without meals, to the motoring public on a daily rate. Includes designations such as motor lodges, auto courts, tourist courts and similar terms.

"Nonconforming building" means any building or portion thereof lawfully existing at the effective date of the ordinance affecting it that does not conform to all of the use, height, and density regulations of the zoning district in which it is located.

"Nonconforming situation" means a nonconforming lot, use or structure, or any combination thereof.

"Nonconforming use" means a use which was lawful at the effective date of the ordinance affecting it that does not conform to the present use provisions of the zoning district in which it is located.

"Off-street parking space" means an automobile parking space and access thereto, located on a lot.

"Owner" means an individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land or building, including the attorney or agent thereof.

"Park" means any public land available for recreational, educational, cultural or aesthetic use.

"Parking area" means a structure or an open area, other than a street, alley or other right-of-way, on which vehicle parking spaces are defined, designated or otherwise identified and available, whether free or for compensation, for use by the public, clients, tenant, customers, employees or owners of the property for which the parking area is required by ordinance.

"Parking space--Off-street" means a designated area sufficient in size to accommodate one motor vehicle, exclusive of maneuvering room, designed with adequate independent access to, but located off, any street, alley or other right-of-way.

"Places of worship" means a building, structure or group of buildings or structures primarily intended for conducting organized religious services and associated uses. The definition of a church shall be dependent upon U.S. Internal Revenue Service and the Sitka Assessor's Office interpretation. A standard single family residence not remodeled for public meetings shall not be considered a church.

"Residence" means a home, abode or place where an individual is actually living at a specific point in time.

"Restaurant" means an establishment whose principal business is the sale of food and/or beverages to

customers in a ready to consume state and whose principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which the food and beverages are consumed; and/or

2. A cafeteria type operation where food and beverages generally are consumed within the restaurant building.

"Right-of-way" means an area or strip of public land which incorporates or is intended to be occupied by, but is not limited to, streets, alleys, sidewalks, bike paths, curbs, gutters, landscaping and/or public utilities.

"Rural" means that part of the city which is not designated as being within the urban service area boundary in the comprehensive plan.

"School" means any public, religious or non-profit facility providing a general curriculum of academic or vocational instruction serving any or all grades between kindergarten and 12th grade.

"Setback" means the required minimum distance from right-of-way or lot line that establishes the area within which only fencing, landscaping, driveways, parking and similar uses are permitted. Any structure including, but not limited to decks, stairways, porches or other attachments to a building are specifically prohibited in the setback. Building eaves are permitted to extend into the setback a maximum of two feet.

"Sidewalk" means the portion of a street or crosswalk intended for pedestrian use only.

"Sign" means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, excluding:

1. Signs not exceeding one and one-half square feet in area and bearing only property numbers, post office box numbers, names of occupants or premises, or other identification or premises not having commercial connotations;

2. Flags and insignia of any governmental agency except when displayed in connection with commercial promotion;

3. Regulatory, identification, informational, or directional signs erected or required by governmental bodies;

4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

5. Artwork having no commercial connotations.

"Solid waste facility" means a disposal site employing an engineering method for disposing of solid wastes in a manner that minimizes environmental hazards. Includes landfill, compactor, transfer, etc.

"Storage--Container" means an accessory storage use consisting of containers such as semi-tractor vans, shipping containers and Conex containers originally designed to transport goods and materials via highway, rail, air or sea, which are parked or placed on a parcel of land and used for covered storage provided that all wheel assemblies have been removed; the unit is placed in non-rot susceptible blocking or foundation; the unit is roofed, skirted or sided to match the primary building on the property; and the unit is located outside any setbacks. Railroad box cars are excluded except in an industrial zone.

"Storage--Outdoor" means the commercial keeping in an unroofed area and usually enclosed by a fence, of any goods, junk, material, merchandise or vehicles in the same place for an extended period of time. In the harbor commercial area the use is limited to the storage of boats and other marine-related equipment.

"Storage--Warehouse and distribution" means a building used primarily for the storage and distribution of goods, products, materials, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

"Street" means a dedicated public way which affords the principal means of access to abutting property, such as an avenue, place, drive, boulevard, highway or other similar public thoroughfare, except an alley as defined herein.

"Structure" means anything constructed or erected on the ground or attached to something fixed to the ground, including, but not limited to, buildings, towers, and sheds. Fences, restraining walls less than three feet in height, signs and similar improvements of a minor character are excluded.

"Temporary structure" means a structure without any foundation or footings that is removed within twelve (12) months of its placement. Continuation beyond twelve (12) months must be approved by the planning commission. Temporary structures must comply with all zoning requirements of the districts in which they are located.

"Utility--Public facility" means an installation owned by an agency under public franchise or ownership, or under certificate of convenience and necessity, providing the public with electricity, gas, heat, steam, communication, water, sewage collection or other similar service.

"Vehicle--Motor" means a self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

"Vending--Street" means the sale of food or merchandise from a cart, stall or vehicle located in any public right-of-way.

"Veterinary hospital" means a facility which may include animal runs, in which veterinary services are rendered to animals and domestic pets and which may include clipping, bathing, boarding and other services. Includes veterinary clinics.

"Watchman or caretaker dwelling" means an accessory dwelling associated with a commercial or industrial building or structure for the purpose of housing a watchman or caretaker and immediate family.

"Water-dependent" means a use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy, production or source of water.

"Water-related" means uses which are not directly dependent upon access to a water body but which provide goods or services that are directly associated with water-dependent land or waterway use and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered.

"Wetlands," both freshwater and saltwater, mean:

•*Freshwater wetlands.* Those environments characterized by rooted vegetation which is partially submerged whether continuously or periodically by surface freshwater with less than 0.5 parts per thousand (1,000) salt content and not exceeding three meters in depth;

•*Saltwater wetlands.* Those coastal areas along sheltered shorelines characterized by halophytic, hydrophytes and macro-algae extending from extreme low tide to an area above extreme high tide which is influenced by sea spray or tidally induced water table changes.

"Zero-lot line" means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.
(Ord. No. 10-03-03, § 3; Ord. No. 11-03-08, § 3; Ord. No. 11-08-13, § 3)

Chapter 18.02

ZONING DISTRICTS

Sections:
18.02.010 Official zoning map.
18.02.020 Residential reserve (RR).
18.02.030 General residential (GR).
18.02.040 Commercial (C).
18.02.050 Industrial (I).
18.02.060 Public facilities (PF).
18.02.070 Conservation (C).

18.02.010 Official zoning map.

A. The zones defined in this title are depicted on the official zoning map(s) [dated _____, of Hoonah] and are adopted as a part of this code. Future rezoning shall be recorded on the official zoning map(s). The official zoning map(s) shall be certified by signature of the mayor and the secretary of the city council, together with the date of the adoption of this code, under the following words: "This is to certify that this Official Zoning Map(s) has been adopted this _____ day of, 20_____, pursuant to Ordinance No. _____." The city clerk keeps the official zoning map up-to-date.

B. Boundaries of zones that appear to follow roads, creeks, property boundaries, section lines or tidelines, shall be so interpreted. In the case of encumbered land and unsubdivided property where there are no survey lines, boundary determinations shall be determined by the scale on the official zoning map. (Amended during 2002 codification; Ord. 96-07-15 § 5 (part))

18.02.020 Residential reserve (RR).

The purpose of the residential reserve zone is to provide for low-density rural residential development on large lot sizes while preserving options for future development needs.

A. Allowed Uses.

1. Single-family dwellings and duplexes;

2. Places of worship;

3. Bed and breakfast establishments that accommodate up to and including six guests;

4. Home businesses;

5. Recreational cabins, lodges and small seasonal recreational facilities;

6. Other uses which are deemed appropriate in this zone by the planning commission.

B. Allowed Accessory Uses and Structures.

1. Private garages and storage facilities;

C. Conditional Uses.

1. Governmental, cultural, educational facilities;

2. Mining and quarrying;

3. Bed and breakfast that accommodates seven or more guests.

D. Permitted Density. New lots created within this zone shall be no smaller than five acres in size (or two hundred thousand (200,000) square feet).

E. General Provisions.

1. A minimum building setback of fifteen (15) feet shall be required for properties abutting streets, road or utility easements or other rights-of-way.

2. Minimum building setbacks of fifteen (15) feet in the front, and five feet in the rear and side property lines shall be required for all single-family residential development and accessory buildings.

3. No single-family residential dwelling, bed and breakfast establishment, or lodge shall exceed thirty-five (35) feet in height.

4. No septic tank, drainfield or any other sewage disposal system or apparatus that discharges effluent may be constructed within two hundred (200) feet of any stream, creek, lake or other waterbody within the municipal watershed.

5. Where commercial and industrial uses abut residential uses there shall be view obscuring planting strip of a width sufficient to adequately screen the commercial or industrial uses from the residential uses.

6. Any project or development proposal within the Hoonah watershed must comply with the city watershed management ordinance codified in Chapter 8.20 of this code.

(Ord. 96-07-15 § 5 (part))

18.02.030 General residential (GR).

The purpose of the general residential zone is to provide for single and multi-family residential housing with some interspersed low-impact, neighborhood commercial uses.

A. Allowed Uses.

1. Single-family dwellings and duplexes;

2. Multi-family dwellings with four units or less;

3. Places of worship;

4. Bed and breakfast establishments that accommodate up to and including six guests;

5. Home businesses;

6. Daycare facilities;

7. Other uses which are deemed appropriate in this zone by the planning commission.

B. Allowed Accessory Uses and Structures.

1. Private garages and storage facilities.

C. Conditional Uses.

1. Mobile home parks;

2. Recreational vehicle or travel trailer courts and campgrounds;

3. Multi-family dwellings with more than four units;

4. Restaurants;

5. Grocery stores;

6. Professional offices;

7. Neighborhood commercial uses at a scale and intensity compatible with surrounding residences;

8. Governmental, cultural, educational, health care facilities;

9. Bed and breakfast that accommodate seven or more guests.

D. Permitted Density. Single-family residences and duplexes are allowed on lots no smaller than six thousand (6,000) square feet in size (or six dwelling units per acre). Multi-family units are allowed at a density of no more than eighteen (18) dwelling units per acre.

E. General Provisions.

1. A minimum building setback of fifteen (15) feet shall be required for properties abutting streets, road or utility easements or other rights-of-way.

2. Minimum building setbacks of fifteen (15) feet in the front, and five feet in the rear and side property lines shall be required for all single-family residential development and accessory buildings.

3. Minimum building setbacks of ten (10) feet in front, rear, and side lines shall be required for commercial and multi-family development.

4. No single-family residential or multi-family residential building shall exceed thirty-five (35) feet in height.

5. No commercial or industrial building shall exceed fifty (50) feet in height.

6. Where commercial and industrial uses are next to residential uses there shall be view obscuring planting strip of a width sufficient to adequately screen the commercial or industrial uses from the residential uses.

7. New grocery stores, restaurants, and professional offices that require conditional use permits shall provide one parking stall for every five hundred (500) square feet of floor area.

8. New multi-family developments, hotels, motels or lodges that require conditional use permits shall provide one parking stall for every one dwelling unit constructed.

(Ord. 96-07-15 § 5 (part))
(Ord. No. 11-08-13, § 3)

18.02.040 Commercial (C).

The purpose of the commercial zone is to provide retail and other commercial services.

A. Permitted Uses.

1. Manager's residence when all of the following conditions are met:

a. Resident must be manager, operator, or primary employee;

b. Resident apartment shall be one single-family unit only;

c. Structure must maintain a commercial character with no footprint expansion because of the resident unit;

d. The commercial business must be operated as a business and the primary use of the structure;

e. The entire structure must meet all current utility requirements, including tank size with appropriate hook ups if the structure utilizes a holding tank;

f. The structure shall be assessed and pay appropriate utilities for both a commercial business and a residential dwelling. Payment shall be in full as if the structures existed separately, however, in the event the structure utilizes a holding tank, the structure shall be allowed two pumps per month, if necessary, prior to assessing additional pumping charges.

B. Conditional Uses.

1. Retail and wholesale sales and storage;

2. Grocery stores;

3. Personal and professional services;

4. Hotel, motels and lodges;

5. Restaurants;

6. Recreational and park facilities;

7. Bed and breakfast establishments;

8. Video rentals;

9. Manager's residence that expands the footprint of the commercial structure, so long as all other requirements found under managers residence permitted uses are met;

10. Single-family and duplexes;

11. Multi-family dwellings;

12. Light industrial;

13. Other uses which are deemed appropriate in this zone by the planning commission.

C. General Provisions.

1. A minimum building setback of fifteen (15) feet shall be required for properties abutting streets, road or utility easements or other rights-of-way.

2. Minimum building setbacks of fifteen (15) feet in the front, and five feet in the rear and side property lines shall be required for all single-family residential development and accessory buildings.

3. Minimum building setbacks of ten (10) feet in front, rear, and side lines shall be required for commercial, multi-family and industrial development.

4. No single-family residential or multi-family residential buildings shall exceed thirty-five (35) feet in height.

5. No commercial or industrial building shall exceed fifty (50) feet in height.

6. Where commercial and industrial uses are next to residential uses there shall be view obscuring planting strip of a width sufficient to adequately screen the commercial or industrial uses from the residential uses.

7. New grocery stores, restaurants, and professional offices that require conditional use permits shall provide one parking stall for every five hundred (500) square feet of floor area.

8. New multi-family developments, hotels, motels or lodges that require conditional use permits shall provide one parking stall for every two dwelling units constructed.

(Ord. 04-01-01; Ord. 01-03-03 § 4; Ord. 96-07-15 § 5 (part))
(Ord. No. 11-08-13, § 3)

18.02.050 Industrial (I).

The purpose of the industrial zone is to provide for industrial uses, business park uses, and uses with special utility and transportation access requirements while minimizing negative impacts on adjoining zones and the natural environment.

