

City of Klawock

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.

**Klawock Municipal Code
Klawock, Alaska**

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Title I
GENERAL PROVISIONS

Chapters:

- 1.01 General Provisions
- 1.02 Ordinances
- 1.03 Resolutions and Technical Codes
- 1.04 City Information
- 1.05 Reserved

Title I, Chapter 1 GENERAL PROVISIONS

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- 1.01.010 Code Cite and Designation
- 1.01.020 Definitions
- 1.01.030 Effective of Repeal of Ordinance
- 1.01.040 Severability
- 1.01.050 General Penalty
- 1.01.060 Violations of the Laws of Alaska
- 1.01.070 Changes
- 1.01.080 Distributions
- 1.01.090 Incorporating Changes into the Code
- 1.01.100 Time Ordinances Take Effect
- 1.01.110 Grammatical Interpretations
- 1.01.120 Failure to Obey Citation

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

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

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

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

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 For any Ordinance which has been repealed, a violation of that Ordinance which occurred before its repeal is enforceable as if the Ordinance had not been repealed, and any rights or remedies existing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

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

1.01.50 General Penalty.

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

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

1.01.70 Changes to Code.

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

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

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

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

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

- A. Any gender includes the other gender. (Ordinance 81-1, adopted 12-15-81)
- B. The singular number includes the plural and the plural includes the singular. (Ordinance 81-1, adopted 12-15-81)
- C. The present tense includes the past and future tenses, and vice versa, unless clearly inappropriate.

- D. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ordinance 81-1, adopted 12-15-81)
- E. Common words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ordinance 81-1, adopted 12-15-81)

1.01.120 Failure to Obey Citation.

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

Title I, Chapter 1 GENERAL PROVISIONS

Sections:

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

- B. Repealed provisions of this Code shall be excluded from the Code. The provisions to be repealed must be specifically repealed by section or chapter number.
(Ordinance 81-1, adopted 12-15-81)
- C. Amendments to this Code shall be made by specific reference to the section number and chapter number so amended.
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- C. The present tense includes the past and future tenses, and vice versa, unless clearly inappropriate;
- D. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language;
(Ordinance 81-1, adopted 12-15-81)

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

Title I, Chapter 2 ORDINANCES

Sections:

- 1.02.010 Acts of the Council
- 1.02.020 Acts Required to be by Ordinance
- 1.02.030 Ordinance Procedure
- 1.02.040 Ordinance Form and Content
- 1.02.050 Emergency Ordinances
- 1.02.060 Ordinances Confined to Single Subject
- 1.02.070 Requirements for Passage

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

1.02.020 Acts Required to be by Ordinance.

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

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

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

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

1.02.030 Ordinance Procedure.

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

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

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

1.02.040 Ordinance Form and Content.

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

1.02.050 Emergency Ordinances.

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

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

1.02.070 Requirements for Passage.

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

Title I, Chapter 3
RESOLUTIONS AND TECHNICAL CODES

Sections:

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

1.03.010 Acting by Resolution

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

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

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

1.03.020 Procedures for Resolutions.

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

1.03.030 Requirements for Passage.

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

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

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

(Chapter 1.03.010 (B))

CITY OF KLAWOCK, ALASKA
RESOLUTION NO. _____

A RESOLUTION _____

WHEREAS, _____

WHEREAS, _____

BE IT RESOLVED:

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

Mayor

Council Member

ATTEST: _____
City Clerk

**Title I, Chapter 4
CITY INFORMATION**

Sections:

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

1.04.010 Name of City and Form of Government

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

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

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

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

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

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

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

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

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

Title II CITY ADMINISTRATION

Chapters:

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

Title II, Chapter 1
MAYOR

Sections:

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

2.01.010 Duties of Mayor as Executive

- A. The Mayor is the chief executive officer of the City. The Mayor shall preside at council meetings; act as ceremonial head of the City, and sign documents on behalf of the City upon council authorization.
(Ordinance 81-1, adopted 01-08-82)

- B. The Mayor is the chief administrative officer of the City. The Mayor shall perform the administrative duties listed below:
(Ordinance 81-1, adopted 01-08-82)
 - 1. Appoint city employees and administrative officers, unless otherwise provided in this code or by AS 14.14.065; hire necessary administrative assistants, if so desired; and authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his or her department, if so desired;
(Ordinance 81-1, adopted 01-08-82)

 - 2. Suspend or remove by written order city employees and administrative officers, unless otherwise provided in this code or by AS 14.14.065;
(Ordinance 81-1, adopted 01-08-82)

 - 3. Supervise enforcement of City law;
(Ordinance 81-1, adopted 01-08-82)

 - 4. Prepare the annual budget and capital improvements program for the council;
(Ordinance 81-1, adopted 01-08-82)

 - 5. Execute the budget and capital improvements program as adopted;
(Ordinance 81-1, adopted 01-08-82)

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

2.01.020 Qualifications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Title II, Chapter 2
CITY COUNCIL**

Sections:

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

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

2.02.020 Qualifications of Council Members.

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

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

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

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

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

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

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

B. The oath is filed with the City Clerk.

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

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

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

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

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

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

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

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

1. Fails to qualify or take office within 30 days after election or appointments;

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

2. Is physically absent from the City for a 90 day period, unless excused by the council;

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

3. Resigns and the resignation is accepted;

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

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

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

5. Is removed from office;

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

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

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

Title II, Chapter 3
CITY COUNCIL MEETINGS

Sections:

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

2.03.010 Meetings Public

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

- B. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings.
(Ordinance 81-1, adopted 01-08-82)

2.03.020 Regular Council Meetings

- A. The council shall meet on the first and third Tuesday of each month.
(Ordinance 81-1, adopted 01-08-82)

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

2.03.030 Special Meetings, Including Emergency Meetings

- A. Special meetings of the council are those meetings which are called by the mayor or any two members of the council for a time different than that fixed for regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings.
(Ordinance 81-1, adopted 01-08-82)

- B. Advance notice of at least 24 hours shall be given to each Council member before a special meeting is held. The notice shall specify the time, place, and business of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice shall be given personally to each member of the council or left at his or her usual place of business or residence by the clerk or the clerk's designee.

