

TITLE I: GENERAL PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

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Section 01.01.010 Code Cite and Designation.

The ordinances in the following chapters and sections shall be called the “Code of Ordinances, City of Larsen Bay, Alaska”.

Section 01.01.020. Definitions.

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

CITY	The City of Larsen Bay, Alaska, or the area within the territorial limits of the City of Larsen Bay, Alaska.
CLERK	The City Clerk;
CODE	The Code of Ordinances, City of Larsen Bay, Alaska; the Larsen Bay City Code;
COUNCIL	The City Council of Larsen Bay;
PERSONS	A corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person;
PUBLISH	To post a notice within the City in three locations open to the public, one of which shall be the city offices, for a period of not less than five days;
STATE	The State of Alaska;
VOTER	A United States citizen who is qualified to vote in State elections, has been a resident of the City of Larsen Bay for 30 days immediately preceding the election, is registered to vote in State elections, and is not disqualified under Article V of the constitution of the State of Alaska.

Section 01.01.030. Grammatical Interpretation.

The following grammatical rules shall apply in the Larsen Bay City Code and the ordinances of the City:

- a) Gender. Any gender includes the other genders.
- b) Singular and plural. The singular number includes the plural and the plural includes the singular.
- c) Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

- d) All words, and phrases shall be construed and understood according to the context and the commonly approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- e) “May” is permissive.
- f) “Must” and “shall” each is mandatory.

Section 01.01.040. Effect of Repeal of Ordinances.

Ordinances repealed remain in force for the trial and punishment of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the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

Section 01.01.050. Severability of Ordinances and Parts of Code.

Any ordinance enacted before or after the adoption of this Code which lacks a severability clause shall be construed as though it contained the clause in the following language:

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

Section 01.01.060. General Penalty

- a) Every act prohibited by city ordinance is unlawful. Unless another penalty is expressly provided by this code for a particular act or offense, every person who commits an infraction or violation of any provision of this code, or any rule or regulation adopted or issued pursuant to this code, commits a minor offense as that term is defined in the Alaska Rules of Minor Offense Procedure and may be punished by a fine of not more than one thousand (\$1,000) dollars.
- a) A minor offense is not considered a criminal offense and may not result in imprisonment, nor is a fine imposed for the commission of an infraction considered a penal or criminal punishment; nor may the commission of a single infraction result in the loss of a valuable license, driver’s license, or privilege to drive in this state except as may result from the accumulation of points under AS 28.15.221 - 28.15.261.
- b) In addition to any other remedies or penalties that may be provided in this code, or may otherwise be available, the city or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the code. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction. The City shall be entitled to collect all reasonable attorney’s fees in any successful civil action to enforce the laws of the City. The City may also recover in a civil action the same penalty as it could for a minor offense violation, but may include claims for more than one violation in a single action.

- c) Each act of violation and every day upon which the violation shall occur will constitute a separate offense. A separate citation must be issued for each calendar day upon which a violation is alleged to have occurred.

Section 01.01.065. Surcharge

In addition to any fine or penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of violating this code or any rule or regulation adopted or issued in pursuance thereof shall pay the surcharge required by AS 12.55.039 and AS 29.25.074. The surcharge shall be collected as provided in AS 12.55.039 and AS 29.25.075. The failure to pay the surcharge is punishable as contempt of court as provided in AS 12.55.039.

Section 01.01.070. Procedure

- a) The charge for the violation of a code provision may be brought by any peace officer, the city manager or mayor, or that city official responsible for the administration and enforcement of the code provision which has been violated.
- b) Service of all citations shall be performed in the manner required by Alaska Rule of Minor Procedure 3(g).
- c) The city shall use the Alaska Uniform Citation form, or the electronic version if authorized, to provide notice of a minor offense to anyone accused of violating any provision of this Code. In the event that the Alaska Uniform Citation form is not available or used, the citation used must conform to Alaska Rule of Minor Offense Procedure, including a statement that includes the following required information:
 - 1. the essential facts constituting the offense charged;
 - 2. notice of the defendant's rights listed in AS 12.25.200, including the right to
 - i) a trial;
 - ii) engage counsel;
 - iii) confront and question witnesses;
 - iv) testify; and
 - v) subpoena witnesses on the person's behalf;
 - 3. the procedure for responding to the citation;
 - 4. the consequences of a failure to respond;
 - 5. if forfeiture of seized items is authorized by statute or ordinance, the citation must list the seized items and state that they will be forfeited if the defendant waives appearance by entering a no contest plea or if a default judgment is entered; and
 - 6. the method used to serve the citation on the defendant.
- d) Citation charging a defendant with any offense for which a scheduled fine has been established must also indicate:

1. the amount of bail or fine and the surcharge applicable to the offense;
2. that if the person fails to pay the bail or fine the person must appear in court;
3. and if the citation is one for a moving motor vehicle offense, that failure to pay the bail or fine or appear in court may result in
 - i) suspension of the person’s driver’s license, privilege to drive, or privilege to obtain a license; and
 - ii) attachment of the person’s permanent fund dividend to pay the fine plus court and collection costs under AS 28.05.155.

Section 01.01.073. Disposition of Minor Offenses

A person charged with a minor offense listed on a fine schedule may appear in court to contest the charge. If an offense is not listed on a fine schedule, or if the citation indicates that a court appearance is mandatory, the defendant must appear in court to answer the charges. As a minor offense, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

Section 01.01.075. Minor Offense Fine Schedule

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine schedule amount listed below for that offense. If an offense is not listed on this fine schedule or another fine schedule, the defendant must appear in court to answer to the charges. The fines set forth below and in any other applicable fine schedule may not be judicially reduced.

<u>Code Section</u>	<u>Offense Description</u>	<u>Fine Amount</u>
05.29.175	Water System Violation	300
05.30.145	Wastewater System Violation	300
05.31.050	Electrical Utility Service Violation	500
05.32.090	Waste & Refuse Violation	300
05.36.09.05	Speeding in harbor	150
05.36.09.15	Creating a hazard to navigation	150
05.36.09.20	Failure to register vessel	150
05.36.09.25(a)	Mooring in space assigned to another	150
05.36.09.25(b)	Mooring in space not designated for transient moorage	150
05.36.09.25(c)	Mooring in space without permission of harbormaster	150

05.36.09.25(d)	Mooring in space not designated for size of vessel	150
05.36.09.30	Inadequate equipment	150
05.36.09.40	Improper waste disposal	150
05.36.09.45	Improper petroleum disposal	150
05.36.09.50	Improper care or control of animal	150
05.36.09.55	Unlawful water sport activities within harbor	150
05.36.09.60	Failure to file required report	150
05.36.09.65	Motor vehicle on harbor ramp	150
05.36.09.70	Failure to pay moorage	150
05.36.09.75	Unauthorized overnight parking	150
05.36.09.81	Unauthorized boat/trailer parking	150
06.52.010	Selling tobacco to minor	300
06.52.020	Selling intoxicating liquor to minors	500
06.56.020	Destruction of library property	50
06.58.010	Disturbance of peace	200
06.58.020	Disturbing congregations or other Assemblies	200
06.58.030	Obscene language	100
06.62.010	Carrying concealed weapon within city limits	200
06.62.020	Carrying loaded firearm in public place within city	200
06.62.030	Discharging firearm within city limits	200
06.62.070(a)	Selling unlawful fireworks within city limits	100
06.62.070(b)	Unlawfully exploding dangerous fireworks	100
07.68.090(f)	Political persuasion near election polls	300

Section 01.01.077. Ordinances Affecting Minor Offenses Sent to City Attorney

Immediately after the Council enacts a code ordinance affecting, creating, or eliminating a minor offense, the Clerk shall transmit the ordinance to the City Attorney. The City Attorney shall submit any necessary updates to the Alaska Court System for inclusion in the Uniform Table of Minor Offenses.

Section 01.01.080. Amendments to Code; Effect of New Ordinances.

(a) 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 or any part thereof shall be excluded from the Code.

- (b) Amendments to this Code shall be made by specific reference to the section number of this Code in substantially the following language:

“Chapter _____, Section _____ of the Code of Ordinances of the City of Larsen Bay, Alaska is hereby amended to read as follows:”

- (c) If a new chapter or section is to be added to this Code, substantially the following language shall be used:

“The Code of Ordinances of the City of Larsen Bay, Alaska is hereby amended by addition of the following chapter(s) or section(s):”

- (d) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

Section 01.01.090. Distribution.

This Code with amendments shall be made available to the public for inspection on request. A reasonable fee for the cost of photocopying all or parts of this Code may be charged to anyone requesting copies provided that copies of ordinances that provide for penalties shall be made available for distribution to the public at no more than cost. Copies of this Code shall be furnished to the courts and law enforcement personnel as needed upon their request.

Section 01.01.100. Supplements or Revisions to the Larsen Bay Code.

- (a) Amendments and supplements to this Code shall be typed or printed and included within this Code within 60 days after adoption by the Council.
- (b) The Code shall be supplemented at regular intervals or if the Council deems that supplementation of the code is unnecessary. The Code shall be revised and printed every five years.

Section 01.01.110. Ordinances Included in the Larsen Bay Code.

The Council shall cause each ordinance and resolution having the force and effect of law to be printed as promptly as possible following its adoption in the following manner:

- a) Ordinances enacted by the City Council and permanent in nature shall be inserted in the Code when properly prepared and authenticated by the Clerk.
- b) Emergency, bond, temporary and appropriation ordinances and resolutions shall be retained in the form enacted.

- c) All titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity and construction clauses shall be omitted from the Code unless from their nature it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

Section 01.01.120. Time ordinances take effect.

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

Section 01.01.130. Corrections.

When in this code or any amendments or additions thereto there are any errors the correction of which does not change the meaning of any section of this code, the Council may authorize the correction of these errors by substitution of corrected pages for the incorrect pages without amendment or following ordinance procedure.

The following corrections are so authorized:

- a) Manifest errors which are clerical, or typographical in nature, or errors in spelling, or errors by way of addition or omission;
- b) Changes in capitalization for the purpose of uniformity;
- c) Correction of manifest errors in references to laws;
- d) Correction of mistakes in grammar; and
- e) Correction of citations or references to laws, statutes and ordinances whose designations have changed because of renumbering or revision of the Alaska Statutes, federal law, or this Code.

TITLE I: GENERAL PROVISIONS

CHAPTER 2

CITY INFORMATION

Sections:

- | | |
|-----------|--------------------------------------|
| 01.02.010 | Name of City and Form of Government. |
| 01.02.020 | City Limits and History. |
| 01.02.030 | City Seal Described. |
| 01.02.040 | Use of Seal. |

Section 1.02.010. Name of City and Form of Government.

- (a) The City shall continue as a municipal corporation and political subdivision of the State of Alaska under the Name: “City of Larsen Bay, Alaska”.
- (b) The government of the City shall be that commonly known and designated as the Council-Mayor form of government.

Section 1.02.020. City limits and history.

- (a) The boundaries of the City are:

Beginning at the SW corner of Section 36, unsurveyed T30S, R30W, Seward Meridian, Alaska; thence East to the SE corner of Section 32, T30S, R29W; thence North to the point where the East boundary of Section 29, T30S, R29W, intersects with the mean low water line of Uyak Bay; thence in a Northwesterly direction to the center of Section 29, T30S, R29W; thence Northerly to a point which intersects with the mean low water line of Uyak Bay; thence Northerly along the mean low water line of Uyak Bay to the point where the mean low water line intersects with the, East-West centerline of section 20, T30S, R29W; thence West to the NW corner of the SW 1/4 of Section 20, T30S, R29W; thence South to the SW corner of Section 20, T30S, R29W; thence West to the NW corner of the NE 1/4 of Section 26, T30S, R30W; thence South to the SW corner of the SE 1/4 of section 26, T30S, R30W; thence East to the SE corner of the SE 1/4 of Section 26, T30S, R30W; thence South to the point of beginning, containing 6.6 square miles more or less.

- (b) The map on the following page of this section shows the locations of these boundaries.
- (c) The boundaries of the City as above described were the effective city limits as of incorporation of the City of Larsen Bay as a second class city on the 7th day of February 1974.
- (d) The certificate of Incorporation is recorded in Book 29, page 412 at the Kodiak Recording District in Kodiak, Alaska. This certificate was recorded on the 11th day of March 1974.

TITLE I: GENERAL PROVISIONS

CHAPTER 3

ORDINANCES; RESOLUTIONS; REGULATIONS

Sections:

01.03.010	Acts of the Council.
01.03.020	Acts Required to be by Ordinance.
01.03.030	Ordinance Procedure.
01.03.040	Ordinance Form and Content.
01.03.050	Amendments to Code; Effect of New Ordinances; Amendatory Language.
01.03.060	Supplements or Revisions to the Larsen Bay City Code.
01.03.070	Emergency Ordinances.
01.03.080	Ordinances Confined to Single Subject.
01.03.090	Requirements for Passage.
01.03.100	Signature.
01.03.110	Ordinance File.
01.03.120	Repeal Shall Not Revise Any Ordinance.
01.03.130	Formal Acts by Resolution.
01.03.140	Procedures for Resolutions.
01.03.150	Requirements for Passage of Resolutions.
01.03.160	Rules and Regulations.
01.03.170	Codes of Regulations.

Section 01.03.010. Acts of the Council.

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

Section 01.03.020. Acts required to be by ordinance.

In addition to other actions which the Alaska Statutes require to be by ordinance, the Council shall use ordinances to:

- a) Establish, alter, or abolish city departments;
- b) Amend, or repeal an existing ordinance;
- c) Fix the compensation of members of the Council;
- d) Provide for the sale of city property;
- e) Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- f) Provide for the levying of taxes;
- g) Make appropriations, including supplemental appropriations or transfer of appropriations;
- h) Grant, renew, or extend a franchise;
- i) Adopt, modify, or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;
- j) Approve the transfer of a power to a first or second class borough;
- k) Repealed;
- l) Provide for the retention or sale of tax-foreclosed property;
- m) Regulate the rate charged by a public utility; and
- n) Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in A.S. 36.25.025.

Section 01.03.030. Ordinance Procedure.

- (a) A proposed ordinance is introduced in writing by the Mayor or other Councilmembers, or by a committee of Councilmembers, at any lawful council meeting.
- (b) After the ordinance is introduced, the Council shall vote on whether to set the time and date for a public hearing on the ordinance. If there are at least four votes in favor of setting a public hearing, the draft ordinance shall be assigned a reference number by the Mayor and the Council shall publish a summary of the proposed ordinance and notice setting out the time and place for the public hearing on the proposed ordinance. The public hearing on the

proposed ordinance shall follow the date the notice was published by at least five days. The public hearing may be held at any lawful council meeting.

- (c) At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. During the public hearing the Council shall hear all interested persons wishing to be heard. After the hearing, the Council shall consider the proposed ordinance and may adopt it with or without amendment. The Council shall type or print and make available copies of the adopted ordinance.
- (d) If a proposed ordinance is amended by the Council after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly-introduced proposed ordinance.

Section 01.03.040. Ordinance Form and Content.

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

- a) The heading: "City of Larsen Bay, Alaska";
- b) The "Ordinance Number";
- c) The title, which summarizes the ordinance's provisions and includes any penalties imposed;
- d) The enacting clause which shall read: "BE IT ENACTED BY THE COUNCIL OF THE CITY OF LARSEN BAY, ALASKA:";
- e) The provisions of the ordinance;
- f) The dates of introduction, first reading, and public hearing;
- g) The date of adoption;
- h) Space for the signature of the Mayor; and
- i) Space for the Clerk's signature as an attestation to the signature of the Mayor.

The form appearing at the end of this chapter illustrates the form set out in this section and is suggested for use by Councilmembers.

Section 01.03.050. Amendments to Code; Effect of New Ordinances; Amendatory Language.

- (a) All ordinances passed subsequent to this Code which amend repeal or in any way affect this Code, shall be numbered according to the numbering system of this Code and be printed for inclusion herein. In the case of chapters, sections and subsections or any part thereof repealed by subsequent ordinances, such repealed portions shall be excluded from the Code by omission from reprinted pages affected thereby.
- (b) Amendments to any of the provisions of this Code shall be made by specific reference to the section number of this Code in substantially the following language:

“Chapter _____, section _____ of the Code of Ordinances of the City of Larsen Bay, Alaska is hereby amended to read as follows:”

The new chapter or section shall then be set out in full as desired.

- (c) If a new Chapter or Section not heretofore existing in the Code is to be added the following language shall be used:

“The Code of Ordinances of the City of Larsen Bay, Alaska is hereby amended by addition of a chapter or section, to be numbered _____, which chapter or section reads as follows:”

The new chapter or section shall then be set out in full.

- (d) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

Section 01.03.060. Supplements or Revisions to the Larsen Bay City Code.

The Code shall be supplemented at regular intervals or if the Council deems that supplementation of the Code is unnecessary, the Code shall be revised and printed every five years.

Section 01.03.070. Emergency Ordinances.

- (a) To meet public emergencies, the Council may adopt emergency ordinances effective on adoption. Each emergency ordinance shall contain a finding by the Council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The Council shall print and make available copies of adopted emergency ordinances.
- (b) An emergency ordinance may not be used to levy taxes, to grant, renew, or extend a franchise, or to regulate the rate charged by a public utility for its services.
- (c) An emergency ordinance is effective for 60 days unless stated otherwise in the ordinance.

Section 01.03.080. Ordinances Confined to Single Subject.

Every ordinance shall be confined to one subject unless it is an appropriation ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be expressed in the title.

Section 01.03.090. Requirements for Passage;

Four affirmative votes are required for the passage of an ordinance. The final vote on an ordinance is a recorded roll call vote.

Section 01.03.100. Signature.

Each ordinance shall be signed by the Mayor upon its adoption and attested by the Clerk.

Section 01.03.110. Ordinance File.

The Clerk shall keep separate permanent files for ordinances that are available for public inspection. These files shall contain all introduced, passed, failed and repealed ordinances.

Section 01.03.120. Repeal Shall Not Revive Any Ordinance.

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

Section 01.03.130. Formal acts by resolution.

(a) Formal acts by the Council not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:

1. The heading "City of Larsen Bay, Alaska";
2. The space for a number to be assigned - "Resolution No. _____";
3. A short and concise title descriptive of the resolution's subject and purpose;
4. A short premises or WHEREAS clauses descriptive of the reasons for the resolution, if necessary;
5. The resolving clause "Be it Resolved";
6. The date of adoption;
7. Space for the signature of the Mayor; and
8. Space for the Clerk's signature as an attestation to the signature of the Mayor.

(b) All resolutions adopted by the Council whether at the request of a third party or on the motion of the Council shall conform to the requirements set forth in this section.

(c) Resolutions shall not be included in the Code, but shall be kept in a separate permanent file by the Clerk and shall be available for public inspection.

(d) The form appearing at the end of this chapter illustrates the form set out and is suggested for use by Councilmembers.

Section 01.03.140. Procedures for resolutions.

- (a) Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.
- (b) On any vote to pass a resolution, all persons interested shall be given an opportunity to be heard. After such hearing, the Council may finally pass such resolution with or without amendments.
- (c) After adoption, every resolution shall be posted in full on the city bulletin board and in such other places as the Council may direct. Every resolution, unless it shall specify a later date, shall become effective upon adoption. If the resolution is submitted at a city election when State law requires, then after a majority of favorable votes of the city voters has been certified by the Council, the resolution may be adopted.

Section 01.03.150. Requirements for passage of resolutions.

Four affirmative votes are required for the passage of a resolution. The final vote on each resolution is a recorded roll call vote.

Section 01.03.160. Rules and Regulations.

Any rule or regulation made by an administrative officer or board or commission shall be posted for not less than 10 days in three public places following its approval by the Council.

Section 01.03.170. Codes of regulations.

The Council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of 15 days before adoption of an ordinance under this section, at least five copies of the code of regulations shall be made available for public inspection at a time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The Council shall provide for an adopted code of regulations to be made available to the public at no more than cost.

CITY OF LARSEN BAY, ALASKA
ORDINANCE NO. _____

AN ORDINANCE _____

BE IT ENACTED BY THE COUNCIL OF THE CITY OF LARSEN BAY, ALASKA:

Section 1. _____

Section 2. _____

Section 3. _____

DATE INTRODUCED: _____

FIRST READING: _____

PUBLIC HEARING: _____

PASSED and APPROVED by the Larsen Bay City Council this ____ day of _____, 20 ____.

Mayor

ATTEST: City Clerk

CITY OF LARSEN BAY, ALASKA
RESOLUTION NO. _____

A RESOLUTION

WHEREAS,

WHEREAS,

AND WHEREAS,

BE IT RESOLVED:

PASSED and APPROVED by the Larsen Bay City Council this ____ day of _____, 20 ____.

Mayor

ATTEST: _____
City Clerk

TITLE I: GENERAL PROVISIONS

CHAPTER 4

PUBLIC RECORDS

Sections:

- 01.04.010 Definitions.
- 01.04.020 Ownership and Custody of Records:
- 01.04.030 Duties of City Clerk
- 01.04.040 Public Records: Inspection and Copying
- 01.04.050 Confidential Records.
- 01.04.060 Retention and Disposal

Section 01.04.010. Definitions.

As used in this chapter, “record” means any document, record, paper, letter, file, book, account, photograph, microfilm, microfiche, map, drawing, chart, card, magnetic media or computer print-out, or other document of any material, regardless of physical form or characteristic, created or acquired under law or in connection with the transaction of official business and preserved or appropriate for preservation by the City, as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the City or because of the information value in them. “Record” does not include extra copies of documents made or preserved solely for convenience of reference, or for public distribution.

Section 01.04.020. Ownership and Custody of-Records.

- a) All records shall be and remain city property.
- b) Records shall be delivered by outgoing officials and employees to their successors as required by Section 08.74.030 of this Code and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of this chapter or as otherwise provided by law.
- c) City records, or copies of city records which have been certified by the clerk, shall be prima facie evidence of their contents.

Section 01.04.030. Duties of City Clerk.

The Clerk shall be responsible for the administration and maintenance of the public records. The Clerk shall:

- a) Compile and maintain an inventory of the public records, including those in the custody of other city officials and employees, those which have been placed in storage or destroyed, and those which are confidential;
- b) establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving, and refiling records which are temporarily removed from the permanent files for use by the Clerk, other city officials or employees, or members of the public;
- c) develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the Alaska Department of Education as provided by Title 40 of the Alaska statutes and for the destruction of records pursuant to Section 6, while protecting the confidentiality of those records which are not open to public inspection pursuant to Section 5;
- d) establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records which are not open to inspection pursuant to Section 01.04.050; and
- e) secure and maintain at least one copy of the Alaska Statutes and make them available for public inspection.

Section 01.04.040. Public Records; Inspection and Copying.

- a) Except as provided in Section 01.04.050, City records are public records.
- b) Public records are open to inspection by the public during the Clerk's regular office hours; subject to reasonable rules relating to time, place, and manner of inspection, to be established by the Clerk. The Clerk shall give on request and payment of costs a copy or certified copy of portions of the public record.

Section 01.04.050. Confidential records.

- a) Except as otherwise provided by law, confidential records shall not be made available to the public or to any city officer, official or employee whose duties do not require access to the record in question.
- b) The following city records are confidential:
 - 1. records of vital statistics and adoption proceedings, which shall be treated in the manner required by Title 18 of the Alaska Statutes;
 - 2. records pertaining to juveniles;
 - 3. medical and related public health records;
 - 4. personnel records, except as provided in Chapter 08.75; and
other records required by federal or state law or regulation or by ordinance to be kept confidential.

Section 01.04.060. Retention and disposal.

- a) All City records shall be retained until the Council, in writing, authorizes their disposal.
- b) The Clerk shall propose and the Council shall by resolution or ordinance approve a records retention and disposal schedule dictating how long various categories of routine records shall be kept before they no longer have legal, administrative, or historical value and may be destroyed by the Clerk. The Clerk may dispose of routine records pursuant to the retention schedule.
- c) The Clerk shall periodically review the city records including inactive documents in storage, to determine whether he or she considers any to be without legal, administrative or historical value. When the Clerk identifies such records, he or she may propose to the Council that such records be destroyed. The Clerk's proposal to the Council shall include a list of these records that is sufficiently detailed to identify the records and to permit the Council to determine whether the records retain any legal, administrative, or historical value, and shall also include the proposed means of disposal. If the Council finds that certain records so identified by the Clerk are without legal, administrative, or historical value, it may authorize their disposal and specify the means by which they may be disposed of. With such

authorization, the Clerk may dispose of the specified records in the manner approved by the Council.

- d) The Clerk shall file a descriptive list of the records disposed of and a record of the disposal itself. The Clerk shall provide copies of these documents to the Council.

TITLE II: ADMINISTRATION

CHAPTER 5

CITY COUNCIL

Sections:

- 02.05.010 City Council; Composition.
- 02.05.020 Qualification of councilmembers.
- 02.05.030 Election -of councilmembers; Terms.
- 02.05.040 Oath of Office
- 02.05.050 Compensation of councilmembers.
- 02.05.060 Conflicts of Interest.
- 02.05.070 Vacancies.
- 02.05.080 Recall.
- 02.05.090 Filling a Vacancy.

Section 02.05.010. City Council; Composition.

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

Section 02.05.020. Qualifications of Councilmembers.

Councilmembers shall be qualified city voters. Candidates for City Council shall have resided in the city for at least one year preceding the date of election. A councilmember who ceases to be a voter in the city immediately forfeits office.

Section 02.05.030. Election of Councilmembers; Terms.

An election shall be held annually on the first Tuesday of October to choose Councilmembers for staggered three year terms and until successors are elected and have qualified, and to decide such other questions or propositions as may require a vote of the people and are placed upon the ballot. Councilmembers' terms of office begin on the first Monday following certification of the election.

Council seats are designated and terms expire as follows:

Seat A - term expires in 1989, then 1992, 1995, etc.

Seat B - term expires in 1989, then 1992, 1995, etc.

Seat C - term expires in 1989, then 1992, 1995, etc.

Seat D - term expires in 1990, then 1993, 1996, etc.

Seat E - term expires in 1990, then 1993, 1996, etc.

Seat F - term expires in 1991, then 1994, 1997, etc.

Seat G - term expires in 1991, then 1994, 1997, etc.

Section 02.05.040. Oath of Office.

(a) All officers whether elected or appointed, before entering upon the duties of office, shall affirm in writing the following oath or affirmation:

“I _____ do solemnly swear (or affirm) that I will support the Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances of the city of Larsen Bay, Alaska, and that I will honestly, faithfully and impartially discharge my duties as _____ to the best of my ability.”

(b) The oath is filed with the Clerk.

Section 02.05.050. Compensation of Councilmembers.

Councilmembers will not receive compensation for serving on the council. A councilmember may receive compensation for other services to the city, however, nothing in this section alters or modifies in any way the city's conflict of interest laws. Per diem payments or reimbursements for expenses paid to councilmembers traveling and attending meetings, on city business are not compensation under this section.