A. Conditional Uses.

1. Light industrial;

2. Wholesale distribution/sales;

3. Governmental facilities;

4. Public and private power plants and utilities;

5. Outdoor and indoor public storage of heavy equipment;

6. Heavy industrial;

7. All commercial uses allowed in the commercial zone;

8. Single-family residential;

9. Multi-family residential;

10. Other uses which are deemed appropriate in this zone by the planning commission.

B. Permitted Density. Single-family residences and duplexes are allowed on lots no smaller than one dwelling unit per five acres, or two hundred thousand (200,000) square foot lots. Multi-family units are allowed at a density of no more than eighteen (18) dwelling units per acre, or two thousand two hundred (2,200) square feet per unit.

C. General Provisions.

1. A minimum building setback of fifteen (15) feet shall be required for properties abutting streets, road or utility easements or other rights-of-way.

2. Minimum building setbacks of fifteen (15) feet in the front, and five feet in the rear and side property lines shall be required for all single-family residential development and accessory buildings.

3. Minimum building setbacks of ten (10) feet in front, rear, and side lines shall be required for commercial, multi-family and industrial development

4. No single-family residential or multi-family residential buildings shall exceed thirty-five (35) feet in height

5. No commercial or industrial building shall exceed fifty (50) feet in height.

6. Where commercial and industrial uses are next to residential uses, there shall be view

obscuring planting strip of a width sufficient to adequately screen the commercial or industrial uses from the residential uses.

7. New grocery stores, restaurants, and professional offices that require conditional use permits shall provide one parking stall for every five hundred (500) square feet of floor area.

8. New multi-family developments shall provide one parking stall for every two dwelling units constructed.

(Ord. 96-07-15 § 5 (part))
(Ord. No. 11-08-13, § 3)

18.02.060 Public facilities (PF).

The purpose of the public facilities zone is to provide for public and quasi-public services and uses normally associated with government or tribal organizations.

A. Allowable Uses.

1. Schools;

2. Parks;

3. Offices for government or tribal organizations;

4. Garages for government or tribal organizations;

5. Public utilities;

6. Public libraries;

7. U.S. post offices;

8. Health clinics;

9. Any other government or tribal uses deemed appropriate in this zone by the planning commission.

B. General Provisions.

1. A minimum building setback of fifteen (15) feet shall be required for properties abutting streets, road or utility easements or other rights-of-way.

2. Minimum building setbacks of ten (10) feet in front, rear, and side lines shall be required for all office, storage and garage facilities.

3. No office, storage or garage building shall exceed fifty (50) feet in height.

4. Where office, storage or garage uses are next to residential uses, there shall be view obscuring planting strip of a width sufficient to adequately screen the commercial or industrial uses from the residential uses.

5. New office buildings shall provide one parking stall for every five hundred (500) square feet of floor area.

(Ord. 96-07-15 § 5 (part))
(Ord. No. 11-08-13, § 3)

18.02.070 Conservation (C).

To protect and preserve unique areas that contain environmentally sensitive lands and important historical, archeological and cultural sites within the city.

A. Allowed Uses.

1. Maintenance of fish and wildlife habitat;

2. Parks;

3. Foot trails;

4. Other uses which are deemed appropriate in this zone by the planning commission.

B. Conditional Uses.

1. Interpretive or educational facilities;

2. Single-family dwellings and accessory units on private land in this zone.

C. Permitted Density. Single-family residences on lots no smaller than twenty (20) acres in size.

D. General Provisions.

1. No building, septic tank, drainfield or any other sewage disposal system or apparatus that discharges effluent may be constructed within one hundred (100) feet of any stream, creek, lake or other waterbody associated with an anadromous fish creek in this zone. Variances to this regulation may be obtained consistent with policy direction set forth in the Hoonah coastal management plan codified in Chapter 18.05.

(Ord. 96-07-15 § 5 (part))
(Ord. No. 11-08-13, § 3)

Chapter 18.03

ALLOWABLE USES, CONDITIONAL USES, VARIANCES AND REZONES

Sections:

18.03.010 Allowable uses.
18.03.020 Conditional uses.
18.03.030 Variances.
18.03.040 Rezones (zoning map amendments).

18.03.010 Allowable uses.

The zoning administrator will review all applications for allowable uses in a zone and if the application is complete, will issue a decision within twenty (20) working days. If the proposed project meets the general provisions set out in the zone, and is consistent with the policies of the comprehensive plan and coastal zone management plan, the zoning administrator shall issue an allowable use permit authorizing the activity to begin in approving allowable use permits, the zoning administrator shall have the authority to attach the following conditions:

A. The zoning administrator may require conditions that mitigate potential erosion or drainage impacts resulting from the proposed use.

B. The zoning administrator may require the submission of plans signed by a registered engineer if the safety or welfare of persons or property may be threatened.

If disapproved, the zoning administrator shall state in writing the reason(s) for the denial.
(Ord. 96-07-15 § 5 (part))

18.03.020 Conditional uses.

A. All conditional use applications must be submitted to the city clerk ten (10) days prior to the regularly scheduled planning commission meeting. The planning commission shall hold a public hearing to review all applications for conditional uses and shall have the authority for approval or disapproval. In approving an application for conditional use, the planning commission must find in writing that:

1. The requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses;

2. The requested conditional use will generally be in harmony with the Hoonah comprehensive plan and coastal management plan;

3. The requested conditional use will not be detrimental to public health, safety or welfare.

B. In approving a conditional use, the planning commission may attach conditions which include one or more of those found below. Condition must bear a reasonable relationship to the use of the property for which the permit is requested.

1. Conditions that affect dimensional and lot standards including lot size, yard requirements, lot coverage, building setback requirements and height of structures.

2. Conditions that address slope and soil stability and surface and subsurface drainage and water quality.

3. Timing of construction to protect neighboring properties, and public health, safety and welfare.

4. Conditions that require buffering or landscaping to protect neighboring properties and the quality of the neighborhood or area.

C. If, in the judgment of the planning commission, no conditions could be imposed that would mitigate impacts to the following, a conditional use shall not be issued:

1. Natural and built environment;

2. Ensured consistency with the comprehensive plan;

3. Ensured consistency with the coastal management plan.

(Ord. 08-06-14 § 4 (part); Ord. 96-07-15 § 5 (part))

18.03.030 Variances.

A. The planning commission shall make final decisions on applications for variances from the terms of the land use code. A variance may be granted provided that the subject property has been found to contain special characteristics, to include odd size or shape, or unusual topography that deprive the landowner of the same rights and privileges of other properties in the same vicinity and zone. Variances for uses are not allowed.

B. The planning commission shall hold a public hearing and shall grant or deny the proposed variance.

C. If, in the judgment of the planning commission, the granting of the variance would constitute a granting of special privilege, the variance shall not be issued. Special privilege is defined by any of the following:

1. The person seeking the variance causes the special conditions that require the variance.

2. The variance will permit a land use in a district or zone in which that use is prohibited.

3. The variance is sought solely to relieve financial hardship or inconvenience.

(Ord. 08-06-14 § 4 (part); Ord. 96-07-15 § 5 (part))

18.03.040 Rezones (zoning map amendments).

Rezones, when approved, occur as amendments to the official zoning map referred to in Section 18.02.010, thereby requiring city council approval by ordinance.

A. The planning commission shall hold a public hearing to review all applications for rezones and

provide recommendations to the city council for approval or disapproval. In making a recommendation of approval for city council consideration, the planning commission must find in writing that:

1. The requested rezone is consistent with the comprehensive plan land use classification or text;

2. The requested rezones will be in harmony with the coastal management plan;

3. The requested rezone use will not be detrimental to public health, safety or welfare.

B. The city council shall review the application, planning commission findings and conditions and either approve, deny or alter the commission's recommendation. If the city council chooses to alter the commissions findings, a public hearing must be scheduled for public consideration of the proposed altered language and permit.

C. If, in the judgment of the city council, the rezone request is inconsistent with the comprehensive plan or the coastal management plan, or no conditions could be imposed that would mitigate impacts to the natural and built environment, the rezone request shall not be granted.

(Ord. 08-06-14 § 4 (part); Ord. 96-07-15 § 5 (part))

Chapter 18.04

ADMINISTRATION

Sections:

18.04.010 Administration.
18.04.020 Appeals.
18.04.030 Nonconforming development.
18.04.040 Conformance and enforcement.

18.04.010 Administration.

A. The zoning administrator shall administer this code.

B. Any person intending to build or alter a structure must submit an application for an allowable use permit or conditional use permit. Any person requesting a rezone or variance must also submit an application. The application must consist of a map drawn at a scale of not less than one inch equals ten (10) feet and a written narrative, to the zoning administrator. The application must contain the following information:

1. A map with north arrow and scale and showing the location of the structure and any accessory buildings.

2. The location of property boundaries, rights-of-way and easements.

3. Identification of adjacent and surrounding uses and activities.

4. Proposed sewage and wastewater disposal methods.

5. The location and source of domestic water supplies.

6. Location of any streams, channels or ditches on the property.

C. The zoning administrator will review all applications for allowable uses in a zone and if the application is complete will issue a decision within twenty (20) working days of receiving the application.

D. The planning commission shall hold a public hearing on all applications for conditional uses, variances, and rezones. The planning commission shall approve or disapprove all applications for conditional uses and variances. The planning commission shall make recommendations to the council for approval or disapproval on all applications for rezones.

E. The city council shall hear and make final decisions on all applications for rezones.

F. A fee which shall be determined by schedule, adopted by council resolution, shall be charged for any variance or permit application.
(Ord. 08-06-14 § 4 (part); Ord. 96-07-15 § 5 (part))

18.04.020 Appeals.

A. All decisions or alleged errors in the administration of this title by the zoning administrator may be appealed to the planning commission. All decisions or alleged errors of the planning commission may be appealed to the board of adjustment. The city council shall sit as the board of adjustment. The board of adjustment meets at the call of the mayor.

B. Procedure.

1. Any resident of Hoonah may file an appeal with the planning commission or the board of adjustment through the city clerk.

2. An appeal must be filed no later than thirty (30) days after a permit or variance decision has been issued.

3. The appeal must be in writing and must specifically state the alleged error or the interpretation which the appellant believes should be given.

4. The board of adjustment shall have thirty (30) days from the public receipt of the appeal by the city clerk to conduct a public hearing on the appeal. Public notification must be given at least ten (10) days prior to the hearing.

5. An appellant denied by the board of adjustment may appeal the board's action to the Superior Court of Alaska, First Judicial District. Such appeals must be made no later than fifteen (15) days after the board's decision or the board's decision is final.

6. All applications submitted to the board of adjustment must be accompanied by a filing fee of ten dollars ($10.00).

(Ord. 96-07-15 § 5 (part))

18.04.030 Nonconforming development.

A. Nonconforming Lots. Any lot, tract or parcel of land established or platted under provisions of city or state law or federal regulations prior to the effective date of this code shall be deemed to be a lawful nonconforming use and may continue.

B. Nonconforming Structures and Uses. Any structure or building erected or in actual use prior to the effective date of this code on a legal nonconforming lot or parcel shall be deemed to be a lawful nonconforming structure or use and may continue.

C. Replacement of Nonconforming Structures and Uses. If any nonconforming structure is destroyed by fire or other casualty, such structure may be rebuilt provided that such reconstruction occurs within two years, after which time the new construction will be subject to the provisions of this code.

(Ord. 96-07-15 § 5 (part))

18.04.040 Conformance and enforcement.

Prior to a change in use or construction of any structures regulated by this code in Hoonah, landowners must first obtain an allowable use permit, conditional use permit, variance, or rezone as applicable. If the landowner or legally responsible party fails to gain permit approval prior to starting construction, an official of the city may hand deliver or send by registered mail, an enforcement order that allows sixty (60) days for the landowner or legally responsible party to submit appropriate land use applications to the city. If the landowner or legally responsible party fails to submit appropriate applications within sixty (60) days of receiving the enforcement order, the city may assess a civil penalty of one hundred dollars ($100.00) for each day the violation occurs, against the landowner or any other responsible party in violation of this code. The city council may waive the fine if the landowner or legally responsible party makes a good faith attempt to prepare and file an application.

(Ord. 96-07-15 § 5 (part))

Chapter 18.05

COASTAL MANAGEMENT PLAN

Sections:

18.05.010 Adoption by reference.

18.05.010 Adoption by reference.

The amended Hoonah coastal district's coastal management plan is adopted, a copy of which is attached to the ordinance codified in this chapter and made a part of this code by reference, as required by the state of Alaska, Department of Natural Resources, office of project management and permitting and as approved by the federal office of ocean and coastal resource management. This amended plan replaces all previous versions of the Hoonah coastal management plan in its entirety.

(Ord. 07-01-03)

Chapter 18.06

DEFINITIONS

Sections:
18.06.010 Definitions.

18.06.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them, unless otherwise noted:

"Accessory building" means a subordinate building which is incidental to the principal building on the same lot.

"Allowable use permit" means a permit for a use that is allowed in a zone established by this code. Review will ensure proper use of structures, location, of structures, grading and other development activities.

"Bed and breakfast establishment" means a dwelling in which commercial lodging is provided by the owner or operator. The term includes boarding, rooming or tourist houses.

"City council" means the city council of the city of Hoonah.

"Commercial use" means the providing of goods or services for compensation.

"Conditional use" means a use permitted in a zone only after review by the planning commission and the granting of a conditional use permit imposing conditions as are determined to be appropriate under the authority of this code.

"Duplex" means a building containing two living units designed or used as residences.

"Dwelling" means a building which is designed or used as a single-family or multiple-family residence by the occupants.

Dwelling, Multi-Family. "Multi-family dwelling" means a building designed with three or more residential units.

"Government or public facilities" means those facilities commonly associated with the delivery of government or emergency services such as schools, cultural facilities, libraries, health care facilities, and fire and police stations.