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

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

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

2.03.050 Executive Session.

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

Title II, Chapter 4
CITY COUNCIL PROCEDURES

Sections:

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

2.04.010 Mayor Presides at Council Meetings.

- A. The Mayor shall preside at all meetings of the council. He or she shall preserve order among council members and is responsible for the efficient conduct of all meetings according to the rules of the council. The Mayor may at any time make such other rules as are considered reasonable and proper to preserve order among the attending public during sessions of the council.
(Ordinance 81-1, adopted 01-08-82)
- B. The council shall select a vice-mayor from among the council who will preside in the mayor's absence or disability.
(Ordinance 81-1, adopted 01-08-82)
- C. In the temporary absence or disability of the mayor or vice-mayor, any member of the council may call the council to order at any properly-called meeting to elect an acting mayor from among its members. The acting mayor shall exercise all the powers of mayor only during such temporary absence or disability of the mayor or vice-mayor.
(Ordinance 81-1, adopted 01-08-82)

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

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

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

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

2.04.040 Speaking- Rules of Conduct.

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

2.04.050 Second Required for Motion. All motions require a second, unless otherwise provided by special rule.

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

2.04.060 Disposition of Motions. After a motion is seconded and stated or read by the mayor or other presiding officer, it shall be considered to be in the possession of the council and shall be disposed of by vote. However, the council member making the motion may withdraw it at any time before a vote is taken, if the member who made the second agrees.
(Ordinance 81-1, adopted 01-08-82)

2.04.070 Reducing Motions to Writing. A motion must be made in writing if any council member demands.
(Ordinance 81-1, adopted 01-08-82)

2.04.080 Changing Vote on Motion. Any previous vote on a motion may be changed by majority vote of the council.
(Ordinance 81-1, adopted 01-08-82)

2.04.090 Additional Procedures. Robert’s Rules of Order Revised governs the conduct of council meetings to the extent this Chapter does not provide otherwise.
(Ordinance 81-1, adopted 01-08-82)

2.04.100 Voting Requirements.

- A. Four council members constitute a quorum. A quorum is necessary for the council to conduct any business.
(Ordinance 81-1, adopted 01-08-82)
- B. At least four affirmative or “Yes” votes are required for passage of an Ordinance, resolution or motion.
(Ordinance 81-1, adopted 01-08-82)
- C. The final vote on each Ordinance, resolution, or substantive motion is a recorded roll call vote. Except when a conflict of interest requires that a person not vote, all council members present shall vote unless the council, for special reasons, permits a member to abstain. To allow a person to abstain, the council must decide the questions without discussion and before the final vote is taken.
(Ordinance 81-1, adopted 01-08-82)
- D. The mayor or presiding officer shall declare all votes and the result.
(Ordinance 81-1, adopted 01-08-82)

Title II, Chapter 5
RESPONSIBILITY OF OFFICERS AND EMPLOYEES

Sections:

2.05.010 Conduct of Office

2.05.020 Oath of Office

2.05.030 Records Open

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

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

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

Title II, Chapter 6
DOCUMENTS AND RECORDS

Sections:

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

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

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

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

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

2.06.030 Retention, Disposal of Public Records. The mayor shall approve a records retention and disposal schedule which indicates how long city

records, documents, correspondence, and other papers shall be kept before disposal.
(Ordinance 81-1, adopted 01-08-82)

Title II, Chapter 7
CITY CLERK AND TREASURER

Sections:

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

2.07.010 Appointment and Term.

- A. The clerk shall be appointed by the council.
(Ordinance 81-1, adopted 01-08-82)

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

2.07.020 Duties of Clerk.

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

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

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

2.07.500 Treasurer.

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

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

Title II, Chapter 8 CITY ATTORNEY

Sections:

2.08.010 City Attorney
2.08.020 Duties of City Attorney

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

2.08.020 Duties of City Attorney.

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

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

10. Maintain a record of all of his opinions rendered and turn such record over to his successor in office.
(Ordinance 81-1, adopted 01-08-82)

Title II, Chapter 9
DEPARTMENT OF PUBLIC SAFETY

Sections:

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

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

2.09.020 Director of Public Safety.

A. Appointment. The director of public safety shall be appointed by the mayor or his designee and responsible to the city administrator. He shall be qualified through training and experience and shall have the ability to command personnel. Minimum qualifications include and Associates degree in criminal justice, public administration or closely related field; five (5) years police experience with at least three (3) years in a supervisory position; an advanced certificate or its equivalent; and graduation from a recognized police academy. Fire and EMS training is helpful but not required.
(Ordinance 96-11, adopted 08-06-96)

B. Powers and Duties. The Director of Public Safety, as applicable:

1. Develop and propose changes to the Klawock Municipal Code and to the Police Department Policy and Procedures Manual to the city council.
(Ordinance 96-11, adopted 08-06-96)

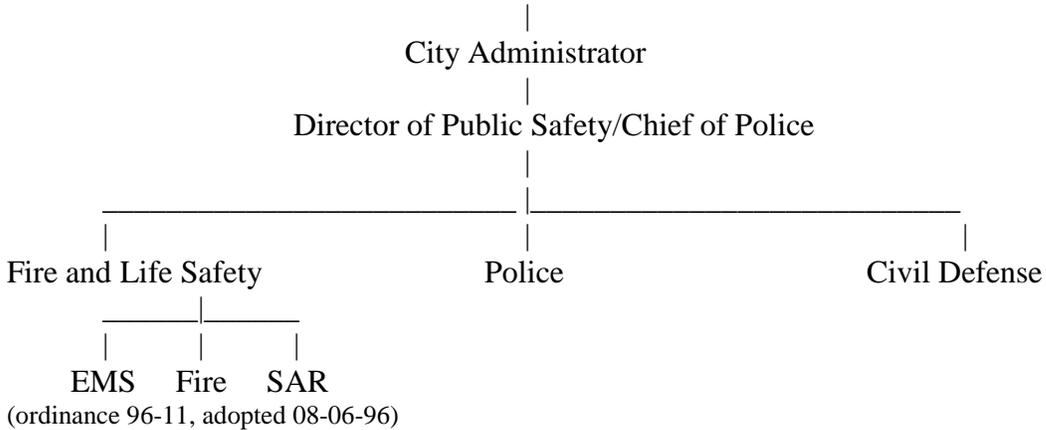
2. Administer the policies of the mayor and city council as they relate to the operation of the department of public safety.
(Ordinance 96-11, adopted 08-06-96)
3. Preserve the public peace and order in the prevention and detection of crime, apprehension of offenders, protection of persons and property,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

2.09.021 Deputy Directors.

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

2.09.022 Organizational Chart of the Department.

Mayor



2.09.025 Volunteers

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

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

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

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

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

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

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

1. Charges are as follows:

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

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

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

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

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

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

Title II, Chapter 10
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

Sections:

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

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

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

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

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

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

Title II, Chapter 11
CITY ADMINISTRATOR

Sections:

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

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

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

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

Title II, Chapter 13
CITY LIBRARY

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

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

2.13.020 Library Commission.

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

2.13.040 Failure to return Library Property.

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

Title III, Chapter 1
FISCAL POLICIES

Sections:

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

3.01.010 Budget and Capital Improvements Program.

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

3.01.020 City Obligations.

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

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

3.01.040 Statement of Annual Income and Expenditures Audit.

- A. The mayor is responsible for directing the preparation of a statement of annual income and expenditures and for delivering the statement to the council before October 1, of each year.
(Ordinance 81-1, adopted 01-08-82)

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

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

Title III, Chapter 2
BUDGET FORM AND SCOPE

Sections:

- 3.02.010 Scope of Budget
- 3.02.020 Anticipated Revenues
- 3.02.030 Proposed Expenditures

3.02.010 Scope of Budget

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

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

3.02.030 Proposed Expenditures.

- A. Proposed expenditures shall be itemized. Separate provisions shall be included in the budget for at least:
 - 1. Interests, amortization of principal, and redemption charges on the public debt for which the faith and credit of the city is pledged;
(Ordinance 81-1, adopted 01-08-82)
 - 2. Administration, operation, and maintenance of each office, department or agency of the City;
(Ordinance 81-1, adopted 01-08-82)
 - 3. The Council's budgetary reserve;
(Ordinance 81-1, adopted 01-08-82)
 - 4. Expenditures proposed for capital improvements;
(Ordinance 81-1, adopted 01-08-82)

5. Others as required by acceptable accounting procedures and which will fairly and adequately inform the public as to the contents of the budget.

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

Title III, Chapter 3 BUDGET PROCEDURES

Sections:

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

3.03.010 Budget Public Record. The budget, the budget message, the capital improvements program, and all supporting schedules shall be open to the public for inspection. Copies shall be available for distribution to interested persons.

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

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

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

3.03.030 Public Hearing on Budget. At the time and place so advertised, the Council shall hold a public hearing on the budget as submitted, at which time all interested persons shall be given an opportunity to be heard.

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

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

3.03.050 Adoption of Budget- Vote Required. The budget shall be adopted by majority vote of the Council by June 30.

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

3.03.060 Effective Date of Budget Certification. The adopted budget shall be in effect for the fiscal year. A copy of the adopted budget shall be certified by the Mayor, attested to by the Clerk and filed with the Clerk. The certified budget shall be available to the public.

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

Title III, Chapter 4 PURCHASING

Sections:

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

3.04.010 Purchasing Agent.

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

3.04.020 Scope of Authority.

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

3.04.030 Competitive Bidding Procedure.

- A. Before any purchase of, or contract for, supplies, materials, equipment or contractual services is made, except as otherwise provided in this chapter, the City purchasing authority shall submit to at least three persons dealing in and able to supply the same, a request for quotation (or invitation to bid) and specifications, to give them opportunity to bid, or publish notice of the proposed purchase in a newspaper of general circulation within the City. Requests for quotations shall be made both inside and outside the City when this may be necessary to secure bids or to create competitive conditions, or when a savings can be made for the City. The City may repeatedly reject all bids, and again may submit to the same or other

persons the request for quotation (or invitations to bid), or again publish notice of the proposed purchase.

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

- B. The City shall purchase from the supplier whose offer is most advantageous to the City, considering price, quality, date of delivery, etc. a supplier who maintains its principal place of business within the city limits may be given consideration as low bidder where the offer is the lesser of five percent (5%) or ten thousand dollars (\$10,000.00) in excess of the lowest offer received from a bidder having its principal place of business located elsewhere in the state, and the lesser of ten percent (10%) or twenty thousand dollars (20,000.00) in excess of the lowest offer received from a bidder having no principal place of business located within the state. The City may split the award between two or more suppliers, in any manner, the City deems to be in its best interest.

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

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

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

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

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

Title III, Chapter 5
SPECIAL ASSESSMENTS/LOCAL IMPROVEMENTS DISTRICTS

Sections:

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

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

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

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

- D. Bridges, culverts, bulkheads, embankments, and dikes for streams and watercourses.
(Ordinance 91-13, adopted 10-08-91)

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

- A. “Assessment Roll” an apportionment of special assessment among properties within a local improvement district.
(Ordinance 91-13, adopted 10-08-91)
- B. “Council-Initiated Improvement District” a local improvement district initiated by the council.
(Ordinance 91-13, adopted 10-08-91)
- C. “Lien” a claim on the property of another as security for the payment of a just debt.
(Ordinance 91-13, adopted 10-08-91)
- D. “Local Improvement District (LID)” a defined area wherein a special assessment is to be levied to provide municipal improvements.
(Ordinance 91-13, adopted 10-08-91)
- E. “Lot” a continuous tract of land with legally definable boundaries. Same as “parcel”.
(Ordinance 91-13, adopted 10-08-91)
- F. “Parcel” a continuous tract of land with legally definable boundaries. Same as “lot”.
(Ordinance 91-13, adopted 10-08-91)
- G. “Petition-Initiated Improvement District” a LID initiated by a petition signed by the property owner(s) who are seeking improvements.
(Ordinance 91-13, adopted 10-08-91)
- H. “Reassessment” a second assessment, which occurs whenever a court set aside, annuls, declares void, or refuses to enforce the original assessment.
(Ordinance 91-13, adopted 10-08-91)
- I. “Special Assessment” a special tax or levy for improvements that benefit particular individuals or property. A special assessment is levied with reference to, and in proportion to, the benefits conferred.
(Ordinance 91-13, adopted 10-08-91)
- J. “Specially Benefited” a property, which derives substantially more, benefit from an improvement than does city properties in general.
(Ordinance 91-13, adopted 10-08-91)

