

City of Ouzinkie

Municipal Code

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CITY OF OUZINKIE

Ouzinkie Code of Ordinances

2013

TITLE 1

GENERAL PROVISIONS

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Chapter 1.01
CODE ADOPTION¹

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1.01.010 Adoption.

As authorized by section 29.25.040 of the Alaska Statutes, there is adopted the "Code of Ordinances, City of Ouzinkie, Alaska," as published by the City of Ouzinkie, Alaska. (Ord. _____, 20__.)

1.01.020 Title--Citation--Reference.

This code shall be known as the "Code of Ordinances, City of Ouzinkie, Alaska" (the "Code"), and it is sufficient to refer to the Code as the "Ouzinkie City Code" in any prosecution for the violation of any Code provisions or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part of the Code as an addition, amendment, or correction to, or repeal of the Ouzinkie City Code. Further reference may be had to the titles, chapters, sections and subsections of the Ouzinkie City Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code. (Prior Code Ch. 1 §1.)

1.01.030 Title, chapter and section headings.

Title, chapter and section headings contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this Code.

1.01.040 Effective date.

This Code shall become effective on the date the ordinance adopting this Code as the "Ouzinkie City Code" becomes effective.

1.01.050 Severability.

If any provision of this Code or of any ordinance or resolution heretofore or hereafter enacted by the Council is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions or their application to any person or circumstance. (Prior Code Ch. 1 §5.)

¹ For statutory provisions regarding codification of municipal ordinances, see AS 29.25.050.

1.01.060 Amendments; effect of new ordinances.

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 Repealed chapters, sections and subsections shall be excluded from the Code.

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

If a new chapter or section is to be added to this Code, substantially the following language shall be used: "The Code of Ordinances, City of Ouzinkie, Alaska, is hereby amended by addition of the following chapter [or section]." The provisions to be repealed must be specifically repealed by section or chapter number. (Prior Code Ch. 1 §8.)

1.01.070 Supplements.

Supplements to this Code shall be consolidated within the Code within 60 days after enactment by the Council. (Prior Code Ch. 1 §10.)

1.01.080 Distribution.

This Code with amendments shall be made available to the public for inspection on request. (Prior Code Ch. 1 §9.)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010	Grammatical interpretation
1.04.020	Tense, number and gender
1.04.030	Definitions
1.04.040	Effective dates of ordinances, resolutions and other actions of the Council

1.04.010 Grammatical interpretation.

Words and phrases shall be construed according to the rules of grammar and according to the common and approved usage. Technical words and phrases, and those which have acquired a peculiar and appropriate meaning, whether by legislative definition or otherwise, shall be construed according to the peculiar and appropriate meaning.

1.04.020 Tense, number and gender.

The following grammatical rules shall apply in the ordinances of the City of Ouzinkie, Alaska: Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

The singular number includes the plural and in the plural includes the singular.

The masculine gender includes the feminine and neuter genders, and when the sense so indicates, the neuter gender may refer to any gender. (Prior Code Ch. 1 §3.)

1.04.030 Definitions.

The following words and phrases, whenever used in this Code, mean as defined in this section unless from the context a different meaning is intended.

- (A) "Capital improvement" means a public improvement of a permanent nature, and may include land and equipment necessary for the functioning of a building or other capital improvement.
- (B) "City" means the city of Ouzinkie, Alaska.
- (C) "Code" means the Code of Ordinances, City of Ouzinkie, Alaska.
- (D) "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.
- (E) "Council" means the City Council of the City of Ouzinkie, Alaska.
- (F) "Law" denotes applicable federal law, laws of the State of Alaska, City Code and ordinances, and all applicable federal, state or local rules and regulations.
- (G) "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

- (H) "Or" may be read "and," and "and" may be read "or" if the sense requires it.
- (I) "Ordinance" means a law of the City; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.
- (J) "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or part of such building or land.
- (K) "Person" means natural person, joint venture, partnership, association, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.
- (L) "Property" includes real and personal property.
- (M) "Public improvement" means an improvement to or in connection with streets, sidewalks, power systems, harbor facilities, and any other real property or appurtenances thereof of the City that are used by the public.
- (N) "Publish", "published", or "publication" means the setting forth of any matter for public notice by posting in at least three conspicuous places in the City, one of which shall be the City offices, for a period of not less than five days.
- (O) "Real property" includes lands, tenements, and hereditaments.
- (P) "State" means the State of Alaska.

1.04.040 Effective dates of ordinances, resolutions and other actions of the Council.

An ordinance, resolution or other action takes effect immediately when adopted.

(Prior Code Ch. 1 §11.)

Chapter 1.06

GENERAL PENALTY²

Sections:

- 1.06.010 Designated**
- 1.06.020 Scope of prohibitions**

1.06.010 Designated.

A violation of a provision of this Code is an offense punishable by a fine of not more than \$1,000. If another penalty is established for the provision violated, that penalty shall apply. Each day during which a continuing violation exists or is repeated shall be a separate and distinct violation. (Prior Code Ch. 1 §6.)

1.06.020 Scope of prohibitions.

Code provisions that prohibit an act or omission shall be construed to prohibit causing, aiding, abetting or concealing the fact of the act or omission.

² For statutory provision authorizing the Council to prescribe punishment not to exceed a fine of \$1,000 for violation of Code provisions, see AS 29.25.070.

TITLE 2

ADMINISTRATION AND PERSONNEL

Chapters:

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Chapter 2.04
CITY COUNCIL

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2.04.015	Agenda
2.04.020	Meetings public; notice
2.04.030	Mayor to preside
2.04.040	Ordinance--enacting clause
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2.04.090	(Reserved)
2.04.100	Executive sessions
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2.04.010 Meetings.

The Council shall hold its regular meetings at 1:00 p.m. on the second Thursday of each month, unless otherwise noted. If the regular meeting day falls on a holiday or holiday eve, the Council may advance, delay, or cancel the meeting as necessary. If there is no quorum, or if there is little or no business to be considered at a scheduled regular meeting, the Council may cancel such meeting and hear its business at the next regular meeting. The meetings shall be held at the Ouzinkie City Hall. Special meetings may be called by the mayor or by two or more members of the Council, for the consideration of any specific business named in the request. Advance notice of special meetings must be given to each Council member at least 24 hours before the meeting. The notice shall be announced on C.B. and shall specify the time, place and subject matter of the meeting. No other business can be transacted at such special meeting. (Prior Code Ch. 6 §§2, 3, and 4.)

2.04.015 Agenda.

Business at every regular and special meeting of the Council shall be restricted to items listed on the agenda.

2.04.020 Meetings public; notice.

- (Q) Meetings of all municipal bodies shall be public.³ The Council shall provide reasonable opportunity for the public to be heard at regular and special meetings.
- (R) Reasonable public notice shall be deemed to have been given if a statement containing the date, time and place of the meeting is posted not less than 24 hours before the meeting. (Prior Code Ch. 6 §§1 and 4.)

³

For statutory provision requiring that meetings of all municipal bodies be public, see AS 29.20.020.

2.04.030 Mayor to preside.

- (A) The mayor shall preside at all meetings of the Council. He shall preserve order among the Council members, and is responsible for conduct of all meetings according to the rules of the Council. The mayor may at any time make such rules as are deemed proper to preserve order among the spectators in the Council room during sessions of the Council.
- (B) In the temporary absence or disability of the mayor, the vice-mayor may call the Council to order at any duly called meeting, and the vice-mayor shall exercise all the powers, and be subject to all the responsibilities, of the mayor during such temporary absence or disability of the mayor and may also vote. In the absence of both the mayor and vice-mayor, the Secretary/Treasurer of the Council shall be authorized to conduct meetings. (Prior Code Ch. 7 B1- Ch. 5 B2.)(Ord. 2002-06, 2002)

2.04.040 Ordinance--enacting clause.

The enacting clause of all ordinances passed by the Council shall read: "Be it ordained by the Council of the City of Ouzinkie, Alaska"; and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the people of the City of Ouzinkie, Alaska."

2.04.045 Ordinance--form.

- (A) All ordinances shall be introduced in writing in the following form:
 - (1) Heading: "CITY OF OUZINKIE;"
 - (2) Number: "ORDINANCE NO. _____;"
 - (3) Title: A short description of the subject matter of the ordinance;
 - (4) Whereas clause: As necessary to describe the reasons for the ordinance;
 - (5) Enacting clause: "Be it ordained by the Council of the City of Ouzinkie, Alaska:"
- (B) Ordinance sections and section headings, where necessary, designating the portion of the Code affected and whether it will be repealed, amended or repealed and re-enacted.
- (C) The forms to be used are:
- (D) "That section _____ of the Ouzinkie City Code is amended to read as follows" or ". is amended by adding a new section to read as follows:"
- (E) "That section _____ of the Ouzinkie City Code is repealed."
- (F) "That section _____ of the Ouzinkie City Code is repealed and re-enacted to read as follows:"
- (G) Blanks with appropriate heading for the dates of first and second readings and the signatures of the mayor and clerk.

2.04.046 Ordinance--adoption.

Ordinances shall be adopted in compliance with procedures established by AS 29.25.020 and/or 29.25.030.

2.04.050 Minutes.

Minutes of all regular and special meetings shall be taken. All minutes of regular and special meetings shall be kept in the journal of the proceedings of the Council. The minutes are public records and are to be made available to anyone upon request. (Prior Code Ch. 7 §3.)

2.04.060 Rules of order.

- (A) A Council member who wishes to speak shall respectfully address the mayor or presiding officer, and shall not commence to speak until recognized by the mayor or presiding officer. When two or more members wish to speak at the same time, the mayor or presiding officer shall determine which one is to be recognized.
- (B) Every member shall confine himself to the subject under debate when speaking, and shall not refer to any other member of the Council except in a respectful manner.
(Prior Code Ch. 7 §4.)

2.04.070 Motions.

- (A) All motions shall require a second.
- (B) After a motion is seconded and stated or read by the mayor or presiding officer, it shall be considered to be in the possession of the Council and shall be disposed of by vote, but the Council member making the motion may withdraw it at any time before the vote, if the second agrees.
- (C) A motion must be reduced to writing if the mayor or presiding officer requires or if any Council member demands. (Prior Code Ch. 7 §§5, 6 and 7.)

2.04.080 Voting.

- (A) Four Council members constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.
- (B) The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All Council members present shall vote unless the Council, for special reasons, permits a member to abstain.
- (C) The clerk shall record the votes and present them to the mayor or presiding officer, who shall declare all votes and the result.
- (D) Every member who is present when a question is put and has not been disqualified by personal interest shall vote, unless the Council excuses him. Applications to be excused must be made before the vote, and shall be decided without debate pursuant to Section 2.10.010 (c).
- (E) The vote of a member who is permitted to abstain will be added to the majority vote; for example, if there are 3 ayes, 2 nays and an abstention, the abstention will count as an aye vote. (Prior Code Ch. 7 §9.)

2.04.090 (Reserved)

2.04.100 Executive sessions.

- (A) The Council may, after convening as a public meeting, upon a majority vote of the body, determine to meet in an executive session to discuss any matter set forth in subsections (B) or (C) of this section. The motion calling for the executive session shall state the subjects to be discussed and no other matters may be considered at the executive session.
- (B) The following subjects may be discussed in an executive session:
- (C) Matters the immediate knowledge of which would clearly have an effect upon the finances of the government unit;
- (D) Subjects that would tend to prejudice the reputation and character of any person; provided, however, the person may request a public discussion; or
- (E) Matters which by law, municipal charter, or an ordinance are required to be kept confidential.
- (F) The following shall be discussed in executive session when the best interests of the City so require:
- (G) Negotiations with labor organizations representing City employees;
- (H) Discussions of pending or threatened lawsuits in which the City has an interest.
- (I) No action may be taken at an executive session. (Prior Code Ch. 6 §5.)

2.04.110 Order of business.

At all meetings of the Council, the following regular order of business shall be observed:

- (A) Call to order,
- (B) Roll call,
- (C) Previous minutes,
- (D) Reports,
- (E) Communications and appearance requests,
- (F) Hearings, ordinances and resolutions,
- (G) Bids,
- (H) Old business,
- (I) New business,
- (J) Audience comments,
- (K) Mayor or vice-mayor review and/or reports,
- (L) Council comments, and
- (M) Adjournment.

(Prior Code Ch 7 §2.)

Chapter 2.08

OFFICERS AND EMPLOYEES

Sections:

2.08.010	Council--members
2.08.020	Qualifications of Council members
2.08.030	Council--powers
2.08.040	Compensation of Council members
2.08.050	Mayor
2.08.060	Vacancies
2.08.070	City clerk--appointment
2.08.080	City clerk--powers and duties
2.08.090	Treasurer--appointment
2.08.100	Treasurer--powers and duties
2.08.110	Salaries of elected officers
2.08.120	Investigations--records
2.08.130	Oath or affirmation of office--required
2.08.140	Oath or affirmation of office--administration
2.08.150	Nondiscrimination

2.08.010 Council--members.

The Council shall consist of seven members elected by the voters at large. An election is held annually on the first Tuesday of October to elect Council members for three year terms and until their successors are elected and have qualified. An elected Council member's regular term of office begins on the first Monday following the certification of election.

(Prior Code Ch. 4 §§1 and 3.)

2.08.020 Qualifications of Council members.

Each Council member shall be a qualified City voter. A Council member who ceases to be eligible to be a City voter immediately forfeits his or her office.

(Prior Code Ch. 4 §2.)

2.08.030 Council--powers.

The Council shall have and may exercise all legislative powers not prohibited by law.

2.08.040 Compensation of Council members/Mayor.

(A) Council Members: Each member of the Council shall receive compensation at the rate of Fifty Dollars (\$50) for each regular meeting of the Council attended. No compensation shall be paid for attending special and emergency meetings of the Council. The salary or compensation of Council members shall not be reduced during their term of office.

(Ord. 87-9, §1, 1987; prior Code Ch. 4 §5.)

(B) Mayor: The Mayor, as being the administrator for the City of Ouzinkie, shall retain a salary. The amount of the salary to be set by resolution. The duties of the mayor shall be set forth in an approved job description.

2.08.050 Mayor.

- (A) The mayor is elected annually by and from the Council and holds a one year term of office. The mayor is the chief executive officer of the City and presides at Council meetings, acts as ceremonial head of the City, and signs documents on the City's behalf upon Council authorization.
- (B) The mayor shall:
 - (1) Appoint City employees and administrative officers except as otherwise provided. The Mayor may hire administrative assistants as necessary and may authorize an appointed administrative officer to appoint, suspend, or remove subordinates in that administrative officer's department;
 - (2) Suspend or remove by written order City employees and administrative officers, except as otherwise provided;
 - (3) Supervise enforcement of City law;
 - (4) Execute the budget and construction program as adopted;
 - (5) Serve as City personnel officer unless the Council authorizes the appointment of a personnel officer;
 - (6) Execute other powers and duties as specified in Title 29 of the Alaska Statutes or as lawfully prescribed by the Council. (Prior Code Ch. 5 §1.)

2.08.060 Vacancies.

- (A) The Council shall declare the office of any elected City official vacant only when the person elected:
 - (1) Fails to qualify or take office within 30 days after election or appointment;
 - (2) Unless excused by the Council, is physically absent for 90 consecutive days;
 - (3) Resigns and the resignation is accepted;
 - (4) Is physically or mentally unable to perform the duties of the office;
 - (5) Is convicted of a felony or of an offense involving a violation of the oath of office;
 - (6) Is convicted of a felony or misdemeanor described in AS 15.56; or
 - (7) No longer physically resides in the city.
- (B) In addition, the Council shall declare the office of Council member vacant when the Council member has three consecutive unexcused absences from regular Council meetings.
- (C) If a vacancy occurs in the office of mayor, or if the incumbent mayor is disabled or unable to act, the vice mayor will serve as temporary acting mayor until the mayor is able to act or the vacant seat is filled as set forth in section 2.08.060 subsection (d). After the election of mayor as set forth in section (e) the temporary acting mayor will return to their previous position of office.
(Org. 2010-01-3/29/10)

- (D) A vacancy in the office of Mayor shall be filled by and of the council. A notice of the council seat vacancy shall be posted in 3 separate public places, for a time not less than 7 days, requesting interested parties to submit an application for consideration as temporary council member. Upon receipt of applications the council, during a meeting, shall pick by ballot, if more than one application is received, the replacement council member. The person winning the selection will be sworn in at the next regular meeting. The person appointed serves until the next regular election.
(Ord 2010-01-3/29/10)
- (E) Upon filling the council seat a nomination and re-election for the office of mayor shall occur. The person elected as mayor shall serve until the next regular election as set forth in section 2.08.050 (a).
(ord. 2010-01-3/29/10)
- (F) If a vacancy occurs in the office of Council member, the remaining members shall appoint a qualified person to fill the vacancy by means of posting notice of the council seat vacancy under the guidelines of Section 2.08.060 vacancies (d) A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.
(Prior Code Ch. 4 §§9 and 10 and Ch. 5 §2.) (Ord 2010-01 3/29/10)
- (G) If a vacancy occurs in the office of either the vice mayor or the secretary/treasurer the filling of the vacancy shall follow the steps as laid out in section 02.08.060 (d) and upon the filling of the council seat a nomination and re-election for the office shall occur. The person winning the selection will be sworn in at the next regular meeting. The person elected under these terms shall serve until the next regular election.
(Ord 2010-01 3/29/10)

2.08.070 City clerk--appointment.

There shall be a City clerk, who shall be an officer of the City appointed by the Council for a one-year term. When the City clerk is temporarily absent, the Council may appoint an acting City clerk, who will have all the powers and duties of the City clerk.
(Prior Code Ch. 8 §§1 and 4.)

2.08.080 City clerk--powers and duties.

The City clerk shall:

- (A) Assure that notice of the time and place is given and that other requirements for Council meetings are complied with and that public records are available for public inspection as required by law.
- (B) Attend Council meetings and keep the journal.
- (C) Arrange publication of notices, ordinances, and resolutions.
- (D) Manage City records and develop retention schedules and procedures for inventory, storage, and destruction of records as necessary.
- (E) Maintain and make available for public inspection an indexed file of all permanent City records, including City ordinances, resolutions, rules, regulations, and Codes, and provide for the codification of ordinances.
- (F) Authenticate deeds and other documents.
- (G) Prepare agendas and agenda packets as required by the Council.
- (H) Record and certify all actions of the Council.
- (I) Administer all oaths, affirmations and acknowledgements required by law.
- (J) Maintain custody of the City seal and the official records of the City.
- (K) Give to the proper officials ample notice of the expiration or termination of terms of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts and agreements.
- (L) Act as the City election registrar and be responsible for the administration and supervision of all City elections.
- (M) Assure that the City complies with the Voting Rights Act of 1965, as amended (42. U.S.C. § 1971-74).
- (N) Act as parliamentary advisor to the Council.
- (O) Perform other duties as required by law, the mayor or the Council.
(Prior Code Ch. 8 §§2 and 3.)

2.08.090 Treasurer--appointment.

There shall be a treasurer, who may also be City clerk, and who shall be an officer of the City appointed by the Council for a one-year term.
(Prior Code Ch. 8 §5.)

2.08.100 Treasurer--powers and duties.

The treasurer shall:

- (A) Have custody of all City funds and keep an itemized account of money received and disbursed.
- (B) Be bonded in a sum which the Council directs.
- (C) Be responsible for the maintenance of all accounts of the City and the maintenance and care of all property used by the City.

- (D) Compile the annual budget of the City based upon detailed department estimates and work programs and monitor the budget under the direction of the mayor.
- (E) Prepare and submit to the mayor such financial reports and other data as may be required.
- (F) Prescribe and control such procedures as are necessary to protect City funds and property.
- (G) Perform such other duties as the mayor or Council may require.
(Prior Code Ch. 8 §§5 and 6.)

2.08.110 Salaries of elected officers.

The Council may fix by ordinance the salaries of elected officers before they are elected. Per diem payments or reimbursements for expenses are not deemed to be compensation under this section.

(Ord. 90-1 §1, 1990.)

2.08.120 Investigations--records.

- (A) The Council, the mayor, and any person or committee authorized by either of them, shall have the power to inquire into the conduct of any office, department, or officer of the City and to make investigations in municipal affairs and compel the production of books, papers and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee of the City.
- (B) All records and accounts of every office and department of the City shall be open to inspection by any person except for records and documents which must by law remain confidential. Records that are required by state law or City ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the City clerk.
(Prior Code Ch. 10 §1.)

2.08.130 Oath or affirmation of office--required.

All officers of the City and such employees as the Council may designate, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation of office:

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

The oath or affirmation shall be filed and kept in the City clerk's office.
(Prior Code Ch. 4 §4 and Ch. 10 §1.)

2.08.140 Oath or affirmation of office--administration.

All officers authorized by federal and state law, the mayor, the City clerk, and such other officers as the Council may authorize may administer oaths and affirmations.

2.08.150 Nondiscrimination.

No person may be appointed to or removed from City office or in any way favored or discriminated against with respect to a City position because of his or her race, color, creed, national origin or political opinions or affiliation.
(Prior Code Ch. 4 §8.)

Chapter 2.10

CONFLICT OF INTEREST

Sections:

2.10.010 Conflicts of interest prohibited

2.10.010 Conflicts of interest prohibited.

- (A) A City officer, employee or Council member may not solicit or receive money for advice or assistance given in the course of that person's employment or relating to that employment.
- (B) A City officer, employee or Council member may not accept a gift, loan, gratuity or other valuable consideration, or a promise of any of them, with the understanding or agreement, express or implied, that that person will cast a vote or give an opinion, decision or judgment in a particular manner, in a matter which may be brought before that person.
- (C) No Council member may vote on any question in which the member has a substantial financial interest. Such financial interest shall be disclosed to the mayor or other presiding officer prior to the vote on the question, for a ruling on a request from the Council member with the financial interest to be excused from the vote. The mayor or presiding officer shall rule on the request by the Council member to be excused from the vote. The decision of the mayor or presiding officer on the Council member's request to be excused from the vote may be overridden by the majority vote of the Council.
- (D) A City employee or official, other than a Council member, may not participate in an official action in which the employee or official has a substantial financial interest. (Prior Code Ch. 4 B7.)

Chapter 2.12

EMPLOYEE POLICIES

Sections:

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2.12.350	Solicitation
2.12.360	Progression Discipline
2.12.370	Problem Resolution
2.12.380	Life Threatening Illnesses in the Workplace
2.12.390	Recycling

2.12.010 Nature of Employment.

This chapter is intended to provide City employees with a general understanding of City personnel policies. Neither the employees nor the City is bound to continue the employment relationship if either chooses, at will, to end the relationship at any time.

(Ord. 95-2, 1995.)

2.12.020 Employee Relations.

The City believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors. Experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The City demonstrates its commitment to employees by responding effectively to employee concerns.

(Ord. 95-2, 1995.)

2.12.025 Employment Requirements

As a requirement for future hires it is imperative that the city be able to hire qualified people for key employment positions. Therefore the city believes that to do this an employee with a High School Diploma or a General Education Diploma (GED) would be better qualified for key positions that require technical work. The following key employee positions will require either a High School Diploma or a General Education Diploma (GED); City Clerk, Assistant Clerk, Utility Clerk, Assistant Utility Clerk, Mayor, Utility Manager, Utility Water/Sewer Operator, Assistant Utility Water/Sewer Operator, Power Operator and Assistant Power Operator. Any new Position requiring a technical understanding will also require a High School Diploma or a General Education Diploma (GED).

(Ord. 2013-04; 6-4-13)

2.12.030 Equal Employment Opportunity.

- (A) In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the City will be based on merit, qualifications, and abilities. The City does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.
- (B) The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.
- (C) Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

(Ord. 95-2, 1995.)

2.12.040 Immigration Law Compliance.

The City is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

(Ord. 95-2, 1995.)

2.12.050 Outside Employment.

(A) Employees may hold outside jobs as long as they meet the performance standards of their job with the City. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements. Employees who are required to be on call twenty-four (24) hours a day may not engage in outside employment except with written permission of the mayor.

(B) If the City determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the City.

(C) Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the City for materials produced or services rendered while performing their jobs.

(Ord. 95-2, 1995.)

2.12.060 Disability Accommodation.

(A) The City is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position. Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

(B) Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. Leave of all types will be available to all employees on an equal basis.