"Heavy industrial uses" means industrial activities that include the making of goods from raw materials, assembly, fabrication, processing, bulk handling and storage, construction and heavy transportation.

"Home business" means a business within a home that is clearly incidental and subordinate to the use of

the home for residential purposes, and includes no more than one non-resident employee, home businesses may include cafes, gift shops, coffee shops, offices, or other small scale businesses compatible with the character of the neighborhood.

"Hoonah coastal management plan" means the Hoonah coastal management plan, as it now exists or may hereinafter be amended.

"Hoonah comprehensive plan" means the Hoonah comprehensive plan, as it now exists or may hereinafter be amended.

"Light industrial uses" means industrial activities that include those non-manufacturing uses such as research and development wholesale trade and distribution, bulk retail businesses, and the assembling, light storage, and handling of products.

"Lot" means a platted parcel or tract of land that meets the setback, width, open space, and access requirements of this code.

"Manufactured home or mobile home" means a factory built single-family structure that is transportable in one or more sections and built on permanent chassis. A manufactured or mobile home does not contain a permanent hitch, wheels or axles allowing transport of the home other than for the purpose of delivery to a permanent site.

"Manufactured home or mobile home park" means a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

"Motor homes or travel trailers" means a recreational motor home or travel trailer designed for temporary habitation and containing wheels or axles designed for extended travel trips.

"Motor home or travel trailer court" means a tourist facility for parking motor homes or travel trailers.

"Nonconforming use" means a lot, use of land, or use of structure which existed or was established prior to the effective date of this code.

"Planning commission" means the city of Hoonah planning commission.

"Storage sheds (private)" means an accessory building used in connection with residential dwellings for non-commercial purposes and used for private storage of commercial or non-commercial boats, trucks, or other tools or heavy equipment.

"Storage facilities (public)" means any storage facility other than a private garage or storage facility, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, or adjusting or equipping of automobiles or other vehicles.

"Stream or creek" means flowing body of water, perennial or intermittent, providing habitat for wildlife, fish species, and other aquatic life forms.

"Use" means the purpose land, buildings, or structures now serve or for which such is occupied or intended.

"Variance" means an adjustment made in the application of the specific regulations of this code to a particular piece of property, where the criteria, requirements and conditions of this code are satisfied.

"Zoning administrator" means an official employee of the city of Hoonah charged with the responsibility of administering and enforcing this title.

"Zoning map" means the Hoonah official zoning map, city of Hoonah, which is adopted and certified as a part of this title. (Amended during 2002 codification; Ord. 97-02-01 § 5 (part))

Chapter 18.07

MOBILE HOME PARK

Sections:

18.07.010 Purpose.
18.07.020 Procedure.
18.07.030 Required criteria for approval.
18.07.040 Mobile home parks--Standards.

18.07.010 Purpose.

The purpose of the mobile home park ordinance is to provide for safe, sanitary, and aesthetically pleasing mobile home parks. All mobile home parks (three or more mobile homes on one lot) or mobile home park extensions or additions are subject to review under this chapter.
(Ord. 98-12-01 § 5 (part))

18.07.020 Procedure.

A. Application.

1. All applications shall be initiated by the property owner or his authorized representative by paying the required fee and by filing an application on city forms no less than fifteen (15) days prior to the hearing date, along with the following:

2. A plot plan which includes:

   a. Name, address, and telephone number of property owner.

   b. Scale of one inch is equal to fifty (50) feet or other approved scale.

   c. North point and date.

   d. Reference to survey lot corner, section, township, and range.

e. Park boundary and approximate dimensions.

f. Location and dimensions of all park improvements and all park spaces, including but not limited to:

i. Sewer and water lines, pump stations and fire hydrants;

ii. Electrical systems and power pole;

iii. Existing and proposed buildings;

iv. Garbage containment plan;

v. Open spaces, play areas, storage areas, etc.

g. Drainage ways and easements.

h. Hazard and problem areas (high water table, steep topography, muskeg areas, etc.).

i. Width and approximate grade of park access roads and their connection with other streets.

j. Vicinity map.

k. Proposed easements, if applicable.

3. Management plan for the MHP which includes:

a. Method for insuring that water, sewer, and electrical hookups conform to adopted health and safety standards;

b. Landscape plan;

c. Once approved by the planning commission, this agreement must be approved by the city planner and signed by the commissioner and filed with the city planner.

B. Notification.

1. The notice shall contain:

a. Name of applicant, date, time, and place of hearing.

b. Descriptive location of property and legal description, if available.

c. Number of spaces, size of spaces.

d. Description of nonresidential uses, if proposed.

e. Location where information may be examined.

f. Reference sections of ordinance which pertain.

g. Explanation of appeal procedure.

2. Notice of the hearing shall:

a. Be made by first class mail to property owners within three hundred (300) feet of the exterior property boundary and shall be posted in three public places no less than ten (10) days prior to the hearing date.

3. Notification to approve or deny:

a. Notification shall be sent to the applicant and any affected party who requests notification in writing.

b. Notification denying an application shall be mailed within five days of the date the decision was made and shall explain appeal procedures.

(Ord. 98-12-01 § 5 (part))

18.07.030 Required criteria for approval.

A. That the proposed mobile home park will have no adverse effect on property values in the area;

B. That the proposed mobile home park will not change the general nature and character of the area;

C. That the proposed mobile home park will not conflict with the development of land zoned for industrial or public uses;

D. That access is adequate and safe;

E. That the park would not alter the existing traffic volume and patterns in the area to an extent which would threaten heath and safety;

F. That the site can be served by water and sewer and electricity;

G. That the city has utility capacity to serve the area without interfering with utility capacity to serve other areas or the developer finances the upgrading of utility systems to insure adequate capacity;

H. That the park will be compatible with surrounding uses when considering:

1. Physical effects on surrounding properties such as increased drainage, or increased fire hazard, wind hazard, etc.,

2. Noise, smoke, or other objectionable pollutants;

I. That other relevant concerns raised during the public hearing have been addressed;

J. That the proposal is consistent with the Hoonah coastal management program, and comprehensive plan.
(Ord. 98-12-01 § 5 (part))

18.07.040 Mobile home parks--Standards.

A. Adopted Codes.

1. Comply with National Fire Protection Association Standards, including but not limited to the following:

a. Wannigans shall have at least one exterior opening directly to the outside without passing through the mobile home.

b. When a wannigan encloses two doors or a door and emergency exit window of a mobile home, two exterior doors shall be installed.

c. No liquefied petroleum gas vessel should be stored or located inside of or beneath any structure.

d. Access roads in mobile home parks shall have a minimum width of twenty (20) feet of stabilized surface and shall conform to standards of the Uniform Fire Code.

B. Health and Safety Standards--General. All mobile home parks shall:

1. Be responsible for insuring that all facility hookups are made in accordance with city and state regulations.

2. Provide that all mobile homes be situated so that a fire truck can approach within one hundred (100) feet of each mobile home.

3. All wannigans and/or new construction shall require a building permit.

4. Provide drainage which prevents adverse impacts on surrounding properties and which prevents standing water within the park. Drainage shall be maintained by the park owner and preserved by drainage easements.

C. Access. All mobile home parks shall:

1. Provide access from MHP spaces onto park access roads.

2. Have mobile home park access roads with at least two access points onto street to allow for escape in case of fire, or shall provide a cul-de-sac with a turnaround diameter of sixty (60) feet or larger if park access road is over one hundred (100) feet in length.

D. Parking. All mobile home parks shall:

1. Provide at least one off-street parking space per mobile home park space.

2. Allow only one mobile home per space.

E. Setbacks.

1. Setbacks from mobile home space lines for all structures:

a. Front ten (10) feet.

b. Side ten (10) feet.

c. Rear ten (10) feet.

2. Setbacks from streets and surrounding property lines shall be fifteen (15) feet.

F. Enforcement and Penalties. When a violation occurs within a mobile home park, the procedures of Section 18.04.040 of land use ordinance shall be followed.

G. Nonconforming Use Provision.

1. Parks existing at the time of the adoption of this chapter may have their existing use continued if:

a. Such use was legal at the time of the adoption of these rules.

2. Relocated mobile homes in a mobile home park shall comply with this chapter.
(Ord. 98-12-01 § 5 (part))

Chapter 18.08

RECREATIONAL VEHICLE PARK

Sections:

18.08.010 Purpose.
18.08.020 Procedure.
18.08.030 Required criteria for approval.
18.08.040 Standards.
18.08.050 Requirements for recreational vehicles within parks.
18.08.060 Responsibilities of management.
18.08.070 Permits required--Conditional use permit, building permit, and occupancy permit.
18.08.080 Enforcement.

18.08.010 Purpose.

The purpose of the recreational vehicle park ordinance is to provide for functional, sanitary, and aesthetically pleasing recreational vehicle parks.
(Ord. 98-12-01 § 5 (part))

18.08.020 Procedure.

A. Application. All applications shall be initiated by the property owner or authorized representative by paying the required fee of ten dollars ($10.00) and by filing an application on city forms no less than fifteen (15) days prior to the planning commission hearing date along with the following:

1. A plat plan which includes:

    a. Name and address of property owner.

    b. Scale one inch is equal to fifty (50) inches or other approved scale.

    c. North point and date.

    d. Reference to survey lot corner, section, township and range.

    e. Park boundary and approximate dimensions.

    f. Location and dimensions of all park improvements and including but not limited to:

        i. R.V. vehicle park space dimensions;

        ii. Sewer and water lines, pump stations, fire hydrants, dump stations, etc.;

        iii. Power poles;

        iv. Existing and proposed buildings;

        v. Garbage dumpsters;

        vi. Open spaces, play areas, storage areas, etc.

    g. Drainage ways and easements.

    h. Hazard and problem areas (high water table, steep slopes, etc.).

    i. Width and approximate grade of park access roads and their connection with main access roads.

    j. Vicinity map.

k. Existing and proposed easements.

2. Notice. Notice shall be given as required by city of Hoonah land disposal ordinance. (Ord. 98-12-01 § 5 (part))

18.08.030 Required criteria for approval.

The required criteria for approval shall be the same as required in the section for mobile home. (Ord. 98-12-01 § 5 (part))

18.08.040 Standards.

A. Required Facilities.

1. Water and sewage disposal facilities as follows:

a. The park shall provide for one sanitary dump station or all recreational vehicle spaces shall be provided with sewer and water hook-ups.

b. The park shall provide and maintain a tenant toilet facility.

2. Garbage Disposal. Each park shall provide and maintain animal proof garbage disposal facilities.

3. Parking. Each park shall provide parking space as needed.

4. Vehicle Pads. Each park shall provide recreational vehicle pads with a surfaced area which minimizes mud and provides a suitable parking area for recreational vehicles.

5. Setbacks. Each park shall provide minimum setbacks as follows:

a. Setbacks from R.V. space lines for all structures, recreational vehicles, etc., five feet.

b. Setback of all structures, recreational vehicles, etc., from streets and access ways other than park access roads twenty (20) feet.

c. Setbacks for all structure recreational vehicles, etc., from adjacent property lines fifteen (15) feet.

6. Access. Park shall provide access as follows:

a. Shall provide access for individual park spaces from internal park access roads.

b. Shall provide park access roads which are a minimum width of twenty (20) feet which conform to standard of Uniform Fire Code.

c. Shall provide access designed to minimize congestion and hazards (access to be provided by the city).

d. Shall provide access which insures that a fire truck can approach within one hundred (100) feet of each park space.

7. Health and Safety, General.

a. Each park shall provide a drainage plan for the park which eliminates standing water within the park and provides adequate drainage.

8. Significant Features.

a. Appropriate agencies shall be notified prior to the hearing date for the park.

9. Other Requirements. All recreational vehicle parks shall:

a. Comply with the Hoonah coastal management program (enforceable rules), Hoonah comprehensive plan (policies and Hoonah Land Development Code).

b. The planning commission may impose other design standards which would make the recreational vehicle park more compatible with surrounding land uses, the comprehensive plan goals, or to protect the public health, safety, or welfare.

(Ord. 98-12-01 § 5 (part))

18.08.050 Requirements for recreational vehicles within parks.

A. Recreational vehicles must be licensed to operate on state highways while located within a recreational vehicle park.

B. The removal of wheels of a recreational vehicle (except for the temporary purpose of repair), is prohibited.

C. The installation of skirting and the installation of wannigans or other structures is prohibited.

(Ord. 98-12-01 § 5 (part))

18.08.060 Responsibilities of management.

A. The person to whom a permit for a recreational vehicle park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.

B. The park management shall notify park occupants of all applicable provisions of this chapter.

C. The park management shall supervise the placement of each recreational vehicle in its park space. Placement may include securing, stabilizing, and installing utility connections.

(Ord. 98-12-01 § 5 (part))

18.08.070 Permits required--Conditional use permit, building permit, and occupancy permit.

An applicant must obtain a conditional use permit. The developer must submit construction drawings, layouts and specifications sufficient to verify that proposed construction and improvements conform to adopted codes and ordinances.
(Ord. 98-12-01 § 5 (part))

18.08.080 Enforcement.

When it is determined that the recreational vehicle park may be in violation of this chapter or other applicable codes the procedures and penalties of city land use ordinance shall apply.
(Ord. 98-12-01 § 5 (part))

Chapter 18.09

SIGNS

Sections:

18.09.010 Purpose.
18.09.020 Compliance with requirements.
18.09.030 Definition of sign.
18.09.040 Permits for signs.
18.09.050 Sign maintenance.
18.09.060 Sign dimensional standards.
18.09.070 Illumination standards.
18.09.080 Prohibited signs and sign materials.
18.09.090 Signs not requiring a permit.
18.09.100 Nonconforming signs and enforcement.
18.09.110 Exceptions from sign standards.