- 3.05.030 Property to be Assessed.** The council may assess, for an improvement, any real property, or any interest in real property. The property benefited may include abutting, adjoining, adjacent, contiguous, non-contiguous or other property or interest in property. Properties may be directly or indirectly benefited by the improvement. The property to be assessed may include any property, which is otherwise, for any reason, exempt from taxation by law. A benefited property may be included in whole or in part in more than one LID.
(Ordinance 91-13, adopted 10-08-91)
- 3.05.040 Property Owner.** The person whose name is listed by the District Recorder as the owner of the property to be assessed is presumed to be the legal owner of the property. If the property owner is unknown, the property may be assessed in the name of the “unknown owner”. No assessment is invalidated by a mistake, omission or error in the name of the owner if the property is correctly described.
(Ordinance 91-13, adopted 10-08-91)
- 3.05.050 Amount to be Assessed.** The proportion of the costs of a specific public improvement to be paid for by special assessment shall be established by the council in accordance with the availability of federal, state, and local funding, and short and long-range capital improvement program priorities. The council may set the special assessment at 100 percent or less of the total costs of the improvement.
(Ordinance 91-13, adopted 10-08-91)
- 3.05.060 Costs of Improvements.** The costs of an improvement shall be the actual costs resulting from the construction of the improvement. Costs include acquisition of interests in land for the improvement, design, engineering, administration, overhead, professional services, bond costs and interest incurred as a result of the improvement, and any other costs.
(Ordinance 91-13, adopted 10-08-91)
- 3.05.070 Initiation of Special Assessments.** Special assessments for local improvements may be proposed by either the council or by petition to the council by the owners of 50 percent of the properties that are to benefit by the improvement.
(Ordinance 91-13, adopted 10-08-91)
- 3.05.080 Council-Initiated Improvement Districts, Authorized.** The council, when planning to make a public improvement, may establish a local improvement district, and the costs of the improvement shall be assessed against the property included in any such LID. The council shall assess each parcel of property in the LID using any reasonable method of apportionment. The cost per unit of assessment need not be the same for all parcels within the LID, but, insofar as is reasonable, properties similarly situated shall bear the same cost. The council shall also have the

power to enlarge or decrease the area of a LID, and to change and revise the boundaries thereof from time to time.

3.05.090 Council-Initiated Improvement Districts, Procedures for Creation.

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

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

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

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

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

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

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

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

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

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

3.05.100 Council-Initiated Improvement Districts, Objections and Hearings.

In the event an objection is filed by the owner or owners of property affected, the council shall proceed to hold a public hearing. Notice shall be given of the hearing by one publication in a newspaper of general circulation in the City and by posting in at least three places within the City. The notice shall set forth the time and place of the hearing, and that the council will

consider the establishment of the LID. Such notice will be given at least one week prior to the time set for the hearing.

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

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

After the hearing, the council shall:

A. Order the work to proceed if the council determines that the improvements is in the public interest and necessary.

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

B. Modify the plans and set a new public hearing in accordance with this section, or

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

C. Order further proceeding suspended or terminated.

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

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

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

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

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

3.05.110

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

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

Upon receipt by the Mayor or designee of the petition from the Clerk, the Mayor shall cause a survey and report to the council to be made concerning the needs for and the estimated cost of the proposed district. The report shall contain a plan defining the LID, outlining the properties to be assessed and showing the desirable extent of the proposed improvement. The LID may be defined by any convenient means, whether by a designation of the property to be assessed, or by a boundary description. The survey and report may be made either before, or at the time of, a public hearing on the necessity for the proposed improvement. (Ordinance 91-13, adopted 10-08-91)

3.05.120 Petition-Initiated Improvement Districts, Notice and Public Hearing.

Before the council takes action upon a proposed petition-initiated LID, a public hearing shall be held at a time and place set by the council. The public hearing may be continued from time to time as the council may decide. After hearing the interested persons favoring or opposing the proposed improvement, or may decrease the extent or value of the improvement, or may delete from the district properties not benefited in whole or in part by the improvement. No change may be made resulting in an LID containing petitioners owning properties bearing less than 50 percent of the estimated costs, unless sufficient other property owners are added to the petition. (Ordinance 91-13, adopted 10-08-91)

Notice of the public hearing shall be published in a newspaper of general circulation in the City at least once a week for two consecutive weeks prior to the time fixed for the hearing. The Clerk shall send a written notice by first-class mail to each property owner to be assessed at least 15 days prior to the time of the hearing. The designated properties to be assessed in the local improvement district, the purpose of the hearing, and the time and place fixed for the hearing. The notice by mail shall include a summary of the improvement, the designation of the addressee's property to be assessed, the purpose of the public hearing, the amount of the estimated or actual assessment against the property, and the time and place for the public hearing. Each notice shall generally inform the property owner of the manner and method of protesting or objecting to the action to be taken at the public hearing. (Ordinance 91-13, adopted 10-08-91)

After the public hearing is closed, the council shall adopt a resolution determining to proceed or not to proceed with the proposed improvement. The council resolution to proceed shall find that the improvement is necessary and of benefit to the properties to be assessed, and that the petition for the improvement has been signed by sufficient and proper petitioners. The findings of the council are conclusive. The resolution shall require an account to be kept of all costs of the improvement, and direct the proper city officials to prepare the assessment roll. The council, in its

resolution, shall state the method of assessment and the rate at which properties are to be assessed. Thereafter, the improvement shall proceed and the cost hereof be assessed in the same manner as assessments are levied for LIDs initiated by council action.
(Ordinance 91-13, adopted 10-08-91)

3.05.130 Computation of Assessments. Except in cases otherwise specifically provided for, and unless otherwise provided in the resolution ordering an improvement, the local improvement district shall include all of the property within the limits of the LID shall be considered and held to be the property, and all of the property, specially benefited by the proportion determined by the assessment method adopted by the council for the particular public improvement.
(Ordinance 91-13, adopted 10-08-91)

A property may be included in more than one assessment district provided it is benefited by the public improvements for which such districts are created.
(Ordinance 91-13, adopted 10-08-91)

3.05.140 Levy of Assessments, Notice of Hearing on Objections. When it has been decided to make a public improvement and levy assessments, a correct account shall be kept of all expenses of the improvements. As soon as the expenses are compiled, the council shall assess the costs against the various tracts of real property in proportion to and consistent with the apportionment method set forth in the resolution authorizing the improvement.
(Ordinance 91-13, adopted 10-08-91)

Such an apportionment of costs shall be designated as the assessment roll. The assessment roll shall contain a brief description or designation of each lot or parcel of property, the name of the owner or reputed owner thereof, and the amount of the assessment. When the assessment roll is completed, the council shall fix a time to hear objections to the assessment. The Clerk shall then send a written notice by mail to each owner of a lot or assessment against each particular lot or parcel, and the time fixed by the council for hearing objections. Such notice shall be mailed at least 15 days before the date of the hearing.
(Ordinance 91-13, adopted 10-08-91)

3.05.150 Hearing on Objections, Signing of Assessment Roll. At the time of the hearing on objections, all persons concerned shall have the right to present their objections to the assessment or any part thereof, to point out errors and inequalities, and to submit such reasons for amendments and corrections as they may have. Such hearings may be continued from time to time as the council may decide. The council shall have the power to vary the assessments made according to the formula set for the particular

improvement in individual cases where, because of peculiar circumstances, the property assessed is not benefited commensurate with the amount of the assessment. After the council has heard all objections and suggestions, it shall correct any errors, which it finds to exist in the original assessment roll. When the assessment roll is finally settled, the Mayor shall sign the roll and provide for the terms of payment of the assessments contained therein.