- (C) The City is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The City will follow any state or local law that provides individuals with disabilities greater protection than the ADA.
- (D) This policy is neither exhaustive nor exclusive. The City is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws. (Ord. 95-2, 1995.)

2.12.070 Standards of Employee Conduct.

- (A) The City does not violate the law and does not tolerate those who do. If an employee believes that anyone in or associated with the City has requested or directed him or her to do anything that violates the law, or has prohibited the employee from doing anything that the law requires him or her to do, the employee must report this immediately to a supervisor.
- (B) Employee responsibilities:
 - (1) Maintenance of production/service standards -- quality, quantity, and priorities.
 - (2) Responsible use of working time -- self and other employees.
 - (3) Cooperation with supervision and other employees.
 - (4) Observance of safety and health rules.
 - (5) Proper use and maintenance of company equipment and materials.
 - (6) Respect for other employees and their property.
 - (7) Acceptable personal appearance and dress.
 - (8) Protection of confidential information.(Ord. 95-2, 1995.)

2.12.080 Employment Categories.

- (A) It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Nonexempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. An employee's exempt or nonexempt classification may be changed only upon written notification by the City management.
- (B) In addition, each employee will belong to one other employment category:
 - (1) Regular full-time employees are those who are not in a temporary or introductory status and who are regularly scheduled to work the City's full-time schedule work week of twenty-five (25) hours. Generally, they are eligible for the City's benefit package, subject to the terms, conditions, and limitation of each benefit program.

- (2) Regular part-time employees those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than the full-time work schedule, but at least four (4) hours per week. Regular part-time employees are eligible for some benefits sponsored by the City, subject to the terms, conditions, and limitations of each benefit program.
- (3) Introductory employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the City is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.
- (4) Temporary employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as Workers' Compensation Insurance and Social Security), they are ineligible for all of the City's other benefit programs.
(Ord. 95-2, 1995.)

2.12.090 Access to Personnel Files.

The City maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records. Personnel files are the property of the City, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the City who have a legitimate reason to review information in a file are allowed to do so. An employee or former employee who wishes to inspect and make copies of that employee's personnel file and other personnel information maintained by the employer concerning that employee should contact the mayor. With reasonable advance notice, employees may review their own personnel files in the City offices and in the presence of an individual appointed by the City to maintain the files.
(Ord. 95-2, 1995.)

2.12.100 Employment Reference Checks.

To ensure that individuals who join the City are well qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references of all applicants. The City will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.
(Ord. 95-2, 1995.)

2.12.110 Personnel Data Changes.

It is the responsibility of each employee to promptly notify the City of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the City Clerk. (Ord. 95-2, 1995.)

2.12.120 Introductory Period.

- (A) The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the City may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.
- (B) All new and rehired employees work on an introductory basis for the first 90 calendar days after their date of hire. Employees who are transferred within the City must complete a secondary introductory period of the same length with each reassignment to a new position. Any significant absence will automatically extend an introductory period by the length of the absence. If the City determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.
- (C) In cases of transfers within the City, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs.
- (D) Upon satisfactory completion of the initial introductory period, employees enter the "regular" employment classification. An employee who has satisfactorily completed the initial introductory period and achieved the status of a "regular" employee will not lose "regular" status upon entering a secondary introductory period.

2.12.130 Employment Applications.

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment. A file of all applications received will be maintained in the central file for a period of not less than six months. A letter of appreciation for an applicant's interest in working for the City will be sent to each applicant not accepted for employment. (Ord. 95-2, 1995.)

2.12.140 Performance Evaluation.

- (A) Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial period in any new position. This period, known as the introductory period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. Performance evaluations are scheduled approximately every 12 months, coinciding generally with the anniversary of the employee's original date of hire.

- (B) Merit-based pay adjustments are awarded by the City in an effort to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by this formal performance evaluation process.
- (C) It shall be the responsibility of the mayor to see that the performance evaluation is operated as intended. A written record of the evaluation shall be made by the mayor on a performance evaluation form. Following completion, it will be reviewed by Council. The form shall be reviewed by the employee and the mayor, and signed. A copy will be filed in the employee's personnel file. The employee shall be given a copy at the time of the review.
(Ord. 95-2, 1995.)

2.12.150 Employee Benefits.

- (A) All eligible employees at the City are covered by payroll fringe benefits. A number of the programs (such as Social Security, Workers' Compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law. Benefits eligibility is dependent upon a variety of factors, including employee classification. The following benefit programs are available to eligible employees:
 - (1) Bereavement leave
 - (2) Retirement program
 - (3) Holidays
 - (4) Personal leave
 - (5) Travel allowances
- (B) These benefits are fully paid by the City. In the future, other benefit programs may be offered, some of which may provide for employee contributions.
(Ord. 95-2, 1995.)

2.12.151 Retirement Program.

Each employee who has worked for the City of Ouzinkie for at least 2 (two) years and makes \$5,000.00 per year will be eligible to join the city's simple IRA plan.

2.12.160 Holidays.

- (A) The City will grant holiday time off to all employees on the holidays listed below:

New Year's Day	January 1
Russian Christmas	January 7
Russian New Year's Day	January 14
Presidents' Day	Third Monday in February
Seward's Day	Last Monday in March
Russian Good Friday & Easter	April
American Good Friday & Easter	April

Church Annunciation Day	April 7th
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Benny Benson's Birthday	Second Monday in October
Veteran's Day	November 11
Thanksgiving	Fourth Thursday in November and Day after Thanksgiving
Christmas Eve	December 24
Christmas	December 25
Personal Day	Employees Choice

(B) The City will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

- (1) Regular full-time employees
- (2) Regular part-time employees

(C) To be eligible for holiday pay, employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday. A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied. If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay plus wages at one and one-half times their straight-time rate for the hours worked on the holiday. Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.
(Ord. 95-2, 1995.)

2.12.170 Bereavement Leave.

(A) Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. The City ordinarily defines "immediate family" as the employee's grandparents, mother, father, spouse, children, brother or sister. An automatic five (5) day bereavement leave shall normally be granted to eligible employees in the following classification(s):

- (1) Regular full-time employees
- (2) Regular part-time employees, unless there are unusual business needs or staffing requirements. Employees may, with approval of the mayor, use any available paid leave for additional time off as necessary.

- (B) Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.
(Ord. 95-2, 1995.)

2.12.180 Jury Duty.

The City considers jury duty an important civic responsibility. In this connection, employees will be given a leave of absence for the length of time needed to serve on jury duty and will continue to receive their regular salary while serving on jury duty. Monies an employee receives from the court for serving on jury duty must be endorsed over to the City. If an employee is called for jury duty, the City Clerk must be notified immediately so that proper coverage can be arranged. In addition, when the employee is discharged from jury duty and returns to work, the Certificate of Attendance issued by the Clerk of Court must be presented to the City Clerk. (Ord. 95-2, 1995.)

2.12.190 Timekeeping.

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Nonexempt employees should accurately record their time on City time sheets and submit the time sheets to the City Clerk at the end of each pay period. Overtime work must always be approved before it is performed. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. (Ord. 95-2, 1995.)

2.12.200 Paydays.

- (A) All employees are paid semimonthly on the 15th and last day of the month. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will be paid on the last day of work before the regularly scheduled payday. If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation.
- (B) Normally, compensation shall be on the basis of monthly rates of pay. If this is not feasible, the Council may authorize payment of daily, hourly, or weekly rates. Such rate shall be computed from the monthly rates established in the pay plan by the following formula:

- (1) Hourly rate $\frac{\text{Monthly Rate} \times 12}{\# \text{ of hrs./wk} \times 52}$
- (2) Daily rate $\frac{\text{Monthly Rate} \times 12}{260}$
- (3) Weekly rate $\frac{\text{Monthly Rate} \times 12}{52}$

(Ord. 95-2, 1995.)

2.12.210 Employment Termination.

- (A) Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:
 - (1) Resignation: voluntary employment termination initiated by an employee.
 - (2) Discharge: involuntary employment termination initiated by the organization.
 - (3) Layoff: involuntary employment termination initiated by the organization for non-disciplinary reasons.
- (B) Termination letters to employees must first be approved by the Alaska Municipal League-Joint Insurance Association (AML-JIA).
- (C) The City will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the City, or return of the City-owned property. Suggestions, complaints, and questions can also be voiced.
- (D) Employees will receive their final pay in accordance with applicable state law. (Ord. 95-2, 1995.), (Ord. 2013-08)

2.12.220 Pay Advances.

The City does not provide pay advances on unearned wages to employees. Pay advances will be limited to one per pay period for employees.
(Previous Ord. 95-2, 1995) (Ord. 2012-09)

2.12.230 Pay Deductions and Setoffs.

- (A) The law requires that the City make certain deductions from every employee's compensation. Among these are applicable federal and local income taxes. The City also must deduct Social Security taxes from each employee's earnings up to a specified limit that is called the Social Security "wage base." The City must match the amount of Social Security taxes paid by each employee.
- (B) Pay setoffs are pay deductions that have been voluntarily authorized in writing by an employee, instructing the City to deduct from the employee's paycheck, and pay to the City, a specified amount or percentage of the employee's pay, to be applied to debts owed by the employee to the City, including bills for electricity, water, sewer, garbage or other charges.
(Ord. 95-2, 1995.)

2.12.240 Work Schedules.

The normal work schedule for all employees is five (5) hours a day, five (5) days a week. The regularly scheduled work week shall be composed of twenty-five (25) hours of actual attendance on duty during the working hours of 9:00 a.m. to 3:00 p.m., Monday through Friday of each week. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. Any variation from this policy will be approved in writing, in advance by the mayor or his/her delegated authority. (Ord. 95-2, 1995.)

2.12.250 Business Travel Expenses.

- (A) The City will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the mayor. Employees whose travel plans have been approved are responsible for making their own travel arrangements. When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the City. Employees are expected to limit expenses to reasonable amounts. Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues. Expenses that generally will be reimbursed include the following:
 - (1) Airfare for travel in coach or economy class or the lowest available fare.
 - (2) Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- (B) Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the City may not be used for personal use without prior approval.
- (C) Per diem begins when an employee or consultant leaves his/her duty station for the purpose of travel on official city business. Per diem ends upon termination of official business or when an employee or consultant returns to his/her duty station or his/her abode, if they return after duty hours. Per diem will be paid at the rate of \$150 for each day involving an overnight stay away from home. Expenses that are incurred for travel involving less than one day will be reimbursed on the basis of valid receipts for such expenses.
- (D) Abuse of this business travel expense policy, including falsifying expense reports to reflect costs not incurred by the employee, may be grounds for disciplinary action, up to and including termination of employment. (Ord. 95-2, 1995.)

2.12.260 Personal Leave.

- (A) The City provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Only regular full-time employees are eligible to request personal leave as described in this policy. Eligible employees may request personal leave only after having completed ninety(90) calendar days of service. Full-time employees who have worked for a period of ninety (90) days will accrue leave as follows:
 - (1) Two (2) working days (10 hours), for each full monthly pay period in the case of employees with less than three (3) years of service with the City.
 - (2) Three (3) working days (15 hours) for each full monthly pay period in the case of employees with three or more (3+) years of service with the City.
 - (3) Any regular part-time employee who=s regular work schedule includes working at least three (3) hours each day of the regular five day work week (Monday thru Friday) will be able to take a total of 10 working days of leave per fiscal year. (Ord. 2008-05) Any unused leave can be taken in pay as wages. (Ord. 2012-08; 7-18-12)

- (4) Part-time or temporary employees that do not meet the criteria in section 2.12.260 (3) shall not accrue leave. (Ord. 2008-05)
- (B) The mayor shall establish such policies and procedures as are necessary to insure that all employees are able to schedule and take annual leave each full employment year. Each employee must take a minimum leave according to the following schedule:
 - (1) Twelve (12) working days each year for up to three years service.
 - (2) Fifteen (15) working days each year for up to three or more (3+) years of service.
- (C) Leave accrued, by regular full-time employees; over and above the minimum schedule listed above may be carried forward, not to exceed thirty (30) days of leave. The remaining accrued leave can be taken in wages. Such payment shall be at the rate of compensation being paid when the leave was accrued. (Ord. 2012-08; 7-18-12)
- (D) A leave record for each employee will be maintained and such record shall be subject to audit and approval by the mayor or Council.
- (E) Upon the death of an employee, all unpaid compensation and accrued leave shall be paid to the surviving next of kin, unless another beneficiary has been designated by the employee.
- (F) If an employee fails to report to work promptly at the expiration of the approved leave period, the City will assume the employee has resigned. (Ord. 95-2, 1995.)

2.12.261 Sick Leave.

Each regular employee whose regular work schedule includes working at least three (3) hours each day of the regular five day work week (Monday thru Friday) shall accrue sick leave from the beginning of the fiscal year at the rate of fourteen (fourteen) days per year. (Ord. 08-05, 2008)

Sick leave is available for use by the employee or if the employee's dependent child or spouse is sick and requires the physical presence of the employee in the interest of family welfare. Employees not able to work due to illness shall notify their supervisor within two (2) hours of the scheduled reporting time. If sick leave is not sufficient to cover an absence due to illness, leave shall be charged to annual leave, then to leave without pay.

Sick leave slips should be turned in within three (3) working days after the leave has been taken.

No cash payment will be made to an employee for unused sick leave. At the end of each fiscal year any unused portion of sick leave will be forfeited and starting on July 1st of each year the new count of 14 (fourteen) days will begin again.

2.12.270 Pregnancy Related Absences.

The City will not discriminate against any employee who requests an excused absence for medical disabilities associated with pregnancy. Requests for time off associated with pregnancy and/or childbirth, such as bonding and child care, not related to medical disabilities for those conditions, will be considered in the same manner as other requests for unpaid family or personal leave.

(Ord. 95-2, 1995.)

2.12.280 Employee Conduct and Work Rules.

(A) To ensure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- (1) Theft or inappropriate removal or possession of property.
- (2) Falsification of timekeeping records.
- (3) Working under the influence of alcohol or illegal drugs.
- (4) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment.
- (5) Fighting or threatening violence in the workplace.
- (6) Boisterous or disruptive activity in the workplace.
- (7) Insubordination or other disrespectful conduct.
- (8) Violation of safety or health rules or the privacy act.
- (9) Smoking in prohibited areas.
- (10) Sexual or other unlawful or unwelcome harassment.
- (11) Excessive absenteeism or any absence without notice.
- (12) Unauthorized use of telephones, mail system, or other employer-owned equipment.
- (13) Violation of personnel policies.
- (14) Unsatisfactory performance or conduct.

2.12.290 Drug and Alcohol Use.

(A) It is the City's desire to provide a drug free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. While on the City premises and while conducting business related activities off the City premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

- (B) Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.
- (C) Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from use of the problem substance; if the employee abides by all the City policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause the City any undue hardship.
(Ord. 95-2, 1995.)

2.12.300 Sexual and Other Unlawful Harassment.

- (A) The City is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated. As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.
- (B) Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Mayor or any other member of management. Employees may raise concerns and make reports without fear of reprisal. Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment should promptly advise the mayor or any member of management who will handle the matter in a timely and confidential manner.
(Ord. 95-2, 1995.)

2.12.310 Attendance and Punctuality.

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.
(Ord. 95-2, 1995.)

2.12.320 Return of Property.

Employees are responsible for all property, materials, or written information issued to them by the City or in their possession or control. All City property must be returned by employees on or before their last day of work. Where permitted by applicable laws, the City may withhold from an employee's check or final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.
(Ord. 95-2, 1995.)

2.12.330 Resignation.

Resignation is a voluntary act initiated by the employee to terminate employment with the City. Although advance notice is not required, the City requests at least two (2) weeks' written resignation notice from all employees. Prior to an employee's departure, all terminated employees must complete a check-out sheet prior to receiving their final paycheck from the City. If an employee fails to provide advance notice as requested, the employee will be considered ineligible for rehire. This will be grounds for disqualification for future employment with the City.
(Ord. 95-2, 1995.)

2.12.340 Security Inspections.

The City wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the City prohibits the possession, transfer, sale, or use of such materials on its premises. The City requires the cooperation of all employees in administering this policy. Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the City. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the City at any time, either with or without prior notice.
(Ord. 95-2, 1995.)

2.12.350 Solicitation.

- (A) In an effort to assure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace at any time for any purpose.
- (B) The City recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.)
Examples of impermissible forms of solicitation include:
 - (1) Collection of money, goods or gifts for community groups.
 - (2) Collection of money, goods or gifts for religious groups.
 - (3) Collection of money, goods or gifts for political groups.
 - (4) Sale of goods, services or subscriptions outside the scope of official organization business.
 - (5) Circulation of petitions.
 - (6) Distribution of literature that is not work related.

- (7) Solicitation of memberships, fees or dues.
- (C) In addition, the posting of written solicitations on company bulletin boards is restricted. If employees have a message of interest to the workplace, they may submit it to the mayor for approval. All approved messages will be posted by the City Clerk. The bulletin boards display important information, and employees should consult them frequently for:
 - (1) Employee announcements.
 - (2) Job openings.
 - (3) Organization announcements.
 - (4) Workers' compensation insurance information.

2.12.360 Progressive Discipline.

- (A) The purpose of this policy is to state the City's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels. The City's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.
- (B) Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: A first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment. If more than one month has passed since the last disciplinary action, the process will normally start over. By using progressive discipline, it is hoped that most employee problems can be corrected at an early stage, benefiting both the employee and the City.
- (C) The City recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps. While it is impossible to list every type of behavior that may be deemed a serious offense, Section 2.12.290 includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.
(Ord. 95-2, 1995.)

2.12.370 Problem Resolution.

- (A) The City is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the City supervisors and management. The City strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism. If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with the City in a reasonable, business-like manner, or for using the problem resolution procedure.
- (B) If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any time.
 - (1) Employee presents problem verbally to immediate supervisor within five (5) calendar days after incident occurs. If supervisor is unavailable or employee believes it would be inappropriate to contact that person, employee may present problem to any other member of management.
 - (2) Supervisor responds to problem during discussion or within five (5) calendar days, after consulting with appropriate management, when necessary. Supervisor documents discussion.
 - (3) If the problem is unresolved, the employee presents the problem to the mayor within five (5) calendar days. This five (5) day limitation may be waived by the mayor if, through no fault of the employee, he/she was unaware of the action before the time limit expired.
 - (4) The mayor counsels and advises employee, assists in putting problem in writing, visits with employee's manager(s), if necessary.
 - (5) Employee presents problem in writing to Council within five (5) calendar days with a copy to the mayor.
 - (6) The Council reviews and considers problem. Council informs employee of decision within five (5) calendar days, and forwards copy of written response to all parties. The Council has full authority to make any adjustment deemed appropriate to resolve the problem. Such decision shall be final and binding upon both the employee and Council.

2.12.380 Life-Threatening Illnesses in the Workplace.

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City supports these endeavors as long as employees are able to meet acceptable performance standards. Medical information on individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment. (Ord. 95-2, 1995.)

2.12.390 Recycling.

The City supports environmental awareness by encouraging recycling and waste management in its business practices and operating procedures. This support includes a commitment to the purchase, use, and disposal of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the earth's environment.
(Ord. 95-2, 1995.)

TITLE 3

REVENUE AND FINANCE

Chapters:

- 3.01 (Reserved)
- 3.02 (Reserved)
- 3.03 (Reserved)
- 3.04 Sales Tax**
- 3.05 Budget Form and Scope**
- 3.06 Budget Procedures**
- 3.07 Collection Agency**

Chapter 3.04

SALES TAX

Sections:

- 3.04.010 Levy of sales tax**
- 3.04.020 Tax schedule**
- 3.04.030 Payment and collection**
- 3.04.040 Allocation of funds**
- 3.04.050 Exemptions**
- 3.04.060 Delinquencies**
- 3.04.070 Liens and penalties**
- 3.04.080 Definitions**

3.04.010 Levy of sales tax.

A sales tax of 3% is levied on all retail sales, charges, and services made within the City. (Prior Code Ch. 29 B10; Ord. 89-2, 1989; Ord. 68-1, 1968.)

3.04.020 Tax schedule.

The amount of tax to be levied on the sales price or service charge shall be determined in accordance with the following schedule:

<u>AMOUNT</u>	<u>TAX</u>
\$0.15 and under	None
\$0.16 to \$0.50	0.01
\$0.51 to \$0.85	\$0.02
\$0.86 to \$1.15	\$0.03
\$1.16 to \$1.50	\$0.04
\$1.51 to \$1.85	\$0.05
\$1.86 to \$2.15	\$0.06
\$2.16 and over	Continue on same scale.

(Prior Code Ch. 29 B20; Ord. 89-2, 1989; Ord. 68-1, 1968.)

3.04.030 Payment and collection.

- (A) Sales tax imposed by this chapter is due and payable by the buyer at the time of payment for the goods or services and is delinquent if not paid when due.
- (B) A seller making sales of goods or providing services taxable under the provisions of this chapter shall collect the tax from the buyer at the time of each sale or, with respect to credit transactions, at the time of the collection of the sale price. Failure by the seller to collect the tax shall not affect the seller's responsibility for payment to the City.
- (C) The seller shall submit the amount of taxes collected to the City no later than ten days after the end of each quarter of the tax year along with the completed tax form prescribed by the City. The quarters for the tax year are as follows:
 - (1) First tax quarter is from January 1 to March 31.
 - (2) Second tax quarter is from April 1 to June 30.
 - (3) Third tax quarter is from July 1 to September 30.
 - (4) Fourth tax quarter is from October 1 to December 31.
(Prior Code Ch. 29 §30; Ord. 89-2, 1989.)

3.04.040 Allocation of funds.

Taxes collected under the provisions of this chapter shall be deposited in the general fund and be appropriated in accordance with the law.
(Prior Code Ch. 29 §40; Ord. 89-2, 1989.)

3.04.050 Exemptions.

The tax levied under this chapter shall not apply to the following:

- (A) Sales of goods and services to City residents over the age of 65.
- (B) Sales of goods and services to the United States government, State of Alaska, City of Ouzinkie, and other political subdivisions of the state.
- (C) Charges for services provided by City owned or operated utilities.
- (D) Informal or casual sales between individuals not rendered in the regular course of business of the seller.
- (E) Sales involving the transfer of business real and personal property including business inventory.
- (F) Sale or transfer of real property.
- (G) Sales of goods and services by religious organizations, non-profit organizations, tribal governments and public schools.
- (H) Sales of prescription drugs and medical services charged by health care facilities or providers.
- (I) Sale of items purchased by food coupons, food stamps or other similar certificates issued under the United States Food Stamp Act.
(Prior Code Ch. 29 §50; Ord. 89-2, 1989.)

3.04.060 Delinquencies.

- (A) If a seller is delinquent in the submission of the required quarterly tax return for a period of 30 days, the City clerk shall make demand on such delinquent seller, by certified mail, for submission of the required sales tax return within ten days of the notice.
- (B) If a seller fails to submit the required quarterly tax return after notice has been given as provided in subsection (a) of this section, or if such return is reasonably believed by the City clerk to contain incorrect reporting, the City clerk may notify such seller in writing that a hearing will be held upon the matter at a specified place and time no later than 15 days after the date of the notice, at which time and place the seller shall make available to the City clerk for inspection the seller's books, papers, records, and other memoranda pertaining to gross revenue, to make a determination of sales tax liability, if any, and in the event of noncompliance by the seller, the City clerk shall take such legal action as provided in this chapter or under the laws of the State of Alaska or both.
- (C) It shall be the duty of every seller to keep and preserve suitable records of all sales made, and such other books or accounts as may be necessary to determine the amount of sales tax the seller is required to collect. Every seller also must keep and preserve for a period of three years from the date of filing every quarterly tax return all related and necessary books, invoices and other records, all of which shall be subject
- (D) to inspection by an authorized employee or agent of the City. (Prior Code Ch. 29 §60; Ord. 89-2, 1989.)

3.04.070 Liens and penalties.

- (A) The tax, interest and penalty imposed under this chapter, together with all administrative and legal costs incurred, shall constitute a lien in favor of the City upon the seller's real and personal property. The lien shall arise upon delinquency and continue until the obligation is satisfied or the property is sold at a foreclosure sale. The lien is not valid as against a mortgage, pledge, purchaser or judgment creditor, until notice of the lien is filed in the office of the recorder in the district where the property is located. The lien has priority over other liens as allowed by state law.
- (B) A seller who fails to collect sales tax when due, file a sales tax return or transmit the collected taxes, as required by this chapter, shall incur a civil penalty of \$300 per quarter for each unfiled quarter.
- (C) In addition to the amount of civil penalty, interest shall accrue at the rate of 15% per year on the unpaid tax from the date of delinquency until payment is made in full. (Ord. 2013-03; 6-4-13)(Prior Code Ch. 29 §70; Ord. 89-2, 1989.)