18.09.010 Purpose.

The purpose of this chapter is to maintain and enhance the aesthetic environment and the city of Hoonah's ability to attract tourists and sources of economic development, to ensure the business community quality signs to adequately identify and market their businesses, and to protect and promote the public health, safety and welfare.

Furthermore, nothing in this chapter is intended to contradict or counteract the regulation of signs within the state of Alaska/DOT rights-of-way within city of Hoonah. Placing of signs in state rights-of-way are subject to state laws specific to outdoor advertising signs.
(Ord. No. 11-08-14, § 5)

18.09.020 Compliance with requirements.

All signs erected, constructed, altered, or changed in the city of Hoonah must comply with the requirements as outlined in this chapter.
(Ord. No. 11-08-14, § 5)

18.09.030 Definition of sign.

Sign means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, excluding:

1. Signs not exceeding one and one-half square feet in area and bearing only property numbers, post office box numbers, names of occupants or premises, or other identification or premises not having commercial connotations;

2. Flags and insignia of any governmental agency except when displayed in connection with commercial promotion;

3. Regulatory, identification, informational, or directional signs erected or required by governmental bodies;

4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;

5. Artwork having no commercial connotations.

(Ord. No. 11-08-14, § 5)

18.09.040 Permits for signs.

A. With the exception of those signs for which a permit is not required, all signs require a permit issued by the city planner.

B. Sign permit applications shall include plans for all signs to be placed, including private business directional signs. The plans shall illustrate sign elevations, cross sections, dimensions, placements, materials and lighting.

C. A sign permit application will be reviewed and decided on by the city planner within (10) ten working days after the receipt of a complete application.

(Ord. No. 11-08-14, § 5)

18.09.050 Sign maintenance.

Every sign shall be maintained in a safe and good structural condition at all times, including the repair or replacement of defective parts and other acts required for the maintenance of the sign. If the sign is not made to comply with adequate safety and maintenance standards, the city planner may require its removal in accordance with this chapter.

(Ord. No. 11-08-14, § 5)

18.09.060 Sign dimensional standards.

A. Required Setback and Sign Placement.

1. No sign shall be placed so as to obscure vehicular and pedestrian traffic.

2. No sign shall be placed within a street right-of-way.

B. Sign Height Restrictions.

1. Free Standing Signs. A free standing sign shall be any sign not attached to a building. Maximum height shall be ten (10) feet.

2. Attached Sign. An attached sign shall be any sign attached to any portion of a building. Maximum height shall not exceed building height restrictions as defined in Section 18.01.030, "Building--Height."

C. Maximum Area of Signs.

1. The maximum allowed area of any free standing sign shall be sixteen (16) square feet.

2. The maximum allowed area of any attached sign, in any zoning district shall be calculated as follows:

The length of one side of the building × one and one-half feet = the maximum sign area in square feet for that one side of the building.

No one side of a building shall have more sign area than one and one-half square feet per lineal foot of that side of the building.

3. Calculation of Sign Area. Sign area is the total area of all visible faces of a sign, exclusive of any support structure not used to convey a message. For signs consisting of lettering without a field, the sign area shall be calculated as the total area of the smallest rectangles enclosing each letter.

4. Building Length. Building length is defined as the total length of a side of a building measured in one dimension excluding porches and other projections.

(Ord. No. 11-08-14, § 5)

18.09.070 Illumination standards.

Directly illuminated signs, in any zoning district, is prohibited.

(Ord. No. 11-08-14, § 5)

18.09.080 Prohibited signs and sign materials.

In addition to any sign or sign materials not specifically in accordance with the provisions of this chapter, the following are prohibited:

A. Any sign which stimulates or imitates any traffic sign or signal, or which makes use of words,

symbols, or characters in such a manner as to interfere with, mislead or confuse pedestrian or vehicular traffic.

B. Signs attached or placed adjacent to any utility pole, parking meter, traffic sign post, traffic signal, or any other official traffic control device.

C. Any off-premise sign that directs attention to a business, service, product or entertainment not sold or offered on the premises on which the sign is located, including but not limited to billboards, sandwich boards, and other off-premise outdoor advertising signs.

D. Signs consisting of any moving, rotating, flashing or otherwise animated light or component.

E. Any sign or sign structure identifying a use or activity that has ceased to occupy the site for period greater than twelve (12) months.

F. Permanent flags, posters, ribbons, streamers, strings of lights, spinners, twirlers or propellers, flares, balloons, and similar devices, or containing elements creating sound. Temporary displays as described in this subsection may be erected on the site on which an advertised event is taking place no sooner than ten (10) days prior to the event and shall be removed within five working days after the event. No such temporary displays may be installed for a period exceeding thirty (30) days in any quarter. Holiday decoration lighting from November 1 through February 1, and international, federal, state, or local government flags are exempt from this subsection.

G. Any commercial sign place within the public rights-of-way.

(Ord. No. 11-08-14, § 5)

18.09.090 Signs not requiring a permit.

All signs not requiring a permit must conform to the height and setback requirements, sign area and illumination standards set forth in this chapter. The following signs are allowed without a permit:

A. Window Signs. Signs displayed behind the windows of a building are allowed.

B. Residential Signs. Indirectly illuminated signs up to four square feet shall be allowed for the purpose of premises identification. Each sign shall display addresses and may include the names of the occupants.

C. Signs on licensed, functional motor vehicles, provided the primary use of the vehicle is not the display of signs and that such vehicle is not used [as] a static display for advertising.

D. Temporary Signs. Temporary signs are not to be included as part of the maximum allowable sign area.

1. Construction signs.

2. Real estate signs.

3. Public notice signs.

4. Event signs.

5. Political signs.

6. Banners or pennant signs.

7. Any sign which has no permanent attachment to a building or the ground, including A-frame signs, pole attachments, mobile signs, portable wheeled signs, and sandwich boards.

(Ord. No. 11-08-14, § 5)

18.09.100 Nonconforming signs and enforcement.

Nonconforming signs shall be required to come into conformity with this chapter at the time of a major development or addition to the subject property except signs prohibited under Section 18.09.080, prohibited signs and sign materials. The owner of a nonconforming sign may apply to the planning commission for an exception from the sign standards as provided in Section 18.09.110.

A violation of this chapter is an infraction. The following fine schedule shall apply to violations of this chapter: twenty-five dollars ($25.00) for the first offense; fifty dollars ($50.00) fine for the second offense; and one hundred dollars ($100.00) fine for the third and subsequent offences.
(Ord. No. 11-08-14, § 5)

18.09.110 Exceptions from sign standards.

The planning commission shall hear all applications for exceptions from sign standards of this chapter using the procedure and criteria established for variances in Chapter 18.03.
(Ord. No. 11-08-14, § 5)

STATUTORY REFERENCES
FOR
ALASKA MUNICIPALITIES

The statutory references listed below refer the code user to state statutes applicable to Alaska municipalities. They are up to date through July 12, 2012.

General Provisions

Local government
Alaska Const. art. X

Classification of municipalities
AS ch. 29.04

Codification of ordinances
AS 29.25.050

Home rule
AS ch. 29.10

Municipal powers and duties
AS ch. 29.35

Elections
AS ch. 29.26

Extraterritorial jurisdiction
AS 29.35.020

Acts required to be by ordinance
AS 29.25.010

Penalties for ordinance violations
AS 29.25.070

Civil penalties for violations by minors
AS 29.25.072

Surcharges on ordinance violations
AS 12.55.039, 29.25.074

Collection of penalties
AS 29.25.075

Eminent domain
AS 29.35.030

Administration and Personnel

Municipal executive
AS 29.20.220 et seq.

Governing bodies
29.20.050 et seq.

Municipal enactments
AS ch. 29.25

Manager plan
AS 29.20.460 et seq.

Appointment of officers
AS 29.20.360

Municipal attorney
AS 29.20.370

Municipal clerk
AS 29.20.380

Municipal treasurer
AS 29.20.390

Oaths of office
AS 29.20.600

Combining offices
AS 29.35.010(2)

Conflict of interest
AS 29.20.010

Bonding of offices and employees
AS 29.20.610

Compensation of elected officers
AS 29.20.620

Vacancies in office
AS 29.20.170

Open public meetings
AS 29.20.020, 44.62.310 et seq.

Departments
AS 29.20.400

Emergency disaster powers
AS 29.35.040

Utility boards
AS 29.20.310

Local health administration
AS ch. 18.10

School districts and boards
AS ch. 14.12.

Local administration of schools
AS ch. 14.14

Planning commissions
AS 29.40.020

Local historic district commissions
AS 29.55.010

Administrative land use appeals
AS 29.40.050

Personnel system authorized
AS 29.20.410

Revenue and Finance

Annual audit
AS 29.35.120

Acquisition and disposal of land and interests in land
AS 29.35.090

Property taxation

AS 29.45.010 et seq.

City property tax
AS 29.45.550 et seq.

Enforcement of tax liens
AS 29.45.290 et seq.

Sales and use taxes
AS 29.45.700 et seq.

Municipal debt
AS ch. 29.47

Special assessments
AS ch. 29.46

Budget and capital program
AS 29.35.100

Investment pools
AS 29.35.015

Fees for police protection services
AS 29.35.125

Business Licenses and Regulations

Alcoholic beverages
AS 29.35.080

Franchises and permits
AS 29.35.060

Animals

Animal care and dog control
AS ch. 3.55

Health and Safety

Garbage and solid waste
AS 29.35.050

Fire protection
AS ch. 18.70

Fireworks
AS 18.72.060

Hazardous chemicals, materials and wastes
AS 29.35.500 et seq.

Air quality control programs
AS 29.35.055

Smoking in public places
AS 18.35.300 et seq.

Public Peace, Morals and Welfare

Offenses against the person
AS ch. 11.41

Offenses against property
AS ch. 11.46

Offenses against family and vulnerable adults
AS ch. 11.51

Offenses against public administration
AS ch. 11.56

Offenses against public health and decency
AS ch. 11.66

Curfew for minors
AS 29.35.085

Controlled substances
AS chs. 11.71, 17.30 and 17.35

Weapons
AS 18.65.700 et seq. and 29.35.145

Vehicles and Traffic

Alaska Uniform Vehicle Code
AS title 28

Streets, Sidewalks and Public Places

Special assessments
AS ch. 29.46

Extraterritorial jurisdiction
AS 29.35.020

Public Services

Municipally owned utilities
AS 29.35.070

Franchises and permits
AS 29.35.060

Garbage and solid waste services
AS 29.35.050

Buildings and Construction

Electrical code
18.60.580 et seq.

Plumbing code
AS 18.60.705 et seq.

Trailer camps and motor courts
AS 18.35.010 et seq.

Subdivisions

Subdivisions and dedications
AS chs. 29.40 and 40.15

Zoning

Zoning
AS 29.35.180 and ch. 29.40

Historical districts
AS 29.55.020

PRIOR CODE CROSS-REFERENCE TABLE

This table provides users with the current disposition of the sections in the prior municipal code. Thus, prior code Section 1.30.010 currently appears in this code as Section 1.16.010.

Prior Code §	Herein
01.30.010	Ch. 1.16
01.50.010	1.12.010
01.50.020	1.12.020
01.50.030	1.12.030
01.50.040	1.12.040
01.50.050	1.12.050
01.50.060	1.12.060
03.20.010	Repealed by 92-02-01
03.25.010	Repealed by 92-02-01
03.25.020	Repealed by 92-02-01
03.25.030	Repealed by 92-02-01
03.25.040	Repealed by 92-02-01
03.25.050	Repealed by 92-02-01
03.25.060	Repealed by 92-02-01
03.25.070	Repealed by 92-02-01
03.25.080	Repealed by 92-02-01
03.50.010	Repealed by 92-02-01
03.50.020	Repealed by 92-02-01
03.60.010	Repealed by 92-02-01
03.60.020	Repealed by 92-02-01
06.10.010	5.04.020
06.10.020	5.04.030
06.10.030	5.04.040
06.10.040	5.04.050
06.20.010	5.04.120
06.20.020	5.04.130
06.20.030	5.04.140
06.20.040	5.04.150
06.30.010	5.04.060
06.30.020	5.04.070
06.40.010	5.04.080
06.40.020	5.04.110
06.40.030	5.04.090
06.40.040	5.04.100
06.60.010	5.04.160
06.60.020	5.04.170
06.70.010	5.04.010
09.10.010	Repealed by 92-02-01
09.10.020	Repealed by 92-02-01
09.10.030	Repealed by 92-02-01
09.10.040	Repealed by 92-02-01
09.10.050	Repealed by 92-02-01
09.10.060	Repealed by 92-02-01
09.10.070	Repealed by 92-02-01

09.10.080	Repealed by 92-02-01
09.10.090	Repealed by 92-02-01
09.10.100	Repealed by 92-02-01
09.10.110	Repealed by 92-02-01
09.20.010	Repealed by 92-02-01
09.20.020	Repealed by 92-02-01
09.20.030	Repealed by 92-02-01
09.30.010	Repealed by 92-02-01
09.30.020	Repealed by 92-02-01
09.30.030	Repealed by 92-02-01
12.10.010	Repealed by 05-04-13
12.10.020	Repealed by 05-04-13
12.20.005	6.08.010
12.20.010	6.08.020
12.20.015	6.08.300
12.20.020	Repealed by 91-12-13
12.20.025	6.08.030
12.20.030	6.08.040
12.20.035	6.08.050
12.20.040	6.08.070
12.20.045	Repealed by 91-12-13
12.20.050	6.08.090
12.20.055	6.08.100
12.20.060	6.08.110
12.20.065	6.08.120
12.20.070	6.08.130
12.20.075	6.08.140
12.20.080	6.08.150
12.20.085	6.08.160
12.20.090	6.08.170
12.20.095	6.08.180
12.20.100	6.08.190
12.20.105	6.08.200
12.20.110	6.08.210
12.20.115	6.08.220
12.20.120	6.08.230
12.20.125	6.08.240
12.20.130	6.08.250
12.20.135	6.08.260
12.20.140	6.08.270
12.20.145	6.08.280
12.20.150	6.08.290
15.10.010	12.04.030
15.10.020	12.04.010
15.10.030	12.04.020
15.10.040	12.04.040
15.10.050	12.04.050
15.20.010	12.08.010
15.20.020	12.08.020
15.20.030	12.08.030
15.20.040	12.08.040
15.20.050	12.08.050
15.20.060	12.08.060
15.30.020	12.12.020
15.30.030	12.12.010
15.30.040	12.12.040
15.30.050	12.12.030
15.40.010	12.16.010
15.40.020	12.16.020