Section 02.05.060. Conflicts of Interest.

If a councilmember has a substantial financial interest in an official action, the councilmember shall declare that interest and ask to be excused from a vote on the matter. The procedures

detailed in Section 08.74.060(c) shall be followed. Refer to Section 08.74.060 for Conflicts of interest, prohibitions and disclosure in general.

Section 02.05.070. Vacancies.

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

- a) Fails to qualify or take office within thirty days after his election or appointment;
- b) is physically absent from the city for ninety consecutive days unless excused by the council;
- c) resigns and his resignation is accepted;
- d) is physically or mentally unable to perform the duties of his office as determined by two-thirds vote of the council;
- e) is convicted of a felony or an offense involving a violation of the oath of office;
- f) is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the council concur in expelling the person elected;
- g) is convicted of a violation of AS 15.13;
- h) no longer physically resides in the city and the council by two-thirds vote declares the seat vacant; or
- i) if a member of the council misses three consecutive regular meetings and is not excused.

Section 02.05.080. Recall.

- a) An official who is elected or appointed to an elective city office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.
- b) Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties.
- c) Procedures to be followed for a recall petition and election are those set out in Title 29 of the Alaska Statutes.
- d) If a councilmember is recalled, that office is filled in accordance with Section 9 of this Chapter. If all members of the council are recalled, the Governor shall appoint three qualified persons to the council. The appointees shall appoint additional members to fill remaining vacancies in accordance with Section 9 of this Chapter. A person appointed to the council serves until a successor is elected and takes office.
- e) If an official other than a member of the Council is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held on the 6th Tuesday after the date the recall election is certified, except that if a regular election occurs within 75 days after certification, the successor shall be chosen at that election. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

Section 02.05.090. Filling a Vacancy.

If a vacancy occurs in the Council, the remaining members shall, within 30 days, appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled. Notwithstanding the foregoing sentence, if the membership of the council is reduced to fewer than the number required to constitute a quorum, the remaining members shall within seven days, appoint a number of qualified persons to constitute a quorum. 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.

TITLE II: ADMINISTRATION

CHAPTER 6

MAYOR

Sections:

- | | |
|-----------|--|
| 02.06.020 | Election and term of mayor. |
| 02.06.030 | Duties of mayor. |
| 02.06.040 | Vice mayor; presiding officer pro tem. |
| 02.06.050 | Compensation of Mayor. |
| 02.06.060 | Oath of office. |
| 02.06.070 | Vacancy in the office of mayor. |
| 02.06.080 | Mayor is ex-officio officer. |

Section 02.06.010. Election and Term of Mayor.

The mayor is elected by and from the council, and serves until a successor is elected and has qualified. The council shall meet on the first Monday after certification of the regular election and elect a mayor who takes office immediately. The mayor serves a one year term and may serve as mayor only while a member of the council.

Section 2.06.020. Duties of Mayor.

The executive power in the city is vested in the mayor. The mayor acts as ceremonial head of the City and executes official documents on authorization of the council. The mayor presides at Council meetings and as a councilmember shall vote on all matters. The mayor does not have the power of veto. The mayor may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend or remove subordinates in conformance with the city's personnel ordinances. As chief administrator the mayor shall:

- a) Appoint, suspend or remove city employees and administrative officials as provided in the city's personnel ordinances (Chapter 08.75);
- b) supervise the enforcement of city law and carry out the directives of the council;
- c) prepare and submit an annual budget and capital improvement program for consideration by the council, and execute the budget and capital improvement program adopted;
- d) make monthly financial reports and other reports on city finances and operations as required by the council;
- e) exercise custody over all real and personal property of the city;
- f) serve as personnel officer, unless the council authorizes the mayor to appoint a personnel officer; and
- g) perform such other duties, as required by law or ordinance or lawfully prescribed by the council.

Section 02.06.030. Vice Mayor; Presiding Officer Pro Tem.

A vice mayor is elected by and from the council for a term of one year and until a successor is elected and has qualified. The vice mayor shall be elected and take office immediately at the council meeting held on the first Monday after certification of the regular election.

Section 02.06.040. Compensation of Mayor.

The mayor of the city shall receive compensation or a salary as established by the council. The salary of the mayor may not be reduced during the term of office of the mayor, unless during the term a manager plan is adopted.

Section 02.06.050. Oath of Office – Mayor.

- (a) The mayor, before entering upon the duties of office shall affirm in writing the following oath or affirmation:

“I _____ do solemnly swear (or affirm) that I will support the Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances

of the city of Larsen Bay, Alaska, and that I will honestly, faithfully and impartially discharge my duties as mayor to the best of my ability.”

(b) The oath is filed with the Clerk.

Section 02.06.060. Vacancy in the Office of Mayor.

- a) The council shall, by two-thirds concurring vote, declare the office of mayor 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 from the city for 90 consecutive days;
 3. resigns and the resignation is accepted;
 4. is physically or mentally unable to perform the duties of 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;
 7. is convicted of a violation of AS 15.13;
 8. no longer physically resides in the city; or
 9. misses three consecutive regular council meetings and is not excused;
- b) A vacancy in the office of mayor shall be filled by and from the council. A mayor appointed under this subsection serves the balance of the term to which appointed, except the mayor may serve only while a member of the council.
- c) Recall provisions of 02.05.080 of this Code apply to the office of mayor.

Section 02.06.070 Mayor is Ex-Officio Officer.

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

TITLE II: ADMINISTRATION

CHAPTER 7

COUNCIL MEETINGS

Sections:

- 02.07.010 Meetings Public.
- 02.07.020 Quorum.
- 02.07.030 Regular Council Meetings.
- 02.07.040 Special Meetings.
- 02.07.050 Notice.
- 02.07.060 Executive Session.

Section 02.07.010. Meetings Public.

Meetings of all city bodies shall be public as provided by State law. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

Section 02.07.020. Quorum.

Four councilmembers constitute a quorum. A member disqualified by law from voting on a question shall be considered present for purposes of constituting a quorum. In the absence of a quorum any number of members may recess or adjourn the meeting to a later date.

Section 02.07.030. Regular Council Meetings.

(a) All regular meetings of the Council shall be held on the second Wednesday of each month.

(b) The usual place of Council meetings shall be at the Larsen Bay City Office Building provided, however, that in the event of any condition which renders the meeting place unfit to conduct any regular meeting of the Council, the meeting may be moved.

Section 02.07.040. Special Meetings.

(a) Special meetings of the Council are those meetings which are called by the presiding officer or one-third of the members of the council for a time different than that fixed for the regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings.

(b) At least 24 hours' oral or written notice must be given a majority of councilmembers and reasonable efforts made to notify all members. A special meeting may be conducted with less than 24 hours' notice if all councilmembers are present or if absent members have waived in writing the required notice. A waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.

Section 02.07.050. Notice.

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time and place of meeting is posted not less than 72 hours before the time of the meeting in at least three public places. Notwithstanding the preceding, as much notice as is practicable shall be given. In the case of a special meeting where 24 hours or less notice is given councilmembers, public notice shall be posted at the same time as notice is given to councilmembers.

Section 02.07.060. Executive Session.

All meetings of the Council are public meetings. However, in cases where excepted subjects are to be discussed at a meeting, the Council may consider holding an executive session. The meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are excepted subjects shall be determined by a majority vote of the Council. This vote shall be a recorded roll call vote. If the vote to hold an executive session is affirmative the public will be asked to leave the meeting hall until the executive session is concluded or the council shall withdraw to a private area of the hall to hold the executive session. The public shall be given notice of the excepted subject to be discussed, the amount of time the council expects to spend in executive session and the expected time of reconvening of the public

meeting. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session. Upon conclusion of the executive session the public meeting will be reconvened. During the public meeting action may be taken on the excepted subjects discussed at the executive session. Excepted subjects which may be discussed at an executive session are:

- a) matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
- b) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; and
- c) matters which by law, municipal charter, or ordinance are required or permitted to be confidential.

TITLE II: ADMINISTRATION

CHAPTER 8

COUNCIL PROCEDURES

Sections:

- 02.08.010 Mayor; the Presiding Officer at Council Meetings.
- 02.08.020 Meetings; Order of Business.
- 02.08.030 Minutes.
- 02.08.040 Council Rules; Speaking; Rules of Conduct.
- 02.08.050 Motions; Second Required.
- 02.08.060 Motions; Disposition; Withdrawal.
- 02.08.070 Motions; Reduction to Writing.
- 02.08.080 Motions; Rescinding Vote.
- 02.08.090 Voting; Quorum.
- 02.08.100 Duties of the Clerk at Council Meetings.

Section 02.08.010. Mayor; the Presiding Officer at Council Meetings.

- (a) The Mayor shall preside at all meetings of the Council, he shall preserve order among the councilmembers, 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 he considers proper to preserve order among the attending public in the Council room during sessions of the council. The Vice Mayor shall preside in the absence of the Mayor.
- (b) In the temporary absence or disability of the Mayor and Vice Mayor, any member of the Council may call the Council to order at any duly called meeting to elect a presiding officer pro tem from among its number and the presiding officer pro tem shall exercise all the powers of mayor during such temporary absence or disability of the mayor and may also vote.

Section 02.08.020. Meetings; Order of Business.

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

- a) Call to order.
- b) Roll call.
- c) Approval of Agenda.
- d) Minutes of previous meetings.
- e) Reports.
- f) Communications and appearance requests.
- g) Hearings, ordinances and resolutions.
- h) Bids.
- i) Old business.
- j) New business.
- k) Public participation.
- l) Council Comments.
- m) Adjournment.

Section 02.08.030. Minutes.

Minutes of all regular and special meetings shall be taken. All minutes 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. The cost of copying may be charged. Minutes shall be posted as soon as typewritten at a public place.

Section 02.08.040. Council Rules; Speaking; Rules of Conduct.

- (a) A councilmember about to speak shall respectfully address the mayor or the presiding officer, and shall not commence to speak until recognized by the mayor or presiding officer. When two or more members request to speak at the same time, the mayor or presiding officer shall

determine which one is recognized. Every member while speaking shall confine himself to the subject under debate, and shall not refer to any other member of the council except in a respectful manner.

- (b) Except as otherwise provided by Alaska Statute or this Code, the conduct of the meetings of the Council shall be governed by the mayor according to Robert's Rules of Order.

Section 02.08.050. Motions; Second Required.

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

Section 02.08.060. Motions; Disposition; Withdrawal.

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

Section 02.08.070. Motions; Reduction to Writing.

Any motion must be put in writing if the mayor or presiding officer requires or if any councilmember demands.

Section. 02.08.080. Motion; Rescinding Vote.

Any matter voted on and passed may be changed or rescinded by vote of the majority of the Council.

Section 02.08.090. Voting; Quorum.

- (a) Four councilmembers constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.
- (c) All councilmembers present shall vote on every question, unless required to abstain from voting on a question by law. The final vote on each ordinance, resolution, or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it may be recorded as unanimous. The Mayor or presiding officer shall declare the result of all votes.

Section 02.08.100. Duties of the Clerk at Council Meetings.

The Clerk shall give notice of Council meetings, shall attend all meetings of the council and keep the journal of its proceedings, shall authenticate by his/her signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the Clerk, the Council may appoint a temporary clerk, with all the powers, duties and obligations of the Clerk.

TITLE II: ADMINISTRATION

CHAPTER 9

CITY CLERK

Sections:

02.09.010	Appointment; term.
02.09.020	City Clerk.
02.09.030	Additional Duties of the Clerk.
02.09.040	Acting Clerk.
02.09.050	Clerk's Pay.

Section 02.09.010 Appointment; Term.

The Clerk shall be appointed by the Council. The Clerk shall hold office at the pleasure of the council.

Section 2.09.020 City Clerk.

a) The Clerk shall:

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

b) The Council may combine the office of Clerk with that of the Treasurer.

Section 02.09.030 Additional Duties of the Clerk.

- a) The Clerk shall record and certify all actions of the Council;
- b) The Clerk shall have the power to administer all oaths required by law;
- c) The Clerk shall be custodian of the City seal and the official records of the City;
- d) The Clerk shall give to the proper officials sample notice of the expiration or termination of any terms of office and when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements;
- e) The Clerk shall be the City election supervisor and shall be responsible for the calling and supervision of all City elections;
- f) The Clerk shall verify timesheets for City employees; and
- g) Supervise the bookkeeper and other City office staff.

Section 02.09.040 Acting Clerk.

In case of temporary absence of the Clerk, the Council may appoint an acting clerk with all the powers and obligations of the Clerk.

Section 02.09.050 Clerk's Pay

The council shall determine the pay of the Clerk or acting Clerk.

TITLE II: ADMINISTRATION

CHAPTER 10

BOOKKEEPER

Sections:

02.10.010	Appointment; Term
02.10.020	Bookkeeper
02.10.030	Additional Duties of the Bookkeeper
02.10.040	Acting Bookkeeper
02.10.050	Bookkeeper's Pay

Section 02.10.010 Appointment; Term.

There may be a city bookkeeper who shall be appointed by the mayor upon confirmation by the Council. He/she shall hold office at the pleasure of the Mayor.

Section 02.10.020 Bookkeeper.

The bookkeeper shall:

- a) Reconcile bank statements;
- b) keep the check register current including but not limited to entering deposits, charges, posting checks, etc.;
- c) prepare city payrolls including preparation of monthly and quarterly and annual payroll tax reports as required by State and Federal law;
- d) prepare and present monthly financial reports for the Council;
- e) pay bills, order supplies; and
- f) assist in preparation of the annual budget.

Section 02.10.030 Additional Duties of the Bookkeeper.

The bookkeeper shall, as directed:

- a) be responsible for all matters pertaining to the maintenance of all accounts of the City;
- b) prepare and submit to the mayor and council such financial reports and other data as may be required;
- c) prescribe and control such procedures as are necessary to protect city funds and property;
- d) supervise under the direction of the Clerk such additional staff as the Council may hire for City recordkeeping;
- e) give bond to the City in a sum which the Council directs; and
- f) perform such other duties as the Mayor or Council may require.

Section 02.10.040 Acting Bookkeeper.

In case of temporary absence of the city bookkeeper, the Council may appoint an acting bookkeeper with all the powers and obligations of the city bookkeeper.

Section 02.10.010 Bookkeeper's Pay.

The Council shall determine the pay of the bookkeeper or acting bookkeeper.

TITLE II: ADMINISTRATION

CHAPTER 11

CITY ATTORNEY

Sections:

- | | |
|-----------|-------------------------|
| 02.11.010 | City Attorney |
| 02.11.020 | Duties of City Attorney |

Section 02.11.010 City Attorney.

There may be a city attorney who shall be appointed by the council. The City Attorney shall hold office at the pleasure of the Council.

Section 02.11.020 Duties of City Attorney.

The city attorney may:

- a) Be charged with the performance of all legal services of the City, including those of legal advisor to the Council, the Mayor, and to all departments and offices of the City;
- b) upon the request of the Council, take necessary steps to arrange for the prosecution of violations of city ordinances;
- c) represent the City in all matters, civil and criminal, in which the City is interested;
- d) draft any ordinance when required by the Council or Mayor;
- e) perform such other duties as may be required by the Council or Mayor;
- f) attend meetings of the Council;
- g) report to the Council promptly all suits brought against City;
- h) call to the attention of the Council and the mayor all matters of law affecting the City;
- i) render all opinions in writing, as far as is practicable;
- j) maintain a record of all opinions rendered and turn such record over to his successor in office; and
- k) perform such other duties as the Mayor or Council may require.

TITLE II: ADMINISTRATION

CHAPTER 12

CITY TREASURER

Sections:

- | | |
|-----------|--|
| 02.12.010 | Combined Office of the Clerk and Treasurer |
| 02.12.020 | Duties |

Section 02.12.010 Combined Office of the Clerk and Treasurer.

The Office of the Treasurer is combined with that of the Clerk.

Section 02.12.020 Duties.

The Clerk - Treasurer shall:

- a) Except as provided in Title 14 of the Alaska Statutes be the custodian of all City funds and property;
- b) keep an itemized account of money received and disbursed;
- c) pay money and vouchers drawn against appropriations;
- d) assist the mayor in preparing the annual budget of the City;
- e) prepare and submit to the mayor and council such financial reports and other data as may be required or requested;
- f) prescribe and control such procedures as are necessary to protect City funds and property;
- g) be responsible for filing state and federal applications for shared revenue programs;
- h) perform other duties specified by State law or ordinance or assigned by the Mayor or the Council; and
- i) give bond to the City in a sum that the council directs. Premiums for any such bond shall be paid by the City.

TITLE III: REVENUE AND FINANCE

CHAPTER 16

FISCAL PROCEDURES

Sections:

- | | |
|-----------|-------------------------------------|
| 03.16.010 | Fiscal Year. |
| 03.16.020 | Ordinance Required. |
| 03.16.030 | Treasury. |
| 03.16.040 | Checking and Savings Accounts. |
| 03.16.050 | Responsibilities of Officers. |
| 03.16.060 | Insufficient Funds in Book Account. |

Section 03.16.010 Fiscal Year.

The fiscal year of the City shall begin on the first day of July every year and end on the last day of June in the following calendar year.

Section 03.16.020 Ordinance Required.

All monies spent or received by the City during a fiscal year shall be budgeted for by ordinance.

Section 03.16.030 Treasury.

The Clerk Treasurer shall be responsible for collection, custody and disbursement of all city money.

Section 03.16.040 Checking and Savings Account.

- a) All checks drawn on the treasury of the City shall be signed by two elected officials.
- b) City employees shall not be authorized to withdraw funds from city accounts as signators or otherwise.
- c) All checks prior to issuance shall be approved to be within budget allowances as prescribed by ordinance.
- d) Operating cash shall be kept in one financial institution to be designated by resolution.
- e) The Clerk and bookkeeper shall monthly review anticipated incomes, expenditures and budgets and report to the Council any cash balances in excess of 60 days of budgeted city operation. Upon directive of the Council such balances above 60 days' budgeted operating costs shall be placed in the following, types of short term or long term, as appropriate. investments:
 1. Savings accounts, certificates of deposit or interest bearing checking accounts at federally chartered savings institutions;
 2. Bonds, notes or other obligations.

Section 03.16.050 Responsibilities of Officers.

The Council, as the representatives of the people entrusted with the receipt and expenditure of public monies, are responsible for reviewing and overseeing city office procedures and ensuring that the public monies are properly received, expended and accounted for.

The Mayor shall execute the budget as approved by the Council and, as chief administrative officer of the City, shall ensure that proper accounting procedures are followed. The city staff and Clerk, under the immediate supervision of the Mayor and under the direction of the City Council, shall carry out all duties as directed, including day to day administrative supervision of projects and management and supervision of the city office and office staff. The bookkeeper, under supervision of the Clerk, shall among other duties keep a complete set of records of the financial transactions of the City.

Section 03.16.040 Insufficient Funds in Bank Account.

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

TITLE III: REVENUE AND FINANCE

CHAPTER 17

BUDGET

Sections:

- 03.17.010 Preparation of the Budget.
- 03.17.020 Scope of Budget.
- 03.17.030 Budget Adopted as Ordinance.
- 03.17.040 Public Hearing on Budget.
- 03.17.050 Further Consideration of Budget.
- 03.17.060 Adoption of Budget; Vote Required.
- 03.17.070 Effective Date of Budget; Certification.
- 03.17.080 Budget Public Record.
- 03.17.090 Amendment of the Budget.

Section 03.17.010 **Preparation of the Budget.**

The Clerk – Treasurer with assistance of the bookkeeper shall prepare the budget under direction of the Mayor. Budget preparation should begin by April 1.

Section 03.17.020 **Scope of Budget.**

The budget shall be a complete financial plan for all the operations of the city showing beginning cash balances, anticipated revenues from whatever source and itemized proposed expenditures for all city departments. It shall include a comparative statement with the estimated expenditures and revenues of the preceding fiscal year. Proposed expenditures shall not exceed the total of anticipated revenues and beginning cash balances.

Section 03.17.030 **Budget Adopted as Ordinance.**

The budget shall be adopted as a non-code ordinance following procedures for ordinance adoption. After the introduction and first reading of the proposed budget ordinance the Council shall determine the place and time of the public hearing on the budget and shall post such notice in three (3) places in the City at least five (5) days prior to the hearing. The Council shall include in the notice a summary of the budget and capital improvements program and a statement setting out the time and place for a public hearing.

Section 03.17.040 **Public Hearing on Budget.**

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

Section 03.17.050 **Further Consideration of Budget.**

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

Section 03.17.060 **Adoption of Budget; Vote Required.**

The budget shall be adopted by a majority vote of the Council, preferably by May 1, but no later than June 15.

Section 03.17.070 **Effective Date of Budget; Certification.**

Upon adoption of the budget ordinance, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be signed by the Mayor and certified by the Clerk and filed in the office of the Clerk

Section 03.17.080 **Budget Public Record.**

The budget, the capital improvements program, and all supporting schedules shall be open to public inspection. Copies of the budget shall be available for distribution at cost to all interested persons.

Section 03.17.090 **Amendment of the Budget.**

The budget shall be amended following the procedures for amending ordinances at such times as circumstances and clarity require. The budget must be amended by ordinance whenever any line item is to be increased by more than 10% or the overall budget is to be increased or decreased by more than 10%.

TITLE III: REVENUE AND FINANCE.

CHAPTER 18

AUDIT

Sections:

- | | |
|-----------|---|
| 03.18.010 | Conformity to Generally Accepted Accounting Principles. |
| 03.18.020 | Compliance with Audit Requirements. |
| 03.18.030 | Choosing an Auditor. |

Section 03.18.010 **Conformity to Generally Accepted Accounting Principles.**

City recordkeeping and accounting practices shall conform to generally accepted accounting principles. To help assure this conformity, city administrative staff shall inform the Council of training opportunities that may arise and office equipment and supplies required. The Council shall make reasonable efforts to provide training and proper equipment and supplies for city administration.

Section 03.18.020 **Compliance with Audit Requirements.**

The City shall comply with the requirements of the federal and state “Single Audit Acts”.

Section 03.18.030 **Choosing an Auditor.**

At such times as the City is required to have compliance, financial, program or other audits performed by a Certified Public Accountant the City shall prepare a Request for Proposal and advertise for the most qualified firm to conduct the audit. The Council shall choose an auditor from the respondents to the Request for Proposal after comparing the qualifications of the respondents, the services offered to be performed and the overall costs of the audit.

TITLE III: REVENUE AND FINANCE

CHAPTER 19

SALES TAX

Sections:

03.19.010	Definitions.
03.19.020	Taxable Sales; Sales Tax Schedule.
03.19.030	Maximum Taxable Sale.
03.19.040	Exempt Sales.
03.19.050	Senior Citizen Exemption.
03.19.060	Burden of Establishing Exemption.
03.19.070	Seller to Add Tax to Selling Price.
03.19.080	Quarterly Returns; Penalties and Interest for Delinquency.
03.19.090	Seller's Allowance for Uncollectable Accounts.
03.19.100	Assessment Limitation Periods; Recordkeeping.
03.19.110	Delinquency; Failure to Submit Return.
03.19.120	Business License Required.
03.19.130	Sale of Business; Final Tax Return; Liability of Purchaser.
03.19.140	Lien for Tax; Interest and Penalty Due.
03.19.150	Penalties.

Section 03.19.010 Definitions.

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

- BUYER:** A person, who in the ordinary meaning of the term, takes title to, takes possession of, or buys property or receives services for consideration.
- PERSON:** Every individual, receiver, assignee, trustee in bankruptcy, trust estate, firm, co-partnership, joint venture, club, company, business, trust, corporation, association, organization, society, agent, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.
- SELLER:** Every person making retail sales to a buyer or consumer, renting property, or performing services for consideration.
- SELLING PRICE:** Any consideration paid by a buyer, whether money, credit, or other property expressed in terms of money paid, delivered, or promised, and in the case of a sale involving an exchange of property and/or services, the fair market value of the property or services exchanged, including delivery or installation costs, but excluding the sales tax.
- RETAIL SALE, SALE, and SALE AT RETAIL:** Every sale or rental of real property or sale or rental of personal property (whether tangible or intangible), every sale or exchange of services, including barter, credit, lease, installment and conditional sales, for any purpose other than resale when such resale is made in the regular course of business.
1. For the purpose of the tax levied by this chapter, a sale of personal property is made within the city if:
 - a. The sale is made by a business located within the city;
 - b. The sale is made by a seller located outside of the city as a result of solicitation inside of the city and payment or delivery occurs within the city;
 - c. The sale is made by a seller whose principal place of business is outside of the city if such seller maintains any office, distribution, sales house, warehouse or any other place of business or solicits business or receives orders through any agency, salesperson or other type of representative within the city.
 2. For the purposes of the tax levied by this chapter, services are within the city if, regardless of the location of the business rendering the services:
 - a. The services, or any essential or substantial part thereof, are rendered within the city; or
 - b. The order for the services is solicited or received within the city or payment is received within the city, or the services are rendered by a business maintaining an office, agent, or employee within the city.
 3. A “sale,” “retail sale,” or “sale at retail” includes, but is not limited to the following transactions:

- a. Selling property;
- b. Renting, leasing, or letting of real or personal property, accommodations, facilities, or services of any nature whatsoever;
- c. Storing for use or consumption any item or article of personal property;
- d. Rendering occupational or professional services of any nature whatsoever, including outdoor recreational services such as hunting or fishing guide services sold by a seller within the City. If such services are included or bundled with other services or accommodations provided by a seller who is located within the City, the entire purchase price of the package is subject to City sales tax;
- e. Furnishing materials and rendering services in connection therewith to accomplish the installation, construction, repair or completion of a specific end product or project;
- f. Selling real estate comprising parcels of land and buildings or improvements thereto, either separately or conjunctively; provided, however, that an isolated sale of property by an owner not engaged in the real estate business shall not be taxable; but in the event a commission or other fee on such isolated sales is collected by a real estate agent or broker, the tax shall be applicable to the commission or service charge of the agent or broker;
- g. Transfer of the product of a manufacturing or construction process to the user of the product;
- h. Importing, or causing to be imported, property from outside the city for sale or for rent, storage, distribution, use or consumption within the city;
- i. Soliciting business, either directly or indirectly, as a representative or agent of a manufacturer, wholesaler, retailer, or distributor of merchandise or by the distribution of catalogs or other advertising matter or by any means whatever, and by reason thereof receiving orders for property from buyers or consumers for use, consumption or distribution for use, consumption or storage within the city; and the foregoing shall include every person who, as a representative, agent or solicitor receives and accepts orders from buyers or consumers from within the city for future delivery;
- j. Selling or furnishing, preparing and serving food or beverages, alcoholic or nonalcoholic, for consumption on or off the premises of the seller;
- k. Selling bingo cards or pull tabs;
- l. Every use or play of a coin-operated machine; and
- m. Transacting or engaging in any type of business not enumerated herein.

Section 03.19.020 Taxable Sales. Dales Tax Schedule.