3.04.080 Definitions. As used in this chapter, the following definitions shall apply:

- (A) "Buyer" means a person, who purchases, rents or acquires goods or services for consideration.
- (B) "Charge" or "Sales Price" means the consideration, whether money or credit, without deduction for delivery costs, taxes, or other expenses, paid for goods or services.
- (C) "Seller" means a person, who sells, leases, or rents goods or provides services to another for consideration. (Prior Code Ch. 29 §80; Ord. 89-2, 1989.)

Chapter 3.05

BUDGET FORM AND SCOPE

Sections:

3.05.010	Scope of budget
3.05.020	Anticipated revenues
3.05.030	Anticipated revenues compared with other years
3.05.040	Proposed expenditures
3.05.050	Proposed expenditures compared with other years
3.05.060	Budget summary
3.05.070	Budget format

3.05.010 Scope of budget.

- (A) The budget shall be a complete financial plan for all operations of the City, showing dollar reserves, anticipated revenues and proposed expenditures.
- (B) The budget shall include a comparative statement of actual expenditures and revenues for the preceding fiscal year and budgeted expenditures and revenues for the current fiscal year.
- (C) Proposed expenditures shall not exceed total anticipated revenues and reserves. (Prior Code Ch. 30 B1.)

3.05.020 Anticipated revenues.

Anticipated revenues shall be composed of taxes, fees for licenses and permits, intergovernmental revenue, charges for services, fines and forfeitures, miscellaneous revenue, and cash reserves. (Prior Code Ch. 30 B1.)

3.05.030 Anticipated revenues compared with other years.

Opposite the items in the anticipated revenues column of the budget document, shall be listed the amount of revenue from each such item actually received the preceding fiscal year. (See Section 3.05.070 for format.) (Prior Code Ch. 30 B1.)

3.05.040 Proposed expenditures.

Proposed expenditures shall be itemized. Separate provisions shall be included in the budget for each proposed expenditure, including the following:

- (A) Interest, amortization of principal and redemption charges on the public debt for which the faith and credit of the City is pledged.
- (B) Administration, operation and maintenance of each office, department or agency of the City.
- (C) Council's budgetary reserve.
- (D) Expenditures proposed for construction projects, including provisions for down payments on capital projects. (Prior Code Ch. 30 B1.)

3.05.050 Proposed expenditures compared with other years.

Opposite the items of proposed expenditures there shall be listed the amount actually spent for that item in the preceding fiscal year.

(See Section 3.05.070 for format.) (Prior Code Ch. 30 §1.)

3.05.060 Budget summary.

A summary of the budget, which need not be itemized, shall be included in the budget document. Principal sources of anticipated revenues and categories of expenditures by department shall be stated in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates contained in the budget.

(Prior Code Ch. 30 §1.)

3.05.070 Budget format.

The budget shall be prepared in substantially the following format:

**BUDGET
CITY OF OUZINKIE
Fiscal Year ____**

Budget summary:

[Description of revenues and expenditures (see Section 3.05.060).]

REVENUES

Chapter 3.06

BUDGET PROCEDURES

Sections:

3.06.010	Budget--public record
3.06.020	Publication of notice of public hearing
3.06.030	Public hearing on budget
3.06.040	Further consideration of budget
3.06.050	Adoption of budget--vote required
3.06.060	Effective date of budget--certification--copies made available

3.06.010 Budget--public record.

The budget, budget message, capital improvement program, and all supporting schedules shall be a public record in the office of the clerk, open to public inspection by anyone. The mayor shall cause copies of the budget and budget message to be prepared for distribution to interested persons.

(Prior Code Ch. 31 §1.)

3.06.020 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 3 places in the City. The Council shall include in the notice a summary of the budget and capital improvement program and a statement setting out the time and place for the public hearing. This notice shall be posted at least two weeks prior to the hearing.

(Prior Code Ch. 31 §1.)

3.06.030 Public hearing on budget.

At the designated time and place, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any budgeted item.

(Prior Code Ch. 31 §1.)

3.06.040 Further consideration of budget.

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

(Prior Code Ch. 31 §1.)

3.06.050 Adoption of budget--vote required.

The budget shall be adopted by favorable votes of at least a majority of all the members of the Council, preferably by May 1 and not later than May 31 of each year.

(Prior Code Ch. 31 §1.)

3.06.060 Effective date of budget--certification--copies made available.

Upon adoption of the budget. the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be certified by the mayor and the clerk and filed in the office of the clerk. The budget so certified shall be printed and reproduced, and sufficient copies shall be made available through the clerk's office for the use of all officers, departments and agencies and for interested persons and civic organizations. (Prior Code Ch. 31 §1.)

Chapter 3.07

COLLECTION AGENCY

Section:

3.07.010 Accounts and fines

3.07.010 Accounts and Fines.

At the discretion of the Council, any delinquent account or uncollected fine owed to the City may be turned over to a collection agency for collection.

TITLE 4

PROCUREMENT PROCEDURES

Chapters:

- 4.01** **Definitions and Budget**
- 4.02** **City Administrator**
- 4.03** **Source Selection and Contract Formation**
- 4.04** **Appeals and Remedies**
- 4.05** **Procurements**

Chapter 4.01

DEFINITIONS AND BUDGET

Sections:

- 4.04.010** **Definitions.**
- 4.04.020** **Budget and approval.**

4.04.010 **Definitions.**

As used in this chapter, the following words and phrases shall have the meanings set out in this section:

- (A) “Architect-Engineer and Land Surveying Services”
Architect-engineer and land surveying services means those professional services within the scope of the practice of architecture, professional engineering, or land surveying, as defined by the laws of the state.
- (B) “Business” Business means any corporation, partnership, individual, sole proprietorship, joint venture, or any other private legal entity.
- (C) “Confidential Information” Confidential information means any information which is available to an employee only because of the employee’s status as an employee of the City and is not a matter of public knowledge or available to the public on request.
- (D) “Construction” Construction means the process of building, altering, repairing, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.
- (E) “Contract” Contract means all types of City agreements, regardless of what they may be called, for the procurement of supplies, services or construction.
- (F) “Contractor” Contractor means any person having a contract with the City; an agency can also be a contractor.
- (G) “Direct or Indirect Participation”
Direct or indirect participation means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or any other advisory capacity.
- (H) “Employee”
Employee means an individual drawing a salary or wages from the City, whether elected or not, and any individual serving as an elected official.

- (I) “Financial Interest”
 - (1) Ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than one thousand dollars (\$1,000) per year, or its equivalent;
 - (2) Ownership of twenty (20) percent of any property or business; or
 - (3) Holding a position in a business such as officer, director, trustee, partner, employee, or the like, or holding any position of management.
- (J) “Gratuity”

Gratuity means a payment, loan, subscription, advance, deposit of money, service or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.
- (K) “Immediate Family”

Immediate family means a spouse, children, parents, brothers and sisters.
- (L) “Invitation for Bids”

Invitation for bids means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.
- (M) “Local business”

Local business means a business with fixed offices or distribution points located within the boundaries of the City and who has a current City business license and who is at the time of bidding or proposing in compliance with all requirements of the City sales tax ordinance. A City post office box number or residential address may not be used solely to establish status as a local business.
- (N) “Person”

Person means any business, individual, union, committee, club, other organization, or group of individuals.
- (O) “Procurement”

Procurement means the buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection, and solicitation of sources, professional services, preparation and award of contract, and all phases of contract administration.
- (P) “Public Agency”

Public agency means a public entity subject to or created by the City.
- (Q) “Qualified Products List”

Qualified products list means an approved list of supplies, services, or construction items described by model or catalogue numbers which, prior to competitive solicitation, the City has determined will meet the applicable specification requirements.
- (R) “Request for Proposals”

Request for proposals means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

- (S) “Responsible Bidder or Offeror”
Responsible bidder or offeror means a person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facility, equipment, and credit which will assure good faith performance.
- (T) “Responsive Bidder”
Responsive bidder means a person who has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.
- (U) “Services”
Services means the furnishing of labor, time, or effort, by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements, collective bargaining agreements or agreements relating to the procurement of insurance coverage through an insurance broker.
- (V) “Specification”
Specification means any description of the physical or functional characteristics or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery.
- (W) “Supplies”
Supplies means all property, including but not limited to equipment, materials, printing, and leases of real property, excluding land or a permanent interest in land.
- (X) “Using Agency”
Using agency means any department, commission, board, or public agency requiring supplies, services, or construction procured pursuant to this chapter.

4.01.020 Budget approval.

- (A) City budget is overseen by City Administrator that has already been adopted in the City budget:
 - (1) It is the duty of the City Administrator to confirm that sufficient funds are available for the procurement of any single item or purchase order transaction exceeding ten thousand dollars (\$10,000).
 - (2) City Administrator may give budget approval for the procurement of any single item of purchase order transaction less than ten thousand dollars (\$10,000).
- (B) Any item for which the procurement of is not otherwise included in the current fiscal year budget must be approved by the City council:

Chapter 4.02

CITY ADMINISTRATOR

Sections:

4.02.010 Powers and duties.

4.02.020 Delegation of Authority.

4.02.010 Powers and duties.

- (A) Principal Purchasing Official is City Administrator: Except as otherwise provided in this chapter, the City Administrator shall serve as the principal purchasing official for the City, and shall be responsible for the procurement of supplies and services in accordance with this chapter, as well as the management and disposal of supplies and fixed assets.
- (B) Duties of City Administrator: In accordance with this chapter, and subject to the supervision of the City Mayor, the City Administrator shall procure or supervise the procurement of all supplies and services needed by the City;
- (C) Operational Procedures of City Administrator: Consistent with this chapter, and with the approval of the City Council, the City Administrator may adopt and publish operational procedures relating to the execution of the duties of the position.

4.02.020 Delegation of Authority.

- (A) Delegation of authority by City officials:
With the approval of the City Mayor, the City Administrator may delegate authority to purchase certain supplies, services, or construction to other City officials, if such delegation is deemed necessary for the effective procurement of those items.
- (B) Utilizing City official's/staff's existing background and qualifications:
This provision recognizes that for the procurement of certain supplies, services or construction, effective management may call for the delegation of procurement authority to other City officials possessing specialized skills or knowledge that would make them better qualified to define the City's requirements or monitor a contractor's performance.
- (C) City officials may have the options to temporarily appoint highly skilled construction professionals:
When City officials are faced with an especially complex procurement, such as a complex construction project, the City may find it necessary to temporarily appoint a highly qualified construction management professional as a construction procurement officer for a project.
- (D) City officials also may exercise alternative contracting Methods:
 - (1) The City may choose to contract for the services of a construction management firm to oversee all phases of the project.
 - (2) The appointed City contractor shall be closely supervised in its performance by the Administrator or other City official as the City Administrator deems appropriate.

- (3) In selecting and utilizing such a project management firm, the City official will ensure that the contractors providing this management function are independent of those contractors providing construction or other project services to the City.
- (4) Consistent oversight by the City Administrator will be essential for the successful completion of such complex construction projects.

Chapter 4.03

SOURCE SELECTION AND CONTRACT FORMATION

Section

- 4.03.010** **Competitive sealed bidding.**
- 4.03.020** **Competitive sealed proposals.**
- 4.03.030** **Cancellation of bid invitations and proposal requests.**
- 4.03.040** **Determination of non-responsibility. – Confidentiality.**

4.03.01 **Competitive sealed bidding:**

- (A) **Conditions for Use:**
All procurement contracts of the City shall be awarded by competitive sealed bids unless considered in the best interests of the City and subject to the procedures of this ordinance.
- (B) **Invitation for Bids:**
An invitation for bids shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement.
- (C) **Public Notice:**
Adequate public notice of the invitation for bids shall be given a reasonable time, not less than thirty (30) calendar days prior to the date set forth therein for the opening of bids. Such notice may include publication in a newspaper of general circulation a reasonable time prior to bid opening. The public notice shall state the place, date and time of bid opening.
- (D) **Bid Opening:**
Bids shall be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids. The amount of each bid by the City Council and such other relevant information as the City Administrator deems appropriate, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.
- (E) **Bid Acceptance and Bid Evaluation by City Council:**
Bids shall be unconditionally accepted without alteration or correction, except as otherwise authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids.
 - (1) Those criteria that will affect the bid price and be considered in evaluation for awards shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.
 - (2) The criteria shall include a statement that any local business submitting a bid shall receive a five (5) percent preference in determining the lowest responsible and responsive bidder.
 - (3) City council has the preference in determining the lowest responsible and responsive bidder.
 - (4) No criteria may be used in bid evaluation that is not set forth in the invitation for bids.

- (F) Correction or Withdrawal of Bids:
 - (1) Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes may be permitted where appropriate.
 - (2) After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted.
 - (3) In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid.
 - (a) The mistake is clearly evident on the face of the bid document, but the intended correct bid is not similarly evident.
 - (b) The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made.
 - (c) All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the City Administrator.
- (G) Award contract:
 - (1) The contract shall be awarded with reasonable promptness by appropriate written notice to the local business that is the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, provided such bid does not exceed by more than five (5) percent the lowest bid of any bidder that is not a local business.
 - (2) In the event the low responsive and responsible bid exceeds available funds as certified by the City Administrator and such bid does not exceed such funds by more than five (5) percent, the City Administrator or authorized designee is authorized, to negotiate an adjustment of the bid price within the amount of available funds.

4.03.020 Competitive sealed proposals:

- (A) Conditions for Use:

When the City Administrator determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by use of the competitive sealed proposal method.
- (B) Request for Proposals:

Proposals shall be solicited through a request for proposals.
- (C) Receipt of Proposals:
 - (1) No proposals shall be handled so as to permit disclosure of the identity of any offeror or the content of any proposal to competing offerors during the process of negotiation.
 - (2) A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered.

- (3) The register of proposals shall be open for public inspection only after contract award.
- (D) Evaluation Factors:
The request for proposals shall state the relative importance of price and other valuation factors. The evaluation factors shall include a statement that any local business submitting a proposal shall receive a five (5) percent preference in evaluating the proposed price.
- (E) Discussion with Responsible Offerors and Revisions to Proposals:
 - (1) As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably eligible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to the solicitation requirements.
 - (2) Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers.
 - (3) Presentation of proposals may be offered to offerors before the City council in an official meeting called for that purpose.
 - (4) In conducting discussions, there shall be no disclosure of the identity of competing offerors, or of any information derived from proposals submitted by competing offerors.
- (F) Award:
Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price and the evaluation factors set forth in the evaluation. The contract file shall contain the basis on which the award was made.
(Ord. 2011-05)

4.03.030 Cancellation of bid invitations and proposal requests.

An invitation for bids, a request for proposals or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part, when it is for good cause and in the best interests of the City.

4.03.040 Determination of non-responsibility. – Confidentiality

- (A) Confidentiality:
If a bidder or offeror who otherwise would have been awarded a contract is found non-responsible, a written determination of non-responsibility, setting forth the basis of the finding, shall be prepared by the City Administrator. A copy of the determination shall be sent promptly to the non-responsible bidder or offeror.
- (B) Right of Non-Disclosure:
Information furnished by a bidder or offeror pursuant to this section shall not be disclosed by the City outside of the office of the City Administrator, or using agency, without prior written consent of the bidder or offeror.

Chapter 4.04

APPEALS AND REMEDIES

Section

- 4.04.010 Appeals.**
- 4.04.020 Remedies.**

4.04.010 Appeals and Remedies.

- (A) Right to Protest:
 - (1) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the City Mayor.
 - (2) A protest with respect to any invitation for bids or request for proposal shall be submitted in writing prior to the opening of bid or the closing date of proposals.
 - (3) The protest shall be submitted within five (5) days, excluding Saturdays, Sundays, and other legal holidays, after such aggrieved person knows or should have known of the facts giving rise to the case.
- (B) Stay of Procurements During Protests:

In the event of a timely protest under subsection A of this section, the City Administrator shall not proceed further with the solicitation or award of the contract until the City Mayor makes a determination on the record that the award of a contract without delay is necessary to protect substantial interests of the City.
- (C) Notice to the Contractor:
 - (1) The decision shall be promptly issued in writing, and shall be immediately mailed or otherwise furnished to the contractor.
 - (2) The decision shall state the reasons for the decision reached, and shall inform the contractor of its appeal rights under subsection D of this section.
- (D) Finality of Decision:

Contractor's right to appeal. The City Mayor's decision shall be final and conclusive unless, within five (5) days, excluding Saturdays, Sundays, and other legal holidays, from the date of receipt of the decision, the contractor mails or otherwise delivers a written appeal to the decision.

4.04.020 Remedies.

If prior to the bid opening or the closing date for receipt of proposals, the City Administrator, or prior to the award, determines that a solicitation is in violation of federal, state, municipal, or /tribal law, then the solicitation shall be cancelled or otherwise revised to comply with applicable law.

Chapter 4.05

PROCUREMENTS

Sections:

- 4.05.010** **General equipment, material and supplies.**
- 4.05.020** **Construction contracts.**
- 4.05.030** **Professional services.**
- 4.05.040** **Sole-source procurement.**
- 4.05.050** **Emergencies.**
- 4.05.060** **Gratuities, kickbacks and unauthorized spending.**
- 4.05.070** **Contingent fee prohibition.**
- 4.05.080** **Waivers from conflict of interest provisions.**
- 4.05.090** **Confidentiality.**
- 4.05.100** **Contractor in good standing.**

4.05.010 **General equipment, material and supplies.**

(A) Procurement process:

- (1) For procurement of any single item or purchase order transaction expected to cost fifty thousand dollars (\$50,000) or more, no less than three (3) businesses shall be solicited to submit written quotations.
- (2) With the procurement process, the names of the businesses submitting quotations shall be recorded and maintained as a public record.
- (3) Any local business whose quotation does not exceed by more than five (5) percent the lowest price quotation received from any person who is not a local business shall be considered to have submitted a quotation lower than that submitted by the person who is not a local business.

(B) City Administrator uses sound judgment on the following:

- (1) The City Administrator shall use judgment based on knowledge of vendors and products to determine whether or not it is necessary or practical or in the best interests of the City to solicit for quotations or bids for items costing less than(\$50,000)Dollars.
- (2) If the City Administrator finds it necessary, he or she can purchase the item through local business or by solicitation of the best price through phone quotes.

4.05.020 **Construction contracts.**

(A) Source Selection:

- (1) The source selection process for the procurement of construction contracts, whether it be remodeling or construction of a new structure, shall be made as follows.
 - (a) One Hundred Thousand Dollars (\$100,000) and over. For any construction or remodeling project estimated to cost one hundred thousand dollars (\$100,000) or more the competitive sealed bid procedure shall be used as stated in this chapter.

- (b) Under One Hundred Thousand Dollars (\$100,000) For any construction or Remodeling project estimated to cost under one hundred thousand dollars (\$100,000). No less than three (3) businesses shall be contacted to submit written quotations.
- (2) Award shall be given to the lowest responsible and responsive contractor.
- (B) Bid Security:
 - (1) Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated to exceed one hundred thousand (\$100,000).
 - (2) Bid security shall be a bond provided by a surety company authorized to do business in the state, or the equivalent in cash, or otherwise supplied in a form satisfactory to the City.
 - (3) Bid security shall be in the amount equal to at least five (5) percent of the amount of the bid.
- (C) Performance and Payment Bonds:
 - (1) When a construction contract is awarded in excess of fifty thousand dollars (\$50,000) the following bonds or security shall be delivered to the City and shall become binding on the parties upon the execution of the contract.
 - (2) A performance bond satisfactory to the City, executed by a surety company authorized to do business in the state or otherwise secured in a manner satisfactory to the City, in an amount equal to fifty (50) percent of the price specified in the contract, unless the price specified in the contract exceeds five million dollars (\$5,000,000); then the performance bond shall be in the sum of two million five hundred thousand dollars (\$2,500,000)
 - (3) A payment bond satisfactory to the City, executed by a surety company authorized to do business in the state or otherwise secured in a manner satisfactory to the City, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to fifty (50) percent of the price specified in the contract, unless the price specified in the contract exceeds five million (\$5,000,000) then the payment bond shall be in the sum of two million five hundred thousand dollars (\$2,500,000).

4.05.030 Professional services.

The method of source selection process for professional services shall be made through the solicitation for request for proposals as stated in competitive sealed bids at 4.05.010

- (A) Public Notice:
 - (1) Adequate public notice of the request for proposals shall be given in the same manner as provided in 050.
 - (2) The request for proposal shall describe services required, list the types of information and data required of each offeror, and state the relative importance of particular qualifications.

- (B) Statement of Qualifications:
 - (1) Persons engaged in providing the designated types of professional services may submit statements of qualifications and expressions of interest in providing such professional services.
 - (2) Persons may amend these statements at any time by filing a new statement.
- (C) Discussions:
 - (1) The head of a purchasing department procuring the required professional services or a designee of such officer may conduct discussions with any offeror who has submitted a proposal to determine such offerors qualifications for further consideration.
 - (2) Discussions shall not disclose any information derived from proposals submitted by other offerors.
- (D) Contract award:
 - (1) Award shall be made to the offeror determined in writing, by the City Administrator to be best qualified based on the evaluation factors set forth the request for proposals, and negotiation of compensation determined to be fair and reasonable.
 - (2) If compensation cannot be agreed upon with the best qualified offeror, the negotiations may be conducted with such other offeror or offerors, in the order of their respective qualification ranking, and the contract may be awarded to the offeror then ranked best qualified if the amount of compensation is determined to be fair and reasonable.

4.05.040 Sole-source procurement.

A contract may be awarded without competition when the purchasing agent documents in writing, after conducting a good faith review of available resources, that there is only one (1) source for the required supply, service or construction item; or (2) the qualifications of the contractor are uniquely suited to the project and the award is considered in the best interest of the city/tribe. . A resolution of the council must be passed that lays out the above facts and should indicate that it will serve the best interests of the city.

4.05.050 Emergencies.

- (A) Notwithstanding any other provisions of this chapter, the City Administrator may authorize in writing the announcement declaring the emergency procurements of supplies, services, or construction items when there exists a threat to public health, welfare, or safety.
- (B) With oversight and approval of the City Administrator’s City council, the City Administrator shall write a written determination describing the basis for the emergency, which will include the selection of the particular contractor duly noted in the contract.
- (C) The City Administrator shall present this emergency procurement document to the City council at its next scheduled meeting.

4.05.060 Gratuities, kickbacks and unauthorized spending.

- (A) It shall be unethical for any person to offer, give, or agree to give any City employee a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal.
- (B) It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.
- (C) Unauthorized spending of the City moneys by a City employee on the City's behalf without proper approval shall be deemed unethical and the employee reprimanded, up to and including termination.
- (D) No City funds shall be used for the procurement of goods and services for a City employee even if there was such intent to reimburse the City.

4.05.070 Contingent fee prohibition.

It shall be unethical for a person to be retained, or to retain a person, to solicit or secure a City contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

4.05.080 Waivers from conflict of interest provisions.

The City council may grant a waiver from the employee conflict of interest provision, upon making a written determination that: the conflict of interest has been publicly disclosed; and the award will be in the best interests of the City.

4.05.090 Confidentiality.

It shall be unethical for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

4.05.100 Contractor in good standing

No procurement contract may be awarded to a person, group, organization, or other entity that is delinquent in the payment or collection of sales taxes, fees, charges, penalties, interest or other amounts that are due and owing, or otherwise obligated to the City.

TITLE 5

BUSINESS LICENSES AND REGULATIONS

Chapter 5.01

5.01 ALCOHOLIC BEVERAGES

Sections:

- 5.01.010 Prohibition on sale**
- 5.01.020 Possession for personal consumption**

5.01.010 Prohibition on sale.
Reserved.

5.01.020 Possession for personal consumption.
Possession of alcoholic beverages in the City is permitted, for personal consumption only.