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

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

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

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

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

3.05.180 Assessments to be Binding. The regularity or validity of assessments as provided herein may not in any manner be contested or questions, by any proceeding whatsoever, by any person not filing objections to the assessment roll prior to the confirmation thereof.

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

3.05.190 Appeal. The decision of the council upon any objection may be reviewed by the State Superior Court in the manner prescribed by law.

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

3.05.200 Reassessment. Whenever an assessment provided for in this article is set aside, annulled, declared void, or its enforcement is refused by a court of the State or of the United States, whether directly or by virtue of a decision of a court, the council may, by ordinance or resolution, make a new assessment, or reassessment, upon the lots or parcels of land benefited by the improvement. The reassessment shall be based on the

special benefit of the improvement to the respective parcels of land assessed at the time the original assessment was made.
(Ordinance 91-13, adopted 10-08-91)

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

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

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

- A. Refuse to proceed with the construction of any improvements or the creation of any local improvement district, if deemed not in the public interest, whether council or petition initiated.
(Ordinance 91-13, adopted 10-08-91)
- B. Advance or delay the construction of any improvements or the creation of any LID based on city priorities, available funding, need to coordinate with other projects or for any other reason whatsoever.
(Ordinance 91-13, adopted 10-08-91)
- C. Abandon and rescind proceedings for any improvements undertaken under this chapter at any time prior to the final consummation of such proceedings. If liens have been assessed upon any property under this procedure, they shall be canceled, and any payments made thereon shall be refunded to the payer, his assigns, or legal representative.
(Ordinance 91-13, adopted 10-08-91)

3.05.230 Propriety of City assessed lien.

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

3.05.240 Notice of LID Assessment due and payable.

- A. Within thirty days following the levy of general LID Assessment by the council, the Billing Clerk or City Accountant shall cause a notice to be published in a newspaper of general circulation in the City once a week for three successive weeks, specifying:
1. That the LID Assessment is due and payable at the office of the Billing Clerk or City Accountant, City Hall, during regular office hours;
 2. The date the LID Assessment become delinquent and the penalty and interest chargeable on delinquent LID Assessment;
 3. That the remedy of sale will be exercised to collect the delinquent LID Assessment on real property in accordance with the law, and that the remedy of obtaining a court judgment (for later execution against personal property) will be exercised to collect delinquent LID Assessment;
 4. That certain properties, which shall be listed are assessed to unknown owners. The listing shall contain that same description and information as required on LID Assessment bills.
- B. Within thirty days following the levy of general LID Assessment by the Council, the Billing Clerk or City Accountant shall compute the LID Assessment and bill each owner the amount of LID Assessment due. Such bill shall be mailed to the address shown on the assessment records. The billing shall contain the owner's name, property description, LID Assessment of each property separately, the full amount of LID Assessment due for the year, the delinquent date and penalty and interest chargeable on delinquent LID Assessment.
- C. All general LID Assessment shall become delinquent when the known property owners are in arrears by the equivalent of two (2) months' payments.

1. LID Assessment unpaid after the appropriate due date shall become delinquents. The postmarked date on payments received by mail shall serve to establish date received.
(Ordinance 99-08, adopted 07-20-99)

3.05.250 Delinquent LID Assessment.

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

3.05.260 Duties of Billing Clerk or City Accountant.

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

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

Title IV, Chapter 1 REAL PROPERTY ACQUISITION

Sections:

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

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

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

4.01.030 Procedural Requirements.

- A. The City may acquire, own, and hold real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful means of conveyance or grant. Real property shall be held in the name of “City of Klawock, Alaska.”
(Ordinance 81-1, adopted 12-15-81)
- B. Any instrument requiring execution by the City shall be signed by the Mayor and attested by the Clerk. The form of any conveyance shall be approved by the city attorney.
(Ordinance 81-1, adopted 12-15-81)
- C. Upon a specific resolution of the council, the Mayor may act on its behalf in the acquisition of real property or interest in real property when that property to be acquired is for a valuable consideration or as part of a program of grants under which the City may receive only a limited amount

of acreage. The resolution shall set forth the terms, conditions, and manner of acquisition.

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

- D. No council approval is necessary to acquire any easement, right-of-way, permit, license, or other interest in real property if necessary for a utility or public improvement where the utility or public improvement has been authorized and approved by the council.

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

- E. Prior to approval, the Mayor is to furnish the council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition, but the failure to furnish the council any such materials shall not affect the validity of any acquisition or purchase of real property by the City.

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

- F. Unless otherwise provided by the council, the City shall purchase marketable title in real property. Unless otherwise provided by ordinance or resolution, or upon council approval of a purchase, the Mayor is authorized to obtain title insurance, to execute any instruments, and to take all steps necessary to complete and close the purchase and acquisition of the real property.

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

4.01.040 Ownership.

- A. The City may acquire and hold real property as sole owner or as tenant in common or other lawful tenancy, with any person or governmental body for any public purpose. The City may hold real property in trust for any public purpose.

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

- B. The Council may approve and authorize the purchase of real property by contract of sale, deed of trust, or mortgage.

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

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

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

4.01.060 Dedication by Plat. The City may not acquire any real property by means of a dedication by plat unless the dedication of the real property is accepted in writing and signed by the Mayor and approved by council motion.