There shall be levied and collected a sales tax equal to the sum of three percent on the selling price of all retail sales and rentals made and services performed or provided, including local telephone service charges within the city boundaries, provided that there shall be no sales tax imposed upon the exempt sales listed in Section 03.19.040.

Section 03.19.030 Maximum Taxable Sale.

There is no Maximum Taxable Sale Limit. All sales no matter how large shall be subject to sales tax on the entire purchase price.

Section 03.19.040 Exempt Sales.

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

- a) Casual and isolated sales not made in the regular course of business;
- b) Trade-in sales: the value of new or used articles taken in trade as a credit of partial payment on the sale of new articles shall be deductible from the total sales price of the new article, and a tax paid only on the net sales price;
- c) Gross receipts derived from sales, services, rentals and transactions which the municipality is prohibited from taxing under the Constitutions and laws of the United States or the State of Alaska;
- d) Services rendered by an employee to an employer in the normal course of employment;
- e) Repealed;
- f) Sales of insurance and bonds of guaranty and fidelity;
- g) Repealed;
- h) Gross receipts from the sale of food and beverages in elementary or high school cafeteria and lunch rooms operated primarily for teachers and students, and not operated primarily for the public or for profit;
- i) Gross receipts from the sale of food and beverages, bake sales and other occasional fund-raising events held by non-profit, charitable, religious or service organizations;
- j) Repealed;
- k) Repealed;
- l) Gross receipts derived from sales, services and rentals to the United States Government, the State and its political subdivisions, and the City; provided, however, that the exemption shall not apply to the sale of materials and supplies to contractors for the manufacture and production of property for sale to government agencies on a contract bid award, in which event the contractor shall be deemed the buyer or consumer or user subject to the payment of the tax; and
- m) Repealed.

Section 03.19.050 Senior Citizen Sales Tax Exemption.

- a) An individual who is 65 years of age or older and has resided in the City for a continuous period of 30 days or more may obtain a senior citizen sales tax exemption certificate by submitting a completed application to the Clerk on a form provided by the City. The application must be signed by the applicant under oath and shall contain information relating to the applicant's residence, marital status, rental or ownership of occupied dwelling, number of persons occupying the dwelling, and other information deemed reasonably necessary to determine the applicant's eligibility and monitor the use of the exemption certificate. The applicant shall also submit for inspection a birth certificate, or other evidence determined by the Clerk to be adequate, to establish the applicant's age.

- b) The Clerk shall issue a senior citizen sales tax exemption certificate without charge to an applicant upon receipt of a completed and valid application. The certificate shall be valid for a period of three years. A certificate issued to a person who is prevented or impaired from personally making purchases or payments by a physical or mental infirmity may designate not more than two other persons who shall be authorized to use the certificate on behalf of and for the sole use and benefit of the certificate holder or the certificate holder's spouse.
- c) No person shall use a senior citizen sales tax exemption certificate to purchase or acquire property or rentals that are to be used by a person other than the certificate holder or the certificate holder's spouse.
- d) Senior citizen sales tax exemption certificates are valid for purchases made by or on behalf of individual persons, and are not valid for purchases made on behalf of a commercial entity, corporation, partnership, or any other type of legal entity.
- e) A person making sales or rentals to or for the benefit of a senior citizen who is exempt from tax under this section shall confirm the identity of the person presenting an exemption certificate, if not personally known to them, by requesting identification and shall maintain a record of each such exempt sale with an appropriate reference to the senior citizen sales tax exemption certificate number. If the person making the sale or rental has reason to believe that the item, property, or service being purchased is not for use by a senior citizen or other qualified user, because of the volume, type of purchase, or other facts, that person shall promptly report the possible fraudulent use of the exemption certificate to the City. The City shall investigate all reports of fraudulent use of an exemption certificate, and if the City determines that a certificate was fraudulently used, the matter shall be referred to the Council by the Mayor for authorization to initiate prosecution or revocation action, or both.

Section 03.19.060 Burden of Establishing Exemption.

Every sale within the city, unless explicitly exempted by ordinance, is presumed to be subject to the tax imposed by this chapter. Exemptions are to be interpreted narrowly in favor of taxation. The burden of establishing any tax exemption is upon the person claiming to be exempt. The Clerk shall propose to the Council procedures, regulations, and forms to facilitate proper claiming of exemptions.

Section 03.19.070 Seller to Add Tax to Selling Price.

Every seller shall add the amount of the tax levied by this chapter to the total selling price, and the tax shall be stated separately on any sales receipts or slips, rent receipts, charge tickets, invoices, statements of account or other tangible evidence of sale.

Section 03.19.080 Quarterly Returns; Penalties and Interest for Delinquency.

- a) Every person making retail sales, rendering services or renting property shall on or before the last day of the month following the end of each quarter of the calendar year complete, sign and file with the City forms to be furnished by the City setting forth the total amount of all sales, rents, and services for the preceding quarter, regardless of whether such transactions are taxable or nontaxable, the amount of any exempt sales and supporting documentation thereof, the amount of tax due, and such other information as the City may require.

- b) The tax levied under this chapter, whether or not collected from the buyer, shall be paid by the seller to the City in full at the time of filing the sales tax return. Any amount of tax owed that is not paid by the date it is due shall be considered delinquent. A penalty of 5% of such tax shall be paid for the first month or fraction thereof of delinquency, and an additional 5% shall be paid for each additional month or fraction thereof of delinquency until a total penalty of 20% has accrued. In addition to this penalty, interest at the rate of 15% per year shall accrue on the delinquent tax from the date of delinquency until paid.

Section 03.19.090 Repealed.

Section 03.19.100 Assessment Limitation Periods; Recordkeeping.

- a) The amount of any tax imposed under this chapter may be determined and assessed for a period of six years after the tax became due and payable.
- b) In order to facilitate the administration and enforcement of the provisions of this chapter, each seller or person otherwise engaged in business within the City, wherever located, shall maintain and keep for a period of six years all of the quarterly sales tax reports, forms and records prescribed by this chapter. The Clerk or his/her designee is hereby specifically authorized and empowered to examine and inspect at all reasonable hours the books, records, and other documents of any seller in order to carry out the provisions of this chapter.

Section 03.19.110 Delinquency; Failure to Submit Return.

- a) Whenever any seller has become delinquent in the submission of the required quarterly tax return for a period of 30 days, the Clerk shall make written demand by Certified Mail, Return Receipt Requested, upon the delinquent seller for submission of the required sales tax return, and shall notify the City Attorney of the delinquency.
- b) In the event of noncompliance with such demand, the Clerk shall prepare an estimate of the amount of sales tax owed by the delinquent seller using whatever information is available, including but not limited to previous sales tax returns filed by the seller. Notice of the estimate of sales taxes due shall be furnished to the seller by certified mail and shall become final for the purposes of determining liability of seller to the city in 30 days unless the seller earlier files an accurate return, supported by satisfactory records, indicating a lesser liability.
- c) Upon approval by resolution of the Council, the City Attorney may commence an action for collection of delinquent sales tax. Any delinquent seller shall be liable to the city for all costs of collection, including all actual reasonable attorney's fees.

Section 03.19.120 Business License Required.

Each person or entity who exercises the privilege of doing business within the City shall obtain a yearly license from the City to operate not later than January 1 of each year in which the business intends to operate, or within 15 days of beginning operations if later than January 1.

- a) Fee. The fee for a city business license is \$250.00 annually. The fee must be paid in full regardless of the time of year in which a business operates or begins operating. The City of

Larsen Bay limits number of Business Licenses for lodges, to no more than (6) six Lodge Business Licenses.

- b) Display of Business License. All businesses shall at all times display the license in public view within the business facility.
- c) Failure to Comply. Any person or business violating any provision of this chapter or any regulation adopted pursuant thereto shall be guilty of a minor offense punishable by a fine as provided in Section 1.01.075, or if no fine is there established, a fine not to exceed \$50.00 per day the business operates without a valid City business license. In addition, the city has the right to refuse public utility services until the business has complied, unless the business is also a residence.

Section 03.19.130 Sale of Business; Final Tax Return; Liability of purchaser.

If any seller sells his business to another person, he shall make a final sales tax return within 15 days after the date of selling the business; and his purchaser, successor, successors, or assigns, shall withhold a sufficient portion of the purchase money to safely cover the amount of such sales taxes, penalties and interest as may be due and owed to the City and show that all tax obligations imposed by this Chapter have been paid. If any purchaser of a business fails to withhold from the purchase price the amount herein provided, he shall be personally liable for the payment of the taxes, penalties and interest accruing and unpaid to the City on account of the operation of the business by any former owner, owners or assigns.

Section 03.19.140 Lien for Tax; Interest and Penalty Due.

- a) All taxes, interest, penalties and administration costs required to be remitted by a seller under this chapter shall constitute a lien against real and personal property of the seller, effective on the date of any delinquency.
- b) The city may record a lien under this section by recording a notice of said lien in the district recorder's office. Upon recordation, a lien under this section has priority over all other liens except: (1) liens for property taxes and special assessments; (2) liens that were perfected before the recording of said lien for amounts actually advanced before the recording of said lien; (3) mechanics' and materialmen's liens for which claims of lien under AS [34.35.070](#) or notices of right to lien under AS [34.35.064](#) have been recorded before the recording of said lien.

TITLE III: REVENUE AND FINANCE

CHAPTER 20

ROOM TAX

Repealed

TITLE III: REVENUE AND FINANCE

CHAPTER 21

(RESERVED)

TITLE III: REVENUE AND FINANCE

CHAPTER 22

(RESERVED)

TITLE IV: ACQUISITION, MANAGEMENT, AND DISPOSAL OF REAL PROPERTY

CHAPTER 23.

RIGHTS AND POWERS OF THE CITY

Sections:

04.23.010 Rights of and powers of City.

Section 04.23.010 **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.

**TITLE IV: ACQUISITION, MANAGEMENT, AND
DISPOSAL OF REAL PROPERTY**

CHAPTER 24

ACQUISITION OF LAND

Sections:

- | | |
|-----------|-----------------------------|
| 04.24.010 | Acquisition of Land. |
| 04.24.020 | Economic Development Sites. |

Section 04.24.010 **Acquisition of Land.**

- a) The City may acquire, own, and hold real property or any interest in real property 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 (c) of this section, and unless otherwise provided by law, all acquisitions shall be by resolution approved by a majority vote of the total membership of the Council. Real property shall be held in the name of “City of Larsen Bay.”
- b) Upon passage of a non-code ordinance, the Mayor may act upon behalf of the City in the acquisition of real property or interest in real property when the property to be acquired is conveyed from the Native Village Corporation under the provisions of Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA). When the conveyance is for full and complete satisfaction of the requirements of ANCSA Section 14(c)(3), the non-code ordinance shall include a statement identifying the amount of land to be acquired; a legal description; and, if the conveyance is in complete satisfaction of the ANCSA 14(c)(3) obligation, a finding that the lands are sufficient for existing and foreseeable community needs and a statement of facts supporting that finding.
- c) 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 Alaska statute. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.
- d) The Council may approve and authorize the purchase of real property or interest in real property by contract of sale, deed of trust, or lease.
- e) Prior to approval of the purchase of property under subsection (d) of this section, 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. The validity of any acquisition or purchase of real property by the City is not affected by the failure to furnish the Council with such materials.

Section 04.23.020 **Economic Development Sites.**

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

**TITLE IV: ACQUISITION, MANAGEMENT, AND
DISPOSAL OF REAL PROPERTY**

CHAPTER 25

LEASE OF CITY LAND

Sections:

- | | |
|-----------|------------------------------|
| 04.25.010 | Temporary Use of City Lands. |
| 04.25.020 | Casual Use of City Lands. |
| 04.25.030 | Leases. |

Section 04.25.010 Temporary use of City lands.

The Mayor has the authority to issue special land use permits for the exclusive temporary use of city lands. A special land use permit does not convey an interest in the land and may be revoked with or without cause after 30 days notice. Unless otherwise agreed to in writing, the land will be restored to its original condition upon expiration or revocation of the permit.

Easements will not be granted under a special land use permit. Public comment shall be sought before the issuing 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 significant adverse comment is received, a public hearing shall be held.

A special land use permit shall not be granted for a term exceeding one year. Special land use permits are not transferable nor renewable. Upon expiration, a special land use permit may be re-issued for a term not exceeding one year. If a fee is charged for the issuance of a special land use permit, the fee schedule shall be established by the Council.

Section 04.25.020 Casual Use of City Land.

- a) No permit or lease is required for casual use of city land.
- b) Any use under this Section is at the risk of the user. The City assumes no responsibility for such use.
- c) The City shall notify the public of the location of City lands that are not open to casual use.

Section 04.25.030 Leases.

A disposal of interest in real property by lease shall follow the requirements of Sections 04.26.010-020. The terms and conditions of leases shall be established by the Council for each such disposal.

**TITLE IV: ACQUISITION, MANAGEMENT, AND
DISPOSAL OF REAL PROPERTY**

CHAPTER 26

DISPOSAL OF CITY LAND

Sections:

- | | |
|-----------|----------------------------|
| 04.26.010 | Disposal of real property. |
| 04.26.020 | Methods of disposal. |
| 04.26.030 | Notice of disposal. |
| 04.26.040 | Easements. |
| 04.26.050 | Definitions. |

Section 04.26.010 **Disposal of real property.**

- a) The City may dispose of real property or an interest in real property which has been found to be no longer necessary for municipal purposes. All disposals shall be by non-code ordinance. The minimum time between introduction and adoption of ordinances for disposals other than by sealed bid or public outcry or lottery shall be no longer than required for other non-code ordinances. The ordinance shall include:
 1. A finding that the real property or interest in real property is no longer necessary for municipal purposes and a statement of facts upon which such a finding is based;
 2. A legal description of the property;
 3. Type of interest in property to be disposed of as defined in Section 04.26.050;
 4. The method of disposal as identified in Section 04.26.020;
 5. The value of the property, or interest in the property, as determined under subsection (b) of this section; and
 6. The procedure for conducting the 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, or the Council may determine the fair market value by any other means it deems appropriate.

Section 04.26.020 **Methods of Disposal.**

- a) All disposals shall be conducted in a fair and impartial manner. Procedures for conducting all disposals shall be set out in the non-code ordinance authorizing each disposal.
- b) Competitive disposal. The City may conduct the following types of competitive disposal:
 1. Sealed bid auction.
 - i) The minimum bid for a sealed bid auction shall be the fair market value of the property or interest in property as determined under Section 04.26.010(b). All bids must contain:
 - A. A written offer to purchase property, placed in an envelope; and
 - B. The envelope will contain a deposit for 10% of the bid.
 - ii) All bid envelopes will be opened, along with other bids (if any) at a public bid opening.
 - iii) The high bidder will be informed and the high bidder's deposit will become property of the City. The second highest bidder's deposit will be retained, until the high bidder completes the sale; all other bid deposits will be returned.
 - iv) The high bidder will have 30 days to pay in full the remainder of the value of their bid. If the high bidder fails to pay by the end of 30 days, the 2nd highest bidder will be informed of their success and the deposit becomes the property of the City and the

- successful bidder has 30 days to pay in full the remainder of the value of the bid price.
- v) If both the 1st and 2nd highest bidders fail to fulfill their obligation within 30 days of the being informed, the sale will be closed and the City will retain ownership of the property, until a new sale for this property is open.
2. Public outcry auction.
- i) The minimum bid for a public outcry auction shall be the fair market value of the property or interest in property as determined under Section 04.26.010(b).
 - ii) A public outcry auction shall be a 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.
 - iii) The successful high bidder is required to make a deposit of 10% of the bid price, which shall become property of the City, and provide contact information before leaving the site of the auction. Failure to do so will forfeit the right to purchase the property.
 - iv) The high bidder will have 30 days to pay in full the remainder of the value of the bid price. If the high bidder fails to pay by the end of 30 days, the 2nd highest bidder will be informed of their success, and will have 30 days to pay in full the value of their bid.
 - v) If both the 1st and 2nd high bidders fail to fulfill their obligation within 30 days of the being informed, the sale will be closed and the City will retain ownership of the property, until a new sale for the property is undertaken.
3. Lottery. In the case of a lottery, the price of the property or interest in property may be established by the Council.
- c) Disposal for public services. Without seeking bids and for less than the fair market value, the Council may dispose of real property or an interest in real property to a municipality, state, or federal entity, a non-profit corporation or association, or a Native Tribal council when, in the discretion of the Council, the recipient is providing a necessary public service to residents of the municipality. If a disposal is made under this subsection, the non-code ordinance authorizing the disposal must include, in addition to the requirements in Section 04.26.010:
- 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; and
 - 3. In the event that the entity receiving the property or interest in real property is a Native Tribal council, a requirement that the Native Tribal council waive any immunity from suit for the purpose of enforcing the reversion provision.
- d) Disposal for economic development. The Council may dispose of real property or 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 fair market value of that real property or interest in real property as determined under Subsection 04.26.010(b). If a disposal is made to further economic development, the non-code ordinance authorizing the disposal must include, in addition to the requirements in Section 04.26.010:

1. A finding that the property or property interest which is the subject of the disposal will be used in furtherance of local trade or industry; and
 2. A requirement that the conveyance of the property or property interest disposed include a condition that title will revert to the municipality in the event the property is no longer used for the local trade or industry justifying the disposal.
- 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 to settle claims of equitable interest. Upon a finding by the Council that it is in the public interest, the City may convey real property or an interest in 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 a part of the non-code ordinance that accomplishes the conveyance.
- g) Disposal for residential purposes. Upon a finding by the Council that there is a current residential housing shortage in the community and that making land available for residential purposes at less than market value is in the public interest, the City may convey real property or an interest in real property for less than fair market value to a domiciled city resident who seeks the parcel for development and use as a personal place of residence. That finding shall be incorporated in and made part of the non-code ordinance that accomplishes the conveyance. When real property or interest in real property is disposed of pursuant to this Subsection, the deed or lease must contain a condition subsequent which ensures that if the land is used for any use other than residential use for a period of 20 years after the disposal, title will revert to the City. In addition, disposals under this Subsection shall include a requirement for the construction of a habitable dwelling within years after the disposal or title will revert back to the City.

Section 04.26.030 Easements.

The disposal of interest in real property by grant of easement shall follow the requirements of Sections 04.26.010-020. The terms and conditions of easements shall be established by the Council for each such disposal.

Section 04.26.040 Notice of disposal.

- a) A notice of the disposal shall be posted in three conspicuous public places within the City not less than 30 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;
2. The method of disposal as identified in Section 04.26.020;
3. The assessed or estimated value of the property or interest in property;
4. The date of the proposed disposal and the time, place, and manner in which the proposal shall occur.

Section 04.26.050 Definitions.

For the purpose of these chapters, the following words and phrases shall have the meanings respectively ascribed to them by this section

ABSTRACT OF TITLE:	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.
APPRAISAL:	An estimation of value of property by a qualified appraiser.
CASUAL USE:	The temporary, safe, non-exclusive 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, snowmachining or berry picking.
CITY BOUNDARIES:	The City limits, established upon the incorporation of the City, inside which all City ordinances are enforceable.
COMPETITIVE DISPOSAL:	A disposal of property wherein no preference is shown to any prospective bidder or group of bidders.
CONDITION SUBSEQUENT:	An event that occurs after transfer of title which will act to restore title to the maker of the condition.
CONTRACT OF SALE:	A contract between a willing seller and a willing buyer to transfer title to property.
DEED OF TRUST:	An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum of money or the performance of other conditions.
DISPOSAL:	The act of giving away or selling; the transfer of interest in property.
DISPUTED CLAIMS:	Claim for property that is protested by another, or for property which is also claimed by another.
DOMICILED RESIDENT:	One who has resided in the city for at least thirty days previous, maintains an address in the city, and intends to make the city his/her permanent residence.
EASEMENT:	A right or privilege in another's land, such as the right to cross for a specific purpose. Easements allow use of or

	passage across real property without granting any other ownership rights in that property.
ECONOMIC DEVELOPMENT:	To promote the growth of the local economy; increase income of residents.
EMINENT DOMAIN:	The power of a municipality to convert private property to a public use.
EQUITABLE INTEREST:	A claim (in property or other) which should be recognized in the interest of fairness or equity.
EVALUATE:	To judge the quality of.
FEDERAL ENTITY:	The Federal government or an agency thereof.
HAZARDOUS USE:	A use involving danger; perilous; risky to human health and well-being.
INTEREST:	In property: A right, claim, title, or legal share in that property. Refers to the “bundle of rights”, which may be transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easement.
INVENTORY:	A list of property, containing a description of each article of property.
LEASE:	Leases are used to dispose of specific interests in real property without transferring ownership of that property; a contract for exclusive possession of lands or tenements for a determinate period.
LEASE DESCRIPTION:	That part of a conveyance document which identifies the land or premises intended to be affected by that conveyance.
LITIGATION:	Contest in a court of justice for the purpose of establishing a right.
LOTTERY:	A plan whereby the right to obtain interest in property, either by purchase or gift, is decided by luck or chance through some type of drawing of names.
MUNICIPALITY:	A unit of local government organized under the laws of the State of Alaska.
NON-CODE ORDINANCE:	An ordinance that is not part of the permanent city code.
NON-PROFIT CORPORATION:	An organization formed under the laws of the State of Alaska not to obtain a profit, but to supply an essential service to its constituents.
OBNOXIOUS USE:	A use which reasonable people may find objectionable, disagreeable, offensive, or displeasing.

PUBLIC INTEREST:	Something in which the public, the community at large, has some pecuniary interest (having to do with money), or some interest by which their legal rights or liabilities are affected.
PUBLIC OUTCRY AUCTION:	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.
PUBLIC SERVICE:	Activities and enterprises which specially serve the needs of the general public.
REFERENDUM:	A method of submitting an important measure to the direct vote of the whole people.
REVERT:	With respect to property, title to go back to and lodge in former owner.
SEALED BID:	A written offer to purchase property, placed in an envelope, and opened along with other bids (if any) at a public bid opening.
STATE:	The State of Alaska or an agency thereof.
SUBSTANTIAL IMPROVEMENT:	A major change or addition to land or real property that makes it more valuable.
TEMPORARY USES:	An exclusive use of City land which has a duration of one year or less, involves minimal disturbance to the land and does not allow permanent structures improvements.
VALID CLAIM:	A legally enforceable claim by a party.

**TITLE IV: ACQUISITION, MANAGEMENT, AND
DISPOSAL OF REAL PROPERTY**

CHAPTER 27

DISPOSITION OF CITY OWNED PERSONAL PROPERTY

Sections:

- | | |
|-----------|---|
| 04.27.010 | Personal property disposition by value. |
| 04.27.020 | Sale of surplus or obsolete goods. |
| 04.27.030 | Surplus stock. |
| 04.27.040 | Declaration of obsolescence. |

Section 04.27.010 Personal Property Disposition by Value.

Personal property, other than surplus or obsolete goods, that is valued at less than one thousand dollars may be disposed of upon such notice and terms considered reasonable by the Mayor with approval of the Council. The Mayor shall take into consideration the value of the article, the reasons for disposal, and the general preference for competitive bid. The Mayor shall report disposals to the Council. Personal property valued at more than one thousand dollars, but less than twenty-five thousand dollars, shall be disposed of in the manner provided for land valued under twenty-five thousand dollars as provided in Chapter 25 of this code. Personal property valued at more than twenty-five thousand dollars shall be disposed of in the manner provided for land valued over twenty-five thousand dollars as provided in Chapter 25 of this code.

Section 04.27.020 Sale of Surplus or Obsolete Goods.

The Mayor and Council may sell the following without giving an opportunity for competitive bidding:

- a) Surplus or obsolete supplies, materials, or equipment the total value of which does not exceed one thousand dollars in a single transaction; and
- b) supplies, materials, or equipment when sold at a price at least as great as that paid by the City for the same.

Section 04.27.030 Surplus stock.

- a) All departments shall submit to the Mayor, at such times and in such forms as he or she shall prescribe, reports showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.
- b) The Mayor shall have the authority to transfer surplus stock to other departments and provide for proper fiscal transfer of such.
- c) The Mayor with approval of the Council Shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same for, or trade in the same on any new supplies or equipment.

Section 04.27.040 Declaration Obsolescence.

No surplus or obsolete supplies, materials, or equipment of a value of more one thousand dollars may be sold until the Council has declared it obsolete or surplus.

**TITLE IV: ACQUISITION, MANAGEMENT, AND
DISPOSAL OF REAL PROPERTY**

CHAPTER 28

EXTRATERRITORIAL JURISDICTION

Sections:

04.28.010 Authority.
04.28.020 Procedure.

Section 04.28.010 Authority.

- a) The City may exercise the power necessary to provide the facility or service described in AS 29.35.020 outside its boundaries and may regulate their use and operation to the extent that the jurisdiction in which they are located does not regulate them. A regulation adopted under this section must state that it applies outside the municipality.
- b) The Council may adopt an ordinance to protect its water supply and watershed, and may enforce the ordinance outside its boundaries. Before this power may be exercised inside the boundaries of another municipality, the approval of the other municipality must be given by resolution or ordinance.

Section 04.28.020 Procedure.

The City may provide for the facilities or services listed in AS 29.35.020 and regulate their use and operation by ordinance when these facilities or services to be provided are outside city boundaries.

TITLE V: UTILITIES AND PUBLIC FACILITIES AND EQUIPMENT

CHAPTER 29

WATER SYSTEM

Sections:

05.29.010	Connection Required.
05.29.020	Water Applications.
05.29.030	Water Accounts; Delinquency; Penalty.
05.29.040	Supplying Others; Permit Required.
05.29.050	Connection; Cost Computation.
05.29.060	Connection; Repair Responsibility.
05.29.070	Excavation; Permit Required.
05.29.080	Connection; From Main to Premises.
05.29.090	Turn On, Turn Off Authority.
05.29.100	Depth of Pipes Leading From Curb to Premises.
05.29.110	Connection; Charges for Vacant Premises.
05.29.120	Shutoff without Notice.
05.29.130	Access to Curb Cocks and Meters.
05.29.140	Meters.
05.29.150	Rates; Established by Council.
05.29.160	Service Discontinuance for Noncompliance.
05.29.175	Violation of a Minor Offense

Section 05.29.010 Connection Required.

Every owner of property or a residence using or having to use water in the city on those premises, whether leased, used, occupied, or owned, shall establish a connection with the nearest city water main in the manner and following the procedure hereinafter set forth in this chapter; provided, however, that this provision shall have no application as to any person where the property line of the premises in question lies more than one hundred fifty feet from the nearest water main.

Section 05.29.020 Water Applications.

Applications for the use of water must be made at the office of the Clerk. The applicant must agree to conform to all rules and regulations and any modifications thereof that may be established from time to time as a condition for the use of water.

Section 05.29.030 Water Accounts; Delinquency; Penalty.