TITLE 6

ANIMALS

Chapter 6.01

ANIMAL CONTROL

Sections:

6.01.010 Destruction of vicious animals

6.01.020 Destruction of dogs and cats deemed to be a nuisance

6.01.010 Destruction of vicious animals.

A vicious dog or other animal, licensed or unlicensed, shall be controlled by leash, chain or muzzle. If such vicious animal or pack of animals is reported to be uncontrolled, the owner or owners will receive from the Village Public Safety Office up to two written citations to control the animal or animals. If, after the second such citations, the animal or animals are still uncontrolled, it or they shall be destroyed by the VPSO or by the personnel authorized by the Council for that purpose. For the purpose of this ordinance, a vicious animal is one that, when unprovoked, has bitten a person or domestic animal or, that, in a vicious or terrorizing manner, attacks or approaches, with apparent intent to attack, a person or domestic animal; or that has caused damage to property.

6.01.020 Destruction of dogs and cats deemed to be a nuisance.

A female dog or cat in season that is running at large and is not held on a leash shall be considered a nuisance, as shall any dog or cat, whether licensed or unlicensed, that is not under the control of its owner. The owner of the dog or cat shall receive up to two written citations from the VPSO requesting that the dog or cat be controlled. If, after the second such citations, the dog or cat is still running loose, it shall be destroyed by the VPSO or by the personnel authorized by the Council for this purpose. (Ord. 85-2, 1985.) (Ord. 99-3,1998.)

TITLE 7
ELECTIONS

Chapters:

7.01	City Elections--General
7.02	Election Officials
7.03	Candidates--Nominations
7.05	Notice of Election
7.06	Election Equipment
7.08	Election Procedures
7.10	Canvassing of Election Returns
7.12	Absentee Voting
7.14	Contest of Election

Chapter 7.01

CITY ELECTIONS--GENERAL

Sections:

7.01.010	Administration of elections
7.01.020	Registration
7.01.030	Voter qualification
7.01.040	General election--time
7.01.050	Special election--time
7.01.060	Expenses

7.01.010 Administration of elections.

The Council shall prescribe the general rules for conducting City elections.
(Prior Code Ch. 16 §1.)

7.01.020 Registration.

The City clerk shall obtain from the State of Alaska, Division of Elections, a poll registration list which shall be signed by every qualified voter at the polls prior to voting and which shall state the voter's full name and residence address.

7.01.030 Voter qualification.

A person who possesses all of the following qualifications may vote at any election:

- (A) Citizen of the United States and at least 18 years old.
- (B) Actual and bona fide resident of Alaska for a period of at least 30 days immediately preceding the election.
- (C) Qualified voter in Alaska; that is, who has registered before the election as required by AS 15.07.010.
(Prior Code Ch. 16 §2.)

7.01.040 General election--time.

On the first Tuesday of October of each year a general election will be held in the City for the purpose of filling vacant City offices and determining of other matters that are placed on the ballot.
(Prior Code Ch. 16 §3.)

7.01.050 Special election--time.

The Council, by resolution, may order that a special election be held at a time set forth in the resolution.
(Prior Code Ch. 16 §4.)

7.01.060 Expenses.

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

(Prior Code Ch. 16 B5.)

Chapter 7.02

ELECTION OFFICIALS

Sections:

- 7.02.010 Election duties of City clerk--general**
- 7.02.020 Election judges and clerks**
- 7.02.030 Filling vacancies in election board**
- 7.02.040 Election officials--oath**

7.02.010 Election duties of City clerk--general.

The City clerk or the clerk's designee will perform the duties necessary for the administration of City elections. The election duties of the City clerk include obtaining a list of registered voters from the State of Alaska. The clerk may publish notices urging voter registration and may cooperate with the State of Alaska in encouraging City residents to register.
(Prior Code Ch. 17 B1.)

7.02.020 Election judges and clerks.

Before each City election, the Council shall appoint three judges for each City polling place to constitute the election board for that polling place. One judge in each polling place shall be designated chairman by the Council and shall be responsible for the election in that polling place. The City clerk may appoint up to three additional election clerks at any polling place when necessary to facilitate the orderly conduct of the election or to relieve the judges or clerks of undue hardship. Each judge or clerk must be a qualified voter of the City.
(Prior Code Ch. 17 B2.)

7.02.030 Filling vacancies in election board.

If an appointed judge or clerk fails to appear and subscribe to the oath on election day, or becomes unable to work during the time of the election or canvass, the election board members present shall elect, by a majority voice vote, a qualified voter to fill the vacancy.
(Prior Code Ch. 17 B3.)

7.02.040 Election officials--oath.

The City clerk will choose an election judge from each polling place to appear before the City clerk and take the oath set out in this section. Those election judges will administer the same oath to all other election judges and clerks at their polling places. The oath will be as follows:

"I _____ do solemnly swear that I will honestly and faithfully perform the duties of election. All of this I will perform to the best of my ability, so help me God."
(Prior Code Ch. 17 B4.)

Chapter 7.03

CANDIDATES--NOMINATIONS

Sections:

7.03.010	Candidates--qualifications
7.03.020	Declaration of candidacy--form and filing
7.03.030	Declaration of candidacy--time for filing
7.03.040	Declaration of candidacy--record
7.03.050	Declaration of candidacy--time for withdrawing candidacy

7.03.010 Candidates--qualifications.

No person shall hold any elective City office or be eligible to seek election to any City office unless the person, at the time of the election or appointment to fill a vacancy, is a qualified voter of the City and has resided within the City during the 12-month period immediately preceding the election.

(Prior Code Ch. 18 B1.)

7.03.020 Declaration of candidacy--form and filing.

A person who wishes to become a candidate for an elected office shall complete and file a declaration of candidacy. The declaration shall be completed under oath before the City clerk and shall be in the following form. Declaration forms shall be provided by the clerk.

(Prior Code Ch. 18 B2.)

7.03.030 Declaration of candidacy--time for filing.

A declaration of candidacy shall be filed with the City clerk not earlier than 30 days nor later than 10 days before the election.

(Prior Code Ch. 18 B3.)

7.03.040 Declaration of candidacy--record.

The City clerk will maintain a record with the name and address of every person who has filed a declaration of candidacy as well as the date and time of the filing.

(Prior Code Ch. 18 B4.)

7.03.050 Declaration of candidacy--time for withdrawing candidacy.

A candidate may withdraw his declaration of candidacy at any time through the last day for filing declarations by submitting a written notice of withdrawal to the City clerk.

(Prior Code Ch. 18 B5.)

DECLARATION OF CANDIDACY

I, _____, declare that I reside at _____, in the City of Ouzinkie, Alaska; that my mailing address is _____, Ouzinkie, Alaska 99644; that I have been a resident of the City of Ouzinkie for at least one year immediately preceding the time of this election; that I am a citizen of the United States; that I will be _____ years of age at the time of election; and that I am a qualified voter of the City of Ouzinkie. I declare myself a candidate for the office of _____ for a term of _____ years, commencing _____ and ending _____; and I request that my name be printed as follows: _____ on the official ballot for the election to be held in the City of Ouzinkie, Alaska, on the _____ day of _____, in the year 20____. If elected, I agree to serve for a term of _____ years.

Signature of Candidate

SUBSCRIBED AND SWORN to before me this ____ day of _____, in the year _____.

Notary Public for Alaska
My Commission Expires: _____
Date and hour of filing: _____
This petition is filed by _____ whose address is _____.

Received by _____
City Clerk

(Prior Code Ch. 18 B2.)

Chapter 7.04

NOTICE OF ELECTION

Sections:

- 7.04.010** **Notice of election**
- 7.04.020** **Contents of election notice**

7.04.010 **Notice of election.**

The City clerk shall give at least ten days notice of each general election and 20 days notice of each special election by posting notice in three places within the City; if the City has precincts in two or more places, the notice shall be posted in each voting precinct of the City.
(Prior Code Ch. 19 §1.)

7.04.020 **Contents of election notice.**

Notices for general and special elections must contain the following:

- (A) The date of the election.
- (B) The offices to be filled or the propositions to be voted.
- (C) The time the polling places will open and close.
- (D) The location of City polling places.
- (E) A description of the voting precincts by boundary, or a reference to the Alaska Administrative Code sections establishing precinct boundaries.
- (F) The procedure for declaring candidacy.
- (G) Whether the election is general or special.
(Prior Code Ch. 19 §2.)

Chapter 7.05

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION

Sections:

7.05.010	Application for Petition
7.05.020	Contents of Petition
7.05.030	Signature Requirements
7.05.040	Sufficiency of Petition
7.05.050	Protest
7.05.060	New Petition
7.05.070	Initiative Election
7.05.080	Referendum Election
7.05.090	Effect

7.05.010 Application for Petition

(A) An initiative or referendum is proposed by filing an application with the municipal clerk containing the ordinance or resolution to be initiated or the ordinance or resolution to be referred and the name and address of a contact person and an alternate to whom all correspondence relating to the petition may be sent. An application shall be signed by at least 10 voters who will sponsor the petition. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. Within Two weeks the clerk shall certify the application if the clerk finds that it is in proper form and, for an incitive petition, that the matter:

- (1) is not restricted by AS 29.26.100;
- (2) includes only a single subject;
- (3) relates to a legislative rather than to an administrative matter; and
- (4) would be enforceable as a matter of law.

(B) A decision by the clerk on an application for petition is subject to judicial review.

7.05.020 Contents of Petition

(A) Within two weeks after certification of an application for an initiative or referendum petition, a petition shall be prepared by the municipal clerk. Each copy of the petition must contain,

- (1) A summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred;
- (2) The complete ordinance or resolution sought to be initiated or referred as submitted by the sponsors;
- (3) The date on which the petition is issued by the clerk;
- (4) Notice that signatures must be secured within 90 days after the date the petition is issued;

- (5) Spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;
- (6) A statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and
- (7) Space for indicating the total number of signatures on the petition.
- (B) If a petition consists of more than one page, each page must contain the summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred.
- (C) The clerk shall notify the contact person in writing when the petition is available. The contact person is responsible for notifying sponsors. Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed.

7.05.030 Signature Requirements

- (A) The signatures on an initiative or referendum petition shall be secured within 90 days after the clerk issues the petition. The statement provided under AS29.26.120 (a)(6) shall be signed and dated by the sponsor. Signatures shall be in ink or indelible pencil.
- (B) (B)The clerk shall determine the number of signatures required on a petition and inform the contact person in writing. Except as provided in (e) of this section, a petition shall be signed by a number of voters based on the number of votes cast at the last regular election held before the date written notice is given to the contact person that the petition is available, equal to
 - (1) 25 percent of the votes cast if a municipality has fewer than 7,500 persons; or
 - (2) 15 percent of the votes cast if a municipality has 7,500 persons or more.
- (C) Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed. Signatures not accompanied by a legible residence address shall be rejected.
- (D) A petition signer may withdraw the signer's signature on written application to the clerk before certification of the petition.
- (E) If the ordinance or resolution that is the subject of an initiative or referendum petition affects only an area that is less than the entire area of a municipality, only voters residing in the affected area may sign the petition. The clerk shall determine the number of signatures required on the petition and inform the contact person in writing. The petition shall be signed by a number of voters based on the number of votes cast in that area at the last regular election held before the date written notice is given to the contact person that the petition is available equal to:
 - (1) 25 percent of the votes cast if the area has fewer than 7,500 persons; or
 - (2) 15 percent of the votes cast if the area has 7,500 persons or more.

7.05.040 Sufficiency of Petition

- (A) All copies of an initiative or referendum petition shall be assembled and filed as a single instrument. Within 10 days after the date the petition is filed, the municipal clerk shall:
 - (1) certify on the petition whether it is sufficient; and
 - (2) if the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.
- (B) A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected.
- (C) A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under (B) of this section. Within 10 days after a supplementary filing the clerk shall re-certify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

7.05.050 Protest

If the municipal clerk certifies that an initiative or referendum petition is insufficient, a signer of the petition may file a protest with the mayor within seven days after the certification. The mayor shall present the protest at the next regular meeting of governing body. The governing body shall hear and decide the protest.

7.05.060 New Petition

Failure to secure sufficient signature does not preclude the filing of a new initiative or referendum petition. However, a new petition on substantially the same matter may not be filed sooner than six months after a petition is rejected as insufficient.

7.05.070 Initiative Election

- (A) Unless substantially the same measure is adopted, when a petition seeks an initiative vote the clerk shall submit the matter to the voters at the next regular election occurring no sooner than 45 days after certification of the petition. If no regular election occurs within 75 days after the certification of the petition, the governing body shall hold a special election within 75 days, but not sooner than 45 days after certification.
- (B) If the governing body adopts substantially the same measure, the petition is void and matter initiated may not be placed before the voters.
- (C) The ordinance or resolution initiated shall be published in full in the notice of the election, but may be summarized on the ballot to indicate clearly the proposal submitted.
- (D) If a majority vote favors the ordinance or resolution, it becomes effective upon certification of the election, unless a different effective date is provided in the ordinance or resolution.

7.05.080 Referendum Election

- (A) Unless the ordinance or resolution is repealed, when a petition seeks a referendum vote the clerk shall submit the matter to the voters at the next election occurring no sooner than 45 days after certification of the petition. If no election occurs within 75 days of certification of a petition, the governing body shall hold a special election within 75 days, but not sooner than 45 days after certification.

- (B) If a petition is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the governing body may not enact an ordinance or resolution substantially similar to the suspended measure.
- (C) If the governing body repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.
- (D) If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election.

7.05.090 Effect

- (A) The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed.
- (B) If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified.
(Ord. 2006-06, 8/22/06)

Chapter 7.06

ELECTION EQUIPMENT

Sections:

7.06.010	Election booths and ballot boxes
7.06.020	Instruction cards
7.06.030	Ballots--printing and inspection
7.06.040	Ballots--form
7.06.050	Sample ballots
7.06.060	Registration index and original register--distribution to precinct officials

7.06.010 Election booths and ballot boxes.

The City clerk shall provide booths at each polling place with enough supplies and materials to enable each voter to mark his or her ballot hidden from observation. Each booth shall be enclosed on two sides. The ballot boxes shall be located outside of the booths, within plain view of the election officers, voters and persons within the polling place. (Prior Code Ch. 20 §1.)

7.06.020 Instruction cards.

The City clerk will furnish to each election board instructions for the guidance of voters covering the following:

- (A) How to obtain ballots.
- (B) The manner for marking them.
- (C) The method for obtaining information.
- (D) How to obtain a new ballot to replace any destroyed or spoiled ballot.

The clerk will furnish a supply of these instruction cards to the election judges in each polling place. (Prior Code Ch. 20 §2.)

7.06.030 Ballots--printing and inspection.

In all City elections, the City clerk will be responsible for the printing of ballots. The ballots will be printed, in the possession of the City clerk, and available for inspection by the candidates or the public at least five days before the election. (Prior Code Ch. 20 §3.)

7.06.040 Ballots--form.

- (A) Each ballot shall contain the list of candidates and issues to be voted on:
- (B) At the top of the list of candidates for each office shall be the instruction "Vote for not more than three," or "Vote for not more than one," or such other number as there are offices to be filled.
- (C) Under the title of each office and below the printed names of the candidates will be printed the number of candidates to be elected to the office.

- (D) The following information will be printed conspicuously on each ballot:
 - (1) The words "OFFICIAL BALLOT"
 - (2) The date of the election.
 - (3) An example of the signature of the clerk who had the ballots printed.
- (E) The ballots will be printed on plain white paper and numbered in consecutive order. The names of the candidates will be printed in capital letters of the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square of a size not less than one-quarter of an inch on each side will be printed.
- (F) The names of the candidates shall be printed as they appear on the petitions filed with the City clerk, except that any honorary or assumed title or prefix shall be omitted.
- (G) Following the names of the offices and candidates, there shall be placed on the ballot all propositions and questions to be voted on. The words "Yes" and "No" shall be placed below the statement of each proposition and question.
(Prior Code Ch. 20 §4.)

7.06.050 Sample ballots.

The City clerk will have a number of sample ballots printed on non-white paper, clearly marked "SAMPLE BALLOT." The sample ballots will be delivered to the election judges in each polling place.
(Prior Code Ch. 20 §5.)

7.06.060 Registration index and original register--distribution to precinct officials.

Prior to the opening of the polls, the City clerk shall deliver a registration list and an original register to the election officials in every voting place. The original register will provide enough space to allow voters to sign their names and enter their addresses. A record shall be kept in the original register of the names of persons who attempt to vote but are refused, and a brief statement of the basis on which they have been refused the right to vote. The signing of the register is a declaration by the voter that the voter is qualified to vote. (Prior Code Ch. 20 §6.)

Chapter 7.08

ELECTION PROCEDURES

Sections:

7.08.010	Time for opening and closing polls
7.08.020	Distribution of ballots
7.08.030	Preparation of ballot box
7.08.040	Voting procedures
7.08.050	Marking of ballots by voters
7.08.060	Challenging voters
7.08.070	Questioning a voter's ballot
7.08.080	Challenged ballots--disposition
7.08.090	Ballots--counting and tallying
7.08.100	Defective and unused ballots
7.08.110	Election certificate
7.08.120	Majority decision of election board
7.08.130	Prohibited activities near election polls

7.08.010 Time for opening and closing polls.

- (A) On the day of an election, each election board shall open the polls for voting at 8:00 a.m., shall close the polls for voting at 8:00 p.m., and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 a.m. on election day.
- (B) Fifteen minutes before the closing of the polls, an election judge or clerk shall announce to all persons present the time remaining before the polls close. When the polls are closed, no ballots will be distributed except to qualified voters present at the polls and waiting to vote when the closing time is announced.
(Prior Code Ch. 21 B1.)

7.08.020 Distribution of ballots.

- (A) The City clerk shall deliver the ballots to the election board before the polls are opened on election day. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside. A receipt for each package shall be obtained from the election board to which it is delivered and retained by the City clerk. No ballots shall be removed from the polling place before the closing of the polls.
- (B) The clerk shall keep the following records:
 - (1) The number of ballots delivered to each polling place.
 - (2) The names of the persons to whom the ballots are delivered.
 - (3) The time the ballots are delivered.

- (C) When the ballots are returned, the clerk shall record the following:
 - (1) The number of ballots returned from each polling place.
 - (2) The time the ballots are returned.
 - (3) The names of the persons returning the ballots.
 - (4) The condition of the ballots.
(Prior Code Ch. 21 §2.)

7.08.030 Preparation of ballot box.

Before receiving any ballots, and in the presence of all persons present at the polling place, the election board must open and exhibit the ballot box to be used at the polling place. After the box has been exhibited it will be sealed and not opened again until the polls are closed. After the polls have been closed and all ballots have been deposited in the ballot box, the ballot box will be opened by the election judges.
(Prior Code Ch. 21 §3.)

7.08.040 Voting procedures.

- (A) Each voter shall tell the judges and clerks his name and write his name and address on the first available line of the registration book. If any judge or clerk present believes the voter does not have sufficient identification, he shall challenge the voter immediately.
- (B) If the voter is not challenged, he shall be given one ballot and shall retire alone to a voting booth. There, the voter, without delay, shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for that purpose. The voter shall also mark the boxes for questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number on the ballot and deliver it to one of the judges or clerks who, after verifying the ballot bears the same number as the ballot given to the voter by the judges and clerks, shall tear off the number and deposit the ballot in the ballot box.
- (C) A voter who inadvertently spoils his ballot shall, upon returning the spoiled ballot to the judges and clerks, be given another ballot. A voter who is blind or otherwise incapable of marking his ballot shall be assisted in doing so by a judge or clerk if the voter requests such assistance.
(Prior Code Ch. 21 §4.)

7.08.050 Marking of ballots by voters.

- (A) A voter may mark his ballot only by the use of crossmarks, "X" marks, checks or plus signs that are clearly spaced in the square opposite the name of the candidate, question or proposition for which the voter desires to cast his ballot.
- (B) A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
- (C) If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
- (D) If a voter marks more names than there are persons to be elected to the office, none of the

votes for candidates for that office shall be counted.

- (E) The mark shall be counted only if most of the mark is inside the square provided, or if the mark is touching the square so as to indicate clearly that the voter intended the particular square to be designated.
- (F) Improper marks on the ballot shall not be counted and shall not invalidate marks that were made properly.
- (G) An erasure or correction invalidates only that section of the ballot in which it appears.
- (H) Write-in votes are not invalidated by writing in the name of a candidate whose name is also printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was marked for the purpose of identifying the voter who cast the ballot.
- (I) Write-in votes are not invalidated if the voter fails to mark the square provided if, in the opinion of the judges, the voter intended to vote for the person whose name was written in.
(Prior Code Ch. 21 §5.)

7.08.060 Challenging voters.

An election judge and election clerk shall challenge, or other qualified voter in the City may challenge, a person attempting to vote if the challenger has good reason to believe that the challenged person is not qualified to vote. All challenges shall be made in writing explaining the reason for the challenge.

Before voting, a challenged person shall take an oath and sign an affidavit providing that he is not disqualified and that he has not already voted at the same election. He shall also state his address prior to residing in the City and the length of time he resided at that address. After the challenged person has taken the oath and signed the affidavit, the person may vote. If the challenged person refuses to take the oath or sign the affidavit, the person may not vote.
(Prior Code Ch. 21 §6.)

7.08.070 Questioning a voter's ballot.

If a voter's registration is in question, the voter shall be allowed to vote the election official shall designate the ballot a questioned ballot.
(Prior Code Ch. 21 §7.)

7.08.080 Challenged ballots--disposition.

After a challenged or questioned voter has cast his ballot, the voter will insert the ballot into a small blank envelope and seal it. This envelope shall be placed in the signed oath and affidavit envelope. The oath and affidavit envelope shall be sealed and inserted into a larger envelope. The envelope will be delivered to the City clerk. The City clerk will present these materials to the canvass committee and assist the canvass committee in determining the validity of the challenge.
(Prior Code Ch. 21 §8.)

7.08.090 Ballots--counting and tallying.

- (A) Immediately after the polls close and the last vote has been cast, the election judges will open the boxes containing the ballots. The ballots will be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated on the voter registration list. If the number of ballots drawn from the ballot box does not match the number of voters on the registration list, the ballots shall be recounted until the election board concludes either that there is an unexplained error or that the number of ballots cast matches the number of votes on the registration tally list. If a discrepancy exists between the number of votes cast and the registration tally, it shall be explained in detail on the tally, and the explanation shall be signed by the election judges.
- (B) The ballots shall be counted in public. The opening of the ballot box at the close of the polls shall be done in full view of all persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the box one by one and tally the number of votes for each candidate and for or against each issue. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.
(Prior Code Ch. 21 §9.)

7.08.100 Defective and unused ballots.

If a voter marks more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from a ballot the voter's choice for any office or issue, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election board can determine the person and office for whom the voter intended to vote. Ballots not counted shall be marked "Defective" on the back, and ballots to which objection has been made shall be marked "Objected to" on the back. An explanation of the defect or objection shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope labelled: "Defective and objected ballots." All ballots not voted and all ballots spoiled by voters shall be returned by the judges to the City clerk, who shall receipt for them and keep a record of the number and condition of ballots returned by each judge and the time of return.
(Prior Code Ch. 21 §10.)

7.08.110 Election certificate.

After the votes are announced and counted, a certificate will be prepared stating the number of votes received by each candidate, and the office for which the candidate has run. The poll lists and tallies will be attached to the certificate. The certificate will be signed by the election judges. The registration index, original register, tallies or tally papers, oath of judges, oath of voters, other papers, and the certificate will be placed in an envelope. The envelope will be marked "Election returns" and delivered to the City clerk.
(Prior Code Ch. 21 §11.)

7.08.120 Majority decision of election board.

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

(Prior Code Ch. 21 §12.)

7.08.130 Prohibited activities near election polls.

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

(Prior Code Ch. 21 §13.)

Chapter 7.10

CANVASSING OF ELECTION RETURNS

Sections:

- 7.10.010** **Canvass committee--meeting--postponing canvass**
- 7.10.020** **Canvass to be made public**
- 7.10.030** **Investigation of challenged ballots**
- 7.10.040** **Challenged ballots--subpoenas**
- 7.10.050** **Canvass committee--report--contents**
- 7.10.060** **Results of election--public declaration**
- 7.10.070** **Certificate of election**

7.10.010 **Canvass committee--meeting--postponing canvass.**

Before each election, the Council shall appoint at least three qualified voters who shall constitute the election canvass committee for that election. All members of the election canvass committee shall appear before the City clerk and shall take or subscribe to the oath in section 7.02.040. The canvass committee will meet on the first Friday after the election and canvass all absentee and challenged ballots executed in the election. The canvass may be postponed from day to day for cause but such postponement shall not exceed three days in total. (Prior Code Ch. 22 §1.)