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

- 4.01.070 Sites for Beneficial New Industries.** The City may acquire, own, and hold real property, either inside or outside the city boundaries, as sites available for new industries which will benefit the City.
(Ordinance 81-1, adopted 12-15-81)
- 4.01.080 Federal and State Aid.** The City may apply for, contract with, and do all things necessary to cooperate with the United States Government and the State for the acquisition, holding, improvement, or development of real property inside and outside the city boundaries.
(Ordinance 81-1, adopted 12-15-81)
- 4.01.090 Real Property as Security.** The council may pledge, mortgage, or otherwise secure real property of the City for payment of city bonded or other indebtedness when required, as authorized by law.
(Ordinance 81-1, adopted 12-15-81)

Title IV, Chapter 2
EMINENT DOMAIN AND ADVERSE POSSESSION

Sections:

- 4.02.010 Eminent Domain
- 4.02.020 Ordinance
- 4.02.030 Adverse Possession

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

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

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

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

Sections:

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

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

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

4.03.030 Public Notice and Competitive Bids Required.

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

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

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

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

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

4.03.050 Disposal of Any Interest with Value Greater than \$60,000.00. Notwithstanding any other provision herein, a sale, or other disposal of real property, or Interest therein, the value of which is more than sixty

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

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

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

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

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

Sections:

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

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

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

4.04.030 Appraisals.

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

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

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

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

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

4.04.060 Fair Rental Value.

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

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

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

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

4.04.0100 Improvements and Chattels.

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

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

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

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

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

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

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

4.04.0150 Conditional Lease.

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

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

Title IV, Chapter 5
DISPOSITION OF CITY OWNED PERSONAL PROPERTY

Sections:

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

4.05.010 Personal Property Disposition by Value

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

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

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

4.05.030 Surplus Stock.

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

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

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

Title IV, Chapter 6
TIDE AND SUBMERGED LANDS

Sections:

- 4.06.010 Short Title
- 4.06.020 Declaration of Purpose and Intent
- 4.06.030 Definitions
- 4.06.100 Approval and Acceptance of State Conveyance
- 4.06.110 Approval and Adoption of Plat
- 4.06.120 Time and Place of Posting Plat
- 4.06.130 Publication of Notice and Passage of Ordinance
- 4.06.140 Time for Filing Applications
- 4.06.150 Procedure for Filing Application
- 4.06.160 Computation of Deposit Costs
- 4.06.170 Computation and Payment of Additional Costs
- 4.06.180 Procedures for Processing Applications
- 4.06.190 Appraisal for Class III Preference Rights
- 4.06.200 Review by the Clerk
- 4.06.210 Approved Applications
- 4.06.220 Deed – Permanent Register
- 4.06.230 Proceedings for Determination by Council of all Disputes
- 4.06.240 Settlement by Stipulation
- 4.06.250 Protest
- 4.06.260 Handling of Deposit and Purchase Funds
- 4.06.270 Forfeiture of Preference Rights
- 4.06.280 Forms
- 4.06.300 Administration of City Owned Tide and Submerged Lands
- 4.06.400 Encroachments
- 4.06.410 Termination of Easements
- 4.06.500 Right of Way Encroachment
- 4.06.510 Right of Way Easements
- 4.06.600 Penalties
- 4.06.610 Severability Clause
- 4.06.620 Repealing Clause
- 4.06.630 Effective Date
- 4.06.700 Application for Tideland Preference Rights Form
- 4.06.710 Waiver of Class II Preference Rights Form
- 4.06.720 Appraiser’s Appraisal
- 4.06.730 City Clerk’s Report
- 4.06.740 Determination by Council

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

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

- A. The purpose of this Ordinance is to carry out the duty of the city as expressed in AS 38.05.320 to AS 38.05.820.
(Ordinance 85-4, adopted 11-15-88)

- B. The intent of the council in enacting this Ordinance is:
 - 1. To expedite granting conveyances to qualified occupants who are entitled to, and who exercise their preference rights in accordance with the provisions of law and of this Ordinance;
(Ordinance 85-4, adopted 11-15-88)

 - 2. To provide due process and sufficient notice to all parties, who qualify as occupants of such lands and who are entitled to exercise preference rights, of applications filed, disputes and confliction claims, and of approved applications;
(Ordinance 85-4, adopted 11-15-88)

 - 3. To provide simple procedures by which occupants may exercise their preference right;
(Ordinance 85-4, adopted 11-15-88)

 - 4. To apportion equitably the costs of administering and processing applications, hearing disputes, costs of appraisal, transfer, and survey among those who will benefit there from;
(Ordinance 85-4, adopted 11-15-88)

 - 5. To limit the issues to be determined by the council in adjudication of disputes to rights conferred by the Alaska Land Act and this Ordinance; and
(Ordinance 85-4, adopted 11-15-88)

 - 6. To safeguard and protect the interests of the city and its citizens in tide and submerged lands conveyed to the city not subject to preference rights, or where preference rights were, or will not be, exercised in the time allowed by law, by providing for rules and regulations for administration of such lands in the best interest of al of the taxpayers of the city.
(Ordinance 85-4, adopted 11-15-88)

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

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

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

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

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

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

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

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

4.06.100 Approval and acceptance of State Conveyance. The conveyance by the State to the City, dated the 16th day of July 1985, of Tide and Submerged Lands lying seaward of the City is approved and accepted, and the lands therein are declared incorporated into the limits of the City.
(Ordinance 85-4, adopted 11-15-88)

4.06.110 Approval an Adoption of Plat. The plat is approved and adopted as the official Tidelands Subdivision Plat of the City of Klawock, Alaska, and said Plat shall be recorded in the Ketchikan, Alaska Recording Office.
(Ordinance 85-4, adopted 11-15-88)

4.06.120 Time and Places of Posting Plat. The plat shall be posted for a period of not less than thirty (30) days, commencing with the date following the date of the final passage of this Ordinance, in the Post Office and the office of the Clerk of Klawock, Alaska.
(Ordinance 85-4, adopted 11-15-88)

4.06.130 Publication of Notice and Passage of Ordinance. The Clerk shall cause a notice of posting the Plat to be posted in three (3) public places in the City, one 1) of which shall be the United States Post Office, commencing the day after the date of final passage of this Ordinance. This notice shall contain the following statements: a) time and place of posting, b) day of final passage, and the effective date of this Ordinance, c) that any and all Persons having or claiming Preference Rights provided by the law to any part or parts of the sub-divided land embraced within the boundaries of the Plat, who fail to apply to exercise such rights under the provisions of this Ordinance within one (1) year from and after the 1st day of June 1986, which hereby declared to be the date upon which applications therefore will be first accepted by the City, shall have forfeited the Preference Rights provided by the law, and d) that this Ordinance was enacted to protect Occupants having Preference Rights, to afford due process of law, to provide procedures for applying for exercise of the Occupants holding Preference Rights defines by the law and this Ordinance, and e) that copies of this Ordinance and application forms are available at the office or the Clerk of the City.
(Ordinance 85-4, adopted 11-15-88)

4.06.140 Time for Filing Applications. Preference Right applications shall be entitled to file applications, seeking the exercise of the Preference Rights under this Ordinance on and after the 1st day of June 1986, and through the close of business at 4:00 p.m. the 30th day of June 1991. Applications

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

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

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

A. The application forms shall be substantially in the form set forth in Article II, Paragraph 19 of this Ordinance.

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

B. Applicants shall be entitled to obtain application forms from the Clerk without charge.

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

C. All applications must be prepared and submitted in triplicate.

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

D. Applications neither clearly legible nor properly completed and certified by the applicant may not be accepted for filing by the Clerk. Willful and deliberate miss-statements of fact shall be deemed equivalent to attempting to valuable public property by misrepresentation, and may, at the option of the City be prosecuted as obtaining property under false pretenses.