- a) All accounts for water will be kept in the name of the property owner, who will be liable for payment of all City water utility accounts.
- b) All disconnected water service shall be charged the **equivalent of 7 months water rate**. If these charges are not paid in full before the disconnect/reconnect services is provided, the charge will be added to the owner's pre-paid electric meter, which will require payments of these charges before any electrical credit is awarded to that meter's card.
- c) Each residential pre-paid electric meter shall have a residential monthly water collection fee automatically debited each month, which will require payment of this charge before more electric credit can be assigned. These are monthly fees, which will be assessed each month (12 months a year) no matter the level of activity, including months unoccupied or seasonally vacant. (**NOTE:** a resident with multiple meters on a lot can request, in writing, an exemption to the Council justifying why this meter should be exempt from this charge and how it does not create any additional water use for the resident and the City).
- d) Each Commercial Sleeping Establishment pre-paid electric meter shall have a commercial monthly water collection fee (calculated at an appropriate rate for the size of their business) automatically debited each month (12 months a year). Payment of this charge is required before more electric credit can be assigned. These are monthly fees, which will be assessed each month no matter the level of activity (including month's Unoccupied, or of low usage, or seasonally vacant).

Section 05.29.040 Supplying Others; Permit Required.

No person supplied with water from the city mains shall be entitled to use it for any purpose other than that stated in the application, nor shall use same for supplying other persons or families, or any other purposes, without a permit from the City having first been obtained.

Section 05.29.050 Connection; Cost Computation

When an application has been made to the office of the Clerk for water service connection, the same will be installed as soon as practicable by the City. The work to be done by the City shall be all work between the main and the property line, and all material and labor used in making such connection shall be free of charge.

Section 05.29.060 Connection; Repair Responsibility.

The city will keep in repair all connections at and from the main to the property line, and the consumer will be responsible for all pipes on the property.

Section 05.29.070 Excavation; Permit Required.

Permission must be obtained from the office of the Clerk before any excavation shall be made in any street or alley for the purposes of installation or repair of water pipes.

Section 05.29.080 Connection; From Main to Premises.

All pipes and connections installed from the main to the premises shall be at the expense of the owner. A special stop and waste cock, accessible to the consumer and protected from frost, shall be placed on the pipe leading from the main, which shall be used in turning water on or off upon the premises when necessary for repairs or for other reasons.

Section 05.29.090 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. Where repairs to service, from curb cock to buildings, are necessary, persons may turn off curb cock for such time as is required to make such repairs.

Section 05.29.100 Connection; Charges for Vacant Premises.

No reduction of charges will be made on partially vacant or vacant premises. When such a vacancy occurs, the regular monthly charge will be charged the property owner and must be paid on or before the fifteenth day of each current month.

Section 05.29.110 Shutoff 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 of this danger.

Section 05.29.120 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.

Section 05.29.130 Meters.

The city reserves the right to place a water meter on any service, for the purpose of measuring water supplied to the premises by such service.

Section 05.29.150 Rates; Established by Council.

Rates for the distribution of water established by the council are subject to change without prior notice to consumers at any regular meeting of the council by resolution.

Section 05.29.160 Service Discontinuance for Noncompliance.

If the 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, from time to time enforced, the city shall have the right forthwith to discontinue service to such consumer until

compliance is had or assured. Service shall be discontinued by the city to every person who is in default in the payment of the rate or rates he is required to pay under the provisions of this chapter for a period of thirty days after the same has become delinquent. When service has been discontinued, it will be renewed under a proper application, when conditions under which the service was suspended are corrected, and on the payment of all charges provided in the schedule of rates and with the payment of a nonrefundable \$200.00 charge for turning off and on the water.

Section 05.29.175 Violation of a Minor Offense

In addition to all other provisions of this title, any person, persons, companies, firms, corporations or other entity(ies) who violates the provisions of this chapter commits a minor offense punishable by a fine as provided in Chapter 1.01. Each day or part of a day upon which a violation occurs constitutes a separate offense

TITLE V: UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

CHAPTER 30

WASTEWATER SYSTEM

Sections:

05.30.010	Wastewater Construction
05.30.020	Privies and Cesspools
05.30.030	Flush Closets Required
05.30.040	Review of Wastewater User Charge System.
05.30.145	Violation of a Minor Offense
05.30.050	Billing and Payment
05.30.060	Disconnect
05.30.070	Vacancy
05.30.080	Governmental of Public Premises
05.30.090	Wastewater Connections
05.30.100	Charge for sewer service
05.30.110	Residential service
05.30.120	Residential rate reduction for senior citizens
05.30.130	Commercial service
05.30.140	Effective date of charges
05.30.150	Definitions

Section 05.30.010 Wastewater Construction

No sewer shall be authorized or constructed under this chapter until there has been first filed with the Clerk a profile of the line proposed, and the location thereof with a correct description of the lots, tracts, or parcels of land abutting upon and beneficially affected thereby, together with an estimate of the cost of locating and constructing the same.

Section 05.30.020 Privies and Cesspools

It is unlawful to construct or maintain within the city and 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.

In sections of the city where sanitary sewers have not been provided or are not accessible to any residence or other building within a distance of one hundred fifty feet therefrom, cesspools, septic tanks and privies of design and location so as to meet with the approval of the state sanitarian 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 ninety days be abandoned, filled up, or removed by any owner or builder thereof whose property line is within one hundred feet of the sewer line, and should the owner of same fail to comply herewith, the council may condemn them as nuisances and proceed to remove and fill up such cesspools, privies, and septic tanks at the expense of the owner and the costs thereof assessed against the property and collected with interest and costs.

Section 05.30.030 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 plumbing code of the city.

Section 05.30.040 Review of Wastewater User Charge System.

The wastewater 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 as necessary by the council through resolution to reflect costs.

Section 05.30.145 Violation a Minor Offense

In addition to all other provisions of this title, any person, persons, companies, firms, corporations or other entity(ies) who violates the provisions of this chapter commits a minor offense punishable by a fine as provided in Chapter 1.01. Each day or part of a day upon which a violation occurs constitutes a separate offense.

Section 05.30.050 Billing and Payment

Sewer service accounts shall be maintained in the name of the property owner and each account shall be billed monthly after the service has been rendered. Accounts shall be paid on or before the fifteenth day of the month during which the charges are billed. Accounts not paid by the close of business day on the fifteenth day are delinquent.

Section 05.30.060 Disconnect

When any premises' water utility has been disconnected for nonpayment of account, the sewer charge will automatically be discontinued.

Section 05.30.070 Vacancy

No reduction of charges will be made on partially vacant or vacant premises. If such a vacancy occurs, a monthly charge, which will include water service, will be charged the property owner and must be paid on or before the fifteenth day of each month.

Section 05.30.080 Governmental of Public Premises

The provisions of this chapter shall apply to governmental or public premises in the same manner as to other premises. Notwithstanding this chapter, the council may adjust rates for such premises through resolution.

Section 05.30.090 Wastewater Connections

- a) All applications for sewer service connections shall be made by 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 ten percent for administration and inspection costs.
- c) Prior to installation of 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 ten percent 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 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.

Section 05.30.100 Charge for Wastewater Service

- a) Every person provided with sewer services to a premise inside the corporate limits of the city shall pay a sewer service charge based upon \$5.00 dollars per equivalent service unit for each month or portion of a month exceeding fourteen days.
- b) Every person provided with sewer services to a premise outside the corporate limits of the city shall pay a sewer service charge based upon \$5.00 dollars per equivalent service unit for each month or portion of a month exceeding fourteen days.

Section 05.30.110 Residential Service

The monthly charge for residential sewer service is one service unit for each single family dwelling.

Section 05.30.120 Residential Rate Reduction for Senior Citizens

Whenever a person sixty-five 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 rate charged for residential service.

Section 05.30.130 Commercial Service

The monthly charge for commercial sewer service shall be based on service unit equivalents as follows:

- a) Retail stores, offices, warehouses, and fish processors: one service unit for not more than six employees and one unit for each additional increment of not more than six employees;
- b) Dining facilities: one service unit for each two hundred square feet of patron area or portion thereof in a restaurant or similar establishment;
- c) Health clinics: one service unit for each three beds or fraction thereof;
- d) Schools: one service unit for each twenty persons in average daily fulltime attendance at a public elementary school and high school; for purposes of this subsection, average daily attendance is based on actual attendance, which includes persons who are students, teachers, and all school staff and administration;
- e) Churches: one service unit for each church;
- f) Community halls and public activity centers: one service unit for each three thousand square feet of net floor area or fraction thereof; and
- g) Commercial Sleeping Establishment: one service unit.

Section 05.30.140 Effective Date of Charges

Sewer service shall be deemed to be provided and sewer service charges shall become effective with respect to the 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; provided, however that sewer service charges levied with regard to a premises prior to the issuance of a certificate of occupancy shall be one-half of the charge that would otherwise be effective as to premises that are not directly or indirectly connected to a sewer system, regardless of whether such connection has actually been made, whichever occurs first.

Section 05.30.150 Definitions

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

Commercial	A premises used for commercial or business purposes and discharging a quality of sewage essentially similar to that of a single-family dwelling.
Commercial Sleeping Establishment	A building or group of buildings containing both rooms and dwelling units available for temporary rental for compensation (i.e., lodge, B&B, motel, etc.). An establishment providing accommodations,

meals, and other services for travelers and tourists. The types of activities supported by such establishment may include, but are not limited to, fishing, hunting, wildlife photography and viewing, and passive recreational activities.

Retailer/Merchant

A business or a person that sells goods and/or services to customers through multiple channels of distribution to earn a profit (i.e., gift shop, coffee shop, store, etc.)

Industrial

A premises used for manufacturing or industrial purposes which discharges industrial waste, sanitary waste, and sewage by discharging chemicals or animal waste.

Service unit

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 unity whose average water consumption is not more than seven thousand five hundred gallons per month, such unit being used to equate the sewer usage of a commercial customer to a residential customer.

Single-family unit

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.

TITLE V: UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

CHAPTER 31

ELECTRICAL UTILITY REGULATIONS

Sections:

05.31.010	Definitions
05.31.020	Authority for Regulations
05.31.030	Application for Service
05.31.040	Billing and Collection
05.31.050	Supplying Others
05.31.060	Cost Computation
05.31.070	Repair Responsibility
05.31.080	Charges for Vacant Premises
05.31.090	Shutoff without Notice
05.31.100	Easements
05.31.110	Access to property
05.31.120	Meters
05.31.130	Rates
05.31.140	Service Discontinuance for Noncompliance

Section 05.31.010 Definitions

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

Actual cost	The true final cost of labor, material and overhead to complete a line extension or addition of facilities.
Advance-in-aid of construction	An advance payment to the city for the addition of facilities beyond one primary pole, transformer(s) and service drip to serve the consumer.
Commercial	A premises used for commercial or business purposes.
Commercial Sleeping Establishment	A building or group of buildings containing both rooms and dwelling units available for temporary rental for compensation (i.e., Lodge, B&B, Motel, etc.). An establishment providing accommodations, meals, and other services for travelers and tourists. The types of activities supported by such establishment may include, but are not limited to, fishing, hunting, wildlife photography and viewing, and passive recreational activities.
Retailer/Merchant	A business or a person that sells goods and/or services to customers through multiple channels of distribution to earn a profit (i.e., gift shop, coffee shop, store, etc.).
Residential	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.

Section 05.31.020 Authority for Regulations

These regulations rendered by the city except as otherwise provided apply to electrical services in individual rate schedules or special contracts as filed with the Alaska Public Utilities Commission.

Section 05.31.030 Application for Service

Applications for the use of city electrical must be made at the office of the Clerk, the applicant agreeing to conform to all rules and regulations and any modifications thereof that may be established from time to time as a condition for the use of electricity.

Section 05.31.040 Billing and Collection

- a) All accounts for electricity will be kept in the name of the consumer, who will be liable for payment of all city electrical utility accounts, and must be paid on or before the fifteenth day

of each current month. All accounts not paid on or before the fifteenth day of each month are defined as delinquent accounts and subject to the penalty for delinquency.

- b) Accounts that have not been paid by the 20th day of each current month will be placed on the delinquent list and will be subject to disconnection. All disconnected electrical service shall be charged \$100.00 and shall be subject to a reconnection fee of \$100.00.

Section 05.31.050 Supplying Others

No person supplied with electricity from the city shall be entitled to use it for any purpose other than that stated in the application, nor shall use same for supplying other persons or families, or for any other purposes, without a permit from the city first having been obtained. Any person, persons, companies, firms, corporations or other entity(ies) who violates the provisions of this chapter commits a minor offense punishable by a fine as provided in Chapter 1.01. Each day or part of a day upon which a violation occurs constitutes a separate offense.

Section 05.31.060 Cost Computation

- a) The consumer will be charged the City's actual costs to supply electric service.
- b) Special services provided by the City to supply electric service shall incur additional charges to the City's actual costs.
- c) The consumer must provide an advance in aid of construction prior to the City performing any special services supplying electrical service.

Section 05.31.070 Repair Responsibility

The City will keep in repair all connections at and from the main electrical supply to the consumer's premises and the consumer will be responsible for suitable protective equipment for the devices and appliances in the premises. The consumer is also responsible for installing and maintaining the electrical wiring and equipment in accordance with applicable electric and building codes.

Section 05.31.080 Charges for Vacant Premises

No reduction of charges will be made on partially vacant or vacant premises unless the city has first been notified of such intended vacancy, and then no allowance will be made for a period of less than ninety days. When such a vacancy occurs, a monthly charge of the actual meter reading will be charged the property owner and must be paid on or before the fifteenth day of each current month.

Section 05.31.090 Shutoff without Notice

Electricity may at any time be shut off without notice for repairs, extensions, or other necessary purposes.

Section 05.31.100 Easements

An applicant shall, without charge, allow adequate easements providing a suitable right of way for the city's distribution lines crossing the applicant's property.

Section 05.31.110 Access to property

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, repairing, removing, or exchanging any or all equipment belonging to the City. Service and meter location shall be kept free of snow or other obstructions by the consumer at all times.

In special cases where equipment is located within enclosed areas, the utility must be provided reasonable access or must be allowed to place a utility lock on the enclosure.

Section 05.31.120 Meters

All Commercial customers and all Residential customers shall have an AMPY pre-pay electric metering system installed.

The customer will use a smart card and purchase electric, water, and garbage services, as well as pay for administration fees in advance of use. A consumer who has a pre-pay electric metering system installed will not receive a monthly invoice for electric, water, and garbage services, as well as administration fees. The receipt provided by the AMPY System upon purchase (time of sale) will be the only receipt given to the customer. A customer may submit a written request (not by email) for the fixed fee report to the City. Such requests may be made once each month. Monthly, after the 10th, a customer may request a copy (1 time per month) of their previous month's usage, which was read by the LBUC employee.

It is the responsibility of the customer to keep track of funds on their AMPY Pre-Paid account. The CIU (Customer Information Unit) gives an alarm once credit falls below \$25.

LBUC will provide the customer with a 10-day notice prior to installation of the pre-pay metering system.

05.31.121 After-Hours Card Charging and Card Replacement.

- a) An after-hours fee of \$25 shall be paid by any customer who has their AMPY card charged outside of regular office hours.
- b) Customers will be charged \$25 to have a replacement AMPY card issued to them.

05.31.122 Portion of Payments Applied to Past-Due Bills.

When a customer has any past-due balance with the City for any service, 35% of an AMPY pre-payment that customer makes to the City for electrical services shall automatically be deducted from such payment and credited to their past-due balance(s); it will be at the City's discretion to decide which past-due balance the payment will be applied to if the customer has multiple past-due balances with the city. The remaining sixty-five percent 65% of the customer's payment will then be applied to their AMPY account for electrical service.

Section 05.31.130 Rates

Rates for the electric utility are established by the council are subject to change without prior notice to consumers at any meeting of the council by resolution.

Section 05.31.140 Service Discontinuance for Noncompliance

When services has been disconnected it will be renewed under a proper application, when conditions under which the services was suspended are corrected, and on the payment of all

delinquent charges provided in the schedule of rates \$200.00 will be charged to the customer for turning on the electricity and will held for one year.

TITLE V: UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

CHAPTER 32

GARBAGE AND REFUSE COLLECTION

Sections:

05.32.010	City Service Mandatory
05.32.020	Services Available
05.32.030	Schedule of Rates
05.32.040	Billing and Collection
05.32.050	Containers
05.32.060	Placement for Collection
05.32.070	General Conditions for Service
05.32.080	Disposal
05.32.090	Prohibited Acts
05.32.100	Definitions

Section 05.32.010 City Service Mandatory

- a) The City establishes a system of garbage and solid waste collection and disposal for the entire municipality. Such system shall be maintained and operated by the City.
- b) All owners and occupants of premises creating, generating, or producing garbage, rubbish, or trash within the City's municipal boundaries shall utilize the garbage and solid waste collection and disposal system provided by the City.
- c) The City shall, either through the utilization of its officers or employees or by contracted services, dispose of all garbage, rubbish, and trash created within the City under the provisions set forth in this chapter.

Section 05.32.020 Services Available

- a) The following categories of service are available under the system of collection and disposal of garbage and solid waste provided by the City.
 1. Residential bag service shall be available to each dwelling unit occupied by related persons or by 5 or fewer unrelated persons on a weekly basis.
 2. Commercial bag service will not be available to business premises on a weekly basis. Commercial properties/businesses are responsible for collection, hauling, and disposal of garbage and solid waste at the city run disposal site.
- b) Items such as beds, water heaters, furnaces, major appliances and similar bulky household items, commercial fishing gear, packaging and building materials discarded by individuals utilizing the established collection and disposal site designated by the City.
- c) The category for service to be provided and utilized, as well as the frequency of collection necessary to conform to the health requirements shall be determined by the City in conformance with the provisions of this chapter. Prior to any change in category or classification of service, the City shall send a notice to the person or persons affected by the change, requesting the person or persons to appear and confer with the City within 7 days from the date of mailing or personal delivery of the notice. The notice shall specify the former classification or category of service, the proposed new category of service, the date and place to appear to discuss the change in classification, and shall invite the person or persons effected by the change to appear and present any basis that may exist for modifying or nullifying the proposed change.
- d) Gate control access to the landfill. The gate hours will be set by resolution of the Council.

Section 05.32.030 Schedule of Rates

Rates established by the council are subject to change without prior notice to consumers at any regular meeting of the council by resolution.

Section 05.32.040 Billing and Collection

- a) Application for collection service shall be made at the Office of the Clerk, the applicant agreeing to conform to all rules and regulations and any modifications thereof that may be established from time to time as a condition for the use of the service.
- b) Each residential pre-paid electric meter shall have a residential monthly trash collection fee automatically debited each month. Payment of this charge is required before more electric credit can be assigned. These are monthly fees that will be assessed each month (12 months a year) no matter the level of activity (including months Unoccupied or seasonally vacant).

- c) Each Commercial Sleeping Establishment pre-paid electric meter shall have a commercial monthly trash collection fee (calculated at an appropriate rate for the size of their business) automatically debited each month (12 months a year). Payment of this charge is required before more electric credit can be assigned. These are monthly fees, which will be assessed, each month, no matter the level of activity (including months Unoccupied, of low usage, or seasonally vacant).
- d) Collection and disposal service accounts shall be maintained in the name of the property owner / renter (while occupied by a renter, and revert back to the owner of the property, any times the premises is vacant), and each account that does not have a pre-paid electric meter shall be billed monthly after the service has been rendered. Accounts shall be billed monthly and shall be paid on or before the fifteenth (15th) day of the month in which the charges are billed. Billings by the City for collection and disposal service may be combined with billings for other City services in one billing, itemizing the charge for each service provided.
- e) If the City determines that a person applying for service who is not the owner of the premises to be served or has not established credit in the community sufficient to create a reasonable belief that billings for the service will be timely paid, the City may require the applicant to post a deposit in an amount equal to two months billing. The deposit shall be retained by the City for a period of one year, after which it will be returned on request of the person making the deposit if a record of timely payments has been established. Deposits posted with the City will not be escrowed and the depositor will not earn interest during the period the funds are retained.

Section 05.32.050 Containers

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

- a) In plastic bags having a minimum thickness of 2.0 mills and a minimum capacity of 30 gallons, securely tied and unbroken. The contents of each bag shall not weigh more than 30 pounds.
- b) In dumpsters or large metal containers provided by the City near the City disposal site or sites. Garbage, rubbish, and trash, other than bulky items of trash, placed in the City containers shall be bagged in accordance with subsection A.
- c) Bulky items of trash may be secured in tied bundles not over 10 feet in height.
- d) Ashes, soot, kitty litter, excrement, and other obnoxious material shall be placed in plastic bags and securely tied to prevent spilling.
- e) Garbage, rubbish, and trash accumulation between regular scheduled collection or disposal days shall be stored and protected in such a manner and location which will exclude intrusion by bears, birds, dogs, cats, rats, and the natural elements.

Section 05.32.060 Placement for Collection

- a) Collection of garbage, rubbish, and trash shall be on the day 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 loose on the ground, on the day of collection only. Shall be bagged in accordance with Section 05.32.050(a).

Section 05.32.070 **General Conditions for Service**

- a) Garbage, rubbish, and trash produced by or resulting from any type of commercial or business activity will not be eligible for residential service and shall be collected, hauled, and disposed of under the provisions relating to commercial service. Commercial properties/businesses are responsible to collect, transport, and dispose of garbage and solid waste at the city run disposal site. Commercial properties/businesses will transport and dispose of their garbage and solid waste at a frequency as to not present a nuisance, health hazard, or attract animals.
- b) Garbage, rubbish, and trash produced by or resulting from any type of industrial activity will not be eligible for residential service. Industrial customers shall be required to collect all garbage, rubbish, and trash on their premises and haul to the site or sites specified by the City for containment or disposal.
- c) The collection service established and provided by the city shall be utilized only for the collection of rubbish and trash created or produced on the premises receiving the service.
- d) No garbage, rubbish, or trash may be placed for collection or collected, hauled, or disposed of in a manner that is unnecessarily offensive to any person or property.
- e) The collection service established by the City does not provide for the collection of rock, dirt, snow, ice, water, automobile parts, appliances, vehicles of any type, dead animals, or a hazardous substance, and those items, materials, and substances shall not be placed for collection.
- f) Vehicles utilized for the collection of garbage, rubbish, and trash shall be equipped with a reasonably tight container body and a suitable cover that will prevent filtration, blowing or scattering of ashes, leaves, or debris, or loss of any material or item being hauled as the result of road shock or other normal conditions.

Section 05.32.080 **Disposal**

- a) The City shall operate and maintain a solid waste facility that includes containers for storing garbage, rubbish, and trash hauled to the site for the disposal of all customer classification garbage, rubbish, and trash.
- b) The City shall operate and maintain an appropriate site to be utilized as a sanitary landfill for the disposal of the ash and residue generated by the solid waste facility.
- c) Any resident/business (commercial or industrial), which does not have a monthly billing assessment, or is determined have to excessive/additional (above normal amounts of disposal material) trash/garbage to be disposed of at the facility or at the sanitary landfill shall pay a haul/load (truck load rate) for each truck load. Rates are established by resolution set by Council pursuant to Section 05.32.030 of this chapter.
- d) Any operation that disposes of large quantities of empty cans is required to compact them before disposal at the city landfill.

Section 05.32.090 **Prohibited Acts**

- a) No person shall allow garbage or refuse to accumulate or be stored in a manner on any property under his or her control in such a manner as to create a nuisance related to garbage. If a nuisance is created a correction notice shall be issued calling for the immediate removal of said nuisance. Such notice shall state that the nuisance will be removed within twenty-four (24) hours. If nuisance is not removed within this time frame, a citation will be issued of the infraction. Failure to remove the nuisance within the time frame specified shall constitute a

minor offense punishable by a fine as provided in Chapter 1.01. Each day or part of a day upon which a violation occurs constitutes a separate offense.

- b) 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 of 10 percent of the actual cost of removal.
- c) Any person that disposes of any waste material outside of authorized/designated areas, will be billed at least \$150 for cleanup. Anything over an hour will be billed at \$40 an hour.

Section 05.32.100 **Definitions**

Commercial	A premises used for commercial or business purposes and discharging a quality of Garbage or Rubbish essentially similar to that of a single-family dwelling.
Commercial Sleeping Establishment	A building or group of buildings containing both rooms and dwelling units available for temporary rental for compensation (i.e., lodge, B&B, motel, etc.), an establishment providing accommodations, meals, and other services for travelers and tourists. The types of activities supported by such establishment may include, but are not limited to, fishing, hunting, wildlife photography and viewing, and passive recreational activities.
Retailer/Merchant	A business or a person that sells goods and/or services to customers through multiple channels of distribution to earn a profit (i.e., gift shop, coffee shop, store, etc.).
Garbage	Any waste food products, food containers, kitchen refuse, and any other putrescible material.
Haul	Transport either personally or by use of the services of another individual acting under the direct authority and control of the person whose garbage is transported.
Hazardous Substance	A substance as defined in AS 46.09.900.
Industrial	A business or activity that includes canneries and seafood processors, retail stores, and schools.
Rubbish or Trash	All waste material not included within the definition of garbage.

Truck Load

The amount of garbage, rubbish, or trash with a height no greater than 10 feet hauled in either a regular or extended bed of a pick-up truck or in any type of vehicle trailer including recreation vehicles.

Title V: Utilities and Public Facilities Equipment

CHAPTER 36

HARBOR AND PORT FACILITIES

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CITY OF LARSEN BAY

HARBOR AND PORT FACILITIES

SUB-CHAPTER 1

GENERAL PROVISIONS

Subsections:

- 05.36.01.05 Purpose
- 05.36.01.10 Interpretation
- 05.36.01.15 Implied Agreement from Use of Facilities
- 05.36.01.20 Tariff for Use by Common Carriers
- 05.36.01.25 Definitions

Section 05.36.01.05 Purpose.

The purpose of this title is:

- a) To maximize the safe and efficient use of the harbor;
- b) To provide for the orderly management, development, and control of the harbor;
- c) To protect and preserve the lives, health, safety and well-being of persons who use, work or maintain property in the harbor;
- d) To protect public and private property;
- e) To prevent and abate nuisances and fire or health hazards;
- f) To prevent and discourage the use of the harbor by vessels which have been abandoned or derelict; and
- g) To assess reasonable fees for the use of the harbor facilities.

Section 05.36.01.10 Interpretation.

This title shall be constructed, to the greatest extent reasonable, in such a manner as to be consistent with applicable federal and state law, regulations, and any conveyances or agreements from or with the State of Alaska pertaining to the harbor.

Section 05.36.01.15 Implied Agreement from Use of Facilities.

The use of the harbor or the presence of a vessel therein shall constitute an agreement by the owner, operator, master, and managing agent to conform to the provisions of this title and any rule, regulation or orders made pursuant thereto, and to pay all fees and charges provided by this title. The city does not assume responsibility or liability for loss or damage to property, or injury to persons within or upon its harbor. All persons visiting or using the harbor do so at their own risk.

05.36.01.20 Tariff for Use by Common Carriers.

This ordinance does not govern use of the harbor by a common carrier by water within the meaning of 46 U.S.C. 801 and 1702 unless it is filed with the Federal Maritime Commission. If this ordinance is not so filed, a separate tariff approved by the council and filed with the Commission shall govern such uses.