7.10.020 **Canvass to be made public.**

- (A) The canvass of all absentee, challenged and questioned ballots will be made by publicly opening the returns and announcing the results thereof.
- (B) Absentee ballots shall be counted by the City clerk and two or more assistants in the following manner:
 - (1) All ballot envelopes shall be removed from return envelopes and placed in a ballot box. The return envelopes shall be delivered to the City clerk. The absentee ballots shall be removed from the ballot box, one at a time taken out of the ballot envelopes and counted in the same manner in which ballots cast at the polls are counted.
- (C) The canvass shall include a review and comparison of the tallies of paper ballots with the election certificates to correct any mathematical error in the count of paper ballots.
- (D) If the City clerk finds an unexplained error in the tally of paper ballots, he may count the ballots from the ballot box.
(Prior Code Ch. 22 §2.)

7.10.030 **Investigation of challenged ballots.**

The canvass committee may request the assistance of the City clerk or the mayor to investigate the challenges made. any City elector may appear to give testimony concerning the challenged ballots. The canvass committee will deliver the challenged ballots to the Council and submit a report of their findings. The Council may accept or reject a challenge. If a challenge is upheld, the ballot challenged will not be opened and counted, but will be saved with other ballots. If a challenge is rejected, the ballot will be counted with the absentee ballots. The City clerk will

notify a voter whose ballot is not counted that the challenge against him was upheld.
(Prior Code Ch. 22 §3.)

7.10.040 Challenged ballots--subpoenas.

The Council may order testimony of witnesses and issue subpoenas pursuant to state law while investigating challenged ballots. (Prior Code Ch. 22 §4.)

7.10.050 Canvass committee--report--contents.

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

- (A) The number of ballots cast in the election.
- (B) The names of the persons voted for and the propositions voted.
- (C) The offices voted for.
- (D) The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election.
- (E) A proposed disposition of all challenged, absentee, write-in, questioned and voided ballots.
- (F) Other matters which the canvass committee may determine to be necessary.
(Prior Code Ch. 22 §5.)

7.10.060 Results of election--public declaration.

- (A) If an election is not contested, the result of the election shall be publicly declared by the Council and entered in the minutes of a special meeting of the Council on the first Monday following the election.
- (B) If an election contest is declared and resolved, the result of the election shall be publicly declared by the Council and entered in the minutes of a special meeting of the Council within a week after the contest is resolved.
(Prior Code Ch. 22 §6.)

7.10.070 Certificate of election.

The council will authorize the City clerk to make and deliver a certificate of election to every person elected. The certificate of election will be signed by the

Chapter 7.12

ABSENTEE VOTING

Sections:

7.12.010	Absentee voting--eligible persons
7.12.020	Absentee ballots--application--filing
7.12.030	Absentee ballots--delivery
7.12.040	Notation of ballot number and date of application
7.12.050	Completion and return of absentee ballots
7.12.060	Absentee voting at clerk's office--surrender of absentee ballot
7.12.070	Absentee ballots--executing outside City
7.12.080	Absentee ballots--receipt
7.12.090	Absentee ballots--voting supplies
7.12.100	Liberal construction

7.12.010 Absentee voting--eligible persons.

A qualified voter who expects to be absent from the City or who will be unable to vote by reason of physical disability on the day of an election may cast an absentee ballot.

(Prior Code Ch. 23 §1.)

7.12.020 Absentee ballots--application--filing.

(A) A person who seeks to vote by absentee ballot may apply for an absentee ballot in person or by mailing written application to the City clerk.

(B) An application made by mail must be received by the City clerk not more than 20 days nor less than 3 days before a City election. An application made in person must be filed with the City clerk not more than 15 days before nor later than noon on the day before a City election.

(C) The application must be signed by the applicant and provide his or her address.

(D) Nothing in this section is intended to prohibit the City clerk from personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the City clerk's office for an absentee ballot.

(Prior Code Ch. 23 §2.)

7.12.030 Absentee ballots--delivery.

Upon receipt of an application for an absentee ballot, the clerk will check the latest state registration listings to determine whether the applicant is registered to vote. If the applicant is properly registered, the clerk will deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, an identification envelope and a return envelope. If the absentee ballot is personally delivered, it shall be completed in the presence of the clerk at the time of delivery.

(Prior Code Ch. 23 §3.)

7.12.040 Notation of ballot number and date of application.

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

(Prior Code Ch. 23 B4.)

7.12.050 Completion and return of absentee ballots.

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

IDENTIFICATION ENVELOPE

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

_____ deposes and says: I am a resident of and voter of the City of Ouzinkie, Alaska, and I hereby enclose my ballot in compliance with the election Code of the City of Ouzinkie.

(SEAL)

Signature of Voter

Residence Address Within City

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 19 ____, and I hereby certify that in my presence this affiant enclosed said ballot and handed me this envelope sealed, that ___he signed this affidavit and I acknowledged the same all in accordance with the law.

Official's Signature

Title of Official

NOTICE - After receiving this sealed envelope from the person taking your affidavit, when voting outside the office of the City clerk of the City of Ouzinkie, you must immediately return it by mail, postage prepaid, to the City Clerk, P.O. Box 109, Ouzinkie, Alaska 99644.

MARKED BALLOT ENCLOSED TO BE OPENED ONLY BY CANVASSING BOARD.
(Prior Code Ch. 23 B5.)

7.12.060 Absentee voting at clerk's office--surrender of absentee ballot.

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

- (A) The voter will first display the ballot to the clerk to show that the ballot has not been previously marked. He then will proceed to mark the ballot in the voting booth at the clerk's office. The voter will place the ballot in the envelope provided to him in a manner that permits the clerk to see the number on the ballot. The voter will then hand the envelope to the clerk, who will examine it. If the clerk determines that the ballot is numbered correctly, he will tear off the printed number and permit the voter to enclose the ballot in the identification envelope.
- (B) The voter will then complete and swear to the affidavit printed on the face of the envelope. He will seal the envelope and deliver it to the clerk.
- (C) The clerk will certify the affidavit printed on the identification envelope by writing or stamping his name across the seal. The clerk will deposit the envelope in a safe place in his office and retain it for delivery to the canvassing committee.
- (D) If an absentee voter returns to the City on election day, he will not be allowed to vote unless he surrenders the absentee ballot and any other supplies mailed to him.
(Prior Code Ch. 23 §6.)

7.12.070 Absentee ballots--executing outside City.

After receiving an absentee ballot, the voter may appear on any day prior to and including the day of the election before a notary public, clerk or officer of any City, state, territory or district within the United States and, in the presence of the officer may complete his ballot as set out in section 7.12.060 of this chapter.

(Prior Code Ch. 23 §7.)

7.12.080 Absentee ballots--receipt.

To be counted, an absentee ballot must be executed before the polls close in the City and be received by the clerk prior to the time the ballots are canvassed by the canvassing committee.

(Prior Code Ch. 23 §8.)

7.12.090 Absentee ballots--voting supplies.

All supplies necessary for the voter to cast and return his absentee ballot will be furnished by the clerk. No City official may make any charge for services rendered to a voter under the provisions of this chapter. (Prior Code Ch. 23 §9.)

7.12.100 Liberal construction.

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

(Prior Code Ch. 23 §10.)

Chapter 7.14

CONTEST OF ELECTION

Sections:

7.14.010	Contest of election
7.14.020	Recount expenses--appeal
7.14.030	Contest of election--investigation
7.14.040	Ballot recount
7.14.050	Sustained charges--recount
7.14.060	Tie votes

7.14.010 Contest of election.

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

NOTICE OF ELECTION CONTEST

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

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

The undersigned states that the following laws were violated:

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

Signature of Person Contesting

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20_____.

Notary Public in and for Alaska

My Commission Expires: _____

- (C) If a contestant alleges prohibited practices, the Council will direct the City clerk to produce the original register books for the election. (Prior Code Ch. 24 B&B1 and 5.)

7.14.020 Recount expenses--appeal.

- (A) The contestant shall pay all costs and expenses incurred in a recount demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and losing vote on the result contested is more than 2%.
- (B) No person may appeal or seek judicial review of a City election for any cause or reason unless the person is qualified to vote in the City, has exhausted his administrative remedies before the Council, and has commenced, within ten days after the Council has declared the election results, an action in the Superior Court in the City's judicial district. If no such action is commenced within the ten day period, the election and election results shall be conclusive, final and valid in all respects.
(Prior Code Ch. 24 §2.)

7.14.030 Contest of election--investigation.

The Council will order an investigation to be made by the City clerk or the mayor if a notice of contest is received. Investigation proceedings will be public.
(Prior Code Ch. 24 §3.)

7.14.040 Ballot recount.

If only a recount of ballots is demanded, the election committee in the polling place where the error allegedly occurred shall recount the ballots.
(Prior Code Ch. 24 §4.)

7.14.050 Sustained charges--recount.

If the charges alleged by a contestant are upheld, the canvassing committee will make a recount and report immediately to the Council. The Council will then certify the correct election returns as provided in Sections 7.10.050-.060.
(Prior Code Ch. 24 §6.)

7.14.060 Tie votes.

If, after a recount and appeal, two or more candidates are tied in having the highest number of votes for the same office, the mayor shall notify those candidates of the tie and of a reasonable and suitable time and place to determine the successful candidate by drawing lots. After the determination has been made by drawing lots, the mayor shall so certify the results.
(Prior Code Ch. 24 §7.)

TITLE 8

HEALTH AND SAFETY

Chapters:

- 8.01 Fire Ordinance**
- 8.02 Control of Firearms and Explosives**
- 8.03 Control of Garbage and Human Waste**
- 8.04 Garbage and Refuse Collection**
- 8.05 Protection of Watershed**
- 8.06 Abandoned Buildings**
- 8.07 Prohibition of Smoking**

Chapter 8.01

FIRE ORDINANCE

Sections:

- 8.01.010** **Volunteer fire department--purpose**
- 8.01.020** **Fire department officers**
- 8.01.030** **Duties of the chief**

8.01.010 **Volunteer fire department--purpose.**

The purpose of the volunteer fire department is the prevention of fire and the protection of life and property within the limits of the City.

8.02.020 **Fire department officers.**

- (A) The department shall consist of a chief, one assistant chief, and other officers as may be deemed necessary for the effective operation of the department.
- (B) The chief shall be appointed by the Council for an indefinite period of time and his tenure of office shall depend upon his conduct and efficiency. He shall be removed only for just cause and after a public hearing before the Council.
- (C) The chief shall be held accountable to the Council only and shall make written and verbal reports thereto as the Council may require. All other department and company officers shall be accountable to the chief only.
- (D) The assistant chiefs and all other department and company officers shall be appointed by the chief. Such officers shall be accountable only to the chief and subject to removal by him.

8.01.030 **Duties of chief.**

- (A) The chief shall formulate a set of rules and regulations to govern the department and shall be responsible to the Council for the morale and general efficiency of the department.
- (B) The chief shall determine the number and kind of companies comprising the department and shall determine the manner in which such companies shall respond to alarms.
- (C) The use of all fire fighting apparatus and equipment shall be under the supervision and direction of the chief and the assistant chiefs. The chief shall determine the location or locations in which to install fire alarms.

Chapter 8.02

CONTROL OF FIREARMS AND EXPLOSIVES

Sections:

8.02.010	Unlawful use
8.02.020	Permitted use
8.02.030	Aiming firearms at others

8.02.010 Unlawful use.

It shall be unlawful for any person to discharge firearms or explosives within the City limits except as permitted under Section 8.02.020 and as follows:

- (A) For subsistence purposes.
- (B) For sighting firearms.
- (C) During traditional holiday celebrations for Fourth of July and American and Russian New Year.

8.02.020 Permitted use.

Firearms may be discharged only within the area designated by the Council and known as the "back beach."

8.02.030 Aiming firearms at others.

It shall be unlawful for any person to intentionally point or aim any firearm or other weapon, loaded or otherwise, at any person.

Chapter 8.03

CONTROL OF GARBAGE AND HUMAN WASTE

Sections:

- 8.03.010 Unlawful disposal of garbage**
- 8.03.020 Unlawful disposal of sewage**

8.03.010 Unlawful disposal of garbage.

It shall be unlawful for any person to dispose of garbage, refuse or trash of any kind within the limits of the City other than in the place designated by the Council.

8.03.020 Unlawful disposal of sewage.

It shall be unlawful for any person to deposit, dump or in any manner dispose of human waste, offal or excrement within the limits of the City except as specified below:

- (A) By use of outdoor toilets of usual construction and meeting reasonable sanitation requirements.
- (B) At a place designated by the Council.

Chapter 8.04

GARBAGE AND REFUSE COLLECTION

Sections:

8.04.010	Definitions
8.04.020	Collection and disposal service
8.04.030	(Reserved)
8.04.030	(Reserved)
8.04.030	(Reserved)
8.04.060	Containers
8.04.070	Placement for collection
8.04.075	Landfill Rates
8.04.080	Sanitary landfill
8.04.085	Hazardous and toxic waste
8.04.090	Prohibited acts

8.04.010 Definitions.

As used in this chapter, unless otherwise provided or the context otherwise requires:

- (A) "Garbage" means any waste food products, food containers, kitchen refuse, and any other putrescible solid waste.
- (B) "Haul" means to transport garbage personally or using the services of another individual acting under the direct authority and control of the person whose garbage is transported.
- (C) "Rubbish" or "trash" means all waste material not included within the above definition of garbage.
(Prior Code Ch. 11 §3.1; Ord. 87-3, 1987.)

8.04.020 Collection and disposal.

- (A) The City has established a system of garbage and solid waste collection and disposal which is to be maintained and operated through the utilization of City employees.
- (B) All individuals and businesses subscribing to electrical utility services provided by the City shall be deemed to use the City sanitary landfill for garbage disposal and shall be liable for a monthly landfill use payment in an amount established by the Council which may vary, depending on operation costs for the landfill.
- (C) Payment for use of the landfill will entitle subscribers to the following collection and disposal services provided by the City:
 - (1) Residential can or bag service will be available to each dwelling unit occupied by related persons or by five or fewer unrelated persons for collection two days per week.
 - (2) Commercial bag service will be available to business premises for collection two days per week. Services shall be limited to three bags per collection. Commercial bag service shall also be made available to all dwelling units that are eligible for residential bag service.

- (D) The category of service to be provided and utilized, as well as the frequency of collection necessary to conform to the City health requirements, shall be determined by the City in conformance with the provisions of this chapter.
(Prior Code Ch. 11 §33; Ord. 87-3, 1987.)
- (E) Contractors and outside Grant Projects in the village will be judged on a project by project basis as to whether they will be allowed to use the landfill. If permitted use of the landfill for removal of construction and other materials they will be charged on a project by project basis. No materials as addressed under section 8.04.085 Hazardous and Toxic Waste will be allowed to be placed in the landfill, the metal dumping area, or any other area designated as landfill. The rate for dumping of construction and other materials will either be charged by the dump load or on a monthly fee basis for the duration of the project. Rates will be set by the City Council by Resolution.
(Ord. 09-01, 2009)

8.04.030 (RESERVED)

8.04.030 (RESERVED)

8.04.030 (RESERVED)

8.04.060 Containers.

All garbage, rubbish, and trash placed for collection shall be contained or secured by one of the following methods.

- (A) In plastic bags having a minimum thickness of 2.0 mils and a maximum capacity of 30 gallons, securely tied and unbroken. The contents of each bag shall not weigh more than 30 pounds.
- (B) In metal or plastic cans having a maximum capacity of 32 gallons, a maximum empty weight of 20 pounds, and a maximum loaded weight of 60 pounds. Cans shall be tapered outward toward the top and so loaded that the contents will readily fall from the container when the lid is removed and the can inverted. The cans shall be equipped with handles that are easily gripped with a gloved hand and a lid that can be readily removed for emptying. If lids are tied to cans, they shall be secured in such a manner that the lid is held by an elastic cord, is easily removed from the top of can and hugs tight to the side of can when removed from the top of the can. Cans and lids shall be maintained in good repair and shall exclude water.
- (C) Bulky items of trash may be secured in tied bundles not over 15 inches in diameter, 36 inches in length, and having a maximum weight of 30 pounds.
- (D) Ashes, soot, kitty litter, pet excrement, and other objectionable and unsanitary material shall be placed in securely tied plastic bags and shall not be placed loose in cans.
- (E) Garbage, rubbish, and trash accumulating between regular scheduled collection days shall be stored in containers or locations which exclude dogs, cats, rats, rain, and snow, and shall be protected in some manner so that the container will not be easily tipped by dogs or windstorms.
(Prior Code Ch. 11 §3.6; Ord. 87-3, 1987.)

8.04.070 Placement for collection.

- (A) Collection of garbage, rubbish, and trash shall be on the days determined and specified by the City.
- (B) Items to be collected shall be placed within five feet of the route of the collection vehicle and shall be placed for collection on the day of collection only.
- (C) No garbage, rubbish, or trash may be placed for collection or collected, hauled, or disposed of in a manner that a reasonable person would find offensive.
- (D) The collection service established by the City does not provide for the collection of rock, dirt, snow, ice, water, automobile parts or dead animals, and those items, materials, and substances shall not be placed for collection.
(Prior Code Ch. 11 §§3.7 and 3.8; Ord. 87-3, 1987.)

8.04.075 Landfill Rates

- (A) Landfill rates shall be as follows.

Senior Citizens	All rates will be set by
Residential	the City Council by
Commercial	resolution.
School	
Construction & Grant Project	

(Ord. 09-1, 2009)

8.04.080 Sanitary landfill.

- (A) The City will maintain an appropriate site to be utilized as a sanitary landfill for the disposal of garbage, rubbish and trash.
- (B) Each person disposing of any material within the sanitary landfill maintained by the City shall pay a fee as determined by the Council, which may vary, depending on operating costs of the landfill.
- (C) No person may deposit or dispose of any material in the sanitary landfill maintained by the City without first paying applicable fees.
(Prior Code Ch. 11 §3.9; Ord. 87-3, 1987.)

8.04.085 Hazardous and toxic waste.

- (D) Except as provided in this chapter, no person shall dispose of hazardous or toxic waste within the City without the permission of the City.
- (E) Hazardous and toxic waste that the City determines can be safely and efficiently disposed of at City disposal facilities shall be separately contained, clearly identified and delivered to a designated disposal facility at a time established by the City.
- (F) Hazardous and toxic waste which the City determines cannot be safely and efficiently disposed of at City disposal facilities shall be disposed of in such a manner as to prevent any hazard, damage or injury to persons or property and shall, in addition, be disposed of in accordance with any and all applicable federal, state and municipal statutes, ordinances, rules and regulations.

8.04.090 Prohibited acts.

- (A) No person shall create a nuisance related to garbage. If a nuisance is created, the City will issue a notice to the violator, calling for the removal of the nuisance within 24 hours. If the nuisance is not removed within this time frame, a citation will be issued for the infraction. If the nuisance is not removed, the City is empowered to enter the property to remove the nuisance and charge the property owner a fee based on the actual cost of removal plus an administrative charge.
(Prior Code Ch. 11 §3.10; Ord. 87-3, 1987.)
- (B) No person shall start a fire at the landfill. Only City landfill personnel are authorized to start such fires.

Chapter 8.05

PROTECTION OF WATERSHED

Sections:

8.05.010	Definitions
8.05.020	Location of watershed
8.05.030	Defacing property
8.05.040	Removal of soil, trees, or plants
8.05.050	Building construction prohibited
8.05.060	Trees and plants
8.05.070	Animals and birds
8.05.090	Sanitation
8.05.100	Refuse deposit
8.05.110	Camping restrictions
8.05.120	Trucks prohibited
8.05.130	Penalty

8.05.010 Definitions. As used in this chapter:

- (A) "Pollution" means the contamination or altering of waters, land, or subsurface land within a watershed in a manner which creates a nuisance or makes waters, land, or subsurface land unclean, noxious, impure, or unfit, so that they are actually or potentially harmful, detrimental or injurious to public health, safety or welfare for domestic, commercial, industrial, subsistence, or recreational use or to wild animals, birds, or fish, or other aquatic life.
- (B) "Refuse" means garbage, sewage, ashes, cinders, litter, surplus construction materials or debris, offal, dead animals or animal parts, oil, tar, petroleum distillate, chemicals, radioactive materials, industrial waste, and all other liquid or solid putrescible and nonputrescible wastes from all public and private establishments and residences.
- (C) "Watershed" means the area or areas of land surrounding and draining into the lakes, ponds, lagoons, springs, creeks, rivers or other bodies of water which have been designated by the Council as principal sources of domestic water supply for the City. (Ord. 92-4, 1992.)

8.05.020 Location of watershed.

The boundaries of the City watershed are:
Beginning at C-2, USS 4871 Tract C, and a point on line 1-2 of USS 5691, Lot 1, which is a common corner with Corner #1 of Lot 2, ANCSA 14(c), and the true point of beginning; thence East, along the partial common boundary of line 1-2 of USS 5691, Lot 1, a distance approximately 2,320 feet to Corner #2; thence, South 64 degrees 45 minutes East, a distance approximately 9,160 feet, to Corner #3; thence South 25 degrees 15 minutes West, a distance approximately 3,500 feet, to Corner #4; thence North 64 degrees 45 minutes West, a distance approximately 4,080 feet, to a point on the 4-5 line of USS 4871 Tract D, and Corner #5 (to be a

common corner with C-3 of the Subdivision Lot 1, Tract D, USS 4871); thence North, a distance of approximately 1,260 feet, to C-4, of USS 4871, Tract D, which is a common corner and Corner #6; thence West, a distance of 2,640 feet, to Corner #7 (a common corner with C-5, USS 4871, Tract C, and C-3, USS 4871, Tract D); thence North, a distance of 1,320 feet to Corner #8 (a common corner with C-3, USS 4871, Tract C); thence West, a distance of 2,640 feet to Corner #9 (a common corner with C-3, USS 4871, Tract C); thence North, a distance of 2,640 feet, and close at Corner #1 (common with C-2, USS 4871, Tract C), encompassing approximately 758 acres.

Beginning at common corners, C-5, USS 4871, Tract C, and C-3, USS 4871, Tract D, and C-7, ANCSA 14(c), Lot 2, and the true point of beginning: thence East, a distance of 2,640 feet, to Corner #2 (a common corner with C-4, USS 4871, Tract D); thence South, a distance of 1,260 feet, to Corner #3, which is a common corner with C-5, ANCSA 14(c), Lot 2; thence North 64 degrees 45 minutes West, a distance approximately 2,980 feet, and close at Corner #1 (note: aforementioned common corners), encompassing approximately 39 acres.

The map on the following page of this section shows the location of these boundaries. (Ord. 92-4, 1992.)

8.05.030 Defacing property.

No person in the watershed shall willfully mar, deface, disfigure, injure, tamper with, or displace or remove, any building, table, bench, fireplace, sign, notice or placard, monument, stake, post, or other boundary marker.

8.05.040 Removal of soil, trees, or plants.

No person in the watershed shall dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs, or plants, downed timber or other wood, or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

8.05.050 Building construction prohibited.

No person in the watershed shall construct or erect any building or structure of any kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except pursuant to a special, written permit issued therefor.

8.05.60 Trees and plants.

No person in the watershed shall damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant. No person shall attach any rope, wire, or other contrivance to any tree or plant or in any way injure or impair the natural beauty or usefulness of any area.

8.05.070 Animals and birds.

No person in the watershed shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal or bird or discharge any firearms using live ammunition, whether at a target or otherwise, within the confines of the watershed.

8.05.090 Sanitation.

No person in the watershed shall throw, discharge, or otherwise place or cause to be placed in the waters or on the slopes constituting the watershed drainage system, any substances, matter or thing, liquid, or solid which will or may result in pollution of the water. (Ord. 92-4, 1992.)

8.05.100 Refuse deposit.

No person shall dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, can, dirt, rubbish, waste, garbage or refuse, or other trash in the watershed.

8.05.110 Camping restrictions.

- (A) For the purposes of this section "camp" shall mean an open-air location with or without temporary shelter.
- (B) No person shall camp on lands comprising the City's watershed or which contribute to the municipal water supply.

8.05.120 Trucks prohibited.

Trucks may not be driven on the watershed.

8.05.130 Penalty.

Failure to comply with a provision of this chapter shall be punishable by a fine not to exceed \$300.
(Ord. 92-4, 1992.)