15.40.030	12.16.030
15.40.040	12.16.040
15.40.050	12.16.050
15.40.060	12.16.060
15.40.070	12.16.070
15.40.080	12.16.080
15.40.090	12.16.090
15.40.100	12.16.100
15.40.110	12.16.110
15.40.120	12.16.120
15.40.130	12.16.130
15.40.140(A)	12.28.010
15.40.140(B)	12.28.020
15.40.140(C)	12.28.030
15.40.150	Repealed by 07-03-07
15.40.160	12.16.150
15.50.010	12.20.010
15.50.020	12.20.020
15.50.030	12.20.030
15.50.040	12.20.040
15.50.050	12.20.050
15.50.060	12.20.060
15.50.070	12.20.070
15.50.080	12.20.080
15.50.090	12.20.090
15.60.010	12.24.010
15.60.020	12.24.020
15.60.030	12.24.030
15.60.040	12.24.040
15.60.050	12.24.050
15.60.060	12.24.060
18.50.001.1	15.20.010
18.50.001.2	15.20.020
18.50.001.3	15.20.030
18.50.001.4	15.20.040
18.50.002	15.20.050
18.50.003.1	15.20.060
18.50.003.2	15.20.070
18.50.003.3	15.20.080
18.50.003.4	15.20.090
18.50.003.5	15.20.100
18.50.003.6	15.20.110
18.50.004.1	15.20.120
18.50.004.2	15.20.130
18.50.004.3-1	15.20.140
18.50.004.3-2	15.20.150
18.50.004.3-3	15.20.160
18.50.004.3-4	15.20.170
18.50.004.3-5	15.20.180
18.50.004.4-1	15.20.280
18.50.004.4-2	15.20.290
18.50.005.1-1	15.20.190
18.50.005.1-2	15.20.200
18.50.005.1-3	15.20.210
18.50.005.1-4	15.20.220
18.50.005.1-5	15.20.230
18.50.005.2	15.20.240
18.50.005.2-1	15.20.250
18.50.005.2-2	15.20.260

18.50.005.2-3	15.20.270
18.50.006	15.20.300
21.20.010	5.08.010
21.20.015	5.08.020
21.20.020	5.08.030
21.20.025	5.08.040
21.20.030	5.08.050
21.20.035	5.08.060
21.20.040	5.08.070
21.20.045	5.08.080
27.20.010	Repealed by 92-02-01
27.20.020	Repealed by 92-02-01
27.20.030	Repealed by 92-02-01
27.20.040	Repealed by 92-02-01
27.20.045	Repealed by 92-02-01
27.20.050	Repealed by 92-02-01
27.20.060	Repealed by 92-02-01
27.20.065	Repealed by 92-02-01
27.20.070	Repealed by 92-02-01
27.20.075	Repealed by 92-02-01
27.20.080	Repealed by 92-02-01
27.20.085	Repealed by 92-02-01
27.20.090	Repealed by 92-02-01
27.20.092	Repealed by 92-02-01
30.10.010	9.04.010
30.10.015	9.04.020
30.10.020	9.04.030
30.10.025	9.04.040
30.10.030	9.04.050
30.10.035	9.04.060
30.10.045	9.04.070
30.10.055	9.04.080
30.10.060	9.04.090
30.10.065	9.04.100
30.10.070	9.04.110
30.10.075	9.04.120
30.10.080	9.04.130
30.10.085	9.04.140
30.10.090	9.04.150
30.10.095	9.04.160
30.10.100	9.04.170
30.10.105	9.04.180
30.10.110	9.04.190
30.10.115	Repealed by 01-02-01
30.10.120	9.04.210
30.10.125	9.04.220
30.10.130	9.04.230
30.10.135	9.04.240
30.10.150	9.04.240
36.10.010	2.20.010
36.10.020	2.20.020
36.10.030	2.20.030
36.10.040	2.20.040
36.10.050	2.20.050
36.15.010	2.12.010
36.15.020	2.12.020
36.15.030	2.12.030
36.16.010	2.16.010
36.16.020	2.16.020

36.16.025	2.16.030
36.16.030	2.16.040
36.20.010	2.32.010
36.20.040	2.32.020
36.20.045	2.32.030
36.30.010	2.24.010
36.30.020	2.24.020
36.30.030	2.24.030
36.30.035	2.24.040
36.30.040	2.24.050
36.30.045	2.24.060
36.30.050	2.24.070
36.30.060	2.24.080
36.30.065	2.24.090
36.30.070	2.24.100
36.30.110	2.24.110
36.30.120	2.24.120
36.35.010	2.28.010
36.35.020	2.28.020
36.35.030	2.28.030
36.35.040	2.28.040
36.35.050	2.28.050
36.35.060	2.28.060
36.40.010	2.08.010
36.40.020	2.08.020
36.40.030	2.08.030
36.40.040	2.08.040
36.40.045	2.08.050
36.40.047	2.08.060
36.40.050	2.08.070
36.40.060	2.08.080
36.40.070	2.08.090
36.40.080	2.08.100
36.50.010	Repealed by 92-02-01
36.50.020	Repealed by 92-02-01
36.50.030	Repealed by 92-02-01
36.50.040	Repealed by 92-02-01
36.50.050	Repealed by 92-02-01
36.51.010	Repealed by 92-02-01
36.51.020	Repealed by 92-02-01
36.51.030	Repealed by 92-02-01
36.51.040	Repealed by 92-02-01
36.51.050	Repealed by 92-02-01
36.51.060	Repealed by 92-02-01
36.51.070	Repealed by 92-02-01
36.51.080	Repealed by 92-02-01
36.53.010	2.44.010
36.53.020	2.44.020
36.53.030	2.44.030
36.53.040	2.44.040
36.53.050	2.44.050
36.53.060	2.44.060
36.53.070	2.44.070
36.53.080	2.44.080
36.53.090	2.44.090
36.53.100	2.44.100
36.55.010	2.40.010
36.55.020	2.40.020
36.55.030	2.40.030

36.55.040	2.40.040
36.55.050	2.40.050
36.55.060	2.40.060
36.55.070	2.40.070
36.55.080	2.40.080
36.55.090	2.40.090
36.55.100	2.40.100
36.55.110	2.40.110
36.55.120	2.40.120
36.55.130	2.40.130
36.60.010	2.04.010
36.65.010	2.04.020
36.65.020	2.04.030
42.10.020	8.04.010
42.10.030	8.04.020
42.10.040	8.04.030
42.10.050	8.04.040
42.10.060	8.04.050
42.10.070	8.04.060
42.10.080	8.04.070
42.10.090	8.04.080
42.20.010	8.16.010
42.30.010	13.08.020
42.30.020	13.08.030
42.30.030	13.08.040
42.30.040	13.08.050
42.30.050	13.08.060
42.30.060	13.08.070
42.30.065	Repealed by 07-01-01
42.30.070	13.08.090
42.30.080	13.08.100
42.30.090	13.08.110
42.30.100	13.08.120
42.30.110	13.08.130
42.30.120	13.08.150
42.30.130	13.08.140
42.30.140	13.08.010
42.40.005	Repealed by 97-03-03
42.40.010	Repealed by 97-03-03
42.40.015	Repealed by 97-03-03
42.40.020	Repealed by 97-03-03
42.40.030	Repealed by 97-03-03
42.40.035	Repealed by 97-03-03
42.40.040	Repealed by 97-03-03
42.40.045	Repealed by 97-03-03
42.40.050	Repealed by 97-03-03
42.40.055	Repealed by 97-03-03
42.50.010	8.08.010
42.50.020	8.08.020
42.50.030	8.08.030
42.50.040	8.08.040
42.50.050	8.08.050
42.50.060	8.08.060
42.50.070	8.08.070
42.50.080	8.08.080
42.50.090	8.08.090
42.50.100	8.08.100
42.50.110	8.08.110
42.50.120	8.08.120

42.50.130	8.08.130
42.50.140	8.08.140
42.50.160	8.08.150
42.50.170	8.08.160
42.50.180	8.08.170
42.50.190	8.08.180
42.50.200	8.08.190
42.50.210	8.08.200
42.50.220	8.08.210
42.50.230	8.08.220
42.60.010	Repealed by 92-02-01
42.60.020	Repealed by 92-02-01
42.60.030	Repealed by 92-02-01
44.10.010	Repealed by 98-01-03
44.10.020	Repealed by 98-01-03
44.20.010	Repealed by 98-01-03
44.20.020	Repealed by 98-01-03
45.20.010	16.04.020
45.20.020	16.04.010
45.20.030	16.04.030
45.20.040	16.04.040
45.20.050	16.04.050
45.20.060	16.04.060
45.20.070	16.04.070
45.30.010	16.16.010
45.30.020	16.16.020
45.30.030	16.16.030
45.30.031	16.16.040
45.30.032	16.16.050
45.30.033	16.16.060
45.30.034	16.16.070
45.30.035	16.16.080
45.30.036	16.16.090
45.30.037	16.16.100
45.30.038	16.16.110
45.30.039	16.16.120
45.30.040	16.16.130
45.30.041	16.16.140
45.30.042	16.16.150
45.30.043	16.16.160
45.30.044	16.16.170
45.30.045	16.16.180
45.30.046	16.16.190
45.20.047	16.16.200
45.40.010	16.20.010
45.40.020	16.20.020
45.40.030	16.20.030
45.40.040	16.20.040
45.40.050	16.20.050
45.40.060	16.20.060
45.40.070	16.20.070
45.40.080	16.20.080
45.40.090	16.20.090
45.40.100	16.20.100
45.40.110	16.20.110
45.40.120	16.20.120
45.40.130	16.20.130
45.40.140	16.20.140
45.40.150	16.20.150

45.40.160	16.20.160
45.40.170	16.20.170
45.40.180	16.20.180
45.40.190	16.20.190
45.40.200	16.20.200
45.40.210	16.20.210
45.40.220	16.20.220
45.40.230	16.20.230
45.40.240	16.20.240
45.40.250	16.20.250
45.40.260	16.20.260
45.40.270	16.20.270
45.40.280	16.20.280
45.40.290	16.20.290
45.40.300	16.20.300
45.40.310	16.20.310
45.40.320	16.20.320
45.40.330	16.20.330
45.40.340	16.20.340
45.40.350	16.20.350
45.40.360	16.20.360
45.40.370	16.20.370
45.40.380	16.20.380
45.40.390	16.20.390
45.40.400	16.20.400
45.40.410	16.20.410
45.40.500	Repealed by 97-02-01
45.50.010	Ch. 16.08
45.50.020	Ch. 16.08
45.50.030	Ch. 16.08
45.50.040	Ch. 16.08
45.50.050	Ch. 16.08
45.50.060	Ch. 16.08
45.50.070	Ch. 16.08
45.50.080	Ch. 16.08
45.50.090	Ch. 16.08
45.50.091	Ch. 16.08
45.60.010	16.12.010
45.60.020	16.12.020
45.60.030	16.12.030
45.60.040	16.12.040
45.60.050	16.12.050
45.60.060	Repealed by 91-12-12
45.60.070	16.12.070
45.60.080	16.12.080
45.60.090	16.12.090
45.60.100	16.12.100
52.40.010	Repealed by 92-02-01
52.40.020	Repealed by 92-02-01
52.40.030	Repealed by 92-02-01
52.40.040	Repealed by 92-02-01
52.40.050	Repealed by 92-02-01
52.40.060	Repealed by 92-02-01
52.40.070	Repealed by 92-02-01
52.40.080	Repealed by 92-02-01
52.40.090	Repealed by 92-02-01
52.40.120	Repealed by 92-02-01
52.40.130	Repealed by 92-02-01
52.40.140	Repealed by 92-02-01

52.40.150	Repealed by 92-02-01
52.40.1104	Repealed by 92-02-01
54.10.010	13.16.010
54.10.020	13.16.020
54.10.030(1)	13.16.030, 13.16.040
54.10.030(2)	13.16.050
54.10.030(3)	13.16.060
54.10.030(4)	13.16.070
54.10.030(5)	13.16.080
54.10.030(6)	13.16.090
54.10.030(7)	13.16.100
54.10.040(a)	13.16.110
54.10.040(b)	13.16.120
54.10.050	13.16.130
54.10.060	13.16.140
54.10.070	13.16.150
54.10.080	13.16.160
54.10.090(a, b)	13.16.170
54.10.090(c)	13.16.180
54.10.090(d)	13.16.190
54.10.090(e)	13.16.200
54.10.090(f)	13.16.210
54.10.090(g)	13.16.220
54.10.090(h)	13.16.230
54.10.090(i)	13.16.240
54.10.090(j)	13.16.250
54.10.090(k)	13.16.260, 13.16.270
54.10.100(a)	13.16.280
54.10.100(b)	13.16.290
54.10.100(c)	13.16.300
54.10.100(d)	13.16.310
54.10.110	13.16.320
54.10.120	Repealed by 07-01-01
54.10.130(a)	13.16.340
54.10.130(b)	13.16.350
54.10.150	13.16.360
54.10.160(a)	13.16.370
54.10.160(b)	13.16.380
54.10.160(c)	13.16.390
54.10.160(d)	13.16.400, 13.16.410
54.10.160(e)	13.16.420
54.10.160(f)	13.16.430
54.10.160(g)	13.16.440
54.10.160(h)	13.16.450
54.10.160(i)	13.16.460
54.10.170	13.16.470
54.10.180	13.16.480
54.10.190	13.16.490
54.10.200	13.16.500
54.10.210	13.16.510
54.10.220	13.16.520
54.10.230	13.16.530
54.20.010	13.12.020
54.20.020	13.12.030
54.20.030	13.12.040
54.20.040	13.12.050
54.20.060	13.12.140--13.12.170
54.20.070	Repealed by 07-01-01
54.20.090	13.12.190