05.36.01.25 Definitions.

Whenever the words, terms, phrases and their derivations set forth in this title, they shall have the meaning set forth in this section.

ANCHOR	To secure a vessel to the bed of a body of water by dropping an anchor or by using a buoy or ground tackle.
DERELICT	Any vessel, which is or reasonably appears to be forsaken, abandoned, deserted, cast away, unsound, unseaworthy, or unfit for its trade or occupation.
DISTRESS	A state of disability or of obvious imminent danger which if unduly prolonged could endanger life or property.

EMERGENCY	A state of imminent or proximate danger of life or property in which time is of the essence.
HARBOR	All waters, tidal areas, and adjacent upland areas more particularly described as follows: the Harbor Area will be to the point straight in from the Northeast breakwater to the shoreward point of PL92-203 tract E (property of Jacob Aga) and Lot #10. Also the Seaward side of Hospital Island from the Northwest Breaker water to the West Breakwater to approximately 70 yards out from shore together with any and all facilities of a port or maritime nature either publicly or privately owned that are primarily used by or for the service of vessels, including docks, floats, pilings, ramps, hoists, parking areas, leased water areas, concessions and/or service facilities located within the area defined herein.
HARBORMASTER	The individual designated in Subsection 05.36.03.05 and any assistant harbormaster or other person designated by the harbormaster to act in their place.
MOOR	To secure a vessel other than by anchoring.
MOORAGE	The process of mooring, the state of being moored. When the context requires, the fees for such acts imposed by this title.
NUISANCE	A derelict vessel; a vessel, which is not kept and regularly pumped free of excess water inside its hull, or is submerged, or which constitutes a fire, health, and safety or navigation hazard. A vessel shall be presumed to constitute a nuisance if it is sunk or in immediate danger of sinking, or is endangering life or property and has been left unattended for a continuous period of 24 hours.
PERSON	Any natural person, partnership, corporation, or government agency. A natural person and a corporation may be considered the same if the former has control over the latter.
QUALIFYING INTEREST	An interest in a vessel of a person who owns the vessel and maintains the right to possession and operation of the vessel or an interest granted under the provisions of written charter or lease whereby a person has exclusive control over the operation and navigation of the vessel. A person who transfers title to a vessel or enters into a charter or lease of the vessel, and thereby relinquishes his exclusive control over the use and operation of the vessel, ceases to have a qualifying interest in the vessel.
STALL	A place to moor individual vessels in the harbor.

TRANSFER OF CARGO	All types of loading, unloading, transfer, and containerization of any kind of cargo including, but not limited to fish, shellfish, and products thereof.
TRAFFIC LANES	Those areas specifically set aside for movement to and from another location and which shall be kept open, free of obstructions and not for use for anchoring or mooring.
TRANSIENT VESSEL	Any vessel occupying space in the Larsen Bay Harbor that has not obtained a regular reserved stall.
VESSEL	Any ships, boats, skiffs, barges, dredge, and craft of every kind and description, whether used for pleasure or commercial purposes, which is on the water and is capable of being used as a means of transportation on or through the water, but excluding seaplanes.
VESSEL LENGTH	The actual overall length of any vessel, including bowsprits, outboard extensions and any other extension to the vessel.

SUB-CHAPTER 3

ADMINISTRATION

Subsections:

- 05.36.03.05 Harbormaster
- 05.36.03.10 Disclaimer of Liability
- 05.36.03.15 Harbor Advisory Commission
- 05.36.03.20 Commission Duties
- 05.36.03.25 Commission Procedures

05.36.03.05 Harbormaster.

The Council shall appoint a harbormaster who shall administer the harbor with the powers provided by this title and enforce, as a peace officer of the city, the provisions of this title. The harbormaster may issue regulations consistent with this title for the operation and use of the harbor. Regulations shall be in writing and posted for public review at the Clerk and harbormaster's office for 30 days, and reviewed and accepted by the Council, prior to becoming effective. Thereafter, they shall be available for public distribution at the harbormaster's office.

Harbormaster Hours:

Paid 3 hours a day, making random checks of the harbor, is on-call, with no set hours.

05.36.03.10 Disclaimer of Liability.

The authority granted to the harbormaster shall not create an obligation or duty requiring the harbormaster to take any action to protect or preserve any vessel or property located within the harbor or utilizing the harbor. The City shall not be liable for any loss or damage to real or personal property in the harbor resulting from fire or other casualty, theft, or vandalism.

05.36.03.15 Harbor Advisory Commission.

The Council shall be the Harbor Advisory Commission. The Council may at any time appoint a separate Advisory Commission.

05.36.03.20 Commission Duties.

The Commission shall advise the harbormaster, manager, and council on all matters regarding supervision and control of the harbor facilities. The Commission shall recommend regulations and fees for the use of the harbor and its facilities to the council. The council may adopt or disregard the Commission's recommendations.

05.36.03.25 Commission Procedures.

The Commission shall elect from its own members a chairperson and adopt rules for the notice, time, place, and conduct of its meetings.

05.36.03.30 Usage Agreement for annual Harbor Stall.

All reserve moorage slips will have a signed Usage Agreement on file with the City to use the harbor or long-term parking or storage.

SUB-CHAPTER 5

MOORAGE

Subsections:

- 05.36.05.05 Registration Requirement
- 05.36.05.10 Transient Moorage
- 05.36.05.15 Reserved Moorage
- 05.36.05.20 Moorage Conditions and Restrictions
- 05.36.05.25 Refusal of Moorage
- 05.36.05.30 Required Equipment
- 05.36.05.35 Utilities
- 05.36.05.40 Authority o Harbormaster to Board and Move Vessel
- 05.36.05.45 Forfeiture of Space

05.36.05.05 Registration Requirement.

Every owner, master or managing agent of a vessel using the harbor is required to register the person's name, address and telephone number, and the vessel's name, home port, official number or state registration number, color, length, breadth and draft, and such other information as the harbormaster may require, with the harbormaster within two (2) hours after such vessel first enters the harbor. Said owner, master, or manager agent shall promptly notify the harbormaster of any changes in registration information.

05.36.05.10 Transient Moorage

- a) Availability. Transient moorage space is available within the harbor at locations designated or assigned by the harbormaster, which may include temporary use of unoccupied reserved moorage space. A written and signed application for such space on a form provided by the harbormaster shall be provided to the harbormaster with the time allowed for registration. Prepayment of fees for such moorage may be required. Approval of such application by the harbormaster confers no right in the land or water constituting the space. The applicant shall promptly notify the harbormaster of any changes in the information set forth on the application.
- b) Fee Periods. The daily fee period is 8:00 a.m. on the first calendar day to 8:00 a.m. the next calendar day. The monthly fee period is any calendar month beginning on the first day of the month and ending on the last day of the month. A vessel seeking or accumulating greater than ten (10) days transient moorage must be requested in advance. The annual fee period is the fiscal year of the City beginning July 1 and ending June 30 of each year. A transient moorage holder requesting annual moorage after the start of the fiscal year will be charged a pro-rated annual fee. Vessels may moor in designated transient moorage space without charge for any time during the first daily fee period. A vessel moored in any transient moorage space for any period of time, during the next consecutive daily fee period shall be charged transient moorage fees beginning with the second daily rental period.
- c) No Preferential Right. The transient moorage user receives the privilege of occupying designated or assigned transient moorage on an as-available basis. Users have no preferential right to moor in any particular location in transient moorage, nor the right to return to the same space if another vessel is occupying that space.
- d) Rafting. Rafting of vessels in transient moorage space shall be permitted at a location from time to time designated by the harbormaster. Vessels moored in such locations are subject to yet another vessel tethering aside. Each vessel must have at least one line to the float, alternating ends. Dinghies, skiffs, or other auxiliary vessels may not be tied alongside of vessels in transient moorage space.
- e) Maximizing Use of Space. The harbormaster shall have authority to move a vessel in transient moorage space to another location to better maximize the use of available space.

05.36.05.15 Reserved Moorage

- a) Availability. Reserved moorage space is available within the harbor at locations designated or assigned by the harbormaster. Reserved moorage space shall be assigned on a first-come, first-served basis to those who have provided to the harbormaster a written and signed application for such space on a form provided by the harbormaster.

- b) Assignment of Reserved Moorage. Reserved moorage spaces shall be assigned by the harbormaster to ensure that maximum use of space available. The harbormaster will establish minimum and maximum vessel sizes for each space or class of spaces available.
- c) Wait list. If there are more applications received than there are spaces available, the harbormaster shall establish and maintain a reserved moorage wait list. A non-refundable, non-interest bearing deposit shall be required to place an application on the list. Applications will be placed on the list in the order in which they are received. The applicant shall promptly notify the harbormaster of any changes in the information set forth on the application. Wait list priority may not be transferred except between husband and wife or to an applicant's heir or devisee upon death.
- d) Retention of Wait List Priority. If an applicant chooses not to accept a reserved moorage space when offered or does not respond to a notice by the harbormaster, the applicant does not forfeit any priority on the wait list for subsequent space. If an applicant refuses to accept a reserved moorage space when offered on two (2) separate occasions or fails to respond on two (2) separate occasions, it shall be presumed that the applicant has voluntarily withdrawn the application. The applicant will be removed from the wait list and the applicants deposit forfeited.
- e) Two Space Limit. As long as there are applicants on the wait list awaiting assignment of reserved moorage space, no person who is currently a holder of two (2) or more reserved moorage space may be assigned an additional reserved moorage space notwithstanding the number of vessels held with a qualifying interest by that applicant.
- f) Notice of Space Availability. When space becomes available, the harbormaster shall notify the applicant who first applied for reserved moorage for a vessel of the size for which space is available. Notice shall be by certified mail, effective upon mailing. An applicant shall have thirty (30) days to respond. If the applicant declines the offered space, or if no response is received within the period allowed, then the harbormaster will notify the next eligible applicant on the wait list and so on until the space is assigned.
- g) Preference. Approval of an application for reserved moorage space and assignment of space by the harbormaster confers only the privilege of occupying the assigned moorage space on a preferential basis and does not convey any rights in the land or water constituting the space.
- h) Temporary Use by Other Vessels. The harbormaster shall have full discretionary authority to allow other vessels to occupy an empty reserved moorage space any time the assigned vessels is absent without compensation to the reserved moorage holder.
- i) Duration. A holder's right to reserved moorage space, once assigned, continues until the holder voluntarily or involuntarily relinquishes the space (annual reserve slip fees are 1 July – 30 June, and expire as of 30 June each year, no matter what month paid).
- j) Retention When Vessel is Sold, Lost, Destroyed, or Stolen. A reserved moorage holder must promptly notify the harbormaster if the holder ceases to have a qualifying interest in the vessel assigned to reserved moorage space. The holder may retain the reserved moorage space if the holder obtains a qualifying interest in another vessel of the appropriate size within six (6) months and registers the new vessel with the harbormaster pursuant to 14.12.010. The harbormaster may, for cause, grant an extension not to exceed an additional six (6) months if the vessel was lost, destroyed or stolen. If the holder obtains a qualifying interest in another vessel that is smaller than the minimum vessel size established by the harbormaster for the assigned space, the holder may retain and use the reserved moorage until a space of the correct size becomes available in the same harbor, unless another space is

acceptable to the holder. If the holder obtains a qualifying interest in another vessel that is larger than the maximum vessel size established by the harbormaster for the assigned space, the holder will not be permitted to use the space for the larger vessel. If the holder intends to also obtain an appropriately sized vessel, he may continue to hold the assigned reserved moorage for the time periods noted above.

- k) Death. In the case of the death of the holder of reserved moorage space, the space may be transferred to the heir of devise who obtains ownership of the vessel, if a request is made to the harbormaster with appropriate documentation.
- l) Relinquishment. A reserved moorage space holder may voluntarily relinquish reserved moorage at any time by notifying the harbormaster in writing.

05.36.05.20 Moorage Conditions and Restrictions

- a) Qualified Interest Required. Moorage may only be assigned to an applicant with a qualified interest in the vessel to which space is to be assigned.
- b) No Unpaid Charges. Moorage may only be assigned to an applicant who has no delinquent fees or unpaid fines.
- c) One Space. No vessel may be assigned to more than one transient or reserved moorage space or to a transient and reserved space.
- d) Use by Assigned Vessel Only. The holder for the assigned vessel may only use reserved moorage space.
- e) No Assignment or Transfer. Moorage space shall not be assigned or transferred by the holder thereof and does not transfer with the sale or other disposition of the vessel. Moorage space shall not be involuntarily assigned or transferred by operation of law except as expressly provided in this title.
- f) Entrance moorage. No vessel, private moorage ramp, or airplane ramp shall be anchored within 100 yards from the Southwest or East entrances. No vessel shall be anchored which would impede the arrival or departure of vessels at the boat harbor. No running lines which would impede vessels entering or leaving the boat harbor are allowed in the boat harbor or outside both entrances.

05.36.05.25 Refusal of Moorage.

The harbormaster may refuse moorage to any vessel or applicant which or who the harbormaster has probable cause to believe has not complied or is not in compliance with this title.

05.36.05.30 Required Equipment.

All vessels moored in the harbor shall carry the required equipment including, but not limited to, firefighting equipment required by any applicable United States laws or regulations, and shall be numbered or designated in accordance with any applicable United States laws or regulations.

05.36.05.35 Utilities.

Electric and water utility service may be provided to vessels moored in the harbor in such locations and according to such specifications as the harbormaster may specify by regulations.

05.36.05.40 Authority of Harbormaster to Board and Move Vessel.

The harbormaster may board any vessel moored in the harbor, at any time, to inspect same, for compliance with this title. In the event of a fire or other emergency affecting the safety of

persons and property in the harbor, the harbormaster may board, move, replace inadequate mooring lines on, remove snow from, pump water from, and take any other action to prevent loss of life or property with respect to any vessel in the harbor.

05.36.05.45 **Forfeiture of Space**

- a) Causes. A moorage space holder's right to an assigned space shall be involuntarily forfeited and the right to use the assigned space terminated if:
1. The holder supplies misleading or false information in the space application;
 2. The holder fails to pay all fees as provided by this title, with or without a prior written agreement to pay such fees or on other terms acceptable to the harbormaster;
 3. The holder fails to maintain a qualified interest in the assigned vessel or substitute qualified vessel within the period allowed;
 4. The holder fails to use the space for the assigned vessel at least two months each calendar year;
 5. The holder fails, upon request of the harbormaster, to provide proof of a qualifying interest in the vessel assigned to the space;
 6. The holder fails to maintain on the vessel the equipment required by Section 05.36.05.30 above; or
 7. The vessel to which the space is assigned is impounded pursuant to Subchapter 13 of this title.
- b) Notice. Prior to forfeiting any moorage space holder's right to an assigned space for the causes stated in Subsections 05.36.04.45(a)(1)-(6), the harbormaster shall prepare written notice of such intent, identifying the space involved and the cause for forfeiture. The notice shall be sent regular mail to the name and the address listed on the moorage application (unless the harbormaster has received written notice of a different name and address) not less than 10 days prior to forfeiture.
- c) Hearing. The moorage space holder may request a hearing on the forfeiture. The procedure provided by Section 05.36.13.15 shall apply to such requests, except that the issue shall be whether one more of the causes set forth in subsection (a) of this section exist.

SUB-CHAPTER 7

TRANSFER OF CARGO, STORAGE, AND OTHER ACTIVITY

Subsections:

- 05.36.07.05 Transfer of Cargo
- 05.36.07.10 Storage
- 05.36.07.15 Fish Processing
- 05.36.07.20 Repairs
- 05.36.07.25 Launching
- 05.36.07.30 Floatplanes
- 05.36.07.35 Restricted Area
- 05.36.07.40 Parking
- 05.36.07.45 Residential Use
- 05.36.07.50 Signs
- 05.36.07.55 Accident Reports

05.36.07.05 Transfer of Cargo.

(These provisions are not intended to govern common carrier cargo operations. See Section 05.36.01.20).

- a) Location. Transfer of cargo may occur at the following locations within the harbor. Small amounts to be determined by the harbormaster may be transferred from the floats; otherwise, all cargo will be transferred from the loading ramp at the harbormaster's direction.
- b) Application. Berths shall be assigned by the harbormaster upon application. No cargo may be transferred within the harbor without prior written application to and approval by the harbormaster of the berth, quantity, and kind of cargo to be transferred, on such form as the harbormaster shall specify. Transfers that occur on a regular basis may be approved in advance.
- c) Prepayment. The harbormaster may require prepayment of the estimated fees due under this title prior to any cargo transfer.
- d) Berthing Duration. A vessel may berth for transfer of cargo for up to 6 hours without applying and paying for transient moorage, but must apply and pay for transient moorage within two hours thereafter.
- e) Refusal of Cargo. The harbormaster may refuse to permit the transfer of any cargo whose volume, weight, hazardous nature, or other characteristics would present a risk to the safety of persons or property, private or public, within the harbor or whose value is less than the fees due under this title.
- f) Manifests. A complete copy of the manifest showing all the cargo unloaded or discharged at the harbor will be furnished to the harbormaster. The inbound manifest will be furnished prior to or concurrent with the vessel's departure. In lieu of manifests, freight bills containing all information as required in this section may be accepted.
- g) Persons Responsible for Fees. Vessels, tier owners, agent's masters, shippers, and consignees of cargo transferred within the harbor shall be jointly and severally liable for all fees due for activities described in this section, notwithstanding any contrary provisions, any bills of lading, charter party agreements, contracts, or other agreements to which the city is not a party.
- h) Cargo on Which Fees Have Become Delinquent. Cargo on which fees have become delinquent may, after 10 days written notice to the shipper, carrier, or consignee of such cargo, be sold at public or private auction without advertising.
- i) Retention of Cargo. Any cargo upon which fees provided by this section have become delinquent may be confined to the harbor by the harbormaster until the fees have been paid.
- j) Liability and Indemnity. The parties to the shipping agreement and not the City shall assume all risks of loss from theft, fire, or other casualty to cargo. The person making application for the berth shall defend, indemnify, and hold the City harmless from all claims arising from the cargo transfer within the harbor.

05.36.07.10 Storage

- a) Availability. Storage space may be available in the harbor in such areas as may be designated by the harbormaster by regulation. A person may apply to use storage space in the harbor by completing an application on a form provided by the harbormaster.

- b) Assignment of Storage Space. Storage space shall be assigned on a first come, first served basis by the harbormaster. The harbormaster may establish fixed size storage areas or lots. A person desiring to use a particular storage area on long-term basis may negotiate an agreement with the harbormaster subject to council approval. Areas designated by the harbormaster for storage are subject to change. The harbormaster shall cause to be erected or place appropriate signs or pavement markings which give notice the area is designated for storage.
- c) Use Period. Storage charges shall be computed on a daily basis. The daily period is 8:00 a.m. on the first calendar day to 8:00 a.m. on the next calendar day. Items may be placed in storage areas for up to two days without charge, but all items left in such storage areas beyond that period will be charged for storage beginning on the next daily rental period.
- d) Specific Types of Storage. The following requirements apply to the kind of storage indicated:
 - 1. Storage Containers. Storage containers must be:
 - i) Completely enclosed with four walls (one of which is able to function as a door), a roof, and floor;
 - ii) In good condition and repair;
 - iii) Neat, safe, and clean; and
 - iv) Not be attached or affixed permanently to any storage space, but must be able to be moved by reasonable means within twenty four (24) hours of notice to move it.
 - 2. Trailers. Property may be stored in or on a trailer or any similar type of wheeled conveyance that is capable of being pulled or drawn from the storage area within twenty four (24) hours after notice is given by the harbormaster. The contents shall be completely covered so the stored property is not visible from the outside. Clear plastic material are not acceptable as coverings. Boats and boat trailers may be stored in their manufactured state, provided they do not create a safety hazard to persons or property. Boats and boat trailers that have a reserved slip may be stored in the Long term/overnight parking area.
 - 3. Vessels. Vessels may be stored without trailers, but must be blocked and properly supported so as not to create a safety hazard.
 - 4. Other Cargo. Incoming and outgoing cargo and commodities of a size and type not suitable for containerized storage may be neatly stored in the open at areas designated by the harbormaster.
- e) Markings. Items placed in a storage area, including goods on pallets, shall be clearly marked with the name of the owner or responsible person, mailing address, telephone number, and a general description of the item.
- f) Liability and Indemnity. The user of storage space in the harbor assumes all risk of loss from theft, fire, or other casualty. Storage areas in the harbor may not be guarded or fenced. The user shall defend, indemnify, and hold the City harmless from all claims arising from storage within the harbor.

05.36.07.15**No Animals, Fish, or shellfish may be cleaned or processed within the harbor.**

Dumping of animal or fish parts is not allowed within the harbor. Movement of carcasses shall be done in waterproof containers to prevent fouling of the harbor facilities.

05.36.07.20 Repairs.

(Insert provisions governing use of facilities such as gridirons and boat lifts which may be available in the particular harbor).

05.36.07.25 Launching.

Vessel launching shall be restricted to areas designated by the harbormaster by regulation. Vessels shall be continuously engaged in launching or haul out and shall not be left unattended while in the launch area.

05.36.07.30 Floatplanes.

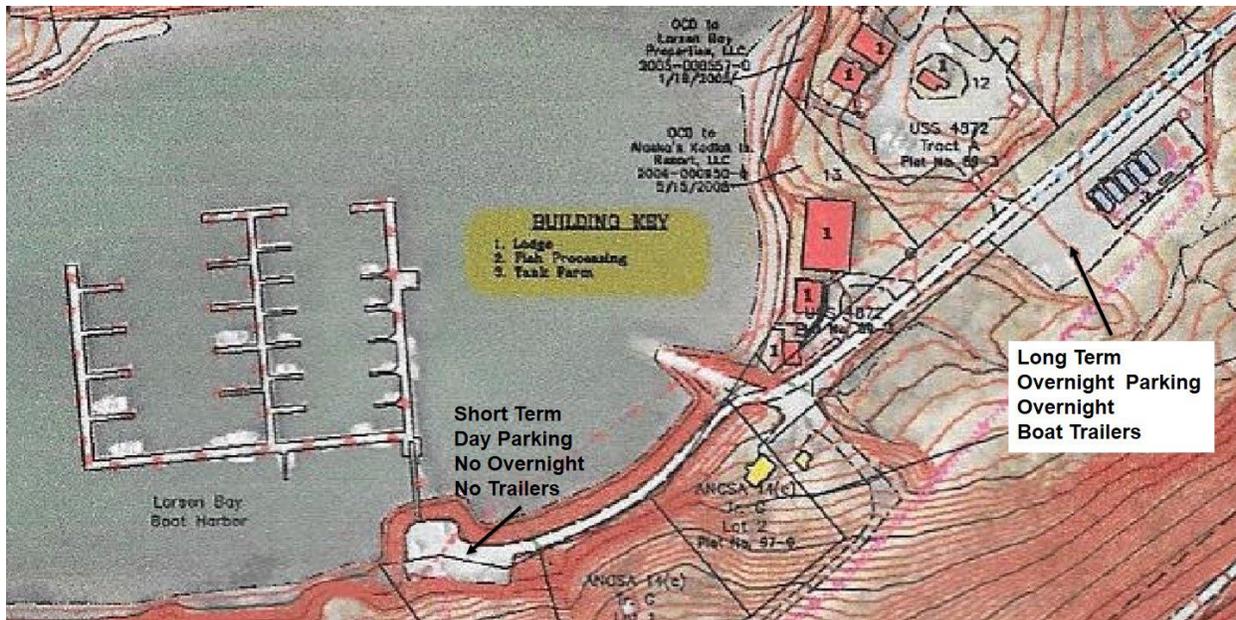
No aircraft shall land or takeoff within the confines of the harbor.

05.36.07.35 Restricted Area.

The harbormaster may by regulation restrict areas of the harbor from use by one or more classes vessels, activities and for longer than specified periods.

05.36.07.40 Parking.

The Council may establish by resolution designated off-street parking lots for users of the harbor. Each parking lot shall be governed and parking enforced according to Chapter 06.61 and other provisions of this Code.



05.36.07.45 Residential Use.

No portion of the harbor or cargo within the harbor shall be used for residential purposes. Vessels within the harbor may be used for residential purposes, except that they may, incidental

SUB-CHAPTER 9

PROHIBITED PRACTICES

Subsections:

- 05.36.09.01 Violations a Minor Offense
- 05.36.09.05 Speeding
- 05.36.09.10 Operating Under the Influence
- 05.36.09.15 Hazards to Navigation
- 05.36.09.20 Failure to Register
- 05.36.09.25 Improper Mooring
- 05.36.09.30 Inadequate Equipment
- 05.36.09.35 Improper Use of Facilities
- 05.36.09.40 Improper Waste Disposal
- 05.36.09.45 Improper Petroleum Disposal
- 05.36.09.50 Improper Care and Control of Animals
- 05.36.09.55 Water Sports
- 05.36.09.60 Failure to Report
- 05.36.09.65 No Motorized Vehicles on floats
- 05.36.09.70 Failure to pay moorage
- 05.36.09.75 Unauthorized overnight Parking
- 05.36.09.81 Unauthorized boat/trailer parking

Section 5.36.09.01 Violations a Minor Offense

All prohibited practices set forth in this Subchapter 05.36.09 are prohibited and unlawful. Any person, persons, companies, firms, corporations or other entity(ies) who violates the provisions of this chapter commits a minor offense punishable by a fine as provided in Chapter 1.01, or if no fine is there established, a fine not to exceed \$1,000 for each violation. Each day or part of a day upon which a violation occurs constitutes a separate offense.

05.36.09.05 Speeding.

No person shall operate or cause to be operated a vessel in excess of three (3) miles per hour or in a manner which causes an excessive wake within the harbor.

05.36.09.10 Operating Under the Influence.

No person may operate a vessel within the harbor while under the influence of alcohol or other drugs to the extent that it would be unlawful to operate a motor vehicle under state law in such conditions.

05.36.09.15 Hazards to Navigation.

No person shall create or fail to remove, after request from the harbormaster, a hazard to navigation within the waters of the harbor.

05.36.09.20 Failure to Register.

No person shall fail to register a vessel operated by that person with the harbormaster within two hours of entering the harbor.

05.36.09.25 Improper Mooring.

No person shall moor a vessel:

- a) In reserved moorage space assigned to another;
- b) In any area not designated for transient moorage;
- c) Without permission of the harbormaster;
- d) In an area not designated for that size vessel; or
- e) Without otherwise complying with Sub-Chapter 5 of this title.

05.36.09.30 Inadequate Equipment.

No person shall operate or moor a vessel within the harbor whom does not have the equipment specified by Section 05.36.05.30.

05.36.09.35 Improper Use of Facilities.

No person may use portions of the harbor for purposes or in a manner contrary to Sub-Chapter 7 of this title.