Chapter 8.06

UNSAFE OR ABANDONED BUILDINGS

Sections:

- 8.06.010 Repair or Disposal**
- 8.06.020 Penalty**

8.06.010 Repair or Disposal.

If the Council determines that a building located in the City is unfit for human habitation or storage due to dilapidation, defects increasing the hazard of fire, accident or other calamity, or other condition that makes the dwelling unsafe or unsanitary or dangerous or detrimental to the health, safety or welfare of the residents of Ouzinkie, the Council may require the owner of the building to repair or demolish it.

8.06.020 Penalty.

The owner of an unsafe or abandoned building, as described in Section 8.06.010, who does not repair or demolish the building within six (6) months after being notified to do so by the Council, may be fined an amount not to exceed \$1,000.

Chapter 8.07

PROHIBITION OF SMOKING

Sections:

- 8.07.010** **Repair or Disposal**
- 8.07.020** **Penalty**

8.07.010 Smoking prohibited.

Smoking is prohibited in all buildings and offices owned by the City of Ouzinkie at all times.

8.07.020 No Smoking signs posted.

No smoking signs posted. The Mayor shall cause notices to be posted and maintained throughout the City Buildings.

TITLE 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.01 Unlawful Acts and Conduct

Chapter 9.01

UNLAWFUL ACTS AND CONDUCT

Sections:

9.01.010 Illegal acts generally

9.01.010 Illegal acts generally. It shall be unlawful for any person to:

- (A) Engage in any illegal occupation or business.
- (B) Be upon any public street or any public place in a state of drunkenness or intoxication, so as to create a public nuisance or public hazard by endangering himself or herself or others.
- (C) Discharge any firearm or air rifle, or intentionally point or aim any firearm or other dangerous weapon, loaded or otherwise, at any person, except as authorized by this code.
- (D) Engage in window peeping.
- (E) Maliciously destroy or injure any public property or any private property belonging to another.
- (F) Indecently expose himself or herself.
- (G) Breach the peace.
- (H) Solicit a person for the purpose of committing an illegal act.
- (I) Resist arrest by a police officer or assist a person in custody of a police officer to escape.
- (J) Carry a concealed firearm or deadly weapon on his person unless acting in the capacity of a peace officer or with the written permission of the mayor and City clerk authorizing the carrying of such concealed weapon.
- (K) Interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any City officer without permission from said officer.
- (L) Impersonate a police officer or, without authority, attempt to exercise the powers of a public officer.
- (M) Sell cigarettes or tobacco in any form to children under 19 years of age.

- (N) Sell, use or explode any fireworks, explosives, or stench bombs to which fuses are attached, or which are ignitable by means of a match, without permission of the Council, except that fireworks may be used in traditional Fourth of July and American and Russian New Year celebrations.
- (O) Trespass upon the private property of another person.
- (P) Enter and/or drive a vehicle belonging to another without the owner's consent.
- (Q) Discharge any firearm or air rifle within the City or on property owned by the City, except as permitted under Chapter 8.02 of this Code. (Prior Code Ch. 52 §1.)
- (R) Camp or erect any structure (unless permit or waiver is granted by the City of Ouzinkie) intended for the use of an abode or dwelling, on or within 500 yards of the residential boundaries of the City.
(Ord. 2010-04 - 7/14/10)

TITLE 10

VEHICLES AND TRAFFIC

Chapters:

- | | |
|--------------|---------------------------|
| 10.01 | General Provisions |
| 10.02 | Fine Schedule |

Chapter 10.01

GENERAL PROVISIONS

Sections:

10.01.010	Generally
10.01.020	Negligent and reckless operation
10.01.030	Speed limit
10.01.040	(Reserved)
10.01.050	Required equipment
10.01.060	(Reserved)
10.01.070	Operating a vehicle while intoxicated
10.01.080	Pedestrians
10.01.090	ATV Restrictions
10.01.100	Parking
10.01.110	Definitions

10.01.010 Generally.

Pursuant to the provisions of AS 28.01.010(b), the City adopts by reference portions of Title 28 and the regulations adopted under that title by the Alaska Department of Public Safety. To the extent determined to be necessary by the City, those provisions and regulations have been modified or supplemented to meet specific local requirements of the Ouzinkie community. (Prior Code Ch. 14 §1; Ord. 88-2, 1988.)

10.01.020 Negligent and reckless operation.

Pursuant to the provisions of AS 28.35.040 and AS 28.35.045, no person may operate a motor vehicle within City limits in a careless, negligent or reckless manner that would endanger the safety of any person or damage property. (Prior Code Ch. 14 §2; Ord. 88-2, 1988.)

10.01.030 Speed limit.

Drivers operating motor vehicles within the City limits shall observe the following speed limits:

- (A) Twenty miles per hour on all streets.
- (B) Five miles per hour in posted school zone roadways.
- (C) Heavy equipment operating within residential and/or business districts shall not exceed a speed of 10 miles per hour or less, as determined safe, either by public safety officer or acting city authority. (Ord. 2010-05 - 7/14/10)
- (D) No business, company or corporation shall operate heavy equipment within a two block radius of the US Post Office between 12:01 a.m. and 12:00 o'clock noon on Sundays, holidays and occasions and times to be determined by the Ouzinkie City Council, without consent of and waiver by the Ouzinkie City Council or an appointed agent thereof. (Ord. 2010-05 - 7/14/10)
(Prior Code Ch. 14 §3; Ord. 88-2, 1988.)

10.01.040 (Reserved)

10.01.050 Required equipment.

- (A) Any all-terrain vehicle operated within the City limits must have the following equipment:
- (1) At least one headlight of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead of the vehicle in the dark.
 - (2) Brakes adequate to control the movement of and to stop and hold the vehicle under normal road conditions.
 - (3) Cables for the clutch, throttle and brakes in good working order.
 - (4) An exhaust muffler in good working order.
(Prior Code Ch. 14 §5; Ord. 88-2, 1988.)

10.01.060 (Reserved)

10.01.070 Operating a vehicle while intoxicated.

Pursuant to the provisions of AS 28.35.030, it is unlawful to operate a motor vehicle while under the influence of intoxicating liquor or any controlled substance.
(Prior Code Ch. 14 §7; Ord. 88-2, 1988.)

10.01.080 Pedestrians.

There are no pedestrian sidewalks in Ouzinkie; therefore, pedestrians must use the roads. Motor vehicles must yield the right-of-way to pedestrians.

10.01.090 ATV Restrictions.

- (A) Age Limits:
Those Juveniles who are (10) ten years of age and older, with parental consent, shall be permitted to operate ATV's, including go-carts.
- (B) Passenger Limits:
Passenger limits for those juveniles (10) ten to (16) sixteen will be restricted to two passengers on 4-Wheelers. The total not to exceed three, including the driver.
- (C) Allowing Restricted Drivers: A person who owns or controls an ATV, including go-carts, and permits a juvenile to operate it in violation of section 10.01.090 of this Chapter, is guilty of an offense punishable as set forth in Chapter 10.02 of the fine schedule.
(Ord. 2004-08 11/16/04)
- (D) Persons 17 and under, while operating or riding on a 4-wheeler, will be required to wear a Department of Transportation (DOT) approved crash helmet. Children under 3 years of age will not be required to wear a helmet.
(Ord. 2009-05 7/16/09)
(ord. 2002-02, 3/20/01) (ord. 2004-08, 11/16/04)

10.01.100 Parking.

- (A) Parking is prohibited at all times on the road right-of-way between the store and the bridge going to the dock, beginning from the ramp on the west end connecting to Second Street, and to the corner of the Ouzinkie Native Corporation warehouse on the east end, except for between the east side of Ouzinkie Native/Store Bldg. To the west side of Kelly door structure of building entrance.
(ord.96-02, Aug. 8,96)
- (B) The only exceptions to the above parking prohibitions are for the purposes of loading and unloading.
(Ord. 91-1, 1991.)
- (C) Harbor Access Road: Parking at the end or along any section of the Harbor Access Road will be restricted to a two (2) hour loading and unloading area only. Any vehicles that violate the aforementioned restricted loading or unloading time period will be fined \$60.00 for each occurrence. There will be available a special permit for a “handicapped parking sticker” that will allow the permitted user to park in this area. Vehicles that are left for an undetermined amount of time may be towed away at the owners expense. The Harbor Access Road will be considered to start from the Sewer Lift Station to the Harbor ramp. (Ord. 08-01, 2008)

10.01.110 Definitions. As used in this chapter:

- (A) "All-terrain vehicle" means a motor vehicle having a seat or saddle for the use of an operator and primarily designed to travel on off-road surfaces; the term does not include a snow machine or tractor, but does include a two-wheeler, three wheeler and four-wheeler.
- (B) "Controlled substance" means illicit or prescription drugs listed in AS 11.71.140 - 11.71.190.
- (C) "Motor vehicle" means a vehicle which is self-propelled by an internal combustion engine.
(Prior Code Ch. 14 B9; Ord. 88-2, 1988.)

Chapter 10.02

FINE SCHEDULE

Sections:

10.02.010 Vehicle and traffic offenses--fine schedule.

10.02.010 Vehicle and traffic offenses--fine schedule.

- (A) If a fine is established for an offense, a person charged with that offense can dispose of the charge (by mail or in person) by paying the amount of fine and checking the "no contest plea" box on the back of the citation.
- (B) At the Council's discretion, a person cited for violation of a vehicle or traffic ordinance may perform work in lieu of payment of the fine or a portion of the fine. The value of community work in lieu of a fine is \$10 per hour. For example, in lieu of paying a \$50 fine, a violator would be required to provide 5 hours of community service.
- (C) The fines on the following schedule are established under the authority of AS 28.05.151

VEHICLE AND TRAFFIC OFFENSES NUMERICAL LISTING

Statute/Regulation	Offense	Fine
13 AAC 02.545(a)	Driving while under the influence of alcohol or a control substance (ord. 96-02, Aug.8,96), (ord. 2001-02, 3/20/01)	State Statue
13 AAC 02.275	Exceeding speed limit (ord.96-02, Aug.8,96) (ord. 2002-02,3/20/01)	<u>First violation</u> - warning <u>Second violation</u> - warning <u>Third violation</u> – State Statue
13 AAC 02.275	Exceeding speed limit in a manner that in the VPSO's discretion, causes a hazard or danger to the operator or others (ord.96-02,Aug.8,96), (ord. 2001-02, 3/20/01)	<u>First violation</u> - warning <u>Second violation</u> - warning <u>Third violation</u> – State Statue
13 AAC 02.155(a)	Failing to yield right-of-way to pedestrian (ord.96-02,Aug.8,96), (ord.2001-02,3/20/01)	<u>First violation</u> – warning <u>Second violation</u> – warning <u>Third violation</u> – State Statue

Statute/Regulation	Offense	Fine
13 AAC 02.340	Parking violation (ord.96-02, Aug.8,96) (ord.2001-02,3/20/01)	<u>First violation</u> - warning <u>Second violation</u> – warning <u>Third violation</u> – State Statute

10.02.010 Vehicle and Traffic Offenses- ATV Fine Schedule

OFFENSE:	FINE:
Juvenile under the age of (10) ten operating an ATV, including go-carts, set forth in section 10.01.090 (A)	<u>First Violation:</u> Warning <u>Second Violation:</u> \$50.00 <u>Third Violation:</u> \$100.00
Juveniles not observing the passenger limits, set forth in section 10.01.090 (B)	<u>First Violation:</u> Warning <u>Second Violation:</u> \$50.00 <u>Third Violation:</u> \$100.00
A person who owns or controls an ATV and permits a juvenile to operate it in violation of section 10.01.090 (C) (Ordinance 2004-08; 11/16/04)	<u>First Violation:</u> Warning <u>Second Violation:</u> \$50.00 <u>Third Violation:</u> \$100.00
Any person between 3 years of age and 18 years old operating or riding an ATV/4-wheeler while not wearing a Department of Transportation (DOT) approved Crash helmet set forth in Section 10.01.90 (D) will be fined by the Following schedule.	<u>First Violation:</u> Warning <u>Second Violation:</u> Written warning to parents, city VPSO <u>Third Violation:</u> City Council determines either community Service (2 hours) or other penalties due to the possibility of small children receiving a notice of violation here community service would not be appropriate. <u>Fourth Violation:</u> Double the community service (4 hours) and/or other penalties where applicable. <u>Fifth Violation:</u> Double again the community service (8 hours)and/or other penalties where applicable. Also restrict the persons privileges to operate &/or ride a 4-wheeler for 1 week.
(Ord. 2009-05 7/16/09)	

TITLE 11
(RESERVED)

TITLE 12

STREETS AND OTHER PLACES

Chapters

- 12.01 Parking and storage of mobile homes**
- 12.02 Storage of materials and/or equipment**

Chapters 12.01

PARKING AND STORAGE OF MOBILE HOMES

Sections:

- 12.01.010 Prohibition Against Unauthorized Parking or Storage.**
- 12.01.020 Penalty.**

12.01.010 Prohibition against unauthorized parking or storage.

The parking, storage or otherwise locating of a mobile home or house trailer, when used or occupied as living or sleeping quarters anywhere in the City limits, outside an established "mobile home park" or "trailer park" for a period longer than 24 hours is prohibited unless a building permit has been applied for prior to the location of such mobile home or house trailer and the same has been found to conform to and comply with the provisions of the Uniform Building Code then in effect within the City.

(Prior Code Ch. 55 B1.)

12.01.020 Penalty.

The penalty for violation of the above provision is a fine of not more than \$300.

Chapter 12.02

STORAGE OF MATERIALS AND/OR EQUIPMENT

Section:

- 12.02.01 Unauthorized Storage of Materials and/or Equipment**
- 12.02.02 Penalty**

12.02.010 Unauthorized Storage of Materials and/or Equipment.

Storage of Materials and/or Equipment on City property shall be strictly prohibited except by permit or waiver. Violations shall be punishable by a fine and in addition any property, materials or equipment left for a period exceeding 90 days can and may be impounded and auctioned to recover outstanding fines occurred during violation of ordinance. (Ord 2011-01; 4/21/11)

12.02.020 Penalty.

A fine of \$50 per day per individual property, materials or equipment will be levied against the owner, lease or holder of the said property. In addition property, materials and/or equipment left over 90 days will be subjected to penalties as stated in section 12.02.010 of Chapter 12 Title 12. (Ord 2011-01; 4/21/11)

TITLE 13
PUBLIC UTILITIES

Chapters:

- | | |
|--------------|---------------------------------------|
| 13.01 | Electrical Utility Regulations |
| 13.04 | Water System Regulations |
| 13.06 | Sewer Regulations--Rates |

Chapter 13.01

ELECTRICAL UTILITY REGULATIONS

Sections:

13.01.010	Definitions
13.01.020	Authority for regulations
13.01.030	Applications for service
13.01.040	Billing and collection
13.01.045	Temporary Services
13.01.050	Supplying others--permit required
13.01.060	Connection--cost computation
13.01.070	Connection--repair responsibility
13.01.080	Connection--charges for vacant premises
13.01.090	Shutoff without notice
13.01.095	Liability of City
13.01.100	Easements
13.01.110	Access to premises
13.01.120	Meters
13.01.130	Rates--established by the Council
13.01.135	Minimum Fees.
13.01.136	Rates – Fuel Surcharge
13.01.140	Service discontinuance for noncompliance
13.01.145	Temporary Services
13.01.150	Permanent Services
13.01.155	Utility Provisions the Utility Provides

13.01.010 Definitions.

As used in this chapter, unless otherwise provided or the context otherwise requires:

- (A) "Actual cost" means the true final cost of labor, material and overhead to complete a line extension or addition of facilities.
- (B) "Advance in aid of construction" means an advance payment to the City for the addition of facilities beyond one primary pole, transformer and service drip to serve the consumer.
- (C) "Commercial" means premises used for commercial or business purposes.
- (D) "Residential" means a dwelling unit designed, improved, or used as a residence for one family only. Each unit in a multiple family dwelling shall be a dwelling unit.
(Prior Code Ch. 13 §1; Ord. 86-5, 1986.)

13.01.020 Authority for regulations.

Except as otherwise provided, these regulations apply to electrical utility services provided under individual rate schedules or special contracts as filed with the Alaska Public Utilities Commission.

(Prior Code Ch. 13 §2; Ord. 86-5, 1986.)

13.01.030 Applications for service.

- (A) Applications for the use of City electrical utility service must be made at the office of the Utility Clerk, and the applicant must agree to comply with all rules and regulations and such modifications thereof that may be established from time to time as a condition for the use of electricity. (Prior Code Ch. 13 §3; Ord. 86-5, 1986.)(Ord. 2010-06)
- (B) The application for the use of City Electrical Utility Service by a customer must also be accompanied by payment of a deposit in accordance to the following rules.
 - (1) The electrical service deposit will be calculated for the house or structure in question by taking the yearly dollar amount of electrical usage and dividing it by 12 to gain a monthly average. Then the equivalent price of 2 months of electrical usage will be considered the deposit that must accompany the application for electrical utility service by the customer.
 - (2) When at the end of the electrical contract with the customer the amount of the deposit will be used against the last billing. If payment due is less than the amount of the deposit the remainder will be refunded to the customer.(Ord. 2010-06)

13.01.040 Billing and collection.

All accounts for electricity, water & sewer services, landfill use fees and charges will be kept in the name of the consumers who will be responsible for payment of such accounts. Bills for all utility services must be paid on or before the 15th day of each month. All accounts not paid for all utility services mentioned above on or before the 15th day of each month are defined as delinquent accounts and are subject to disconnection of electrical service. Delinquent accounts may be turned over to a collection agency, or submitted to small claims court. (Prior Code Ch. 13 §4; Ord. 86-5, 1986.) (Amendment Ord. 00-01 July 14, 1999)

13.01.050 Supplying others--permit required.

Consumers receiving electricity from the City may not use it for any purpose other than that stated in the application for service, nor may they supply other persons or families, or use it for any other purposes, without permission from the City. (Prior Code Ch. 13 §5; Ord. 86-5, 1986.)

13.01.060 Connection--cost computation.

- (A) For individual residential services the consumer will be charged the City's actual costs of supplying electric service. The City will provide up to \$1,00.00 of the actual expense for connection, including temporary service and permanent service connection as the total cost of connection. Small Acabin size industry@ shall fall under the residential service rules. (Ord. 00-01 July 14, 1999)
- (B) For service connections involving more than one residential unit such as contractor or agency housing projects the responsible firm or agency will be charged the actual costs of construction and line extensions required plus agreed upon percentage of the project cost for overhead, equipment, supplies and maintenance and replacement of facilities maintained to do such construction engineering fees may be deemed of a reasonable expense on the part of the City prior to a contract and will be billed to the applicant even if the applicants plans are modified or cancelled as of supplies will be initiated until a contract is in place and signed by all parties. (Ord. 00-01 July 14, 1999)

- (C) The City will make all reasonable efforts to assist with estimates of the cost of connections, the final bill will be based upon actual expenses.
(Ord. 00-01 July 14, 1999)
- (D) Special services provided by the city such as non standard voltage connections, transformers of excess size or providing high peak loads will be billed as additional established fees for service.
(Ord. 00-01 July 14, 1999)
- (E) The consumer must provide an advance in aid of construction prior to the city=s providing a connection to a individual residential service estimated to be in excess.
(Ord. 00-01 July 14, 1999)
- (F) Commercial services requiring upgrade of service or new construction will be subject to contractual agreement. Engineering fees prior to such a contract may be deemed a reasonable expense to determine the city=s ability to provide generation and peak load capacity, construction cost estimates, and will be billed to the applicant even if the applicants plans are modified or cancelled as the result of such studies or estimates.
(Ord. 00-01 July 14, 1999)

13.01.070 Connection--repair responsibility.

The City will maintain all connections at and from the main electrical supply to each consumer's premises, and the consumer will be responsible for suitable protective equipment for the devices and appliances in his premises. The consumer is also responsible for installing and maintaining his electrical wiring and equipment in accordance with applicable electrical utility and building Codes.

(Prior Code Ch. 13 B7; Ord. 86-5, 1986.)

13.01.080 Connection-charges for vacant premises.

No reduction of charges will be made for service to partially vacant or vacant premises unless the City has first been notified of such intended vacancy, and no such reduction will be made for a period of less than 90 days.

(Prior Code Ch. 13 B8; Ord. 86-5, 1986.)

13.01.090 Shutoff without notice.

Electricity may at any time be shut off without notice for repairs, extensions, or other necessary purposes. (Prior Code Ch. 13 B9; Ord. 86-5, 1986.)

13.01.095 Liability of City.

- (A) The City of Ouzinkie Electric Utility will endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control, the City will not be liable for any losses of equipment or property.
- (B) Neither by inspection nor non-rejection, nor in any other way, does the City give any warranty, expressed or implied, as to the adequacy, safety or other characteristics of any structures, equipment, wires, conduit, appliances or devices owned, installed or maintained by the City or leased by the subscriber from third parties.

- (C) The City will not be liable for any injury, casualty, or damage resulting in any way from the supply or use of electricity, or from the presence or operation of the City's structures, equipment, wires, conduit, appliances or devices on the subscriber's premises.

13.01.100 Easements.

An applicant shall, without charge, grant easements adequate to provide a suitable right-of-way for the City's distribution lines that cross the applicant's property.
(Prior Code Ch. 13 §10; Ord. 86-5, 1986.)

13.01.110 Access to premises.

City officers and employees shall have access to the premises of a consumer at all reasonable times for the purpose of reading meters, testing or inspecting load and service entrance equipment and repairing, removing, or exchanging any or all equipment belonging to the City. The consumer shall keep service and meter locations free of snow or other obstructions at all times.
(Prior Code Ch. 13 §11; Ord. 86-5, 1986.)

13.01.120 Meters.

The City reserves the right to place an electric meter on all electric services supplied by the City. The quantity of electrical energy and electrical demand shall be determined by reading the meters, except where the load is such that the amount of energy consumed is fixed, in which case the City may elect not to meter the service and to bill the consumer a fixed amount as determined by the charge computed under the rate schedule below. The City shall be required to maintain its meters within an accuracy rate of plus or minus 2%. If a consumer requests a meter accuracy check, he must pay the charges as determined by the City. Should the meter prove to be inaccurate upon testing, the charges will be refunded and billing adjusted. (Prior Code Ch. 13 §12; Ord. 86-5, 1986.)

13.01.130 Rates Established by the Council.

The rates for electricity use determined by meters or fixed amount shall be established by the Council in accordance with applicable tariff rates as approved or allowed by the Alaska Public Utilities Commission. Electrical rates of the City of Ouzinkie shall be as follows:

TYPE OF CONSUMER	RATE SCHEDULE
Residential by the City Council	All rates will be set
Commercial	by resolution.

(Prior Code Ch. 13 §13; Ord. 86-5, 1986; Ord. 02-7, 2002)
(Ordinance 2004-05; Ordinance 2004-07)

13.01.135 Minimum Fees.

Minimum fees for service shall be \$5.00.
(Ord. 00-01 July 14, 1999)

13.01.136 Rates – Fuel Surcharge.

- (A) A fuel surcharge will be assessed and added to each large commercial, small commercial, and residential monthly bill for those KWHs generated by diesel generators. The formula for determining the surcharge each month shall be as follows:
 - (B) When the monthly average fuel price has exceeded the base (budgeted) price per gallon limit, a surcharge shall be calculated each month to cover the additional cost of the fuel consumed.
 - (C) The average price of the fuel inventory shall be determined by the average price of the fuel purchased during the preceding month.
 - (D) The gallons of fuel consumed by the utility during the billing month shall be multiplied by the average amount per gallon paid by the utility in excess of the base (budgeted) price.
 - (E) The amount that results shall be divided by the number of kilowatt-hours to be billed that month, as determined from meter readings and will be the surcharge rate for that month.
 - (F) The surcharge rate shall be multiplied by the number of kilowatt-hours used by each utility customer for the preceding month, which will result in the surcharge amount to be billed to the customer.
- (Ord. 05-04; 10/19/05)

13.01.140 Service discontinuance for noncompliance.

If a consumer fails to comply with any of the regulations of this chapter or subsequent ordinances governing or pertaining to electrical service provided by the City, the City shall have the right to discontinue service to such consumer until compliance is had or assured and may discontinue service to every consumer who has not paid his electric bill within 30 days after the same has become delinquent. If service is discontinued, it will be renewed under a proper application only when conditions under which the service was suspended are corrected and on the payment of all past due charges plus a non-refundable \$20 charge for re-instituting electric service. (Prior Code Ch. 13 §14; Ord. 86-5, 1986.)