54.20.100(A)	13.12.200
54.20.100(B)	13.12.210
54.20.100(C)	13.12.220
54.20.100(D)	13.12.230
54.20.100(E)	13.12.240
54.20.100(F)	13.12.250
54.20.100(G)	13.12.260
54.20.100(H)	13.12.270
54.20.110	13.12.280
54.20.120	13.12.290
54.20.130	13.12.300
54.20.140	13.12.010
54.30.010	13.04.010
54.30.020	13.04.020
54.30.030	13.04.030
54.30.040	13.04.040
54.30.050	13.04.050
54.30.060	13.04.060
54.30.070	13.04.070
54.30.080	13.04.080
60.10.010	Repealed by 03-09-20
60.10.020	Repealed by 03-09-20
60.10.030	Repealed by 03-09-20
60.10.040	Repealed by 03-09-20
60.10.050	Repealed by 03-09-20
60.10.060	Repealed by 03-09-20
60.10.070	Repealed by 03-09-20
60.10.080	Repealed by 03-09-20
60.10.090	Repealed by 03-09-20
60.10.100	Repealed by 03-09-20
60.10.110	Repealed by 03-09-20
60.10.120	Repealed by 03-09-20
60.10.130	Repealed by 03-09-20
60.10.140	Repealed by 03-09-20
60.10.150	Repealed by 03-09-20
60.10.160	Repealed by 03-09-20
60.10.170	Repealed by 03-09-20
60.10.180	Repealed by 03-09-20
60.10.190	Repealed by 03-09-20
60.10.200	Repealed by 03-09-20
60.10.210	Repealed by 03-09-20
63.40.010	Repealed by 05-07-20
63.40.020	Repealed by 05-07-20
63.40.030	Repealed by 05-07-20
63.40.040	Repealed by 05-07-20
63.40.050	Repealed by 05-07-20
63.40.060	Repealed by 05-07-20
63.40.070	Repealed by 05-07-20
63.40.080	Repealed by 05-07-20
63.45.010(a)	5.16.020
63.45.010(b)	5.16.010
63.45.020	5.16.030
63.45.030	5.16.040
63.45.040	5.16.050
63.45.050	5.16.060
63.45.070	5.16.070
63.45.080	5.16.080
63.45.090	5.16.090
63.45.100	5.16.100

63.45.110	5.16.110
63.45.120	5.16.120
63.45.130	5.16.130
63.45.140	5.16.140
63.45.150	5.16.150
63.45.160	5.16.160
63.45.170	5.16.170
95.08.010	17.04.010
95.08.020	17.04.020
95.08.030	17.04.030
95.09.010	17.60.010
95.09.020	17.12.010
95.09.030	17.12.020
95.10.010	17.16.010
95.10.020	17.16.020
95.10.030	17.16.030
95.10.040	17.16.040
95.10.050	17.16.050
95.11.010	17.20.010
95.12.010(A--D)	17.24.010
95.12.010(E)	17.24.020
95.12.020	17.24.030
95.13.010	17.28.010
95.13.020	17.28.020
95.13.030	17.28.030
95.13.040	17.28.040
95.13.050	17.28.050
95.13.060	17.28.060
95.13.070	17.28.070
95.13.080	17.28.080
95.13.090	17.28.090
95.13.100	17.28.100
95.13.110	17.28.110
95.13.120	17.28.120
95.13.130	17.28.130
95.13.140	17.28.140
95.13.150	17.28.150
95.13.160	17.28.160
95.14.010	17.32.010
95.14.020	17.32.020
95.14.030	17.32.030
95.14.040	17.32.040
95.14.050	17.32.050
95.14.060	17.32.060
95.14.070	17.32.070
95.14.080	17.32.080
95.14.090	17.32.090
95.14.100	17.32.100
95.14.110	17.32.110
95.14.120	17.32.120
95.14.130	17.32.130
95.14.140	17.32.140
95.15.010	17.36.010
95.15.020	17.36.020
95.16.010	17.40.010
95.16.020	17.40.020
95.17.010	17.44.010
95.18.010	17.48.010
95.18.020	17.48.020

95.18.030	17.48.030
95.18.040	17.48.040
95.18.050	17.48.050
95.19.010	17.52.010
95.19.020	17.52.020
95.19.030	17.52.030
95.19.040	17.52.040
95.19.050	17.52.050
95.19.060	17.52.060
95.19.070	17.52.070
95.19.080	17.52.080
95.19.090	17.52.090
95.20.010	17.56.010
95.21.010	17.08.010--17.08.380
95.30.010	8.20.010
95.30.020	8.20.020
95.30.0.30	8.20.030
95.30.040	8.20.040
95.40.010	8.20.050
95.40.020	8.20.060
95.50.010	8.20.070
95.50.020	8.20.080
95.50.030	8.20.090
95.60.010	8.20.100
95.70.010	8.20.130
95.70.020	8.20.140
95.80.010	8.20.120
95.90.010	8.20.110

As of Supplement No. 5, this table will no longer be updated.

ORDINANCE LIST AND DISPOSITION TABLE

Beginning with Supplement No. 5, this table will be replaced with the "Code Comparative Table and Disposition List."

Ordinance Number	
8-47	Intoxicating liquor (Not codified)
9-47	Procedure for assessment, levy and collection of property tax (Not codified)
12-50	Amends Ord. 10, assessment and collection of sales tax (Not codified)
68-2	Adopts Uniform Building Code (15.04)
68-3	Adopts National Electrical Code (15.08)
68-4	Adopts Fire Prevention Code (15.12)
68-5	Adopts Uniform Plumbing Code (15.16)
Unnumbered (1974)	Repeals and replaces § 45.30.036 of Ord. 008-72, tidelands (Not codified)
74-11	Adds prior code §§ 54.30.010--54.30.140 and Schedule A, sewer use rates and regulations (Title 13)
74-12	Adds prior code §§ 54.10.010--54.10.230 and Schedules A and B, water use rates and regulations (Title 13)
76-1	Adds prior code §§ 42.30.010--42.60.030, trash collection and disposal; nuisances; burial and cemetery regulations (Not codified)
76-2A	Adds prior code § 03.20.010, mayor's salary compensation (Repealed by 84-08-07-01)
76-5	Comprehensive traffic code; repeals Ord. 7 (5.16)
78-5	Adds prior code §§ 9.10.010--9.10.110, planning and zoning (Repealed by 92-02-01)

79-1	Adds prior code §§ 54.50.010--54.50.090; repeals and replaces § 54.30.070 Schedule A of Ord. 74-11; repeals and replaces §§ 54.10.120 Schedule B, 54.10.140 and 54.10.160(B) of Ord. 74-12; and repeals and replaces § 42.30.060 of Ord. 75-__, utility rates (Title 13)
79-2	Adds prior code §§ 18.50.001--18.50.006, flood damage prevention (15.20)
79-10	Adds prior code §§ 09.20.010--09.20.030, liquor board; adds prior code §§ 09.30.010--09.30.030, health council; repeals and replaces prior code §§ 36.15.010 and 36.15.030, general elections (2.12)
80-1	Repeals and replaces prior code § 33.10.010, Hoonah School District grant (Special)
82-1	Repeals and replaces §§ 36.15.010 and 36.15.020 of Ord. 76-9, general elections (2.12)
82-2	Repeals and replaces § 60.10.080 of Ord. 79-3, collection and assessment of sales tax (Repealed by 85-04-23-01)
82-7	Amends prior code § 15.70.010, boat harbor regulations (Repealed by 88-06-07-01)
83-1	Adds §§ 36.51.010--36.51.080, city manager (Repealed by 92-02-01)
84-04-10-01	Annexation (Special)
84-08-07-01	Repeals and replaces § 03.20.010 (Repealed by 92-02-01)
84-09-04-01	Adds § 45.40.500, Hoonah coastal management plan (Repealed by 97-02-01)

85-02-05-01	Adds §§ 95.30.010--95.30.040, 95.40.010--95.40.020, 95.50.010--95.50.030, 95.60.010, 95.70.010--95.70.020, 95.80.010, 95.90.010, watershed management (8.20)
85-04-23-01	Amends §§ 60.10.010--60.10.210, sales tax code (Repealed by 03-09-20)
85-08-06-01	Amends §§ 42.30.010--42.30.130, 54.10.010--54.10.230, 54.20.010--54.20.140, 54.30.010--54.30.130, public utilities
	(13.04, 13.08, 13.12, 13.16)
86-03-04-01	Subdivisions (17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.28, 17.32, 17.36, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60)
86-03-04-02	Adds §§ 45.10.010--45.10.060, 45.20.010--45.20.070, 45.50.010--45.50.090, 45.60.010--45.60.100; repeals Chs. 45.10 and 45.20, real property acquisition and sales (16.04, 16.08, 16.12)
86-04-03-01	Amends § 95.13.150-2.A, subdivisions (17.08)
86-06-10-02	Adds Title 52, disaster planning
86-12-11-01	Adds §§ 12.10.010--12.10.020; 12.20.010--12.20.140; repeals Title 12, animals (6.08)
86-12-11-02	Adds § 12.20.050(A), animals (6.08)
87-06-09-01	Adds § 30.10.135, crimes and penalties (9.04)
87-07-28-01	Adds § 60.10.030(b), sales tax (Repealed by 03-09-20)
87-07-28-02	Adds §§ 60.10.030(a) and 60.10.200, sales tax (Repealed by 03-09-20)
87-07-28-03	Adds § 45.50.091, land disposal (16.08)
88-01-12-01	Adds prior code §§ 01.50.010--01.50.060, access to public records (1.12)

88-02-02-01	Adds prior code Ch. 03.50, city clerk and city treasurer (Repealed by 92-02-01)
88-06-07-01	Repeals and replaces prior code Title 15, harbors and ports (12.04, 12.08, 12.12, 12.16, 12.20, 12.24, 12.28)
89-02	Adds § 42.30.065; amends § 42.30.060, refuse collection (13.08)
89-03	Adopts state statutes 13 AAC and 28 AS, model traffic code (10.04)
89-04	Annexation (Special)
90-01	Adds §§ 1.10.010--1.10.070, parks and recreation committee (Not codified)
90-07-17-01	Amends prior code §§ 42.30.060, 54.10.030, 54.10.120, 54.20.060 and 54.20.070, public utilities (13.08, 13.12, 13.16)
90-07-17-02	Amends prior code § 60.10.030(a), sales tax (Repealed by 03-09-20)
90-08-29-01	Amends prior code § 60.10.030(b), sales tax (Repealed by 03-09-20)
90-11-13-01	Amends § 3.16.010, compensation for mayor (Repealed by 92-02-01)
91-04-02	Amends Ch. 3.12, volunteer fire department (Repealed by 05-09-27)
91-04-03	Amends § 4.04.060, sales tax exemptions (Repealed by 03-09-20)
91-06-05	Regulates sale of fireworks (Expired)
91-09-07	Adopts power of road maintenance on an extraterritorial basis (Special)
91-10-08	Adds Ch. 2.45; amends §§ 2.04.030, 2.08.030(C), 2.08.090(A), 2.08.100, 2.20.020(B), 2.24.010, 2.24.050(B), 2.28.020, 2.32.010(A), 2.32.030 and 2.36.010, elections (2.04, 2.08, 2.20, 2.24, 2.28, 2.32, 2.45)
91-11-09	Repeals Ch. 3.08, health council (Repealer)
91-11-11	Adds Ch. 10.08, snow removal (10.08)

91-12-12	Amends §§ 16.08.060(B)(1) and (2) and 16.12.020; repeals § 16.12.060, real property sales and leases (16.08, 16.12)
91-12-13	Amends §§ 6.08.040, 6.08.050, 6.08.090, 6.08.130, 6.08.160, 6.08.190, 6.08.250, 6.08.260 and 6.08.270; repeals §§ 6.08.060, 6.08.080, 6.08.120(E), dogs (6.08)
92-02-01	Repeals and replaces Ch. 1.08 to be Ch. 3.12; repeals and replaces Ch. 2.36 to be Ch. 3.01; repeals and replaces Title 3; administration and personnel (3.01, 3.04, 3.08, 3.12, 3.16, 3.20, 3.36)
92-02-02	Amends § 16.12.030(B), property lease procedures (16.12)
92-07-03	Adds Ch. 6.12; amends § 6.08.020, potentially dangerous and dangerous dogs (6.12)
92-07-05	Adopts penalties for traffic code violations (Not codified)
93-03-01	Amends prior code §§ 42.30.060 and 42.30.070 [42.70.065], garbage collection rates (13.08)
93-07-01	Adds § 5.04.180, alcoholic beverages (5.04)
93-11-01	Amends §§ 9.08.010--9.08.030, juveniles (Repealed by 98-01-03)
93-11-02	Amends §§ 3.36.020 and 3.36.110, planning and zoning commission (3.36)
94-04-01	Adds § 6.08.310; amends § 6.08.300, animal control fines and fee schedule (6.08)
94-04-02	Amends § 17.08.080, subdivisions (17.08)
94-04-03	Amends § 3.08.030, compensation for mayor (3.08)
94-05-04	Adds Ch. 8.24, fireworks (8.24)
94-10-06	Amends § 12.24.030(E), Schedule A, Part I, annual moorage fees (12.24)