05.36.09.40 Improper Waste Disposal.

No person shall dispose of trash, garbage, refuse, human or animal waste, or any similar substance into the water of the harbor or on the harbor grounds, except in receptacles or locations designated by the harbormaster.

05.36.09.45 Improper Petroleum Disposal.

No person shall release any fuel, oil, their derivatives, wastes or byproducts, or other petroleum products into the lands or waters of the harbor.

05.36.09.50 Improper Care and Control of Animals.

No person shall have or bring a dog or animal within the harbor, unless the dog or animal is on a leash or confined to a vessel.

05.36.09.55 Water Sports.

No person shall engage in swimming, diving, water skiing, or other sports where the body of the person comes into contact with the water within the harbor, except after notice to and with the permission of the harbormaster. Diving for the purpose of vessel repair and inspection or law enforcement purposes is not prohibited by this section.

05.36.09.60 Failure to Report.

No person shall fail to make the report required by section of this title.

05.36.09.65 No Motor Vehicles.

No motor vehicles are allowed on the harbor ramp to the dock or on the dock at any time.

05.36.09.70 Failure to pay moorage.

Failure to pay moorage is considered unlawful use of the harbor.

05.36.09.75 Unauthorized overnight Parking.

The parking lot at the harbor is for day use only unless the vehicle has an annual overnight parking permit (which can be purchased at the city office). No overnight parking of trailers is allowed.

05.36.09.81 Unauthorized boat/trailer parking.

Only boats on trailers with paid reserved slips, and trailers for boats in the harbor with paid reserved slips, are authorized to park in the long-term parking lot. Vehicles of boat owners with paid reserved slips are authorized to park in the long-term parking lot.

SUB-CHAPTER 11

FEES AND PENALTIES

Subsections:

- 05.36.11.05 Fee Schedule
- 05.36.11.10 Fee Collection and Lien
- 05.36.11.15 Repealed

05.36.11.05 Fee Schedule.

The following fees shall be charged for the uses indicated. All fees for port and harbor facilities shall be in accordance with the fees set by the Council by resolution. All charges shall be paid to the City in advance at the Clerk's Office.

05.36.11.10 Fee Collection and Lien.

- a) Invoicing. Invoicing or fees shall be due on the fifth day after they are sent or delivered. Invoices may be delivered personally or mailed on a monthly or other basis to the last address provided to the harbormaster. It is the harbor user's obligation to notify the harbormaster in writing of any changes in address. Annual reserve slip fees are 1 July – 30 June, and expire as of 30 June each year no matter what month paid.
- b) Refunds. There shall be no refunds.
- c) Delinquent Fees and Fines. Fees are delinquent when they are more than thirty (30) days past due. Fines are delinquent when not paid according to law. The harbormaster may, but need not, give notice of any delinquent fees or fines.
- d) Interest on Delinquent Fees and Fines. Delinquent fees and fines under this title shall accrue interest at the rate of the city delinquent fees per month from the date they were due until paid in full.
- e) Collection Action. The City is authorized to commence suit or exercise any other legal remedy to collect any delinquent fee or fine. In the event such suit is commenced, the person obligated to pay the fee or fine shall, in addition to any other liability imposed by this title, be liable for the City's actual, reasonable attorney's fees and cost associated with the collection.
- f) Lien for Unpaid Fees. In addition to all other remedies available by law, the City shall have a lien for any fees, interest and costs of collection, including attorney's fees, provided by this title, upon any vessel (including all equipment, tackle, and gear), cargo, and property giving rise to such fees. The lien may be enforced by any procedure otherwise provided by law and by procedure set forth in chapter 13 of this title.

SUB-CHAPTER 13

Impoundment

Subsections:

- 05.36.13.05 Vessels Which May Be Impounded
- 05.36.13.10 Notice to Owner
- 05.36.13.15 Hearing
- 05.36.13.20 Decision
- 05.36.13.25 Impoundment
- 05.36.13.30 Notice of Sale
- 05.36.13.35 Sale

05.36.13.05 Vessels Which May Be Impounded.

The harbormaster is authorized to impound a vessel under any of the following circumstances:

- a) The vessel is within the harbor and is a derelict or a nuisance as defined in this title;
- b) The fees for which the City has a lien on the vessel are delinquent;
- c) The vessel is located in the harbor and is in violation of this title, a regulation of the harbor, or a state or federal law; or
- d) The owner, operator, master, or managing agent is not aboard the vessel and a name and/or number do not properly identify the vessel.

05.36.13.10 Notice to Owner.

a) Contents. Prior to impounding any vessel, the harbormaster shall prepare a written notice of intent to impound the vessel. The notice shall contain:

1. The name and/or official number or state registration number of the vessel;
2. The name and address, if known, of the owner, operator, master, or managing agent, and the location of the vessel;
3. The basis or reason for impoundment; and
4. The reserved moorage space, if any, which will be forfeited if the vessel is impounded.

b) Distribution. The notice of intent to impound shall, at least 20 days before impoundment, be:

1. Mailed by certified mail, return receipt requested, to the last known owner, master, or managing agent of the vessel at his last known address, and any known lienholders of record; or
2. Posted on the vessel, in the harbormasters office and in a United States Post Office of the City.

05.36.13.15 Hearing.

a) Demand for Hearing. The owner, master, managing agent or any other person in lawful possession of a vessel proposed for impoundment has the right to a pre-impoundment administrative hearing to determine whether there is cause to impound the vessel. Any such person desiring a hearing shall file a written demand with the Clerk within 10 days of the mailing and posting of the notice of intent to impound.

b) Hearing procedure. The hearing shall be conducted within 72 hours of receipt of a written demand therefore from the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturday, Sundays, and city holidays are to be excluded from the calculation of the 72 hour period. The hearing officer shall be designated by the City Manager and shall be someone other than the harbormaster. The sole issue before the hearing officer shall be whether there is cause to impound the vessel in question. "Cause to impound" shall mean such a state of facts as would lead a reasonable person exercising ordinary prudence to believe that any of the circumstances authorizing impoundment under the code have been satisfied. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall

have the burden of establishing that he has the right to possession of the vessel. Failure of the owner, operator, master, lienholder, or managing agent to request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right to such a hearing.

05.36.13.20 **Decision.**

At the conclusion of the hearing, the hearing officer shall prepare a written decision. The hearing officer shall only determine either that there is cause to impound the vessel in question or that there is no such cause. A copy of the decision shall be provided to the person demanding the hearing, and the owner of the vessel, if the owner is not the person requesting the hearing. The hearing officer's decision shall in no way bring criminal proceedings in connection with the impoundment in question, and any criminal charges involved in such proceedings may only be challenged in the appropriate court. The decision of the hearing officer is final, and may be appealed as an administrative agency decision to the state court of Alaska within 30 days of the decision.

05.36.13.25 **Impoundment.**

In the event the hearing officer determines there is cause to impound the vessel, the harbormaster may proceed immediately with impoundment of the vessel. The harbormaster may impound the vessel by immobilizing it, removing it or having it removed from the water and placing it in public or commercial storage, with all expenses of haul out and storage impound fee to be borne by the owner of such vessel. At any time prior to the sale of the vessel, the owner, operator, master or managing agent, or person in lawful possession of the vessel may redeem the vessel by a cash payment of all fees against the vessel, including interest and costs.

05.36.13.30 **Notice of Sale.**

- a) Contents. Prior to the sale of any impounded vessel, the harbormaster shall prepare a written notice of sale of the vessel. The notice shall contain:
1. The name and/or official number or state registration number of the vessel;
 2. The date, time, and place of the sale;
 3. The fees, interest, and costs that are due against the vessel; and
 4. The bidding terms provided by Section 05.36.13.35.
- b) Distribution. The notice of sale shall, at least 30 days before the sale, be:
1. Mailed by certified mail, return receipt requested, to the last known owner, master, or managing agent of the vessel at his last known address;
 2. Posted on the vessel, in the harbormaster's office, and in a United States Post Office in the City a notice of such action to be taken; and
 3. Published in a newspaper of general circulation in the City at least once.

05.36.13.35 **Sale.**

- a) Bids. The minimum acceptable bid shall be a sum equal to the fees owed the city against the vessel, including interest and costs of impoundment, to be paid in cash at the time of sale or within 24 hours thereafter. The proceeds of such sale shall be first applied to the cost of sale, then to interest, then to fees accrued, and the balance, if any shall be held in trust by the City

for the owner of the vessel to claim. If such balance is not claimed within two years, the balance shall be forfeited to the city. Upon sale being made, the City shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer.

- b) No bids. If at public sale there are no acceptable bids for the vessel, the City may destroy, sell at a private sale, or otherwise dispose of the vessel. Such disposition shall be without liability to the owner, master, or managing agent, person in possession of the vessel, or lien holder of the vessel.

TITLE VI: GENERAL WELFARE

CHAPTER 46
(Reserved)

CHAPTER 47
(Reserved)

CHAPTER 48
(Reserved)

CHAPTER 49
Dog Control
(Repealed)

CHAPTER 50
(Reserved)

Title VI: GENERAL WELFARE

CHAPTER 51

CURFEW

Sections:

06.51.010	Curfew Effective
06.51.020	Area of Curfew
06.51.030	Curfew Hours
06.51.040	Vacations and Holidays
06.51.050	Exceptions
06.51.060	Parental Responsibility
06.51.070	Enforcement
06.51.080	Penalty

Section 06.51.010 Curfew Effective.

Curfew shall be in effect from the day preceding the first day of commencement of school in the late summer/fall until the last day of school in the spring.

Section 06.51.020 Area of Curfew.

This chapter is in effect for the total area within the city limits.

Section 06.51.030 Curfew Hours.

No person under the age of eighteen (18) may remain, congregate, or loiter in or upon any public place, vacant lot, or city roads, sidewalks, or alleys between the hours of 10:00 P.M. and 6:00 a.m., Sunday through Thursday, and 12:00 A.M. through 6:00 A.M., Friday and Saturday.

Section 06.51.040 Vacations and Holidays.

During any declared school holiday or vacation, the curfew hours established shall be 12:00 A.M. to 6:00 A.M. on all days of the week except that Sunday curfew hours shall be in effect the last day of such vacation immediately prior to the next school day.

Section 06.51.050 Exceptions.

The curfew hours established by this chapter may be suspended or altered by the Council to permit minors to attend or participate in school, group-sponsored, or community activities, or to permit individual minors at evening employment to remain at their places of employment for not more than one hour after the usual curfew. For such exception to be granted, a minor must present to the Council a written request from his parent or guardian.

Section 06.51.060 Parental Responsibility.

A person having custody of a minor shall not allow the minor on the public streets or in any other public place in the City during the prohibited hours described in this chapter unless the minor is accompanied by a parent, guardian, or other adult person charged with control of the minor, or the minor has in his or her possession a note signed by the parent or guardian authorizing said minor to be out and en route home. The signed note shall state specifically the time the minor is to be home. The presence of a minor on or in a public street or place as described above, in violation of this chapter shall be primary evidence of the guilt of the parent or other adult person having the custody or control of the minor.

Section 06.51.070 Enforcement.

The Mayor shall enforce the provisions of this chapter according to state law.

Section 06.51.080 Penalty.

Any person who violates the provisions of this chapter commits a minor offense punishable by a fine as provided in Chapter 1.01, or if no fine is there established, a fine of (\$50) for each violation, except that any parent or guardian who knowingly violates, or allows a minor for whom the parent or guardian is responsible to violate, this chapter shall be punished by a fine not to exceed \$1,000.

TITLE VI: GENERAL WELFARE

CHAPTER 52

OFFENSES BY OR AGAINST MINORS

Sections:

- 06.52.010 Selling Tobacco to Children
- 06.52.020 Selling Intoxicating Liquor to Minors
- 06.52.030 Penalties

Section 06.52.010 Selling Tobacco to Children.

It is unlawful in the City for any person, firm, or corporation to sell, exchange, or give any cigarettes, cigars, or tobacco in any form to any child under the age of eighteen.

Section 06.52.020 Selling Intoxicating Liquor to Minors.

It is unlawful for any person, firm, or corporation to sell, exchange, or give any intoxicating liquor to any child or minor under the age of twenty-one (21).

TITLE VI: GENERAL WELFARE

CHAPTER 53

(RESERVED)

TITLE VI: GENERAL WELFARE

CHAPTER 54

LITTER; SANITATION MEASURES

(Repealed)

TITLE VI: GENERAL WELFARE

CHAPTER 55

PROTECTION OF WATERSHED

Section:

06.55.010	Location of watershed
06.55.020	Prohibited acts
06.55.030	Restricted Access
06.55.040	Definitions
06.55.050	Penalty

Section 06.55.010 Location of watershed.

The City watershed is generally described as:

Township 31 South, Range 29 West, Seward Meridian (unsurveyed)

Section 4:	SW 1/4
Section 5:	W 1/2, SE 1/4, S 1/2 of NE 1/4
Section 6:	S 1/2 of SW 1/4, SE 1/4, SE 1/4 of NE 1/4
Section 7:	All
Section 8:	All
Section 9:	W 1/2, W 1/2 of E 1/2
Section 16:	W 1/2
Section 17:	All
Section 18:	All

The map at the end of this chapter shows the locations of these boundaries.

Section 06.55.020 Prohibited acts.

In order to protect the general public from consuming contaminated water and to ensure that the public shall have uncontaminated water in the future it shall be unlawful to:

- a) Dump solid, liquid, or other refuse in any form near or in the area or areas designated as watershed or in streams or rivers used for consumption of water by the public; or
- b) Use the watershed in any manner or engage in any activity that would pollute the watershed.

Section 06.55.030 Restricted Access.

The City's water supply service road that extends from within the city boundaries into the watershed area is restricted from use by the general public.

Section 06.55.040 Definitions.

As used in this chapter:

POLLUTION	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, or noxious, or impure, or unfit, so that they are actually or potentially harmful or detrimental or injurious to public health; safety, or welfare, to domestic, commercial, industrial, subsistence, or recreational use, or to wild animals, birds, fish or other aquatic life.
REFUSE	Garbage, sewage, ashes, cinders, litter, surplus construction materials or debris, offal, dead animal or animal part, oil, tar, petroleum distillate, chemical, radioactive material, industrial waste and all other liquid or solid putrescible and nonputrescible wastes, from all public and private establishments and residences.

WATERSHED

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.

TITLE VI: GENERAL WELFARE

CHAPTER 56

OFFENSES AGAINST PROPERTY

Sections:

06.56.010	Tampering with Sewer and Water System
06.56.020	Injury to Public Library Books or Property
06.56.030	Injury to Roads and Other Utilities
06.56.040	Injury to Public Property or Equipment
06.56.050	Penalty

Section 06.56.010 Tampering with Sewer and Water System.

It is unlawful for any person or persons to remove, carry away, or tamper with or attempt to destroy any portions of the city sewer and water system without the consent of the persons in control thereof.

Section 06.56.020 Injury to Public Library Books or Property.

It is unlawful for any person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture, or other property belonging to the public library.

Section 06.56.030 Injury to Roads and Other Utilities.

It is unlawful for any person to willfully, maliciously or wantonly injure, remove or destroy any bridge, rail or plank road; or place or cause to be placed any obstruction on any such bridge, rail or plank road; or to willfully obstruct or injure any public road, highway, post or pole used in connection with any system of electric lighting, or telephone or telegraph system; or to break down and destroy or injure and deface any electric light or telephone instrument; or to in any way cut, break or injure the wires of any apparatus belonging thereto or to willfully tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any wires, mains, pipes, conduits, meters or other apparatus belonging or attached to the power plant or distributing system of any electric light plant, electric motor, or water plant; or to aid or abet any other person in so doing.

Section 06.56.040 Injury to Public Property or Equipment.

It is unlawful for any person to willfully, maliciously or wantonly injure or damage public property or equipment whether within or outside of the corporate boundaries of the City.

TITLE VI: GENERAL WELFARE

CHAPTER 57

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

06.57.010	Interference with City Officers
06.57.020	Falsely Assuming to be an Officer
06.57.030	Resisting Arrest
06.57.040	Penalty

Section 06.57.010 Interference with City Officers.

It is unlawful for any person to interfere with or hinder any policeman, fireman, officer or city official in the discharge of his duty.

Section 06.57.020 Falsely Assuming to be an Officer.

It is unlawful for any person to falsely assume to be a judge, magistrate, or peace officer and take upon himself to act as such, or require anyone to bid or assist him in any manner.

Section 06.57.030 Resisting Arrest.

It is unlawful for any person to attempt to escape or forcibly resist when lawful arrest is being made by an officer.

Section 06.57.040 Penalty.

Any person, persons, companies, firms, corporations or other entity(ies) who violates the provisions of this chapter commits a minor offense punishable by a fine as provided in Chapter 1.01, or if no fine is there established, a fine not to exceed one thousand dollars (\$1,000) for each violation. Each day or part of a day upon which a violation occurs constitutes a separate offense.

TITLE VI: GENERAL WELFARE

CHAPTER 58

OFFENSES AGAINST PUBLIC PEACE

Sections:

06.58.010	Disturbance of Peace
06.58.020	Disturbing Congregations or Other Assemblies
06.58.030	Obscene Language
06.58.040	Penalty

Section 06.58.010 Disturbance of Peace.

It is unlawful for any person to make or excite any disturbance in a store, or at any election or public meeting, or other place where citizens are peaceably and lawfully assembled.

Section 06.58.020 Disturbing Congregations or Other Assemblies.

It is unlawful for any person to willfully disturb any assembly of persons met for religious worship by profane discourse or rude and indecent behavior, or by making a noise, either within the place of worship or so near as to disturb the order and solemnity of the assembly, or willfully to disturb or interrupt any school, school meeting, or other lawful assembly of persons.

Section 06.58.030 Obscene Language.

It is unlawful for any person to publicly use obscene language to the disturbance of the public peace and quiet.

Section 06.58.040 Penalty.

Any person, persons, companies, firms, corporations or other entity(ies) who violates the provisions of this chapter commits a minor offense punishable by a fine as provided in Chapter 1.01, or if no fine is there established, a fine not to exceed one thousand dollars (\$1,000) for each violation. Each day or part of a day upon which a violation occurs constitutes a separate offense.

TITLE VI: GENERAL WELFARE

CHAPTER 59

(RESERVED)

CHAPTER 60

(RESERVED)

TITLE VI: GENERAL WELFARE

CHAPTER 61

MOTOR VEHICLES

Sections:

06.61.010	Coverage
06.61.012	Definitions
06.61.014	State Traffic Laws and Regulations Adopted by Reference
06.61.016	State Traffic Bail Forfeiture Schedules Adopted by Reference
06.61.018	Fine Schedule for Local Traffic Minor Offenses
06.61.020	Excessive Speed
06.61.030	Unsafe Operation
06.61.040	Obstructing Airstrip
06.61.050	Influence of Intoxicating Liquor or Beverage
06.61.060	Required Equipment; ATV / Snowmachines
06.61.070	Required Equipment; All Land Based Vehicles
06.61.080	Reporting of Accidents
06.61.090	Definitions
06.61.100	Penalties

Section 06.61.010 Coverage

This chapter is effective within the City limits, including the airport and applies to all roads and trails over which the City exercises control, whether within or outside of City limits.

Section 06.61.012 Definitions

Definitions. Unless the context clearly indicates a different meaning was intended, the following words and phrases used in this chapter shall have the meanings set out in this section.

ALL-TERRAIN VEHICLE and ATV A motorized all-terrain vehicle primarily designed for off-road use. The term includes four-wheelers, snowmachines, golf carts, tractors, six- and eight-wheeled vehicles such as an ARGO, UTV (side-by-side), a Max, and six-wheeled vehicles that are configured the same as a four-wheeler or three-wheeler, as well as Off-Highway Vehicles.

HIGHWAY The entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for vehicular travel, including, but not limited to, all city streets and alleys, but not including vehicular ways or areas.

MOTOR VEHICLE A vehicle which is self-propelled except a vehicle moved by human or animal power.

MOTORCYCLE A vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term does not include a tractor.

MOTOR-DRIVEN CYCLE A motorcycle, motor scooter, motorized bicycle or similar conveyance with a motor attached and having an engine with 50 or less cubic centimeters of displacement.

OFF-HIGHWAY VEHICLE A motor vehicle designed or adapted for cross-country operation over unimproved terrain, ice or snow and which has been declared by its owner at the time of registration and determined by the Alaska Department of Public Safety to be unsuitable for general highway use, although the vehicle may make incidental use of a highway as provided by Alaska Uniform Vehicle Code or this chapter; it includes snowmobiles but does not include implements of husbandry and special mobile equipment.

SNOWMOBILE A motor vehicle designed to travel over ice or snow, and supported in part by skis, belts, cleats or low-pressure tires.

VEHICULAR WAY OR AREA A way, path or area, other than a highway or private property, which is designated by official traffic control devices or customary usage and which is open to the public for purposes of pedestrian or vehicular travel, and which

way or area may be restricted in use to pedestrians, bicycles or other specific types of vehicles as determined by the city or other governmental agency having jurisdiction over the way, path or area.

Section 06.61.014 State Traffic Laws and Regulations Adopted by Reference.

- a) The City adopts all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, including those which apply to motorcycles and all-terrain and off-highway vehicles as such vehicles are defined in section 06.61.012 of this Code, unless such statute or regulations directly conflicts with any provision of this chapter. In the event of such a conflict, the city ordinance shall control to the extent it is not preempted by state law.
- b) Notwithstanding subsection (a) of this section, the City does not adopt those state traffic laws that establish misdemeanor and felony offenses which are not listed on Alaska Supreme Court bail forfeiture schedules, including AS 28.35.030.
- c) All citations issued under this chapter shall use the appropriate “AS” or “AAC “ or CFR statute or regulation numbers, include a description of the offense, and indicate that the offense was adopted by reference as a city ordinance, and shall list the charging entity or plaintiff as the City.
- d) Additional traffic ordinances of the City that are necessary to meet specific local requirements shall be incorporated in other chapters of this title.
- e) When the context requires, the term “Alaska State trooper” or “peace officer” when used in a provision incorporated by reference under subsection (a) of this section shall be deemed to mean and construed as identical with chief of police, police officer, or such other local police officer sworn to enforce the laws of the city. When the context requires, the term “department” appearing in the Alaska Statutes and Alaska Administrative Code provisions adopted by reference shall be construed to mean the City police department.

Section 06.61.016 State Bail and Forfeiture Schedules Adopted by Reference.

The City adopts as its traffic fine schedule for state offenses the “Traffic Bail Forfeiture Schedule “and the “Oversize Vehicle Bail Forfeiture Schedule” in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the City adopts all amendments of those schedules that become effective after the effective date of this ordinance. Citations for offenses listed on these schedules may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer to the charges.

Section 06.61.018 Fine Schedule for Local Traffic Minor Offenses.

- a) Violation of any provision set forth in the table in this section shall be a minor offense punishable by a fine as provided in the table, or if no fine is there established, a fine not to exceed \$1,000.
- b) In accordance with AS 28.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Alaska Rules of Minor Offense Procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. These fines may not be judicially reduced. If an offense in Chapter 06.61 is not listed on the fine schedule, or if the citation indicates a court appearance is required, the defendant must appear in court to answer to the charges.

SECTION	OFFENSE DESCRIPTION	FINE
06.61.020	Excessive speed	100
06.61.030	Unsafe operation	200
06.61.040(A)	Obstruction of airstrip	500
06.61.040(B)	Digging or otherwise damaging surface of airstrip	500
06.61.060(e)	Failure to wear helmet while operating ATV or Snowmachine	100
06.61.070(a)	Failure to maintain required equipment (ATV/Snowmachine) – Insufficient lighting	100
06.61.070(b)	Failure to maintain required equipment (ATV/Snowmachine) – Mufflers	100
06.61.070(c)	Failure to maintain required equipment (ATV/Snowmachine) -- Inoperable throttle	100
06.61.070(d)	Failure to maintain required equipment (ATV/Snowmachine) -- Brakes	100
06.61.080	Failure to report accident	200

- c) The fine amounts listed above are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).
- d) An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

Section 06.61.020 Excessive Speed.

It shall be unlawful for any motor vehicle, including motor scooters, motorcycles, motor driven bicycles, all-terrain vehicles, and snowplanes, wheel and tracked vehicles, and including boats and other water based craft, to travel at an excessive speed within the City limits. Regardless of any posted limit, it is also unlawful to drive a land-based vehicle at a speed greater than is reasonable under the existing road or weather conditions.

Section 06.61.030 Unsafe Operation.

No person shall drive, operate, stop or move any vehicle, be it water or land based, in a careless, reckless, or negligent manner so as to endanger, or be likely to endanger, the safety of any person or the property of any person.

Section 06.61.040 Obstructing Airstrip.

- a) No person may place an object on the surface of an airstrip that, because of its nature or location, might cause injury or damage to an aircraft or person(s) riding in the aircraft.
- b) No person may dig a hole or make any kind of excavation, or drive a sled, tractor, truck or any kind of vehicle upon the surface of an airstrip which might make ruts, or tracks, or add to an accumulation of tracks so as to cause sufficient roughness of the surface to endanger aircraft using the airstrip.

Section 06.61.050 Influence of Intoxicating Liquor or Beverage.

No driver of any vehicle, be it water or land based, shall be under the influence of intoxicating liquor or beverage.

Section 06.61.060 Required Equipment; ATV / Snowmachines.

No person shall drive or operate an all-terrain vehicle unless the vehicle is equipped with the following:

- a) At least one headlamp, with or without non-multiple beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions, and where such headlamps shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver;
- b) A throttle in operating condition which, when released by hand, will return the engine speed to idle;
- c) Standard mufflers for production models in operating condition which are properly attached, and which reduce the noise of operation of the vehicle to the minimum noise necessary for the operating of the vehicle, and no person shall use a muffler cutout, by-pass, or similar device on said vehicles;
- d) Brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation; and
- e) All drivers and passengers under the age of 18 of any ATV shall be required to wear a DOT approved crash helmet. A driver or passenger in violation may receive a verbal and written warning for first offense. Third-time offenders lose all driver privileges of any ATV on public property within City limits.

Section 06.61.070 Required Equipment; All Land Based Vehicles.

- a) It shall be unlawful to operate any vehicle without front and rear operating lights.
- b) Vehicles must be muffled. It shall be unlawful to operate any vehicle without a muffler.

- c) It shall be unlawful to operate any vehicle without a throttle in operating condition which when released by hand or foot will return the engine speed to idle.
- d) It shall be unlawful to operate any vehicle without brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation.

Section 06.61.080 Reporting of Accidents.

The operator of a vehicle involved in an accident resulting in injury to or death of a person or property damage other than to his or her own vehicle the estimated amount of which is \$100 or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest State Trooper or the Village Public Safety Officer.

TITLE VI. GENERAL WELFARE

CHAPTER 62

**CONTROL OF FIREARMS, DEADLY WEAPONS,
EXPLOSIVES, FIREWORKS**

Sections:

06.62.010	Carrying Concealed Weapons
06.62.020	Carrying Loaded Firearms
06.62.030	Hunting/Discharging Firearms
06.62.040	Trapping of Animals
06.62.050	Explosives
06.62.060	Exclusions
06.62.070	Fireworks
06.62.080	Definitions
06.62.090	Penalty

Section 06.62.010 Carrying Concealed Weapons.