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

E. Applications may either be mailed to the Clerk, c/o the Office of the City Clerk, Klawock, Alaska 99925, or hand delivered to the Clerk's Office during the regular business hours of the Clerk.

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

F. The Clerk may not accept any application which:

1. Is not accompanied by the proper deposits for costs; or

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

2. Which is based upon more than one (1) class of Preference Right, other than an application for a single sub-divided lot claiming a right based upon more than one (1) class of Preference Right; or

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

3. Which claims title to two (2) or more lots which are not contiguous.

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

G. The Clerk shall stamp with the time and date of filing and by signature thereon acknowledge receipt of the deposit, all applications which the

Clerk finds to be properly completed and accompanied with the deposit;
and
(Ordinance 85-4, adopted 11-15-88)

- H. The Clerk shall mail the triplicate copy of application accepted by the Clerk to the address shown in the application.
(Ordinance 85-4, adopted 11-15-88)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.06.250 Protest. Only those Persons who have filed an application with the Clerk which has been accepted by the Clerk, and which seeks to exercise a Preference Right under this Ordinance, shall be entitled either to protest the issuance of a deed to an applicant, or to appear and be heard at any hearing or dispute before the Council in opposition to any application.
(Ordinance 85-4, adopted 11-15-88)

4.06.260 Handling of Deposit and Purchase Funds. All funds received as deposits with applications for costs or purchase price for Tidelands shall be deposited by the Clerk in the General Fund.
(Ordinance 85-4, adopted 11-15-88)

4.06.270 Forfeiture of Preference Rights. Preference Right which are not exercised within the time allowed under this Ordinance by the filing of the application therefore with the Clerk in a form which entitles the application to be accepted by the Clerk for processing are declared to be forfeited as of the expiration of the filing period stated. Title to all land subject to the exercise of these Preference Rights upon such forfeiture shall automatically vest in the City free and clear of all adverse claims. All land, title to which has vested in the City by reason of such forfeiture, shall be thereafter subject to administration and disposition by the City pursuant to the provisions of Article III.
(Ordinance 85-4, adopted 11-15-88)

4.06.280 Forms. The Clerk shall cause to be printed application forms and other forms suitable for use in processing the application in substantially the form and style as is more particularly set forth in those forms marked for identification as "Exhibit A" attached to this Ordinance and made part hereof.
(Ordinance 85-4, adopted 11-15-88)

4.06.300 Administration of City Owned Tide and Submerged Lands. All Tide and Submerged Lands within the limits of the City to which the City holds title may be leased or sold in accordance with the provision of the laws of the State of Alaska governing sale and lease of public property by a municipal corporation.
(Ordinance 85-4, adopted 11-15-88)

4.06.400 Encroachments. Encroachments by buildings over property lines, and encroachments by buildings and other structures upon rights of way

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

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

4.06.410 Termination of Easements. Any easement existing by reason of the provision of Article IV, Paragraph 1, shall terminate at such time as the encroachment is either removed, or is in any way altered from its condition or position as that condition or position exists on the date this Ordinance is approved.

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

4.06.500 Right-of-Way Encroachment. A perpetual easement is reserved to the City over and upon property adjacent to rights of way established on the Plat in those instances in which the structure or Improvement existing or under construction as of the date of adoption of this Ordinance or in any such right of way encroaches upon such adjoining land.

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

4.06.510 Right-of-Way Easements. A perpetual easement is reserved to the City for general right of way use over those Tide and Submerged Lands as shown on the Plat as being easement located.

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

4.06.600 Penalties. Any person, firm, or corporation who, without written authority from the city, removes rock, gravel, or material from the tide and submerged lands owned by the City of Klawock, or who undertakes to occupy any such land, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding three hundred (\$300.00) dollars or be imprisoned in jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

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

4.06.610 Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

4.06.620 Revealing Clause. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

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

4.06.700 Application for Tideland Preference Rights.

Name _____ Application No. _____

Home Address _____

Post Office Address _____

Mark X to designate nature of Preference Right claimed;

Class I _____ Class II _____ Class III _____

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

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

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

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

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

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

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

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

I offer Cash_____ Money Order_____ Cashier's Check_____

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

Filing Fee	\$_____	\$_____
Survey costs (at a rate of \$_____ per sq. ft)	\$_____	\$_____
Appraisal costs (Class III application)	\$_____	\$_____
Transfer costs (\$_____)	\$_____	\$_____
Hearing costs (if claim adverse to prior application a deposit of \$_____ for hearing and service of notice is required)	\$_____	\$_____
Total deposit (does not include purchase price of land in Class III applications)	\$_____	\$_____

Deposit received by City by_____

Date of application_____

Date application received by City_____

Time filed_____

CERTIFICATION

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

Print name(s)

Signature(s)

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

4.06.710 Waiver of Class II Preference Rights.

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

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

Printed name(s)

Signature(s)

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

4.06.730 City Clerk's Report.

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

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

Recommendations:

Signed:_____

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

4.06.720 Appraiser's Appraisal.

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

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

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

Signed: _____

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

4.06.740 Determination by Council.

Dispute No. _____

Adverse Claimants.

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

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

Other descriptions:

Date of hearing Notice given _____

Persons appearing

Determination:

Signature

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

Title IV, Chapter 7
RECREATIONAL VEHICLE SPACE RENTAL

Sections:

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

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

4.07.020 **Fees.**

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

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

Title IV
CITY PROPERTIES

Chapters:

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

**Title X, Chapter 4
SMOKE FREE AIR ACT**

SECTION 10.40.010 Findings and Intent

The Klawock City Council does hereby find that:

Numerous studies have found that tobacco is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers.

The smoking of tobacco is a form of air pollution, a positive danger to health, and a material public nuisance.