94-11-07	Adds § 4.04.061, sales tax on sales of pull-tab games (Repealed by 03-09-20)
94-11-08	Amends § 4.04.060(A)(21), sales tax exemptions (Repealed by 03-09-20)
95-02-01	Amends § 3.01.020, city officers (3.01)
95-04-02	Repeals Ch. 3.44, disaster preparedness (Repealer)
95-04-03	Adds Ch. 3.44, department of disaster emergency services (3.44)
95-04-04	Adds Chs. 3.46, 3.48, 3.50, 3.52, 3.54, 3.56, 3.58, 3.60, 3.64, 3.66, 3.68, 3.70, and 3.72, administration and personnel (3.46, 3.48, 3.50, 3.52, 3.54, 3.56, 3.58, 3.60, 3.64, 3.66, 3.68, 3.70, 3.72)
96-01-01	Amends § 9.04.040, disorderly conduct (9.04)
96-01-02	Adds §§ 9.04.270--9.04.290, tobacco possession by minors or furnishing to minors (9.04)
96-01-03	Adds § 5.04.190; amends § 5.04.080, alcoholic beverages (5.04)
96-01-04	Bond issuance (Special)
96-02-05	Adds § 3.50.250, alcohol and drug testing of city employees (3.50)
96-02-06	Adds Ch. 3.26, public works department (3.26)
96-02-07	Adds § 4.04.060(26), sales tax exemptions (Repealed by 03-09-20)
96-04-09	Amends Ch. 3.28, police department (Repealed by 05-09-27)
96-04-10	Adds § 3.04.060; amends § 3.04.050, council administration (3.04)
96-05-12	Amends § 3.50.230(O), alcohol and drug testing of city employees (3.50)
96-06-14	Amends § 12.24.030(E), Schedule A, Part I, annual moorage fees (12.24)
96-07-15	Adds Title 18, land use (18.01, 18.02, 18.03, 18.04, 18.06)
96-07-16	Amends comprehensive plan (Special)
96-09-18	Submits sales tax levy proposition to voters (Not codified)

96-09-19	Amends § 12.24.030(E), Schedule A, Part I, annual moorage fees (12.24)
96-11-20	Adds Ch. 3.25, parks and recreation department (3.25)
96-12-21	Amends comprehensive plan (Special)
97-02-01	Adds Ch. 18.06 [18.05]; repeals Ch. 16.24, coastal management plan (Repealed by 07-01-03)
97-03-02	Amends § 4.04.060(14), sales tax exemptions (Repealed by 03-09-20)
97-03-03	Repeals and replaces Ch. 8.12, litter (8.12)
97-03-04	Amends §§ 9.04.210(A) and 9.04.220, discharge of firearms (Expired)
97-05-05	Adds § 6.08.090(A)(3); amends §§ 6.08.270 and 6.12.080(A), dogs (6.08)
97-05-06	Adds § 5.04.200, alcoholic beverages (5.04)
98-01-01	Amends § 12.16.020(A), harbor area regulations (12.16)
98-01-02	Amends § 12.24.030(E), Schedule A, Part VIII, crab pot storage fees (12.24)
98-01-03	Repeals and replaces § 9.08.010; repeals §§ 9.08.020--9.08.040, minors (9.08)
98-02-01	Adds Chs. 4.05, 4.06 and 4.07, investment fund, land development fund and banking investment and collateralization policies (4.05, 4.06, 4.07)
98-03-01	Adds Ch. 3.10, city administrator (3.10)
98-05-01	Adopts 1998-1999 budget (Special)
98-11-01	Adds § 10.12.090, all terrain vehicles and snow mobiles (10.12)
98-12-01	Adds Chs. 18.07 and 18.08, mobile home and recreational vehicle parks (18.07, 18.08)
99-02-01	(Not passed)
99-05-01	Adopts 1999-2000 budget (Special)
99-09-01	Adds § 4.04.041; amends §§ 4.04.020, 4.04.030 and 4.04.040, sales tax (Repealed by 03-09-20)
99-11-01	Adds § 8.24.060, fireworks (8.24)

00-01-01	Authorizes disposal of certain city lands (Special)
00-01-02	Authorizes disposal of certain city lands (Special)
00-01-03	Authorizes disposal of certain city lands (Special)
00-03-01	Authorizes disposal of certain city lands (Special)
00-06-01	Authorizes disposal of certain city lands (Special)
00-06-02	(Not passed)
00-06-03	Authorizes disposal of certain city lands (Special)
00-08-01	Adopts 2000-2001 budget (Special)
00-09-01	Adds Ch. 3.09, vice mayor (3.09)
00-09-02	Amends § 5.04.180, alcoholic beverages (5.04)
01-01-01	Authorizes disposal of certain city lands (Special)
01-02-01	Repeals § 9.04.200 (Repealer)
01-03-01	Authorizes purchase of certain lands (Special)
01-03-02	Authorizes exchange of certain lands (Special)
01-03-03	Amends § 18.02.040, zoning (18.02)
01-06-01	Adopts 2001-2002 budget (Special)
01-06-02	Amends 2000-2001 budget (Special)
01-08-01	Amends § 4.04.030(B), sales tax (Repealed by 03-09-20)
01-09-01	Authorizes disposal of certain city property (Special)
Ord. dated	
10-9-01	Amends Ch. 16.08, real property sales (16.08)
Ord. dated	
9-17-01	Amends § 3.36.110, planning and zoning commission (3.36)
01-11-01	Approves plat (Special)
01-12-01	Approves plat (Special)
Ord. dated	
3-12-02	Amends § 3.60.090, sick leave bank (3.60)
02-05-02	Adopts 2002-2003 budget (Special)
02-05-03	Amends 2001-2002 budget (Special)
02-05-04	Rezone (Special)
02-11-09	Adds § 9.04.300, crimes and penalties (9.04)

02-11-10	Adds § 5.17.010 [Ch. 5.17], security guard license (5.17)
03-04-11	Authorizes the exchange of certain city lands (Special)
03-05-12	Adopts the 2003/2004 budget (Special)
03-05-13	Amends 2002/2003 budget (Special)
03-05-14	Authorizes the disposal of certain city lands (Special)
03-05-15	Authorizes the disposal of certain city lands (Special)
03-06-17	Authorizes the disposal of certain city lands (Special)
03-08-18	Amends §§ 13.08.70 [13.08.070], 13.12.180, 13.16.070 and 13.16.330, water, sewer and refuse utility bills (13.08, 13.16)
03-09-19	Approves a plat of the Hoonah Dalton Creek Subdivision Phase I (Special)
03-09-20	Repeals and replaces Ch. 4.04, sales tax (4.04)
03-10-21	Adopts road specifications, construction procedures for recreational roads (Special)
03-11-23	Approves a plat of the Hoonah L. Kane Subdivision (Special)
03-11-24	Authorizes the exchange of certain city lands (Special)
03-11-25	Authorizes participation in the Alaska Municipal League Investment Pool, Inc. (Special)
04-01-01	Amends § 18.02.040, commercial zoning districts (18.02)
04-03-02	Amends § 13.04.02 [13.04.020], mailing and due date of bills (13.04)
04-03-03	Amends § 5.04.040, limitation on number of licenses (5.04)
04-04-04	Adds Ch. 10.05, vehicles and licenses (10.05)
04-06-05	Adopts the 2004/2005 budget (Special)
04-06-06	Amends 2003/2004 budget (Special)
04-08-07	Authorizes disposal of certain city lands (Special)
04-08-08	(Number not used)
05-01-09	Amends § 5.04.060, alcoholic beverages (5.04)
05-03-10	(Number not used)
05-03-11	Amends § 2.12.030, general elections (2.12)

05-04-12	Amends § 3.04.010, council administration (3.04)
05-04-13	Repeals and replaces Ch. 6.04, animals in general (6.04)
05-04-14	Amends § 3.50.150, conditions of city employment (3.50)
05-06-15	Amends § 2.08.020, canvassing returns (2.08)
05-06-16	Adopts 2005/2006 budget (Special)
05-06-17	Amends 2004/2005 budget (Special)
05-06-18	Approves amended plat of the proposed Hoonah rock quarry subdivision concept #1 (Special)
05-06-19	Approves right-of-way dedication plat (Special)
05-07-20	Repeals and replaces Ch. 5.12, U-drive and auto rental businesses (5.12)
05-07-21	Amends § 5.04.040, alcoholic beverages (5.04)
05-08-22	Authorizes disposal of certain city lands (Repealed by 06-06-08)
05-08-23	Amends §§ 3.58.110 and 3.58.120, vacation time (3.58)
05-08-24	Amends § 3.66.010, disability and health insurance (3.66)
05-08-25	Amends § 4.04.030, sales tax (Failed)
05-09-26	Authorizes disposal of certain city lands (Special)
05-09-27	Repeals and replaces Ch. 3.28; repeals Ch. 3.32, department of public safety (3.28)
05-12-29	Amends zoning map (Special)
06-01-01	Amends § 13.12.110, sewer system (13.12)
06-01-02	Adds § 9.04.215; amends §§ 9.04.210 and 9.04.220, crimes and penalties (9.04)
06-02-03	Adds § 1.04.010, general provisions (Repealed by 07-02-05)
06-02-04	Amends 2005/2006 fiscal year budget (Special)
06-02-05	Amends § 13.08.70 [13.08.070], refuse collection (13.08)
06-05-06	(Number not used)
06-06-06	Amends § 16.08.050, real property sales (16.08)

06-06-07	Adopts the six-month 2006 fiscal year budget (Special)
06-06-08	Repeals Ord. 05-08-22 (Repealer)
06-06-09	Amends 2005/2006 fiscal year budget (Special)
06-06-10	Authorizes disposal of certain city lands (Special)
06-08-11	(Failed)
06-09-13	(Pending)
06-09-14	Amends § 4.04.120, sales tax (4.04)
06-09-15	Amends § 2.24.050, voting procedures (2.24)
06-09-16	Amends § 4.04.030, sales tax (4.04)
06-11-17	Authorizes disposal of certain city lands (Special)
06-11-18	Authorizes disposal of certain city lands (Special)
06-11-19	Authorizes disposal of certain city lands (Special)
06-11-20	(Failed)
06-12-21	Approves amended plat of Lot 3A Industrial Subdivision and Lot 5A Dalton Creek Subdivision Phase I (Special)
06-12-22	Amends the six-month 2006 fiscal year budget (Special)
06-12-23	Adopts 2007 fiscal year budget (Special)
07-01-01	Repeals §§ 13.08.080, 13.12.180 and 13.16.330 (Repealer)
07-01-02	Amends §§ 4.04.030, 4.04.060 and 4.04.110, sales tax (Failed)
07-01-03	Approves amended Hoonah coastal management plan [repeals and replaces Ch. 18.05] (18.05)
07-02-04	Amends Ch. 10.04, general provisions (10.04)
07-02-05	Amends Ch. 1.16; repeals § 1.04.010 [Ch. 1.04], penalties and interest rate (1.16)
07-02-06	Approves Lot 7 Hillside subdivision plat (Special)
07-03-07	Amends §§ 12.24.010--12.24.030; repeals § 12.16.140, harbors and ports (12.24)
07-10-08	Approves Lot 8, U.S. Survey 4539 subdivision (Special)
07-10-09	Amends § 4.04.030, sales tax (Failed)

07-10-10	Approves Lots 11A and 11B within U.S. Survey 2414 subdivision (Special)
07-11-11	Amends § 2.12.030, elections (2.12)
07-11-12	Amends § 4.04.030, sales tax (4.04)
07-12-13	Adopts fiscal year 2008 budget (Special)
08-02-01	Amends § 3.04.010, council administration (3.04)
08-02-02	Amends § 5.04.040, alcoholic beverages (5.04)
08-02-03	Approves Hoonah west subdivision plat (Special)
08-02-04	Amends § 3.28.050, department of public safety (3.28)
08-03-05	Approves Bruin subdivision plat (Special)
08-04-06	Amends § 16.20.400, leasing of tidelands (16.20)
08-04-07	Amends § 3.04.030, council administration (3.04)
08-04-08	Authorizes the disposal of certain city lands (Special)
08-04-09	Authorizes the disposal of certain city lands (Special)
08-04-10	Authorizes the disposal of certain city lands (Special)
08-06-11	(Failed)
08-06-12	Amends § 4.04.030, sales tax (Pending)
08-06-13	(Number not used)
08-06-14	Amends §§ 3.36.020, 3.36.060, 3.36.070, 17.16.020, 17.32.130, 18.03.020--18.03.040 and 18.04.010, various provisions related to delegation of certain city planning authority to the planning and zoning commission (3.36, 17.16, 17.32, 18.03, 18.04)

Beginning with Supplement No. 5, this table will be replaced with the "Code Comparative Table and Disposition List."

RESOLUTION DISPOSITION TABLE

This is a chronological listing of the resolutions of Hoonah, Alaska, beginning with Supplement No. 5, included in this Code.