It is unlawful for any person to carry any firearm or any dangerous weapon of any kind in a concealed manner within the City limits.

Section 06.62.020 Carrying Loaded Firearms.

It is unlawful for any person to have any firearm in his or her possession or control when in a public place or on any public street within the City, unless all ammunition has been removed from the chamber, cylinder, clip, or magazine.

Section 06.62.030 Hunting / Discharging Firearms.

- a) It is unlawful for any person to fire or discharge any pistol, gun, rifle, air rifle, pellet gun, BB gun, or any other firearm within the City limits.
- b) It is unlawful for any person, with criminal negligence, to hunt or discharge a firearm within the City limits where there is a reasonable likelihood people, domestic animals, or property may be jeopardized.
- c) It is unlawful for any person, with criminal negligence, to discharge a firearm into municipal land from beyond its boundaries when there is a reasonable likelihood people, domestic animals, or property may be jeopardized.

Section 06.62.040 Trapping of Animals.

- a) It is unlawful for any person, with criminal negligence, to use any type of trap, which may put pets, livestock, or children at risk, such as steel jaw traps, snares, or spring traps, or poisons bait, that might physically harm an animal, to capture animals or kill animals in the limits of the City.
- b) Any humane-type trap used for the purposes of capture of animals shall be monitored by the person using it at least once every 12 hours. Any animal captured shall be cared for in a humane manner and returned to the animal's owner, an animal control officer, or the animal care and control center.
- c) No person may use any trap for capture of domestic animals of a type not approved by the Village Public Safety Officer (VPSO), chief animal control officer, or designee.
- d) No person may offer false information to any peace officer or animal control authority concerning the identity or ownership of a trapped animal the person has trapped.
- e) See map below for trapping boundaries:

**Section 06.62.050 Explosives.**

It is unlawful for any person to detonate an explosive device within City limits without first obtaining the permission of the Council to do so and posting a bond in such amount as the Council may determine appropriate to compensate for potential damage from the use of the explosives.

Section 06.62.060 Exclusions.

- a) Section 06.62.020 of this ordinance does not apply to any duly authorized City, State, or Federal law enforcement officer in the performance of official duties.
- b) Section 06.62.030 of this ordinance does not apply to duly authorized City, State, or Federal law enforcement officers under the following circumstances:
 1. When the use of the firearm is necessary to protect the officer, a prisoner, another officer, or a citizen from a dangerous and felonious assault;
 2. When the use of a firearm is necessary to prevent a person who has committed a felony from escaping; or
 3. When the use of a firearm is necessary to dispose of loose dogs as otherwise defined in this Code.
- c) Under no circumstances shall an officer fire upon any person who is attempting to escape arrest on a misdemeanor or lesser charge.
- d) Section 06.62.030 of this ordinance does not apply to a person who is:
 1. firing a firearm in justifiable defense of himself or of others or of property or otherwise in accordance with law;
 2. sighting in firearms at a time and location approved by the Council;
 3. engaged in subsistence activities, or

4. at such times as designated by the Council such as New Year's Eve.

Section 06.62.070 Fireworks.

- a) No persons shall sell or offer for sale within the City any dangerous fireworks, and no person shall sell or offer for sale within the City any salable fireworks without first obtaining permission from the Council to do so.
- b) No persons shall explode or cause to be exploded within the City any dangerous fireworks and no person shall explode or cause to be exploded within the City any salable fireworks without first obtaining permission from the Council to do so.

Section 06.62.080 Definitions.

DANGEROUS AND SALABLE FIREWORKS Explosives as defined in Alaska Statute 18 or as otherwise defined in the Fire Safety Code of the State.

DANGEROUS WEAPON Any firearm, air gun, pellet gun, or anything designed for and capable of causing death or serious physical injury, including but not restricted to a knife, an axe, a club, metal knuckles, or an explosive.

TITLE VI. GENERAL WELFARE

CHAPTER 63
(RESERVED)

CHAPTER 64
(RESERVED)

CHAPTER 65
(RESERVED)

TITLE VII: ELECTIONS

CHAPTER 66

CITY ELECTIONS

Sections:

07.66.010	Administration
07.66.020	Voter Qualifications
07.66.030	Residence Criteria
07.66.040	General Elections
07.66.050	Special Elections
07.66.060	Election Notices
07.66.070	Tie Votes; Run-Off Elections
07.66.080	Qualifications for City Council
07.66.090	Filing for Office
07.66.100	Withdrawal; Written Notice
07.66.110	Publishing Names
07.66.120	Election Judges

Section 07.66.010 Administration.

The City Clerk is the supervisor of elections and shall prepare and maintain election materials and records. The Clerk shall begin preparations for a general election at least 45 days before the date of the election and for a special election as expeditiously as possible. The Clerk is responsible for contacting the State of Alaska, Division of Elections and making certain the City has on hand, before any election, the most current official voter registration list.

Section 07.66.020 Voter Qualifications.

A person shall be qualified to vote in city elections who:

- a) is a United States citizen who is qualified to vote in State elections;
- b) has been a resident of Larsen Bay for 180 days immediately preceding the election;
- c) is registered to vote in state elections; and
- d) is not disqualified under Article V of the constitution of the State of Alaska which provides that:

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

Section 07.66.030 Residence Criteria.

When determining residence for the purpose of qualifying voters, the following criteria will apply:

- a) No person may be considered to have gained a residence solely by reason of their presence nor may they lose it solely by reason of their absence while in the civil or military service of the state or of the United States, or of their absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution of learning, while in an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the state, of the United States or of the high seas, while residing upon an Indian, Native Alaskan, or military reservation, or while residing in the Alaska Pioneers' Home.
- b) The residence of a person is that place in which his/her habitation is fixed, and to which, whenever he/she is absent, he/she has the intention to return. If a person resides in one place, but does business in another, the former is his/her place of residence. Temporary construction camps do not constitute a dwelling place.
- c) A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.
- d) A person does not lose his/her residence if he leaves his/her home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.
- e) A person does not gain residency by coming to the City without the present intention to establish his/her permanent dwelling in the City.

- f) A person loses his/her residence in the City if he votes in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until he again qualifies under this chapter.
- g) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- h) The address of a voter as it appears on his/her official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his/her voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his/her new voting residence.

Section 07.66.040 General Elections.

The regular general election for Councilmembers and other elected city officials shall be held each year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in three public places for at least 30 days preceding the date of election.

Section 07.66.050 Special Elections.

- a) If the Clerk certifies a petition for an initiative, referendum, or recall as sufficient and submits the issue to the City Council, the Council shall resolve that a special election be held on the question on the 9th Tuesday following submission of the petition to the Council.
- b) If a special election is required by act of the City Council, the City council shall resolve that a special election on the question proposed by the Council's ordinance or resolution be held on the 6th Tuesday following the Council's action.
- c) If the regular general election held each year on the first Tuesday of October occurs within 75 days of the date of submission of a petition by voters for an initiative, referendum or recall election, or if the regular general election occurs within 75 days of Council action which requires election then no special election may be scheduled and the question or proposition shall be placed on the regular election ballot.

Section 07.66.060 Election Notices.

- a) Election notices shall be prepared and posted in three public places by the Clerk for 30 days preceding the date of the general election and for 30 days preceding the date of a special election, and shall contain the following, as is appropriate:
 - 1. Whether the election is general, special or runoff;
 - 2. date of the election;
 - 3. location of the city polling place(s);
 - 4. time the polling place(s) will open and close;
 - 5. offices to be filled;
 - 6. a statement describing voter qualifications;
 - 7. time for filing declarations of candidacy and nominating petitions; and

8. a statement of any questions or propositions to be placed on the ballot.
- b) A sample election notice that may be used is shown at the end of this chapter.

Section 07.66.070 Tie Votes; Run-Off Elections.

- a) The candidate who receives the highest number of votes cast for a particular council seat shall be elected to that office.
- b) In the event of a tie vote, and after a recount of ballots that confirms the tie vote, the Council shall hold a run-off election. Run-off elections shall be held on the 1st Tuesday 30 days following the date the Council certifies the election. Notice of the run-off election shall be posted in three public places for at least 5 days before the election.

Section 07.66.080 Qualifications for City Council.

A person filing for election to a city council seat must be:

- a) A United States citizen who is qualified to vote in state elections;
- b) a year round resident of the City for 1 year (12 months) immediately preceding the election for which declaring candidacy;
- c) registered to vote in state elections;
- d) not disqualified under Article V of the Constitution of the State of Alaska which provides that;

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

Section 07.66.090 Filing for Office.

- a) A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the Clerk. This shall be filed no sooner than 30 days and no later than 10 days before the election. The declaration of candidacy shall be accompanied by a nominating petition. The nominating petition must carry the signatures of at least 10 registered voters in order for the candidate to become a nominee.
- b) A person filing for a City Council seat must meet the qualifications of Section 07.66.080 Qualifications for City Council of this chapter.
- c) The form appearing at the end of this chapter illustrates the form to be used for the declaration of candidacy and nominating petition.

Section 07.66.100 Withdrawal; Written Notice.

Any candidate who has complied with the provisions of this chapter may withdraw his/her candidacy no later than the last day for filing nominating petitions by filing a written notice of withdrawal with the Clerk.

Section 07.66.110 Publishing Names.

The Clerk shall cause to be posted in three public places and not less than five days preceding the day of election the names of all candidates who have declared and been nominated, and designating the office for which such persons have declared and been nominated.

Section 07.66.120 Election Judges.

- a) The Council shall each year choose at least three city voters as judges to be the election board at each polling place and select one of the judges to chair the board. The judges may be Councilmembers but not candidates for office. If an appointed judge fails to appear and subscribe to the oath on Election Day or becomes incapacitated during the time of the election or the counting of the ballots, the remaining judges shall appoint a qualified voter to fill the vacancy.
- b) The City Clerk shall give the following written oath to all election judges on or before election day:

I, _____, do solemnly swear that I will honestly, faithfully and promptly perform the duties of election judge to the best of my ability and that I am familiar with the City’s election ordinances.

SIGNED: _____

ATTEST: _____
 City Clerk

- c) Pay of election judges shall be determined by the Council.
- d) If needed, an Alutiiq interpreter will be contacted by the Clerk to assist with voting the ballot.
- e) The election supervisor may, at the request of the judges and if necessary to conduct an orderly election or to relieve the judges of undue hardship, appoint an election clerk to assist the judges. Persons appointed as the election clerk must be qualified to serve as a judge.

DECLARATION OF CANDIDACY

I, _____, declare that I am a United states citizen qualified to vote in State of Alaska elections and registered to vote therein and I have been or will have been by the date of the election for which I am filing this declaration a resident of the City of Larsen Bay for at least one (1) year. I am not disqualified as a voter under Article V of the Alaska Constitution, which provides in Section 2 that:

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

I declare myself a candidate of the office of _____ for Seat _____ for a term of _____ years commencing and ending _____ and request that my name be printed upon the official ballot for the municipal election to be held in the City of Larsen Bay, Alaska, on the _____ day of _____, 20

Signature: _____

NOMINATING PETITION

THE UNDERSIGNED, AS QUALIFIED VOTERS IN THE CITY OF LARSEN BAY, ALASKA, DO HEREBY PETITION THE SUPERVISOR OF ELECTIONS TO PLACE THE NAME OF _____ ON THE BALLOT FOR _____ ELECTION FOR THE OFFICE OF _____ FOR A TERM _____ YEARS.

WE UNDERSTAND THAT THE CANDIDATE, WHOSE ADDRESS IS _____, ALASKA, IS A QUALIFIED VOTER RESIDENT OF LARSEN BAY FOR _____ YEAR(S) PRECEDING THE DATE OF ELECTION AND HAS AGREED TO SERVE IF ELECTED.

NAME:	ADDRESS:
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

Received: _____
(Date)

ATTEST: _____
(City Clerk)

NOTICE OF GENERAL MUNICIPAL ELECTION
CITY OF LARSEN BAY, ALASKA

TO BE HELD: OCTOBER _____, 20__

FOR THE PURPOSE OF FILLING THREE VACANT SEATS ON THE CITY COUNCIL OF LARSEN BAY.

SEAT : 3 – YEAR TERM
SEAT : 3 – YEAR TERM
SEAT : 3 – YEAR TERM

VOTER QUALIFICATIONS:

1. UNITED STATES CITIZEN
2. QUALIFIED TO VOTE IN STATE ELECTIONS
3. REGISTERED TO VOTE IN STATE ELECTIONS
4. RESIDENT OF THE CITY FOR 180 DAYS IMMEDIATELY PRECEDING THE ELECTION
5. NOT DISQUALIFIED UNDER ART. V OF THE STATE CONSTITUTION.

POLLS WILL OPEN: 8:00 A.M., OCTOBER _____, 20_____

POLLS WILL CLOSE: 8:00 P.M., OCTOBER _____, 20_____

LOCATION OF POLLS: CITY OFFICES

VOTING BOUNDARY (PRECINCT)

CITY OF LARSEN BAY

Candidates for office must file a declaration of candidacy accompanied by a nominating petition carrying the signatures of at least 10 qualified voters with the City Clerk no later than 5:00 p.m. September ____, 20____. Sample declaration of candidacy and nominating petition forms may be obtained from the City Clerk at the city offices from 9:00 a.m. to 3:00 p.m., Monday through Friday.

(DATE)

Attest: _____
CITY CLERK

TITLE VII: ELECTIONS

CHAPTER 67

ELECTION EQUIPMENT AND MATERIALS

Sections:

07.67.010	Election Booths
07.67.020	Furnishing Instruction Cards
07.67.030	Ballots; Printing; Sample Ballots
07.67.040	Ballots; Form
07.67.050	Other Materials

Section 07.67.010 Election Booths.

The election supervisor shall provide booths at each polling place, with enough supplies and materials to enable each voter to mark his/her ballot hidden from observation. At least three sides of each booth shall be placed outside the voting booths within plain view of the judges and election clerk, voters, and other persons at the polling places.

Section 07.67.020 Furnishing Instruction Cards.

The election supervisor shall prepare for each polling place instructions for the guidance of voters covering the following:

- a) how to obtain a ballot;
- b) how to mark a ballot;
- c) how to obtain additional information; and
- d) how to obtain a new ballot to replace any ballot destroyed or spoiled.

The election supervisor shall furnish a necessary number of these instruction sheets to the election judges in the voting place.

Section 07.67.030 Ballots; Printing; Sample Ballots.

In all city elections, the Clerk acts as election supervisor and will be responsible for the printing of ballots. The ballots will be printed and in the possession of the Clerk at least 5 days before the date set for a general or special election and 3 days before the date set for a runoff election. There shall be at least ten ballots with the words "SAMPLE BALLOT" printed on them to be posted in the clerk's office until Election Day and then given to the judges of each polling place.

Section 07.67.040 Ballots; Form.

- a) The ballots shall state at the top whether the election is a regular, special, or runoff election.
- b) The ballots shall include instructions on how to mark the ballots.
- c) The ballots will be printed on plain white paper and numbered in consecutive order to ensure simplicity and secrecy and to prevent fraud. The Clerk shall ensure that there are one-third more ballots printed and numbered than there are registered voters in the City in order to provide replacement ballots for ballots that may be spoiled by voters and for those persons who cast questioned ballots because their names do not appear on the Master Voter Registration List.
- d) A ballot shall show the list of candidates and issues to be decided at the election.
- e) Before the list of candidates there shall be placed the words "vote for not more than three," or "vote for not more than one", or such other number as are to be elected.
- f) Under the title of each office and before the printed names of the candidates, there shall be printed "Vote for one" or such other number as are to be elected to that office. The ballots shall list the office for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office listed in a random order, and by a blank line or lines for write-in candidates. In regular and special elections, the number of blank lines

provided for each office shall be equal to the number of persons who are to be elected to the office. No blank lines shall be provided for runoff elections.

- g) The names of the candidates will be printed in capital letters 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 not less than one-quarter of an inch on each side will be printed.
- h) The names of candidates shall be printed as they appear upon the declarations of candidacy and nominating petitions filed with the Clerk, except that any honorary or assumed title or prefix shall be omitted.
- i) Following the names of the offices and candidates, there shall be placed on the ballot in the form prescribed by law all propositions and questions to be voted upon if any. Provision shall be made for marking the propositions or questions “Yes” or “No”
- j) Somewhere on the ballots, so as to be clearly visible, will be printed the words:
 - 1. “OFFICIAL BALLOT”;
 - 2. the date of the election; and
 - 3. an example of the signature of the Clerk who had the ballots printed.
- k) The sample ballot appearing at the end of this chapter illustrates the ballot format.

Section 07.67.050 Other Materials.

At least 10 days prior to the day of the election, the Clerk shall prepare the following materials:

- a) An updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;
- b) a Blank Register in which the voters may print and sign their names and print their residence addresses, and in which the election official may note the number of the ballot issued to the voter;
- c) tally sheets;
- d) a form for the Report of preliminary Election Results;
- e) envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots;
- f) two large envelopes for each polling place, one marked “Spoiled Ballots” and the other marked “Questioned Ballots”;
- g) copies of the Notice of Election and the city’s elections ordinances; and
- h) questioned vote envelope and register.

No. _____

AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE

CITY OF LARSEN BAY, ALASKA
REGULAR ELECTION OF (DATE)

Mark your votes by making an "X" mark in the space next to each candidate or choice you wish to vote for. If you make a mistake or change your mind, DO NOT erase or cross out any mark you have made. Your vote cannot be counted if there is any erasure or correction. Instead, fold this ballot and give it back to the election judge or Clerk. You will be given another ballot.

DO NOT vote for more than one person for each office or mark more than one choice for each proposition. If you do so, none of your votes for that office or proposition can be counted.

To vote for a person whose name is not printed on the ballot, write his/her or her name in the blank space below the list of candidates.

If you have any questions about how a ballot must be marked, ask the election judge from whom you got this ballot.

VOTE FOR NOT MORE THAN THREE

CITY COUNCILMEMBER
SEAT : THREE YEARS
(VOTE FORE ONE ONLY)

CITY COUNCILMEMBER
SEAT : THREE YEARS
(VOTE FORE ONE ONLY)

CITY COUNCILMEMBER
SEAT : THREE YEARS
(VOTE FORE ONE ONLY)

TITLE VII: ELECTIONS

CHAPTER 68

ELECTION PROCEDURES

Sections:

- 07.68.010 Time for Opening and Closing Polls and Location
- 07.68.020 Distribution of Ballots
- 07.68.030 Distribution of Other Election Materials
- 07.68.040 Preparation of Ballot Box
- 07.68.050 Voting; General Procedure
- 07.68.060 Voting; Spoiled Ballots
- 07.68.070 Voting; Questioned Ballots
- 07.68.080 Assisting Voter by Judge
- 07.68.090 Prohibitions
- 07.68.100 Administration of Oaths
- 07.68.110 Majority Decision of Election Board
- 07.68.120 Ballots; Counting and Tallying
- 07.68.130 Rules for Counting Ballots
- 07.68.140 Report of Election Results
- 07.68.150 Posting certificate of Preliminary Election Results

Section 07.68.010 Time for Opening and Closing Polls and Location.

- a) On the day of any election, the election board shall open the polls for voting at 8:00 in the morning, shall close the polls for voting at 8:00 in the evening 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 in the morning on an election day.
- b) Fifteen minutes before the closing of the polls, an election judge shall announce to all persons present the time remaining before the polls close. A judge shall announce the time when the polls close. No ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.
- c) The normal voting place shall be the Senior Center, Larsen Bay City Office Building. If for some reason this location is unusable, the Council may by resolution designate a different location. Such location shall be included in all notices of election.
- d) Election precincts for city elections shall be the same as those established for state elections, except that all areas of state election precincts outside the city limits are excluded.

Section 07.68.020 Distribution of Ballots.

- a) Before the polls open on Election Day, the election supervisor shall deliver the ballots and sample ballots prepared pursuant to chapter 67 to an election board member at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election board to which the package is delivered and given to the election supervisor. No ballots shall be taken from the polling place before the closing of the polls.
- b) The election supervisor shall keep the following records:
 1. The number of ballots delivered to the polling place;
 2. the time the ballots are delivered; and
 3. the name of the person to whom the ballots are delivered; and
 4. the receipt given for the ballots by the election board.
- c) When the ballots are returned, the election supervisor shall record the following:
 1. The number of the ballots returned;
 2. the time when the ballots are returned;
 3. the name of the person returning the ballots; and
 4. the condition of the ballots.

Section 07.68.030 Distribution of Other Election Materials.

- a) On election day, the election supervisor shall furnish the election board judges at each polling place with voting booths and ballot box (with lock or sealing materials), and the following materials: the updated Master Voter Registration List; a Blank Register; envelopes

bearing the Oath and Affidavit of Eligibility for questioned ballots; envelopes for the placement of questioned ballots and voter information (each questioned ballot is sealed in an envelope separately, until determination of voters qualification is established); an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots; copies of the Notice of Election, the City's elections ordinances; a sufficient number of Instruction Sheets; and a sufficient supply of pens, pencils, and envelopes.

- b) The election supervisor shall supply the election board chairperson with tally sheets and forms for the Report of Preliminary Election Results.

Section 07.68.040 **Preparation of Ballot Box.**

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

Section 07.68.050 **Voting; General Procedure.**

- a) A voter shall give the judges or clerks his/her name, and print and sign his/her name, and write his/her residence address on the first available line of the blank register. The signing of the register is a declaration by the voter that he is qualified to vote. If the voter is not known to any judge or clerk present, the judge or clerk may require the voter to produce a state voter registration card or other identification. If, in the opinion of the judge or clerk, there is doubt as to whether the person is registered to vote, he shall immediately question the voter.
- b) If the voter is not questioned, the judge or clerk shall give the voter a single ballot and note its number in the register next to the voter's name. The voter shall then retire alone to a voting booth. There the voter without delay shall prepare his/her ballot by marking the boxes opposite the names of candidates of his/her choice, whether printed on the ballot or written in by him on the blank lines provided for that purpose. The voter also marks the boxes to indicate his/her vote for or against questions and propositions. Before leaving the voting booth, the voter shall fold his/her ballot in a manner displaying the number on the ballot and deliver it to one of the judges or clerk, who shall, without unfolding the ballot or allowing any person to see how it is marked, remove the number stub and return the ballot to the voter if the ballot bears the same number as the ballot given to the voter by the judges and clerk. The voter shall then himself in the presence of the election judge deposit the ballot in the ballot box unless the voter requests the election judge to deposit the ballot on his/her behalf. Separate ballot boxes may be used for separate ballots.
- c) If a voter is questioned, the voter may cast a questioned ballot pursuant to section 7.68.070 of this chapter.

Section 07.68.060 **Voting; Spoiled Ballots.**

If a voter improperly marks or otherwise damages a ballot, and discovers his/her mistake before the ballot is placed into the ballot box, he shall return it to an election official, concealing from view the manner in which it is marked, and request a new ballot. The election official shall write

the words “Spoiled Ballot” on the outside of the folded ballot, record its number, and place it in an envelope with other spoiled ballots for return to the election supervisor. The judge or clerk shall then issue a new ballot to the voter. A voter may request replacement of a spoiled ballot no more than three times.

Section 07.68.070 **Voting; Questioned Ballots.**

- a) Every election judge and clerk shall question, and any other person qualified to vote in the City may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. All questions regarding a person’s qualifications to vote shall be made in writing setting out the reason the person has been questioned.
- b) If a voter’s name is not on the Master Voter Registration List or a voter’s eligibility to vote is questioned or there is some other question regarding a voter’s eligibility, and the voter believes that he or she is registered and eligible to vote, then the voter shall sign an envelope bearing the Oath and Affidavit of Eligibility attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. After the questioned person has executed the Oath and Affidavit of Eligibility the person may cast a questioned ballot. If the questioned person refuses to execute the Oath and Affidavit of Eligibility, the person may not vote. The Oath and Affidavit of Eligibility will be taped to the outside of a large envelope.
- c) A voter who casts a questioned ballot shall vote his/her ballot in the same manner as prescribed for other voters. After the election judge removes the numbered stub from the ballot, the voter shall insert the ballot into a small envelope and put the small envelope into a larger envelope on which the statement the voter previously signed is located. These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be segregated, counted, compared to the voting list, sealed in the questioned ballots envelope and delivered to the election supervisor along with other election materials and the ballot statement when the election board completes the tally and a count of ballots. The merits of the question shall be determined by the City Council, meeting as the election review committee at the first regular meeting following the election.
- d) A sample Oath and Affidavit of Eligibility form is included at the end of this Chapter.

Section 07.68.080 **Assisting Voter by Judge.**

A qualified voter who cannot read, mark the ballot, or sign his/her name or who because of blindness or other physical disability, or who because of unfamiliarity with the system of voting needs assistance, may request an election judge, a person, or not more than two persons of his/her choice to assist him. If the election judge is requested, he/she shall assist the voter. If any other person is requested, that person shall state upon oath before the election judge that he/she will not divulge the vote cast by the person whom he/she assists or change the voting wishes of the person he/she assists.

Section 07.68.090 Prohibitions.

a) Prohibiting the leaving of the polling place with ballot.

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

b) Prohibiting the exhibition of marked ballots.

No voter may exhibit his/her ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot.

c) Prohibiting the identification of ballots.

No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked his/her ballot, or allow the same to be done by another person, except for Question Ballots (which will be handled under the rule of Question Ballots).

d) Prohibiting the count of exhibited ballots.

No election official may allow a ballot he which knows to have been unlawfully exhibited by the voter to be placed in the ballot box. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.

e) Prohibition of political discussion by election board.

During the hours that the polls are open, no judge or clerk may discuss any political party, candidate or issue while on duty.

f) Prohibition of political persuasion near election polls. During the hours that polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. The election judges shall post warning notices of the required distance in the form and manner prescribed by the supervisor of elections. Violation of this subsection shall be a minor offense punishable by a \$300 fine.

Section 07.68.100 Administration of Oaths.

Any election judge may administer to a voter any oath that is necessary in the administration of the election.

Section 07.68.110 Majority Decision of Election Board.

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

Section 07.68.120 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 and count the ballots. Ballots may not be counted before 8:00 P.M. on the day of the election. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election

officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each proposition or question. 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.

- b) The election board shall account for all ballots by completing a ballot statement containing:
1. the number of ballots received;
 2. the number of ballots voted;
 3. the number of ballots spoiled;
 4. the number of ballots unused;
 5. The number of Question Ballots; and
 6. The number of mailed ballots send out/received.

The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. If any discrepancies in numbers of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplained error. If a discrepancy is determined to exist between the ballots received and those accounted for it shall be explained in detail on the ballot statement and the explanation signed by the election judges.

- c) The forms at the end of this chapter illustrate Tally Sheets and Ballot statement forms that may be used.