13.01.145 Temporary Service.

Temporary service in aid of construction will be of 120/240 volts, 100 amp single phase, overhead service. Before such connection the applicant must:

- (A) Complete an application for service indicating temporary and permanent service requirements.
- (B) Establish an account with the utility.
- (C) Provide assurance that necessary easements to provide service are granted the city for construction and future maintenance access.
- (D) Pay any required deposits in aid of construction.
- (E) Install the required temporary meter base pole with grounding and guy wire attachments. Install a minimum 100 AMP 120/240 volt meter base with weather head and conduit, service disconnect, and ground fault interruption protection for circuits. Comply with minimum clearance requirements of the national electrical code (NEC) and National Electric Safety Code (NESC).

- (F) Obtain an electrical inspection.
- (G) Contact the utility representative for inspection and connection of conductors.
- (H) Make every effort to prevent conflicts with vehicular traffic or construction equipment.
(Ord. 00-01 July 14, 1999)

13.01.150 Permanent Service.

- (A) The applicant shall comply with any of the above requirements for temporary service and the following items including any other installation requirements the utility may require.
 - (1) Normal residential requirements shall be deemed as 100 AMP service, 120/240 volt and a meter base together with grounding and service disconnects shall be installed in permanent location.
 - (2) Comply with requirements of the NEC and NESC for code and clearance requirements.
 - (3) Obtain an electrical inspection and provide certification to the utility.
 - (4) Properly located meter base must be outside, must be located on the front one third of the house closest to the available service conductor. Be located in an area that is not subject to being enclosed, fenced or decked over, be located on a structure that is owned by the customer.
 - (5) Verify that service mast height requirements have been met, minimum requirements are 13 feet over final grade, 11 feet over any deck or porch.
 - (6) Install the service entrance conductors with 24 inches left exposed and the neutral clearly marked.
 - (7) 7. Provide a clear path from the utility pose to the customer service.
(Ord. 00-01 July 14, 1999)

13.01.155 Utility Provisions the Utility Will Provide.

- (A) The meter
- (B) The service conductors to the service weatherhead or service entrance.
(Ord. 00-01 July 14, 1999)

Chapter 13.04

WATER SYSTEM REGULATIONS

Sections

13.04.010	Connection required
13.04.020	Water use applications
13.04.025	Charges--effective date
13.04.030	Water accounts--delinquency--penalty
13.04.035	Charges--lien
13.04.040	Connection--cost computation
13.04.041	Preliminary connection cost
13.04.042	Time of construction & connection
13.04.045	Unserviceable homes
13.04.050	Connection--repair responsibility
13.04.060	Connection--from main to premises
13.04.070	Turn on, turn-off authority
13.04.080	Depth of pipes leading from curb cock to premises
13.04.090	Shut off without notice
13.04.100	Access to curb cocks and meters
13.04.110	Meters
13.04.120	Rates--established by Council
13.04.130	Service discontinuance for noncompliance
13.04.140	Water rates

13.04.010 Connection required.

Every owner of property or a residence, using water in the City, whether leased, occupied, or owned, shall establish a connection with the nearest City water main in the manner and following the procedure set forth in this chapter; provided, however, that this provision shall not apply to property in which the property line lies more than 150 feet from the nearest water main.
(Ord. 88-3, 1988.)

13.04.020 Water use applications.

Applications for the use of water must be made at the office of the City clerk, and the applicant must agree to comply with all rules and regulations and modifications thereof as a condition for the use of water.
(Ord. 88-3, 1988.)

13.04.025 Charges--effective date.

Water service shall be deemed to be provided and water charges shall become effective with regard to premises connected directly or indirectly to the water system or thereafter receiving water directly or indirectly from the water system on the date of such connection or receipt, whichever first occurs; provided, however, that water service charges levied with regard to premises prior to the issuance of a certificate of occupancy shall be the specified rate as set forth

in Section 13.04.140 Water Rates the charge that would otherwise be applicable under this chapter.

(Ord. 88-3, 1988) (Ord. 00-01, 1999) (Ord. 09-02, 2009)

13.04.030 Water accounts--delinquency--penalty.

All accounts for water will be kept in the name of the consumers, and must be paid on or before the 15th day of each month. Accounts that have not been paid by the 20th day of each month will be placed on the delinquent list and will be subject to disconnection of electric & water service. Delinquent accounts may be turned over to a collection agency. Consumers whose water service is disconnected shall be charged a fee of \$10 and shall be subject to a re-connection charge of \$10.

(Ord. 88-3, 1988.) (Ord. 00-01, 1999)

13.04.035 Charges--lien.

Every charge to a person made by the City in connection with the construction, installation, or repair of any water service line or for water furnished for consumption constitutes a lien chargeable against the property served and has a status the same as if the charge had been levied or assessed as a property tax. The lien may be foreclosed by the City in the same manner as any other lien or mortgage against the property.

(Ord. 88-3, 1988.)

13.04.040 Connection--cost computation.

After an application has been made to the Utility Clerk's Office for water service connection, water service will be installed as soon as practicable. The City shall perform all work between the main and the property line, and all material and labor used in making such connection shall be charged for on a "cost plus 15%" basis.

(Ord. 88-3, 1988.) (Ord. 00-01, 1999)

13.04.041 Preliminary connection costs and cost estimating fees.

Preliminary connection costs and cost estimating fees may be deemed a reasonable expense on the part of the city prior to connection agreements and will be billed to the applicant even if the applicant's plans are modified or cancelled as the result of such studies.

(Ord. 00-01, 1999)

13.04.042 Time of construction and connection.

No construction or connections to the customers lot will be done until the structure is ready for inspection and habitation.

(Ord. 00-01, 1999)

13.04.045 Unserviceable homes.

Unserviceable home conditions including physical location, soils, terrain, and elevation rates, that make the cost of connection to the utility water system more than twice the cost of a normal hookup may be determined as unserviceable. Included in these considerations may be the anticipated future cost of delivery of service or maintenance The final authority to make such determination shall be the utility.

(Ord. 00-01, 1999)

13.04.050 Connection--repair responsibility.

The City will maintain all connections at and from the main to the property line, and the consumer will be responsible for all pipes on his property.

(Ord. 88-3, 1988.)

13.04.060 Connection--from main to premises.

All pipes and connections installed from the main to premises shall be at the expense of the consumer. A special stop and waste cock accessible to the consumer, and protected from frost, shall be placed on the pipe leading from the curb cock where the pipes first enter the building, or between such point and the curb cock, which cock shall be used in turning water on or off on the premises when necessary for repairs to plumbing or other reasons.

(Ord. 88-3, 1988.) (Ord. 09-02, 2009)

13.04.065 Liability of City.

(A) The City of Ouzinkie, Water System, will endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control, the City will not be liable for any losses of equipment, furnishings, appliances, devices or property; furthermore, the consumer shall be held responsible for all damages resulting from leaks or breaks on the premises from the consumers pipes, fittings or connections.

(B) Neither by inspection nor non-rejection, nor in any other way, does the City give any warranty, expressed or implied, as to the adequacy, safety or other characteristics of any owned, installed or maintained water system by the City.

(C) The City will not be liable for any injury, casualty, or damage resulting in any way from the supply or use of the water system or from the presence or operation of the City=s water system on the subscriber=s premises nor will the City be liable for any damage to the subscriber=s equipment, appliances or devices using the City's water system.

(Ord. 2009-02, 2009)

13.04.070 Turn-on, turn-off authority.

No person, except an employee of the City, shall turn on or off any stop, curb cock, or valve, or in any manner disturb the City water system. When repairs to service from the curb cock to buildings are necessary, persons may turn off the curb cock for such time as is required to make such repairs.

(Ord. 88-3, 1988.)

13.04.080 Depth of pipes leading from curb cock to premises.

All pipes leading from the curb cock to premises shall be laid at sufficient depth (48 inches being a minimum depth) and covered in such a manner as to be protected from freezing.

(Ord. 88-3, 1988.)

13.04.090 Shut off without notice.

Water may at any time be shut off from the mains without notice for repairs, extensions, or other necessary purposes, and persons having connections requiring steady pressure are cautioned that this may occur.

(Ord. 88-3, 1988.)

13.04.100 Access to curb cocks and meters.

The City water department shall have free access to curb cocks and meters at all times, and all persons are warned against piling rubbish or other material thereon.
(Ord. 88-3, 1988.)

13.04.110 Meters.

The City reserves the right to place a water meter at any service point for the purpose of measuring water supplied to a consumer's premises.
(Ord. 88-3, 1988.)

13.04.120 Rates--established by Council.

Rates established by the Council for the distribution of water are subject to change at any regular meeting of the Council without prior notice to consumers. Rates currently in effect are set forth in Section 13.04.140.
(Ord. 88-3, 1988.)

13.04.130 Service discontinuance for noncompliance.

If a consumer fails to comply with any of the regulations of this chapter or subsequent ordinances governing or pertaining to the distribution of water by the City, the City shall have the right to discontinue service to such consumer until compliance is had or assured. Service shall be discontinued by the City to every person who is delinquent in the payment of his water bill for a period of 30 days. When service has been discontinued, it will be renewed under a proper application only if conditions under which the service was suspended are corrected, all charges provided in the schedule of rates have been paid and a non-refundable \$10 charge for turning off and on the water has been paid.
(Ord. 88-3, 1988.)

13.04.140 Water rates.

(A) Water rates within the corporate boundaries of the City of Ouzinkie shall be as follows:
(ord. 98-02; 6/11/98)(Ord. 09-02, 2009)

<u>Consumer</u>	<u>Current Monthly Rate</u>	<u>Rate Schedule</u>
Senior Citizens	\$17.50	All rates will be Set by the City
Residential	\$25.00	Council by Resolution.
Commercial	\$65.00	
School	\$340.00	

(B) When a person 65 years of age or over applies for and is primarily responsible for the water service costs at a residence occupied by said person, who is the head of the household, the rate for water usage shall be set at the Senior Citizen rate.

(C) The metered rates within the corporate boundaries of the City and wholesale rates to service districts shall utilize the applicable flat rate plus the metered rate per 1,000 gallons as follows:

(1) Flat charge (\$)/month:

3/4 inch meter	\$ _____
1 inch meter	\$ _____
1 1/2 inch meter	\$ _____
2 inch meter	\$ _____
3 inch meter	\$ _____
4 inch meter	\$ _____
6 inch meter	\$ _____
8 inch meter	\$ _____

(2) Meter rate (\$/1,000 gallons):

Commercial	\$ _____
Industrial	\$ _____
Wholesale	\$ _____

(Ord. 88-3, 1988.)

Chapter 13.06

SEWER REGULATIONS--RATES

Sections:

13.06.010	Privies and cesspools--prohibited
13.06.020	Flush closets required
13.06.030	Review of sewer user charge system
13.06.040	Billing and payment
13.06.050	Disconnect
13.06.060	Vacancy
13.06.070	Governmental or public premises
13.06.080	Sewer connections
13.06.090	Privies and cesspools--permitted when--nuisance when
13.06.100	Charges for sewer services
13.06.110	Residential service
13.06.120	Residential rate reduction for senior citizens
13.06.130	Commercial service
13.06.140	Effective date of charges
13.06.150	Definitions

13.06.010 Privies and cesspools--permitted when--nuisance when.

It is unlawful to construct or maintain within the city any privy, dirt closet, cesspool, or other place for the deposit of human urine or excrement, or house slop, except such flush closets as are connected with the city sewer and constructed and maintained in accordance with the regulations of the city.

(Ord. 88-4, 1988.)

13.06.020 Flush closets required.

It is unlawful to deposit or allow to be deposited any human urine or excrement in any place in the City except in properly constructed flush closets connected with the sewer and constructed and maintained in accordance with the state plumbing code.

13.06.030 Review of sewer user charge system.

The sewer user charge system may be reviewed on an annual or more frequent basis to assure that each user is paying a proportionate share of operation costs. The service charge for service units and categories of service shall be adjusted by the council as necessary to reflect costs.

(Ord. 88-4, 1988)

13.06.040 Billing and payment.

Sewer service accounts shall be maintained in the name of the consumer and each account shall be billed monthly after the service as been rendered. Accounts shall be paid on or before the 15th day of the month during which the charges are billed. Accounts not paid by the close of business on the 15th day of the month are delinquent and may be turned over to a collection agency. (Ord. 88-4, 1988)

13.06.050 Disconnect.

When any premises= water utility has been disconnected for nonpayment of account, the sewer charge will automatically be discontinued. (Ord. 88-4, 1988)

13.06.060 Vacancy.

No reduction of charges will be made on partially vacant or vacant premises unless the City has first been notified of such intended vacancy. When such a vacancy occurs, the monthly charge will be adjusted according to the number of days in the month that the premises were vacant. The charge, which will include water service, will be billed to the consumer and must be paid on or before the 15th day of each month. (Ord. 88-4, 1988)

13.06.070 Governmental or public premises.

The provisions of this chapter shall apply to governmental or public premises in the same manner as to other premises. Notwithstanding the provisions of this chapter, the Council may adjust rates for such premises through resolution. (Ord. 88-4, 1988)

13.06.080 Sewer Connections.

- (A) All applications for sewer service connections shall be made to the City.
- (B) If the sewer line must be tapped to provide service to the applicant and the property to be served has not been charged for the service connection as part of a local improvement district or otherwise the applicant shall pay the cost of the labor, equipment and materials used, plus 15% for administration and inspection costs.
- (C) Prior to installation of a sewer service connection, the applicant shall deposit with the City an amount estimated to be necessary to cover the average cost of a sewer connection. If the actual costs, plus 15%, exceed the amount of the deposit, the City will bill the applicant for the difference. If actual costs, plus 15%, are less than the deposit, the difference shall be refunded.
- (D) All new sewer connections shall be designed and constructed in compliance with state Codes and in accordance with acceptable construction practices. Each sewer connection shall be inspected by the City prior to burial to determine the source of sewage, compliance with construction standards and general integrity of the connection. No sewer connection will be permitted if it will allow the inflow or infiltration of material from non-sanitary sources. (Ord. 88-4,1988) (Ord. 00-01, 1999)

13.06.090 Privies and cesspools - permitted when, nuisance when.

In sections of the City where sanitary sewers have not been provided or are not accessible by any residence or other building within a distance of 150 feet, cesspools, septic tanks and privies of a design and location that comply with state sanitation and health laws may be constructed; provided, however, that as soon as the City constructs sanitary sewers in these sections, the cesspools, septic tanks, and privies shall, within 90 days, be abandoned, filled up, or removed by the property owner whose property line is within 100 feet of the sewer line. If the owner of same fails to comply herewith, the Council may condemn the cesspools, septic tanks or privies as nuisances and proceed to remove or fill them at the expense of the owner and the costs thereof shall be assessed against the property and collected, with interest.
(Ord. 88-4, 1988.)

13.06.100 Charge for sewer services.

Every consumer inside the corporate limits of the City who is provided with sewer services shall pay a sewer service charge per equivalent service unit for each month or portion of a month exceeding 14 days.
(Prior Ord. 88-4, 1988.) (Ord. 2012-01; 2-15-12)

13.06.105 Rates Established by the Council.

The rates for Sewer Service shall be established by the Ouzinkie City Council by Resolution. Rates set by Resolution extend to all types of sewer services, which are as follows.

- (A) Residential
 - (B) Residential Senior Citizen
 - (C) Commercial Non-Profit
 - (D) Commercial For-Profit
 - (E) Ouzinkie School
- (Ord. 2012-01; 2-15-2012)

13.06.110 Residential service.

The monthly charge for residential sewer service is one service unit for each single family dwelling. (Ord. 88-4, 1988.)

13.06.120 Residential rate reduction for senior citizens.

When a person 65 years of age or over applies for and is primarily responsible for the sewer service costs at a residence occupied by said person, who is the head of the household, the rate for sewer services shall be 50% of the usual rate for a residence. (Ord. 88-4, 1988.)

13.06.130 Commercial service.

The monthly charge for commercial sewer service shall be based upon the utility review of estimated sewer service used by the facility. (Ord. 00-01, 1999)

13.01.135 Rates - Fuel Surcharge.

- (A) A fuel surcharge will be assessed and added to each large commercial, small commercial, and residential monthly bill for those KWHs generated by diesel generators. The formula for determining the surcharge each month shall be as follows:

- (B) When the monthly average fuel price has exceeded the base (budgeted) price per gallon limit, a surcharge shall be calculated each month to cover the additional cost of the fuel consumed. The surcharge shall be calculated as follows:
- (C) The average price of the fuel inventory shall be determined by the average price of the fuel purchased during the preceding month.
- (D) The gallons of fuel consumed by the utility during the billing month shall be multiplied by the average amount per gallon paid by the utility in excess of the base (budgeted) price.
- (E) The amount that results shall be divided by the number of kilowatt-hours to be billed that month, as determined from meter readings and will be the surcharge rate for that month. The surcharge rate shall be multiplied by the number of kilowatt-hours used by each utility customer for the preceding month, which will result in the surcharge amount to be billed to the customer.
(Ord. 05-04, Oct 19, 2004)

13.06.140 Effective date of charges.

Sewer service shall be deemed to be provided and sewer service charges shall become effective with respect to premises connected directly or indirectly to said sewer system or thereafter discharging directly or indirectly any sewage into said sewer system on the date of such connection or discharge, whichever occurs first; provided, however, that sewer service charges levied with regard to premises prior to the issuance of a certificate of occupancy shall be one-half of the charge that would otherwise be applicable under this chapter. Sewer service charges shall become effective as to premises that are not directly or indirectly connected to a sewer system upon the expiration of the period given in any notice to connect to the sewer system regardless of whether such connection has actually been made. (Ord. 88-4, 1988.)

13.06.150 Definitions.

As used in this chapter, the following definitions shall apply:

- (A) "Commercial" means premises used for commercial or business purposes which discharges a quality sewage essentially similar to that of a single family dwelling.
- (B) "Industrial" means premises used for manufacturing or industrial purposes which discharges industrial waste, sanitary waste, and sewage by reason of the manufacturing or industrial processes involved, or discharges chemicals or putrescible materials.
- (C) "Service unit" means a unit of measure which is equal to the sewer usage of an average single family unit which for the purpose of this chapter is determined to be that of a single family unit whose average water consumption is 7,500 gallons per month, such unit being used to equate the sewer usage of a commercial customer to a residential customer.
- (D) "Single family unit" means a dwelling unit designed, improved or used as a residence for one family only. Each unit in a multiple family shall be a dwelling unit.
(Ord. 88-4, 1988.)

TITLE 14

**CITY MULTIPURPOSE DOCK AND SHEET STEEL BULKHEAD,
BOAT HARBOR, FLOAT AND GRIDIRON**

Chapters:

- 14.01 Port Facility Provisions**
- 14.02 Provisions for Impoundment, Sale and/or Disposal**
- 14.03 Definitions**

Chapter 14.01

PORT FACILITY PROVISIONS

Sections:

- 14.01.010 Dock and Harbor Area**
- 14.02.020 General Provisions**
- 14.01.030 Reserved Moorage**
- 14.01.040 Annual Transient Moorage**
- 14.01.050 Daily Transient Moorage**
- 14.01.060 Refusal of Moorage Facilities**
- 14.01.070 Loading Areas**
- 14.01.080 Unlawful Acts**
- 14.01.090 Reporting Violations**
- 14.01.100 Payments**
- 14.01.110 Disclaimer of Responsibility**
- 14.01.120 Moorage Provisions for City Dock**
- 14.01.130 Delinquent Payments**
- 14.01.140 Harbor Use**
- 14.02.010 Impoundment, Sale or Disposal of Vessels**

14.01.010 Dock and Harbor Area

The Boat Harbor area is from the point of the outside edge of the breakwater to the north side of the rock ramp ending at the south end of E Street. The dock area encompasses all areas of the Multipurpose Dock and Sheet Bulkhead up to and including the rock ramp ending at the South end of E Street. Both areas may hereafter collectively be called Port Facilities or referred to individually as harbor or dock.

(Ord. 2012-05; 6-26-12) (Prior Ord. 2012-02; 2-15-12)

14.01.020 General Provisions

The assignment of a Port Facility moorage space is under the exclusive control and regulations of the City of Ouzinkie, specifically through the office of the harbormaster. No person may “sell”, “sublease”, “rent”, or otherwise charge to another person for the use of a Port Facility moorage. When a vessel owner or operator is no longer in permanent possession of a vessel he must relinquish rental privileges of that moorage space to the city or contact the harbormaster and/or city office to make arrangements.

14.01.030 Reserved Moorage

(A) Reserved moorage grants the vessel owner/operator a reserved mooring space on the city Port Facility. Possession of a reservation is a guarantee that the reserved space shall be available for the use of the holder of the reservation during those periods when the subject boat is within the Port Facilities. The harbormaster may temporarily assign another vessel to a reserved mooring space as he/she determines if expedient and only when the vessel assigned to a reserve mooring space is away from the Port Facility area.

- (B) In the event that a holder of reserved mooring space returns to the Port Facility and finds his reserved mooring space occupied, the holder shall contact the harbormaster. The harbormaster shall cause the vessel temporarily assigned to the reserved mooring space to be moved to another location.
- (C) Nothing in this section limits the harbormaster's authority to use the holder's reserved space during the absence of the holder's vessel and to move moored vessels to other locations in the event of fire or other emergency requiring such action.

14.01.040 Annual Transient Moorage

- (A) Transient vessels may be assigned to use a reserved stall when the stall is vacant on a first-come-first served basis, or a transient vessel may be required to tie abreast of another vessel as available space requires, and only at the harbor master discretion. The harbormaster may move or require the owner/operator to move the transient vessel as the situation may require.
- (B) No vessel shall be moored to another vessel without the vessel owner's permission; in no case shall boats be moored more than two abreast.
- (C) Annual transient vessels will be allowed only when payment for the year is made in advance.

14.01.050 Daily Transient Moorage

- (A) Boats may be moored at the Port Facility as Daily Transient vessels of the daily fee is paid each day and provided space is available.
- (B) All other provisions of "Annual Transient Moorage" apply to Daily Transient vessels.
- (C) Daily Moorage at the Port Facility will be on a 24 hour term. Length of stay at the discretion of the harbor master. Moorage will be by request, if space is available and only after a moorage agreement is in place. Public Transient Vessels and fuel barges have priority.

14.01.060 Refusal of Moorage Facilities

No vessels over 60 feet will be considered for "Reserved" or "Annual Transient" moorage in the Boat Harbor. The harbormaster may refuse moorage at Port Facilities to aircraft, boathouses and other floating structures, or to any boat, vessel or floating structure which is or may become or create a fire hazard or otherwise become a menace or nuisance to the safety and welfare of other boats and their occupants or is deemed to be a derelict vessel. No vessel may be moored and left unattended at a Port Facility without a designated person on site (and with that person's approval) that will be responsible for the well being of the vessel.
(Ord. 2006-05)

14.01.070 Loading Areas

No vessel shall remain moored in a designated loading area on the city dock or float for any period longer than is posted.

14.01.080 Unlawful Acts

It shall be unlawful for any person using the Port Facilities to:

- (A) Operate or cause to be operated any vessel within the Port Facilities that causes a wake or wave action which will damage, endanger, or likely to endanger any other vessel or Port Facilities.
- (B) Throw or otherwise cause to be deposited gasoline, oil, litter, trash, garbage or refuse on any harbor float, dock or adjacent areas or into the waters of any portion of the Port Facilities.
- (C) Allow or permit dogs or animals to run at large on any boat harbor facilities or become a nuisance therein.
- (D) Deposit and leave any cargo, merchandise, supplies, freight, articles, or fishing gear upon any float, ramp, or dock except as designated by the harbormaster and in accordance with Title 11.01. If above said gear is left on the dock or floats or up in the parking area past 10 days then any unauthorized gear shall be impounded by the City of Ouzinkie. To claim said gear, all hauling fees, storage charges and/or fines shall be paid in full. Any impounded gear not claimed with six (6) months shall be auctioned off by the City of Ouzinkie.
(Ord 06-02 Sec 14.01.080) (Ord 07-01 Sec 14.01.080)
- (E) Fail to register with the harbormaster any boat occupying any of the boat harbor and port facilities.
- (F) Tap, connect, disconnect or interfere with any electrical wiring, outlets or electrical devise installed and maintained by the city without first obtaining the permission of the harbormaster, or to interfere with or tamper with any wharf, float, ramp, associated water system or any other items of the Port Facilities.
- (G) Tie up, enter or otherwise use an open or a reserved mooring space except as provided in this Title.
- (H) Operate motorized vehicles on the city float(s).
- (I) Refuse to comply with any lawful order of the harbormaster.
- (J) No trespassing on breakwater structure.
- (K) Remove any property from vessels moored at the Ouzinkie Port Facility without express permission of the owner. Any removal of said property without permission will be construed as theft.
(Prior Ord. 04-06 Sec 14.01.080)

14.01.090 Reporting Violations

Complaints of any violations of the foregoing prohibited acts shall be made to the harbormaster.