Accordingly, the Klawock City Council finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places of employment; and (2) to guarantee the right of nonsmokers to breathe smoke free air, and to recognize that the need to breathe smoke free air shall have priority over the desire to smoke.

SECTION 10.40.020 Definitions

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

- A. "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- B. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- C. "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.
- D. "Employer" means a person, business, partnership, association, corporation, including a municipal

corporation, trust, or non-profit entity that employs the services of one or more individual persons.

- E. "Enclosed Area" means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend for floor to the ceiling.
- F. "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- G. "Place of Employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work area, private offices, employee lounges, restrooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.
- H. "Private Club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all time, which is operated solely for a recreational, fraternal, social, patriotic, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.
- I. "Public Place" means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels,

Laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail store, shopping malls, sports arenas, theaters, and waiting rooms. A private club is a “public place” when being used for a function to which the general public is invited. A private residence is not a “public place” unless it is used as a child care, adult day care, or health care facility.

- J. “Restaurant” means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the restaurant.
- K. “Service Line” means an indoor line in which (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.
- L. “Shopping Mall” means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- M. “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.
- N. “Sports Arena” means sports pavilions, stadiums, gymnasiums, health spas, boxing arena, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

SECTION 10.40.030 Application of Article to City Owned Facilities and Vehicles.

All enclosed facilities, including buildings and vehicles owned, leased, or operated by the City of Klawock, shall be subject to the provisions of this Article.

SECTION 10.40.040 Prohibition of Smoking in Enclosed Public Places.

Smoking shall be prohibited in all enclosed public places within the City of Klawock, including but not limited to, the following places:

- A. Galleries, libraries, and museums.
- B. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, Laundromats, professional offices, and retail service establishments.
- C. Bars.
- D. Bingo Facilities.
- E. Child care and adult day care facilities.
- F. Convention facilities.
- G. Educational facilities, both public and private.
- H. Elevators.
- I. Gaming facilities.
- J. Health care facilities.
- K. Hotels and motels, including at least eighty percent (80%) of rooms that are rented to guests.
- L. Lobbies, hallways, and other common areas in apartment building, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- M. Polling places.
- N. Private clubs when being used for a function to which the general public is invited.
- O. Public transportation facilities, including buses and taxicabs, under the authority of the City of Klawock and ticket, boarding, and waiting areas of public transit depots.
- P. Restaurants.

- Q. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- R. Retail stores.
- S. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of Klawock or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City of Klawock.
- T. Service lines.
- U. Shopping malls.
- V. Sports arenas, including enclosed places in outdoor arenas.
- W. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

SECTION 10.40.050 Prohibition of Smoking in Places of Employment

- A. Smoking shall be prohibited in all enclosed in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- B. This prohibition on smoking shall be communicated to all existing employees by the effective date of the Article and to all prospective employees upon their application for employment.

SECTION 10.40.060 Prohibition of Smoking in Outdoor Areas

Smoking shall be prohibited in the following outdoor places:

- A. Within a reasonable distance of 25 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.

- B. In outdoor seating or serving areas of restaurants and within 25 feet thereof.
- C. In all outdoor arenas, stadiums, and amphitheaters, except in designated smoking areas, which may be established only in perimeter areas at least 50 feet from any seating areas or concession stands. Smoking shall also be prohibited in, and within 25 feet of, bleachers and grandstands for use by spectators at sporting and other public events.
- C. In all public transit stations, platforms, and shelters under the authority of the City of Klawock.

SECTION 10.40.070 Where Smoking Not Regulated

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 10.40.040 and 10.40.050:

- A. Private residences, except when used as a childcare, adult day care, or health care facility.
- B. Not more than twenty percent (20%) of hotel and motel rooms rented to guests and designated as smoking rooms. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- C. Private clubs that have no employees, except when being used for a function to which the general public is invited; provided that smoke from such clubs does not infiltrate into areas where smoking is prohibited under the provisions of this Article. This exemption shall not apply to any organization that is established for the purpose of avoiding compliance with this Article.
- D. Outdoor areas of places of employment except those covered by the provision of Sections 10.40.040 and 10.40.050.

SECTION 10.40.080 Declaration of Establishment as Nonsmoking

Notwithstanding any other provisions of this Article , an owner, operator, manager, or other person In control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking

place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 10.40.090 (A) is posted.

SECTION 10.40.090 Posting of Signs

- A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place.
- B. Every public place and place of employment where smoking is prohibited by this Article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment under this Article shall have at least one conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.
- C. All ashtrays shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.

Section 10.40.100 Nonretaliation; Nonwaiver of Rights

- A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by the Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Section 10.40.070, violation of this Subsection shall be a misdemeanor, punishable by a fine not to exceed \$1,000. for each violation.
- B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Section 10.40.110 Enforcement

- 1. This Article shall be enforced by the City Administrator or an authorized designee.

- a. Notice of the provisions of this Article shall be given to all applicants for a business license in the City of Klawock.
2. Any citizen who desires to register a complaint under this Article may initiate enforcement with the City Administrator or an authorized designee.
3. The Health Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.
4. An owner, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof.
5. Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.
6. In addition to the remedies provided by the provisions of this Section, the City Administrator or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Section 10.40.120 Violations and Penalties

- A. A person who smokes in an area where smoking is prohibited by the provisions of this Article shall be guilty of an infraction, punishable by a fine not exceeding Two Hundred fifty dollars (\$250.00).
- B. Except as otherwise provided in Section 10.40.070, a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:
 - a. A fine not exceeding Two Hundred fifty dollars (\$250.00) for first violation.
 - b. A fine not exceeding Three Hundred dollars (\$300.00) for a second violation within one (1)

- year.
- c. A fine not exceeding five hundred dollars (\$500.00) for each additional violation within on (1) year.
- C. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- D. Violation of this Article is hereby declared to be a public nuisance, which may be abated by the City Administrator by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City of Klawock may take action to recover the costs of the nuisance abatement.
- E. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Section 10.40.130 Public Education.

The City Administrator shall engage in a continuing education program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Section 10.40.140 Governmental Agency Cooperation.

The City Administrator shall annually request other governmental and educational agencies having facilities within the City of Klawock to establish local operating procedures in cooperation with this Article. This includes urging all Federal, State, City of Klawock, and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

Section 10.40.150 Other Applicable Laws

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 10.40.160 Liberal Construction

This Article shall be liberally construed so as to further its purposes.

Section 10.40.170 Severability

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Section 10.40.180 Effective Date.

This Article shall be effective sixty (60) days from and after the date of its adoption.