Resolution Number	Date	Description	Section this Code	
08-09-10	9- 9-08	Delegates canvass board functions	Omitted	
08-09-11	9- 9-08	Requests FY 09 Payment in Lieu of Taxes Program funding	Omitted	
08-12-12	12- 9-08	Certifies that the City of Hoonah suffered significant effects during the calendar year 2007 from fisheries business activities	Omitted	
08-12-13	12- 9-08	Authorizes mayor and administrator to incur credit card debt in the name of the city	Omitted	
08-12-14	12- 9-08	Authorizes the lease of certain city-owned lands for use as a marine fuel depot	Omitted	
08-12-15	12-30-08	Authorizes the sale of certain city-owned lands to be used for fish processing	Omitted	
09-03-02	3-10-09	Supports grant funding for a feasibility study to develop hydroelectric power and an electrical intertie from Pelican to Hoonah	Omitted	
09-03-04	3-10-09	Authorizes granting of a permit of certain city-owned tidelands for construction of a marine fuel depot	Omitted	
09-05-05	5-12-09	Requests FY 10 Payment in Lieu of Taxes Program funding	Omitted	
09-06-06	6- 9-09	Delegates canvass board functions	Omitted	
09-06-07	6- 9-09	Adopting Hoonah City School budget for FY 2010	Omitted	

09-10-08	10-20-09	Supports Alaska Department of Transportation and Public Facilities nomination to the Denali Commission Transportation Road Project for a "Design Study" for a Pelican-Hoonah Utility Corridor	Omitted	
09-11-09	11-10-09	Requests FY 10 Payment in Lieu of Taxes Program funding from the Department of Commerce, Community, and Economic Development	Omitted	
10-01-01	1-12-2010	Adopts City of Hoonah Multi-Hazard Mitigation Plan	Omitted	
10-03-02	3-16-2010	Certifies that the City of Hoonah did suffer significant effects during the program base year from fisheries business activities that occurred within the Northern Southeast Fisheries Management Area	Omitted	
10-04-03		Opposes "Initiative Creating an Alaska Anti-Corruption Act" which will be on the 2010 Alaska primary election ballot	Omitted	
10-04-04		Requests FY 2011 Payment in Lieu of Taxes Program funding from the Department of Commerce, Community, and Economic Development	Omitted	
10-04-05		Requests the Alaska Legislature to amend the Fisheries Business Tax (Raw Fish Tax) law to share more than the current 50% of the tax revenue with qualified municipalities	Omitted	
10-05-01	6- 1-2010	Adopts amendments to the Cooperative Participation Agreement and Bylaws of the Alaska Municipal League Joint Insurance Association, Inc.	Omitted	
10-05-02	6- 1-2010	Adopts Hoonah City School budget for FY 2011	Omitted	
10-09-08	9-14-2010	Rescinds Resolution No. 08-12-15, which authorized the sale of certain city owned lands to be used for fish processing	Omitted	

10-11-10	11- 9-2010	Accepts Grant No. MMG #41104 from Alaska (ADEC) for project entitled Water Transmission Line, Replacement, Phase 1	Omitted	
10-11-11	11- 9-2010	Authorizes participation in the Community Development Block Grant Program	Omitted	
11-11-12	11- 9-2010	Opposes an application from Aquabounty Technologies, Inc. to the U.S. FDA to approve and market genetically engineered Atlantic salmon in the U.S.	Omitted	
10-12-13	12-14-2010	Certifies the FY 11 shared fisheries business tax program application to be true and correct	Omitted	
11-01-01	1-11-2011	Adopts additional fees specific to utility rate Schedule C, Monthly Garbage and Refuse Collection/Disposal Rates	Omitted	
11-01-02	1-11-2011	Supports the Catholic Community Services, Southeast Senior Services, and Hoonah Senior Center application to the state for the purchase of a new passenger van	Omitted	
11-01-03	1-11-2011	Adopts a utility rate schedule	Omitted	
11-01-04	1-11-2011	Authorizes participation in the Community Development Block Grant Program	Omitted	
11-01-05	1-11-2011	Supports concept of a deep-water, multi-use marine berthing facility at or near Hoonah	Omitted	
11-02-06	2-15-2011	Adopts alternative allocation method for the FY 11 shared fisheries business tax program	Omitted	
11-03-07	3-15-2011	Delegates canvass board functions to two council members	Omitted	
11-03-08	3-15-2011	Supports sale of a commercial city owned land parcel for economic development purposes	Omitted	
11-05-09	5-10-2011	Requests FY 12 payment in lieu of taxes from the Department of Commerce, Community, and Economic Development	Omitted	
11-06-10	6-14-2011	Elects to participate in the AMLJIA Loss Control Incentive Program	Omitted	

11-06-11	6-14-2011	Adopts the Hoonah City School budget for FY 2012	Omitted	
11-07-12	7- 5-2011	Designates ADEC grant funds for the project entitled Raw Water Transmission Line Replacement as the number one local state funding priority for FY 2013	Omitted	
11-07-13	7- 5-2011	Requests planning project funding through the state for Village Safe Water program	Omitted	
11-07-14	7- 5-2011	Formally submits a municipal harbor facility grant application to the state DOT&PF for the project entitled Hoonah Harbor Maintenance and Repairs	Omitted	
11-07-15	7- 5-2011	Accepts state capital appropriation funds for state fiscal year 2012	Omitted	
2011-07-16	7-12-2011	Provides for issuance and sale of general obligation bonds of the city to pay the costs of educational capital improvements	Omitted	
2011-07-17	7-12-2011	Authorizes the city to issue general obligation school refunding bonds	Omitted	
11-07-18	7-15-2011	Adopts utility rate schedule	Omitted	
11-09-18	9-13-2011	Supports Southeast Alaska Regional Health Consortium efforts to secure funding from the state legislature for the purpose of constructing a new city health center	Omitted	
11-09-19	9-13-2011	Supports a hydroelectric construction project at Gartina Falls for the purpose of supplying clean, renewable power to the community	Omitted	
11-11-20	11-15-2011	Adopts the City of Hoonah Employee Handbook	Omitted	
11-11-21	11-28-2011	Authorizes participation in the Community Development Block Grant Program	Omitted	
11-12-22	12-13-2011	Certifies that the city did suffer significant effects during the program base year from fisheries business activities that occurred within the Northern Southeast Fisheries Management Area	Omitted	

11-12-23	12-13-2011	Adopts a harbor rate schedule for calendar fiscal year 2012	Omitted	
11-12-24	12-28-2011	Implements GASB Statement No. 54--Fund balance reporting and government fund type definitions	Omitted	
12-01-01	1-10-2012	Establishes a telephonic participation policy for city council members to participate via telephone at city council and council committee meetings	Omitted	
12-03-02	3-13-2012	Expresses support for House Bill 184 relating to the sharing of tax revenues from the fisheries business tax and fishery resource landing tax with municipalities	Omitted	
12-03-03	3-13-2012	Supports full funding for the State of Alaska Municipal Harbor Facility Grant Program in the FY 2013 State Capital Budget	Omitted	
12-03-04	3-13-2012	Requests FY 13 payment in lieu of taxes funding from the department of commerce, community and economic development	Omitted	
12-03-05	3-13-2012	Expresses support for House Bill 294 relating to the Power Cost Equalization Program	Omitted	
12-05-06	5- 8-2012	Adopts Hoonah city school budget for FY 2013	Omitted	
12-08-07	8-21-2012	Designates Alaska Department of Environmental Conservation grant funds for the project entitled Raw Water Transmission Line Replacement as the number one local state funding priority for state fiscal year 2014	Omitted	
12-08-08	8-21-2012	Delegates canvass board functions to two council members	Omitted	

CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the ordinances of Hoonah, Alaska, beginning with Supplement No. 5, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
--	5-14-02	Amends various sections of Ch. 3.50, Conditions of city employment		3.50.070
				3.50.080
				3.50.090
				3.50.105
				3.50.110
08-06-12	7-15-08	Extension of 1% sales tax to fund general school operations and extra-curricular activities for Hoonah city schools	5	4.04.030 (C)
08-07-16	8-12-08	Repeals § 10.12.090, All-terrain vehicles and snowmobiles; adds Ch. 10.16, Snow vehicles--Snow machines and all-terrain vehicles	3 Rpld	10.12.090
			4 Added	10.16.010-- 10.16.120
08-12-19	12-30-08	Amends fiscal year 2008 budget and adopts fiscal year 2009 budget	1--9	Omitted
09-04-02	5-12-09	Authorizes the lease of certain city lands	1--7	Omitted
09-04-03	5-12-09	Authorizes the lease of certain city lands	1--7	Omitted
09-06-04	7-14-09	Authorizes the disposal of certain city lands	1--6	Omitted
09-06-05	7-14-09	Authorizes the disposal of certain city lands	1--6	Omitted
09-06-06	7-14-09	Authorizes the disposal of certain city lands	1--6	Omitted
09-10-09	11-10-09	Amends § 3.28.050, Qualifications, powers and duties of the director of public safety/chief of police	2	3.28.050 (A)(2)(b), (c)
			Added	3.28.050 (A)(3)
10-03-03	4-13-2010	Adds § 18.01.030, Land use definitions	3 Added	18.01.030
10-06-01	7-13-2010	Amending zoning map	1--4	Omitted
10-06-02	7-13-2010	Amending 2009 fiscal year budget	1--8	Omitted
10-11-06	12-14-2010	Real property development permit application, approval and fee required	4 Added	15.04.015

10-11-07	12-14-2010	Authorizing disposal of certain city lands	1--8	Omitted
10-12-08	1-11-2011	Authorizing disposal of certain city lands	1--8	Omitted
10-12-09	1-11-2011	Authorizing disposal of certain city lands	1--8	Omitted
10-12-10	2-15-2011	Amending fiscal year 2010 budget and adopting fiscal year 2011 budget	1--8	Omitted
10-12-11	1-11-2011	Amending zoning districts of the official map of the city	1--5	Omitted
11-01-01	2-15-2011	Amending zoning districts of the official map of the city	1--4	Omitted
11-01-02	2-15-2011	Authorizing the issuance of general obligation bonds to fund a portion of the Hoonah City Schools major maintenance project	1--8	Omitted
11-01-03	2-15-2011	Increasing general sales tax by 0.5%	4 Added	4.04.030 (E)
11-02-04	3-15-2011	Authorizing disposal of certain city lands	1--8	Omitted
11-02-05	3-15-2011	Authorizing disposal of certain city lands	1--8	Omitted
11-02-06	3-15-2011	Authorizing disposal of certain city lands	1--8	Omitted
11-02-07	3-15-2011	Authorizing disposal of certain city lands	1--8	Omitted
11-03-08	5-10-2011	Building height definition	3	18.01.030
11-03-09	5-10-2011	Amending zoning districts of the official map of the city	1--4	Omitted
11-05-10	6-14-2011	Bear attraction nuisance	4 Added	Ch. 8.30, 8.30.010--8.30.040
11-05-11	6-14-2011	Itinerant merchants	4 Rpld	Ch. 5.08, 5.08.010--5.08.080
			Added	Ch. 5.08, 5.08.010--5.08.080
11-05-12	6-14-2011	Authorizing the disposal of certain city lands	1--8	Omitted
11-05-13	6-14-2011	Amendment to the zoning districts of the offical map of the city	1--5	Omitted
11-08-13	9-13-2011	Amending various sections of Title 18, land use	3	18.01.030
				18.02.030 (A)(2), (E)(8)
				18.02.040 (A)(f)
			Added	18.02.050 (A)(10)
				18.02.060 (A)(9)
				18.02.070 (A)(4)
11-08-14	9-13-2011	Signs	5 Added	Ch. 18.09, 18.09.010--18.09.110
11-09-15	10-11-2011	Penalty for delinquent land loan payments and annual rental payments owed to the city	4	16.08.060 (E)
				16.20.100

11-10-16	11-15-2011	Repealing various chapters in Title 3, administration and personnel	3 Rpld	Ch. 3.46, 3.46.010--3.46.080
			Rpld	Ch. 3.48, 3.48.010--3.48.050, 3.48.060--3.48.100
			Rpld	Ch. 3.50, 3.50.010--3.50.250
			Rpld	Ch. 3.52, 3.52.010--3.52.040
			Rpld	Ch. 3.54, 3.54.010--3.54.080
			Rpld	Ch. 3.56, 3.56.010--3.56.100
			Rpld	Ch. 3.58, 3.58.010--3.58.150
			Rpld	Ch. 3.60, 3.60.010--3.60.095
			Rpld	Ch. 3.62, 3.62.010--3.62.040, 3.62.060
			Rpld	Ch. 3.64, 3.64.010, 3.64.020
			Rpld	Ch. 3.66, 3.66.010--3.66.040
			Rpld	Ch. 3.68, 3.68.010--3.68.040
			Rpld	Ch. 3.70, 3.70.010
		Definitions		3.72.010
		Employee handbook	Added	Ch. 3.71, 3.71.010
11-12-17	12-28-2011	Amending fiscal year 2011 budget and adopting fiscal year 2012 budget for the city	1--8	Omitted
12-02-01	3-13-2012	Disposal of certain lands	1--8	Omitted
12-02-02	3-13-2012	Amending Title 2, Elections	3	2.04.030
				2.08.010(A)
				2.08.020
				2.08.030(A)
			Rpld	2.08.030 (E), (H)
			Rnbd	2.08.030 (F), (G)
			as	2.08.030 (E), (F)
				2.08.070(B)
				2.12.010
			Rpld	2.12.030 (A)(5)
				2.24.050 (A), (B)
				2.28.020
				2.28.030(A)
				2.28.040 (A), (D), (F)
				2.32.010(A)
			Rpld	2.32.010(B)
				2.32.020
				2.32.030

			Added	2.40.030 (A)(4)
				2.40.130
				2.44.030 (tit.)
			Added	2.44.030 (F)--(H)
			Rpld	Ch. 2.45, 2.45.010
12-02-03	3-13-2012	Levee and rate--General sales tax	5	4.04.030(D)
12-03-04 (as amended)	5- 8-2012	Rezoning	1--5	Omitted
12-06-05	8-21-2012	Comprehensive plan	3	17.08.080
12-08-06	9-11-2012	Disposal of certain lands	1--7	Omitted
12-11-07	12-11-2012	Construction costs for water and sewer construction	3	13.12.110
12-11-08	12-11-2012	Enhanced 911 system surcharge	4 Added	Ch. 4.08, 4.08.010--4.08.050
12-12-09	12-31-2012	Amending fiscal year 2012 budget and adopting fiscal year 2013 budget	1--8	Omitted