14.01.100 Payments

All charges for port and harbor facilities shall be in accordance with the fees set by the city council by resolution. All charges shall be paid to the order of the City of Ouzinkie, in advance, at the city office.

14.01.110 Disclaimer of Responsibility

The city assumes no responsibility for safekeeping of property and shall not be liable for any loss or damage to property. The City does not accept the vessel for storage, the City is not a warehouseman of the vessel, and the City shall not be liable or responsible in any manner for the safe keeping and condition of the vessel, its tackle, apparel, fixtures, equipment, gear, or furnishings. The City will not be liable or responsible for personal injuries or other damage arising out of negligence on the part of the Lessee or their employees, agents or invites arising from any cause whatsoever upon the vessel, harbor facilities or premises adjacent thereto. All use of the Port Facility is at the owner, employees, agents or invites own risk and liability. (Prior Ord. 2006-05)

14.01.120 Moorage Provisions for City Dock

No vessel shall be moored at the city dock except for the purpose of loading or unloading passengers, cargo or fish gear, or unless the vessel has a specific prior contact with the City of Ouzinkie, or permission of the harbormaster.

14.01.130 Delinquent payments

Delinquent accounts of 90 days for harbor stall rentals or 30 days for dock moorages are cause to have the lease and/or moorage agreement cancelled and vessel may be refused services and/or dock moorage. Delinquent accounts are subject to collection as provided by the Ouzinkie City Council, and applicable state law.

14.01.140 Port Facility Use

No vessel shall use Port Facility without an authorized use agreement. (Ordinance 99-02 Nov. 12, 1998 title 14)
(amendment Ord. 2001-01 sect.14.01.050(d) Jan. 30, 2001)

Chapter 14.02

PROVISIONS FOR IMPOUNDMENT, SALE AND/OR DISPOSAL

Sections:

14.02.010 Impoundment, Sale or Disposal of Vessels

14.02.010 Impoundment, Sale or Disposal of Vessels

- (A) A The harbor master may impound a vessel at any that the harbormaster determines to be; (1) derelict, (2) a hazard to the safety of other vessels, dock or port facilities, patrons or otherwise a hazard to the environment (3) continued disregard for payment of moorage fees or (4) if the lessee violates any terms of the moorage agreement. The harbor master may impound a vessel by immobilizing the vessel, hauling the vessel out of the water, or removing the vessel from the moorage space. All expenses and risks of haul-out, removal or impoundment to be borne by the owner of the vessel. The city or the city's agents, employees or volunteers shall not be liable for any damage to the vessel in the process of haul out, removal or impoundment of said vessel.
- (B) Except in the circumstances described in subsection (D.) of this subsection, the harbor master shall not impound or haul-out a vessel without first providing written notice to the owner or agent and an opportunity for a hearing on the impoundment under this subsection.
 - (1) At least 30 days before impounding the vessel, the City shall send a notice of impoundment by certified return receipt letter, to the owner or agent of the vessel, with the information in subsection (i) to (vi).
 - (2) At least 15 days before impounding the vessel, if there is no contact by the owner or agent with the harbor master or city office then the harbor master shall post notice of the impoundment of the vessel, in 3 public locations. A notice in appropriate newspapers may also be deemed necessary.
 - (3) The notice will include
 - (a) the name and number of the vessel.
 - (b) the name and address, if know, of the registered owner, lien holder, operator, master or agent of the vessel.
 - (c) the location of the vessel.
 - (d) the reasons for impoundment and, if the vessel was impounded pursuant to subsection (D.)
 - (e) the date the impoundment will take place.
 - (f) a statement that the right to a hearing will be waived if not timely requested and the harbor master may proceed with impoundment disposition of the vessel by sale, destruction or other disposition authorized by law.

- (g) a statement that if the vessel is impounded and not redeemed within 30 days of impoundment, title to the vessel and its contents shall be vested to the City and the vessel and its contents will be sold or otherwise disposed of as provided in this title;
 - (h) the name, address and telephone number of the harbor master or other City representative to be contacted concerning the impoundment.
- (C) An owner or agent claiming an interest in the vessel may obtain a hearing on the impoundment of the vessel by requesting, in writing, a special/executive meeting with the City Council prior to the date of the notice of impoundment. The sole issue of this meeting shall be whether there is probable cause to impound the vessel. Probable cause to impound shall mean a state of facts that would lead a person of ordinary care and prudence to believe that one or more of the grounds stated in subsection (A) of this section for impounding the vessel has occurred and is continuing. If there is an arraignment of terms between the owner and/or the agent and the City Council as a result of the meeting they will be set down in a signed agreement. If the terms of the agreement are not met then the impoundment of the vessel will continue at a date set forth in the agreement.
- (D) If the harbor master determines that the derelict condition of a vessel constitutes a fire or safety hazard to Port Facilities or other vessels, or a pollutant hazard to the waters and marine life of the port facility, and that damage from such fire, safety or pollutant hazard will more likely than not occur within the notice period required under subsection (1) of this subsection, the harbor master may take reasonable steps to prevent damage from the fire, safety or pollutant hazard without prior notice or hearing, including without limitation impounding the vessel by immobilizing the vessel or by hauling the vessel out of the water or removing the vessel from the moorage space or port facility. Promptly after impounding a vessel under this subsection, the harbor master shall give notice of the impoundment in accordance with subsection (B.) of this section.
- (E) Any person aggrieved by the city council=s decision under subsection (C.) of this section to impound a vessel or not to release a vessel from impoundment may appeal the decision to the Superior Court within 30 days after the date the decision was mailed or delivered to the parties. Unless the court orders otherwise, the harbor master may impound a vessel under this section immediately after issuing a decision approving the impoundment, but may not sell or otherwise dispose of the vessel until either the court affirms the decision, or the time for appeal expires without an appeal having been filed.
- (F) An impounded vessel, and its registered owner, master or agent shall be jointly liable for but not limited to the costs of hauling out, storing, securing, and selling or other wise disposing of the vessel, as well as the costs of abating any fire, safety or pollutant hazard that is caused by the vessel also costs associated with seeking a marine surveyor or legal fees pertaining to the vessel's impoundment, sale or disposal.
- (G) Any vessel impounded shall be held by the City for a period of not less than 30 days. After impounding a vessel, the harbor master shall determine whether to sell or to otherwise dispose of the vessel. The harbor master shall sell the vessel unless the harbor master determines that the market value of the vessel does not exceed the amount owed from the vessel to the City plus the costs of the sale, or that the vessel is a derelict, and

unlikely to be returned to a safe and seaworthy condition. If the amount owed from the vessel plus the costs of sale do not exceed \$10,000 the harbor master may estimate the market value of the vessel to make this determination. Otherwise, the harbor master shall make the determination after obtaining an independent appraisal of the market value of the vessel from a qualified appraiser. If the vessel need not be sold, the harbor master may destroy or otherwise dispose of the vessel. The owner of the vessel shall be liable for the costs of destroying or otherwise disposing of the vessel.

- (H) The harbor master shall give notice of the City=s intent to sell or dispose of an impounded vessel in the manner provided in subsection (B) of this section at least 10 days before the date of sale or disposal. The notice shall state the name and number of the vessel, the name and address, if known of the registered owner, master or agent of the vessel, the lien holder, if known, the location of the vessel, that the harbor master has impounded the vessel under this section, that the harbor master intends to sell or dispose of the vessel on a day and at a place and time certain, as the case may be, and the requirements for a person claiming an interest in the vessel to reclaim the vessel. If the vessel is to be sold, the notice shall describe the vessel to be sold, state any required terms of the sale and any required minimum sale price, and the date, time and place where bids will be received. This notice shall also be published in a newspaper of general circulation in the City once at least 10 days prior to the date of the sale or disposal of the vessel.
- (I) At any time prior to the sale or disposal of the vessel, a person claiming an interest in an impounded vessel may reclaim possession by paying to the City all charges against the vessel to the date possession is reclaimed; provided that, if the harbor master determines that an impounded vessel is a derelict and unlikely to be returned to safe and seaworthy condition, the harbor master may refuse further moorage of the vessel, and condition the return of possession of the vessel on the claimant making satisfactory arrangements to remove the vessel from the harbor, and providing the City with the sale shall be condition upon the purchase making satisfactory arrangements to remove the vessel from the harbor, and providing the City with security acceptable to the harbor master for the vessels proper and timely removal.
- (J) The City may offer an impounded vessel for sale at public auction or by sealed competitive bid. Continued moorage of the vessel at the port facility shall be at the discretion of the harbor master. If the City intends to refuse further moorage of the vessel from the port facility, and providing the City with security acceptable to the harbor master for the vessel=s proper and timely removal. The sale by the City of an impounded vessel shall be without warranty as to title or otherwise. If the City receives no acceptable bids for the vessel, the harbor master may destroy or otherwise dispose of the vessel.
- (K) The proceeds of the sale of an impounded vessel shall be applied first to any fees or charges owed to the City on account of the vessel, including reimbursement for all costs of impoundment and sale. Any part of the proceeds remaining thereafter shall be made available to the owner of the vessel if claimed within 30 days from the date of sale, and if not so claimed shall become property of the City.
(Ord 2006-05 Sec. 14.02.010)

Chapter 14.03

DEFINITIONS

Section:

14.03 Definitions

14.03.010 Definitions.

As used in this chapter:

- (A) “City” means the City of Ouzinkie.
- (B) “Lessee” is the person listed on the moorage agreement.
- (C) “Port Facility/ies” is any area within the city harbor, dock, piling dock, or waters therein.
- (D) “Agreement” is the term for the moorage or harbor agreement.
- (E) “Vessel” means any boat, skiff, barge, ferry, or other floating structure.
- (F) “Space” is any leased or rented area in the port facility.
(Ord. 2012-02; 2-15-2012 changes which were made through-out entire title)

TITLE 15
RESERVED

TITLE 16

ZONING

Chapter 16.01

PLANNING AND ZONING COMMISSION ADVISORY COUNCIL

Sections:

- 16.01.010 Created--membership**
- 16.01.020 Term--compensation**
- 16.01.030 Powers and duties**

16.01.010 Created--membership.

There is created a planning and zoning commission advisory Council which shall consist of five Ouzinkie residents appointed by the mayor subject to confirmation by the City Council. The planning and zoning commission advisory Council shall designate its own chairman.
(Prior Code Ch. 46 B1.)

16.01.020 Term--compensation.

The members shall serve for three years; however, of the members first appointed, two shall be appointed for three years, two for two years, and one for one year. Appointment to fill vacancies shall be for the unexpired term only. Members of the advisory Council shall serve without compensation.
(Prior Code Ch. 46 B2.)

16.01.030 Powers and duties.

The planning and zoning commission advisory Council shall serve in an advisory capacity to the City Council and the Kodiak Island Borough Planning and Zoning Commission. The planning and zoning commission advisory Council is required to:

- (A) Hold public meetings at least once per month at a time and in a place within the City to be designated by the chairman of the advisory Council.
- (B) Receive testimony and otherwise investigate matters of concern with regard to planning, platting and zoning.
- (C) Make recommendations with regard to planning, platting and zoning matters affecting planning, platting and community development in the City of Ouzinkie and all of Spruce Island to the Ouzinkie City Council and the Kodiak Island Borough Planning and Zoning Commission.
- (D) Perform such other similar services as may be requested from time to time by the City Council.

(Prior Code Ch. 46 B3.)

TITLE 17

PUBLIC PROPERTY

Chapter 17.01

Acquisition, Management and Disposal of City Land

Sections:

17.01.010	Rights and Powers of City
17.01.020	Acquisition of Land
17.01.030	Economic Development Sites
17.01.040	Evaluation
17.01.050	Referendum
17.01.060	Temporary Use of City Land
17.01.070	Authority to Dispose of Real Property or Interest in Real Property
17.01.080	Disposal of Real Property
17.01.090	Disposal of Real Property
17.01.100	Methods of Disposal
17.01.110	Reversion of Real Property to City
17.01.120	Leases
17.01.130	Easements
17.01.140	Notice of Disposal
17.01.150	Definitions

17.01.010 Rights and Powers of City.

The City shall have and may exercise all rights and powers in the acquisition, ownership, holding and disposal of real property in any manner not prohibited by law.
(Prior Code Ch. 43 Sec. 1; Ord. 87-01,1987)

17.01.020 Acquisition of Land.

- (A) The City may acquire, own and hold real property or any interest in real property
- (B) inside or outside the City boundaries by purchase, lease, exchange, transfer, donation, condemnation or declaration of taking under the City=s power of eminent domain, or any other legal method. Except as provided in subsections (B) and () of the section, and unless otherwise provided by law, all acquisitions shall be by resolution approved by a majority vote of the Council. Real property shall be held in the name A City of Ouzinkie.
- (C) Upon passage of a non-codified ordinance, the mayor may act upon behalf of the
- (D) City in the acquisition of real property or interest in real property when the property to be acquired is conveyed from the Ouzinkie native Village Corporation under the provisions of Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA). The non-codified ordinance shall include a statement identifying the amount of land to be acquired

and a finding that the lands are sufficient to meet the existing and foreseeable community needs as they pertain to the City of Ouzinkie=s comprehensive development plan.

- (E) The City may exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the City in accordance with the procedures set out in AS 09.55.240-460. The exercise of the power of eminent domain of declaration of taking shall be by ordinance which shall be submitted to the voters at the next regularly scheduled general election or a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.
- (F) The Council may approve and authorize the purchase of real property by contract of sale or deed of trust.
- (G) Prior to approval of the purchase of property under subsection (D), the mayor shall 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 with any such materials shall not affect the validity of any acquisition or purchase of real property by the City.
(Prior Code Ch. 43 Sec. 2; Ord 87-01, 1987)

17.01.030 Economic Development Sites.

The City may acquire, own and hold real property, either inside or outside the City boundaries, as sites available for local trade and industries which will benefit the City.
(Prior Code Ch. 43 Sec 3; Ord. 89-01, 1987)

17.01.040 Evaluation.

All real property acquired by the City shall be evaluated by the mayor within six months of acquisition, taking into consideration desirable uses of the property, including projected need, if any, of the land for present or future public use and the compatibility of the land use with those identified in the City of Ouzinkie=s comprehensive development plan. The results of such evaluations will be reported to the Council in the first scheduled public meeting after completion.
(Prior Code Ch. 43 Sec. 3; Ord. 87-01, 1987)

17.01.050 Referendum.

The Council may refer any question of the acquisition or disposal of real property or an interest in real property to the voters at a regular or special election at any stage of the acquisition or disposal process.
(Prior Code Ch. 43 Sec 5; Ord. 87-01, 1987)

17.01.060 Temporary Use of City Land.

- (A) The mayor has the authority to issue special land use permits for the exclusive temporary use of City land. A special land use permit does not convey any interest in the land and may be revoked for cause with 30 days notice. Unless otherwise agreed in writing, the land will be restored to its original condition upon expiration or revocation of the permit. Easements will not be granted under special land use permits.
- (B) Public comment shall be sought before the issuance of a special land use permit in those situations where, in the opinion of the mayor, a hazardous or obnoxious use might significantly affect the surrounding area. Notice of the proposed action shall be

published and a period for public comment shall be provided. When sufficient adverse comment is received, a public hearing shall be held.

- (C) A special land use permit shall not be granted for a term exceeding one year. Special land use permits are not transferable or renewable. Upon expiration, a special land use permit may be reissued for a term not exceeding one year. (Prior Code Ch. 43 Sec 6; Ord. 87-01, 1987)

17.01.070 Casual Use of City Land.

- (A) No permit or lease is required for casual use of City land.
- (B) No liability shall accrue to the City due to individual casual use of City land.
- (C) The City shall notify the public of the location of City land that is not open to casual use. (Prior Code Ch. 43 Sec 7; Ord. 87-01, 1987)

17.01.080 Authority to Dispose of Real Property or Interest in Real Property.

The City may dispose of real property or an interest in real property in any manner not prohibited by law. All disposals shall be by non-codified ordinance. (Prior Code Ch. 43 Sec. 8; Ord. 87-01; 1987)

17.01.090 Disposal of Real Property.

- (A) The City may dispose of real property or an interest in real property which is no longer necessary for municipal purposes by non-codified ordinance. The ordinance shall include:
 - (1) A Finding that the real property or interest in the real property is no longer necessary for municipal purposes and a statement of facts on which such a finding is based.
 - (2) A legal description of the property.
 - (3) Type of interest in property to be disposed of.
 - (4) The method of disposal.
 - (5) The value of the property or the value of interest in property as determined under subsection (b) of this section.
 - (6) The date of the proposed disposal and the time, place and manner in which the proposed disposal shall occur.
- (B) The value of the property or interest in property shall be fair market value as determined by an appraisal prepared by a qualified appraiser or assessor. (Prior Code Ch. 43 Sec 9; Ord. 87-01; 1987)

17.01.100 Methods of Disposal.

- (A) All disposals shall be conducted in a fair and impartial manner. Procedures for conducting disposals shall be set out in the non-codified ordinance authorizing each disposal.
- (B) Competitive disposal: The City may conduct the following types of competitive disposal:
 - (1) Sealed bid auction: The minimum bid for a sealed bed auction shall be the fair market value of the property or interest in property.

- (2) Public outcry auction: the minimum bid for a public outcry auction shall be the fair market value of the property or interest in property.
- (3) Lottery: In the case of a lottery, the price of the property or interest in property shall be the value as determined by the Council.
- (C) Disposal for public services: The Council may dispose of real property or an interest in real property to a municipality, state, or federal entity or to a nonprofit corporation or association, or a Native Village Council without seeking bids and for less than fair market value of the real property or interest in real property if the recipient is providing a necessary public service to residents of the City. If a disposal is made under this section, the non-codified ordinance authorizing the disposal must include:
 - (1) A finding that the disposal to the entity is for provision of a necessary public service and a statement of facts upon which such a finding is based.
 - (2) A requirement that the conveyance of the property or property interest disposed of include a condition that the title will revert to the City in the event the property is no longer used for the necessary public service justifying the disposal.
 - (3) In the event the entity receiving the interest in real property is a Native Village Council, a requirement that the Native Village Council waive any immunity from suit for the purpose of enforcing the reversion provision.
- (D) Disposal for economic development: The Council may dispose of an interest in real property to any person or entity in furtherance of local trade or industry without seeking bids and for less than the value of that interest in real property. If a disposal is made to further economic development, the non-codified ordinance authorizing the disposal must include:
 - (1) A finding that the property or property interest which is the subject of the disposal will be used in furtherance of local trade or industry
 - (2) A requirement that the conveyance of the property or property interest disposed of include a condition that the title will revert to the City in the event the property is no longer used for the local trade or industry justifying the disposal.
- (E) Miscellaneous disposals: The Council may settle disputed claims or litigation by authorizing disposal of real property or an interest in real property.
- (F) Disposal for less than fair market value:
 - (1) Upon a finding by the Council that it is in the public interest, the City may convey real property for less than fair market value to a person who has a valid claim of equitable interest in the property or in a substantial improvement located upon the property. That finding shall be incorporated in and made part of the non-codified ordinance that accomplishes the conveyance.
 - (2) Upon a finding by the Council that it is in the public interest, the City may convey real property for less than fair market value to a City Resident who seeks the parcel for development and use as a personal place of residence. The finding shall be incorporated in and made part of the non-codified ordinance that accomplishes the conveyance.

- (G) The conveyance of city owned land for residential purposes will be as follows.
- (1) The Grantee shall develop the land for residential purposes within the period specified of five (5) years.
 - (2) The land shall be used only for residential purposes for a minimum of six (6) years.
 - (3) In the event the Grantee does not abide by these conditions, the Grantee shall reconvey the land to the Grantor upon written request by the Grantor.
(Ord. 2005-01, 2005)

17.01.110 Reversion of Real Property to City.

In the event title to real property reverts to the City, the City or its officers, agents or employees may immediately or at any time thereafter re-enter and resume possession of the property or any part of it, proceedings or by a suitable action or proceeding at law without being liable for any damages therefor and all payments made by the purchaser shall be forfeited and retained by the City.

(Prior Code Ch. 43 Sec. 10; Ord. 87-01, 1987)

17.01.120 Leases.

Leases are used to dispose of specific interests in real property without transferring ownership of that property. A disposal of interest in real property by lease shall follow the requirements of Sections 17.01.090 and 17.01.100. The terms and conditions of such leases shall be established by the Council.

(Prior Code Ch. 43 Sec 11; Ord 87B01, 1987)

17.01.130 Easements.

A disposal of an interest in real property by grant of easement shall follow the requirements of Sections 17.01.090 and 17.01.100. The terms and conditions of such easements shall be established by the Council.

(Prior Code Ch. 43 Sec. 12; Ord. 87-01, 1987)

17.01.140 Notice of Disposal.

(A) A notice of every disposal of land shall be posted in three conspicuous public places within the City not less than five days before:

- (1) The date of the bid opening, or
- (2) The date of the lottery, or
- (3) The date of the auction.

(B) The notice shall include:

- (1) A legal description of the property and the type of interest to be disposed of.
- (2) The method of disposal.
- (3) The assessed or estimated value of the property or interest in the property.
- (4) The date of the disposal and the time, place and manner in which the disposal shall occur.

(Prior Code Ch. 43 Sec. 13; Ord. 87-01, 1987)

17.01.150 Definitions. As used in this chapter:

- (A) A **Abstract of Title@** means a condensed history of the title to land, together with a statement of all liens, charges or liabilities to which the land may be subject.
- (B) A **Casual Use@** means the temporary, safe, nonexclusive and non-surface disturbing use of City land and includes but is not limited to such uses as hiking, hunting, fishing, short-term camping, picnicking, skiing, snow-machining or berry picking.
- (C) **Competitive Disposal@** means disposal of property wherein no preference is shown to any prospective bidder or group of bidders.
- (D) **Deed of Trust@** is an instrument by which legal title to real property is conveyed to a trustee to secure the repayment of a sum of money or the performance of other conditions.
- (E) A **Eminent Domain@** means the power of a City to convert private property to public use.
- (F) A **Equitable Interest@** means a right (in property or otherwise) enforceable in a court of justice.
- (G) A **Federal Entity@** means the federal government or an agency thereof.
- (H) A **Hazardous Use@** means a use that is dangerous, perilous or risky.
- (I) A **Interest in Property@** means a right, claim, title or legal share in that property.
- (J) A **Inventory@** means a list of property containing a legal description of each parcel of property.
- (K) A **Lease@** means an agreement that gives rise to a relationship of landlord and tenant; a lease is a contract for exclusive possession of lands or tenements for a determined period.
- (L) A **Legal Description@** means that part of a conveyance document which identifies the land or premises intended to be affected by that conveyance.
- (M) A **Lottery@** means a plan whereby the right to obtain interest in property, either by purchase or gift, is decided by chance through some type of drawing.
- (N) A **Nonprofit Corporation@** means an organization formed under the laws of the state of Alaska not to obtain a profit but to provide services to the community.
- (O) A **Obnoxious Use@** means a use which people may find objectionable, disagreeable, offensive or displeasing.
- (P) A **Public Outcry Auction@** means the sale of property to the highest bidder at a public auction where each prospective buyer has the right to enter successive bids until a price is reached at which no higher subsequent bid is made.
- (Q) **Resident@** means an individual who has resided in the City for at least one (1) year, maintains an address in the City and intends to make the City his permanent residence. (Ord. 2005-01, 2005)
- (R) A **Sealed Bid@** means a written offer to purchase property placed in an envelope and opened along with all other bids at a public opening.

- (S) A Substantial Improvement@ means a major change or addition to land or real property that makes it more valuable.
- (T) A Temporary Use@ means an exclusive use of City land which has a duration of one year or less and involves minimal disturbance to the land, no permanent structures, and no improvements exceeding \$5,000.
(Prior code Ch. 43 Sec. 16; Ord 87-01, 1987)