Section 07.68.130 **Rules for Counting Ballots.**

- a) The election board shall count ballots according to the following rules.
1. A voter may mark his/her ballot only by the use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the oval opposite the name of the candidate or propositions the voter desires to designate. If the ballot is machine/scanner read, the oval opposite the name of the candidate or propositions the voter desires to designate must be completely darkened in for the vote to count.
 2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
 3. 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.
 4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
 5. The mark specified in Section 07.68.130(a)(1) of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.

6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.
 7. An erasure or correction invalidates only that section of the ballot in which it appears.
 8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines on the basis of other evidence that the ballot was marked for the purpose of identifying the ballot.
 9. Write-in votes are not invalidated if the voter fails to mark the oval.
 10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter.
- b) The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
 - c) The chairman of the election board shall write the word “Defective” on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated Section 07.68.130(a). If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.
 - d) If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words “Objected to” on the back of the ballot and specify the portion or portion of the ballot to which the objection applies.
 - e) All defective ballots and all ballots objected to shall be sealed in a single envelope marked “Defective Ballots,” which shall be delivered to the election supervisor.

Section 07.68.140 **Report of Election Results.**

- a) When the count of ballots is complete, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results form. The report shall include the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information the election board deems relevant or prescribed by the election supervisor. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate, deliver to the election supervisor one of the two original certificates and the Master Voter Registration List, register of voters, tallies, oaths of judges, Oaths and Affidavits of Eligibility, questioned ballots, defective ballots, spoiled ballots and other election documents in one sealed package, and in a separate sealed package, all ballots properly cast. The chairman of the election board shall keep the duplicate of the report of election in a safe place and present it to the election review committee on the Friday following the election when the committee meets.
- b) The election supervisor shall place all election materials received from the election board in the office safe until the canvass of election returns at the next regularly scheduled Larsen Bay City Council Meeting following the election. The election board shall immediately upon

completion of the certificate deliver to the election supervisor one of the two original certificates.

Section 07.68.150 Posting certificate of Preliminary Election Results.

The Clerk shall post copies of the Certificate of preliminary Election Results in three public places the day after the preliminary election results are known. The notice shall include:

- a) The time and place of the council meeting to be convened to consider the election results;
- b) That the results do not reflect the votes of absentee and questioned ballots and are not final until the council formally certifies the election; and
- c) That anyone has the opportunity to contest the election at the meeting.

CITY OF LARSEN BAY, ALASKA
OATH AND AFFIDAVIT OF ELIGIBILITY

I, _____ DO HEREBY DECLARE THAT I AM A
RESIDENT OF THE CITY OF LARSEN BAY, ALASKA, AND MEET ALL OF THE
MINIMUM REQUIREMENTS SET FORTH BY LOCAL ORDINANCES AND STATE LAW
TO VOTE IN THIS ELECTION.

I AM NOT DISQUALIFIED, AND HAVE NOT VOTED IN THIS ELECTION.

SIGNED:

(NAME)

(ADDRESS)

WITNESSED

Election Judge

TALLY SHEET

CITY OF LARSEN BAY, ALASKA

(DATE OF ELECTION)

(DATE & TIME OF VOTE COUNT)

Candidate	Seat A	Seat B	Seat C	Seat D	Seat E	Seat F	Seat G	Total
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
Write – In								
1.								
2.								
Propositions	Yes				No			

TITLE VII: ELECTIONS

CHAPTER 69

ABSENTEE VOTING

Sections:

- 07.69.010 Absentee Voting; Eligible Persons
- 07.69.020 Absentee Ballots; Application; Filling
- 07.69.030 Ballot and Envelop Form
- 07.69.040 Absentee Voting Procedures
- 07.69.050 Absentee Ballots; Delivery
- 07.69.060 Absentee Voting at Clerk's Office; Absentee Voter's Ballot
- 07.69.070 Absentee Ballots; Executing Outside City
- 07.69.080 Voting at the Polls; Absentee Voters; Surrender of
Materials
- 07.69.090 Retention of Absentee Ballots; Delivery
- 07.69.100 Liberal Construction

Section 07.69.010 Absentee Voting; Eligible Persons.

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

Section 07.69.020 Absentee Ballots; Application; Filling.

- a) A person who seeks to vote by absentee ballot may file either in person or by mailing their written application to the Clerk.
- b) An application made by mail must be received by the Clerk no more than 20 days and no less than 3 days before a city election. An application made in person must be filed with the Clerk not more than 20 days before the city election and no later than noon on the day before a city election.
- c) The application must be signed by the applicant and show his/her place of residence.
- d) No absentee voter's ballot shall be mailed to any address in the City. Any voter present in the city who requires an absentee ballot shall personally obtain the ballot from the Clerk.
- e) Nothing in this section is intended to limit the Clerk in personally delivering a ballot to a person who, because of physical incapacity, is unable to make an application in person at the Clerk's office for an absent voter's ballot. The Clerk may deliver an absentee ballot to a disabled person living within the city at any time until the polls close on Election Day.
- f) The forms appearing at the end of this chapter illustrate the application.

Section 07.69.030 Ballot and Envelope Form.

The ballot provided to absentee voters shall be identical to the ballots prepared for regular voters and used on Election Day. The ballot envelope shall be smaller than the return envelope so it may easily be enclosed in the return envelope. The ballot envelope shall be marked "Ballot Envelope" and have no other marks upon it. The return envelope shall have printed upon its back the affidavit and certification illustrated at the end of this chapter.

Section 07.69.040 Absentee Voting Procedures.

- a) The Clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with Section 07.67.040 together with a ballot envelope and a prepaid return envelope.
- b) The Clerk shall not issue an absentee ballot sooner than 10 days before the election.
- c) Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the Clerk shall enter in the blank register the following information:
 1. the number of the ballot issued;
 2. the name of the voter to whom it was issued; and
 3. the date on which the ballot was issued.
- d) Before the opening of the polls on Election Day the Clerk shall deliver to the election judges a list of the voters who have requested to vote absentee.

- e) To be counted, an absentee voter's ballot must be executed before the polls close in the City and be received by the Clerk prior to the time the ballots are canvassed by the election review committee.
- f) All supplies necessary for the voter to cast and return his/her ballot will be furnished by the Clerk. No City official may make any charge for services rendered to any voter under the provisions of this chapter.

Section 07.69.050 Absentee Ballots; Delivery.

Upon receipt of an application for an absentee voter's ballot, the Clerk shall check the latest state registration listings to determine whether the applicant is registered in accordance with Alaska Statutes 15.07. If the applicant is properly registered, the Clerk shall deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, a ballot envelope, and a return envelope. If the absentee voter's ballot is personally delivered, the absentee voter shall secretly mark the ballot in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally marked the ballot, but which does not permit the Clerk to see how the voter voted. The voter shall fold the ballot, seal it in the ballot envelope, and seal the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the back of the return envelope and deliver it to the clerk. The Clerk shall certify to the affidavit on the return envelope, write or stamp the clerk's name across its seal, and retain the envelope in their custody to be delivered to the Council for canvassing.

Section 07.69.060 Absentee Voting at Clerk's Office; Absentee Voter's Ballot.

Any voter issued an absentee ballot may, at any time prior to the day of the election for which it is issued, appear at the office of the Clerk, and there cast his/her ballot in the following manner:

- a) the voter first shall show the Clerk that the ballot has not been marked;
- b) then shall secretly mark the ballot in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally marked the ballot, but which does not permit the Clerk to see how the voter voted;
- c) the voter shall fold the ballot and place it in the ballot envelope;
- d) then place the ballot envelope in the return envelope;
- e) then the voter shall complete and swear to the affidavit printed on the back of the return envelope, and deliver it, properly sealed, to the Clerk; and
- f) the Clerk shall certify to the affidavit printed on the return envelope and retain the envelope in his/her/her custody to be delivered to the Council for canvassing.

Section 07.69.070 Absentee Ballots; Executing Outside City.

Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear before any person authorized by law to administer oaths, and in the presence of such officer cast his/her ballot in the same manner as he/she would

cast it in the office of the Clerk under section 07.69.060 of this chapter. After writing or stamping his/her name across the seal of the return envelope, the officer shall return it to the voter, who shall mail it to the Clerk.

Section 07.69.080 Voting at the Polls; Absentee Voters; Surrender of Materials.

If a voter issued an absentee ballot returns to the City of Larsen Bay on Election Day, he/she shall not vote at the polling place unless he/she first surrenders to the election board the absentee ballot, ballot envelope, and return envelope issued to the voter. Unused absentee ballots, ballot envelopes and return envelopes shall be returned to the election supervisor by the election board with other ballots not used at the polling place.

Section 07.69.090 Retention of Absentee Ballots; Delivery.

The Clerk acts as election supervisor and shall retain all absentee ballots received in the office safe until the time the Council meets as the election review committee to canvass the election. At that time, the Clerk shall deliver all absentee ballots received to the election review committee to be counted and included in the final vote tally of the election. Absentee ballots must be received by the time of the meeting to be counted.

Section 07.69.100 Liberal Construction.

This title shall be liberally interpreted so as to accomplish the purposes set forth herein.

CITY OF LARSEN BAY, ALASKA

APPLICATION FOR ABSENTEE BALLOT:

I, _____, A QUALIFIED VOTER AND RESIDENT OF
THE CITY OF LARSEN BAY, ALASKA, DO HEREBY MAKE APPLICATION
FOR AN ABSENTEE BALLOT FOR THE _____ CITY
ELECTION TO BE HELD ON _____, 20__.

RESIDENCE ADDRESS: _____

(P.O. BOX NUMBER OR STREET NUMBER)

MAILING ADDRESS: _____

(IF OTHER THAN RESIDENCE ADDRESS)

REASON FOR REQUESTING ABSENTEE BALLOT: _____

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:

NOTE: AN ABSENTEE BALLOT
MAY NOT BE MAILED TO
AN ADDRESS IN LARSEN
BAY.

PLEASE MAIL THIS APPLICATION TO:

CITY CLERK
CITY OF LARSEN BAY
P.O. BOX 9
LARSEN BAY, ALASKA
99608

ABSENTEE BALLOT RETURN

STATE OF ALASKA)

ENVELOPE

) ss.

UNITED STATES OF AMERICA)

I _____ state that: I am a resident of and a registered voter in the
City of Larsen Bay, Alaska, and I hereby enclose my ballot.

(Signature of Voter)

(Residence address within City)

SUBSCRIBED and SWORN to before me, this ____ day of _____, 20___. I hereby certify that the above-named
affiant appeared before me, displayed to me an unmarked ; I Absentee Ballot, marked that ballot in my presence and, without allowing
me or any other person to see how the ballot was marked, enclosed and sealed said ballot in a ballot envelope, and then enclosed and
sealed that ballot envelope in this return envelope, handed me tis return envelope sealed, and signed the foregoing affidavit.

(Official' s Signature)

(Title of Officer)

NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the City Clerk of
the City of Larsen Bay, you must immediately return it by mail, postage prepaid, to Office of the City Clerk, City of Larsen Bay,
P. O. Box 8, Larsen Bay, Alaska 99608.

MARRIED BALLOT ENCLOSED, TO BE OPENED ONLY BY ELECTION REVIEW COMMITTEE.

TITLE VII: ELECTIONS

CHAPTER 70

REVIEW OF ELECTION RETURNS

Sections:

- 07.70.010 Election Review Committee; Meeting
- 07.70.020 Review to be Public
- 07.70.030 Procedure for Questioned Ballot Review
- 07.70.040 Questioned Ballots; Subpoenas
- 07.70.050 Absentee Ballots
- 07.70.060 Counting Absentee and Questioned Ballots
- 07.70.070 Defective Ballots
- 07.70.080 Certifying Results
- 07.70.090 Contest of Election
- 07.70.100 Certificate of Election
- 07.70.110 Retention of Election Records

Section 07.70.010 Election Review Committee; Meeting.

- a) The Council acting as the election review committee shall meet on the first Friday after the election and canvass all absentee and questioned and defective ballots executed in the election. If the Council is unable to obtain a quorum or complete the count on the Friday after the election, the canvass will be continued the following day and each day thereafter until completed.
- b) The Clerk shall submit to the Council the election board's Report of Preliminary Election Results, the Master Voter Registration List, the register, all regular ballots, oath and affidavit envelopes containing questioned ballots, defective and objected-to ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials.

Section 07.70.020 Review to be Public.

- a) The review of all absentee and questioned and defective ballots shall be made in public by opening the returns and announcing the results thereof in front of those present.
- b) The review shall include a review and comparison of the tallies of ballots with the election reports to correct any mathematical error in the count of ballots.
- c) If the election supervisor finds an unexplained error in the tally of ballots, the supervisor may count the ballots from a ballot box.

Section 07.70.030 Procedure for Questioned Ballot Review.

- a) The election supervisor shall contact the State Division of Elections and the local voter registrars by the Thursday following the election and determine if persons casting questioned ballots because of failure of their names to appear on the Master Voter Registration List were in fact registered to vote in Alaska state elections and city elections. The election supervisor shall record the names of those questioned voters in fact registered to vote and shall submit their names as "registered to vote" when their questioned ballots are examined with other questioned ballots according to the procedures in Section 07.70.030(b)(4).
- b) The Council meeting as the election review committee shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the Council may request the assistance of the Clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the Council's decision. If the Council determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the Council upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.
 1. A questioned ballot may not be counted if:
 - i) The voter has failed to properly execute the certificate;
 - ii) an official authorized by law to attest the certificate failed to execute the certificate;
or
 - iii) the voter did not enclose the marked ballot inside the small envelope.

2. Any person present at the questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the back of the large envelope if he/she has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The election review committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in Section 07.70.030(b)(1).
3. If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of challenge. The envelope shall be labeled "rejected questioned ballots" and shall be placed in the office safe.
4. If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and mixed with other small envelopes containing questioned ballots. The questioned ballots shall then one by one be removed from the ballot box taken out of the ballot envelopes and counted in the same manner in which ballots cast at the polls are counted.

Section 07.70.040 Questioned Ballots; Subpoenas.

The election review committee may order testimony of witnesses and issue subpoenas while investigating questioned ballots. The subpoenas may be enforced by the court upon certification as provided by the state code of civil procedure concerning the enforcement of administrative and state agency subpoenas.

Section 07.70.050 Absentee Ballots.

- a) The Council shall examine each absentee ballot return envelope and upon the Council's satisfaction that the voter:
1. is registered to vote;
 2. is a resident of the City;
 3. did so certify and cast his/her ballot before a person authorized by law to administer oaths, which person did so certify; and that
 4. the ballot was cast before the close of the polls in the City,
- the return envelope shall be opened and the blank envelope containing the absentee ballot shall be placed in a ballot box and mixed with other small envelopes containing the previously reviewed questioned ballots.
- b) If the Council determines that a voter voting absentee was not in fact a qualified voter or did not follow absentee voting procedures, the Council by majority vote may refuse to accept and count the absentee ballot. The return envelope shall not be opened but rather the reasons for rejection shall be noted on the envelope. The election supervisor shall place all such rejected absentee ballots in an envelope marked "rejected absentee ballots" to be saved with other election materials. The election supervisor shall notify the voter in writing why the voter's absentee ballot was rejected.

Section 07.70.060 Counting Absentee and Questioned Ballots

The questioned ballots and absentee ballots shall then one by one be removed from the ballot box taken out of the ballot envelopes and counted by the Council in the same manner in which ballots cast at the polls are counted.

Section 07.70.070 Defective Ballots.

Councilmembers shall examine the defective ballots to see whether the ballot should be counted and, if so, whether they can determine for whom the voter intended to vote

Section 07.70.080 Certifying Results.

- a) If no contest of election is begun under the provisions of Chapter 71 of this Code and after all absentee, defective and questioned ballots are counted or rejected, the Council shall verify:
1. the total number of ballots cast in the election;
 2. the names of the persons voted for (including write-ins) and the propositions voted upon;
 3. the offices voted for;

4. the number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
 5. the disposition of all absentee, questioned, and defective ballots; and
 6. any other matters which the Council deems necessary to preserve a complete record of the election.
- b) After the Council verifies the required information, the Council shall
1. Direct the results of the election to be recorded in the minutes of the meeting;
 2. authorize the results to be certified; and
 3. publicly declare the results of the election.

Section 07.70.090 Contest of Election.

If a contest of election is declared and resolved, the procedures of Section 07.70.080 shall be followed at a special meeting held on the first Monday after resolution of the contest.

Section 07.70.100 Certificate of Election.

- a) Upon authorization of certification of the election results by the Council, the Clerk shall prepare two Certificates of Election for each office, proposition, or question considered. The certificates shall be signed by the Mayor and attested by the Clerk. One original of each Certificate of Election shall be given the successful candidate or the sponsor of the successful questions or propositions named thereon, and the other original of each certificate shall be kept by the City.
- b) The forms appearing at the end of this chapter illustrate the certificates of election.

Section 07.70.110 Retention of Election Records.

The Clerk shall preserve all election certificates, tallies and registers for four years after the election. All ballots and stubs may be destroyed 30 days after the certification of the election unless an appeal of the election has been filed in the superior court in Kodiak in which case the ballots and stubs may be destroyed 30 days after conclusion of the appeal unless stayed by an order of the court.

CITY OF LARSEN BAY, ALASKA
REPORT OF ELECTION RESULTS

THE TALLY BELOW IS A TRUE AND ACCURATE RECORD OF ALL VOTES CAST IN
THE _____ ELECTION HELD IN THE CITY OF LARSEN BAY, ALASKA
ON _____, 20__.

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITION _____: FOR _____ AGAINST _____

PROPOSITION _____: FOR _____ AGAINST _____

PROPOSITION _____: FOR _____ AGAINST _____

QUESTION _____: YES _____ NO _____

QUESTION _____: YES _____ NO _____

QUESTION _____: YES _____ NO _____

PART III: ACCOUNTING OF BALLOTS

Total Ballots Cast: _____

Total Regular Ballots Cast: _____

Total Questioned Ballots Cast: Disposition: _____

Accepted _____

Rejected _____

Total Absentee Ballots Cast: _____

Disposition: _____

Accepted _____

Rejected _____

Total Defective Ballots Cast: _____

Disposition: _____

Accepted _____

Rejected _____

The canvass of the election was completed between the hours of _____ .m. and _____
_____ .m. on _____, 20____.

MAYOR

ATTEST:

City Clerk
Report of Election Results
CITY OF LARSEN BAY, ALASKA

CERTIFICATE OF ELECTION

THIS IS TO CERTIFY that on the _____ day of _____,
20_____, _____ was elected to the office of _____
of the City of Larsen Bay, Alaska, as confirmed by the Larsen Bay City Council upon
Completion of the final canvass of ballots on the _____ day of _____, 20__.

DATED this _____ day of _____, 20__.

MAYOR

ATTEST:

City Clerk

CITY OF LARSEN BAY, ALASKA

CERTIFICATE OF ELECTION -- BALLOT PROPOSITION

THIS IS TO CERTIFY that on the _____ day of _____, 20____, the ballot proposition relating to _____, a true and correct copy of which is attached hereto, was approved by the voters of the City of Larsen Bay as confirmed by the Larsen Bay City Council upon completion of the final canvass of ballots on the __ day of _____, 20_____.

DATED this __ day of _____, 20_____.

MAYOR

ATTEST:

City Clerk

TITLE VII: ELECTIONS

CHAPTER 71

CONTEST OF ELECTION

Sections:

07.71.010	Contest of Election; Contestant
07.71.012	Contest of Election; Council
07.71.030	Ballot Recount
07.71.040	Prohibited Practices Alleged
07.71.050	Sustained Charges; Recount
07.71.060	Recount Expenses; Appeal

Section 07.71.010 Contest of Election; Contestant.

- a) Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.
- b) Any qualified voter who believes that prohibited practices occurred at an election may contest the election by filing a written affidavit with the Clerk specifying with particularity the provisions of law they believe were violated and the specific acts they believe constitute misconduct.
 1. This affidavit must be filed with the Clerk before or during the first review of the ballots at the first Regularly Scheduled Meeting of the Council following the election. The Clerk shall acknowledge the date and time the affidavit is received on its face and make a photocopy of the affidavit which shall be given the contestant.
 2. The sample affidavit at the end of this chapter shows the form this affidavit should take.

Section 07.71.020 Contest of Election; Council.

The Council may order an investigation or a recount of the ballots, declare the election invalid and order a new election, or declare the affidavit of election contest without merit and certify the results of the election.

Section 07.71.030 Ballot Recount.

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

Section 07.71.040 Prohibited Practices Alleged.

When the contestant alleges prohibited practices, the Council shall direct the Clerk to produce the original register books for the election.

Section 07.71.050 Sustained Charges; Recount.

If the charges alleged by the contestant are upheld, the election review committee shall make a recount. The Council shall then certify the correct election returns as provided in Section 07.70.080.

Section 07.71.060 Recount Expenses; Appeal.

- a) The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contested is more than two percent.
- b) A person may appeal the decision of the Council in Section 07.71.020 to the Superior Court in Kodiak; however, 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/her administrative remedies before the Council, and has commenced within 10 days after the Council has finally declared the election results an action in the Superior Court in Kodiak. If no such action is commenced within the 10 day period, the election and election results shall be conclusive, final, and valid in all respects.

AFFIDAVIT OF ELECTION CONTEST

The undersigned believes that prohibited practices occurred at the (General/Special/Runoff)
Municipal Election held on _____, 20__ at Larsen Bay, Alaska.

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

Received Date & Time: _____

City Clerk

TITLE VII: ELECTIONS

72. (RESERVED)

73. (RESERVED)

Title VIII: PERSONNEL

CHAPTER 74

RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

Sections:

08.74.010	Conduct in Office; Investigations
08.74.020	Oath
08.74.030	Delivery of Office
08.74.040	Reports
08.74.050	Resignation
08.74.060	Conflict of Interest.

Section 08.74.010 Conduct in Office; Investigations.

The Council, the Mayor, or any persons or committee authorized by either of them shall have power to inquire into the conduct of any office, department, officer, or employee of the City and to make investigation into 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 according to the personnel policies of the City.

Section 08.74.020 Oath.

All elected officials and permanent employees of the City shall, before entering upon the duties of the office, individually take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his or her office and trust, which oath shall be filed with the Clerk. The oath is provided in Section 02.05.04.

Section 08.74.030 Delivery of Office.

Whenever an officer, appointed official, or employee leaves city office or employment for any reason, he or she shall promptly deliver to his or her successor in the office or to the Mayor all city property, including books, working papers, records, money, equipment, and effects which are in his or her custody, possession, or control.

Section 08.74.040 Reports.

Every department head shall make a monthly report to the Council of the activities of the department for the preceding month and present a calendar of activities for the upcoming month. Subject to the Mayor's approval, the department head may appoint someone familiar with the activities of the department to prepare and make a monthly report to the Council or the department head may submit a written report and calendar to the Mayor in advance of the council meeting. Such monthly report shall include a report on finances of the department.

Section 08.74.050 Resignation.

Resignations of city officers and appointed officials shall be made in writing and filed with the Clerk, who shall immediately notify the Mayor and Council.

Section 08.74.060 Conflict of Interest.

a) Prohibitions.

1. No elected official, appointed city officer, or city employee shall use his office or official position for the primary purpose of obtaining financial gain for himself or his spouse, child, mother, father or business with which he is associated or owns stock.
2. No elected official (except in the case of a Councilmember where the presiding officer or Council rule otherwise as provided in subsection (c)), appointed city officer, or city employee shall participate in any official action in which he has a substantial financial interest. Prohibited participation includes voting as a Councilmember, taking part in council debate, soliciting the vote of a Councilmember, or encouraging any city official or officer to act in a certain way in regard to a subject.

3. No elected official, appointed city officer, or city employee may accept from any other elected official, appointed city officer, or city employee, or any other person, money, gifts, promises of future benefits, or any other thing of value in exchange for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from accepting any award or bonus authorized by the Council to be given for meritorious service.
4. No elected official, appointed city officer, city employee or other person shall give or offer to give to any elected official, appointed city officer, or city employee money, gifts, promises of future benefits, or any other thing of value in exchange for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from voting for or participating in granting any award or bonus authorized by the Council to be given for meritorious service.

b) Financial interests which may be conflicts of interest.

The following is a list of examples of financial interests substantial enough that any Councilmember, appointed officer, or city employee who comes under any of the categories listed below should not vote or act on any matter so affected. The categories below are not meant to be a complete listing of all possible conflicts of interest. Any instances not covered below should come before the Council for a vote as the individual matters arise. A Councilmember, appointed officer, or city employee should abstain from voting or refrain from acting if:

1. The person or a member of his or her immediate family individually, jointly, or in partnership with another has an interest in land or buildings, other than his or her residence, that will be affected by the vote or action;
2. The person or a member of his or her immediate family is party to or beneficiary of a contract for a sum of \$1,000 or more that will be affected by the vote or action;
3. The person or a member of his or her immediate family is individually, jointly, or in partnership with another the owner of a business, or has an interest in a business of \$1,000 or more that will be affected by the vote or action; or
4. The person or a member of his or her immediate family is a member of a board of directors or governing body, an officer of, or holds a management position with an organization that has financial dealings of \$1,000 or more with the City that will be affected by his or her vote or action.

c) Conflicts of interest and disclosure; City Councilmembers.

1. Each Councilmember shall disclose any financial interest he or she may have in any matter that has come before the Council for a vote. If the member believes that the financial interest is substantial, he or she shall ask to be excused from voting on the matter.
2. The Mayor shall rule on the request of a Councilmember to be excused from voting on a matter in which the member has or believes he or she has a substantial financial interest,

unless the Mayor is the member making the request or has the same or a similar or related financial interest in the same matter, in which case the Council shall designate another Councilmember who has no financial interest in the matter to rule on the request.

3. The decision of the Mayor (or designated Councilmember) on the member's request to be excused from voting may be overridden by a majority vote of the Council. Neither the Councilmember making the request nor any other Councilmember who has disclosed a similar or related interest in the same matter may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.
 4. If any resident of the City believes that a Councilmember may have an undisclosed conflict of interest, the resident may request a confidential meeting with the Mayor (or, in the event that a claimed potential conflict of interest involves the Mayor, any other Councilmember chosen by the resident requesting the meeting) and the Councilmember who may have a conflict of interest. If, as a result of the confidential meeting, the Councilmember with the potential conflict or the Mayor decides that the financial interest must be disclosed to the Council, the Councilmember shall disclose the interest to the Council as provided in subsection (c)(2).
 5. A Councilmember who has a substantial financial interest in a matter before the council and who has been excused from voting on that matter may not participate as a councilmember in the debate on the matter, although he or she may participate in discussion to the same extent as member of the general public. If the matter is discussed by the Council in executive session, the member shall be excluded during the executive session.
 6. If a conflict of interest is discovered after an official action has been undertaken or completed, the Council may by a majority vote, excluding the vote of any affected member, resolve to rescind the official action or to take any other remedial steps necessary.
 7. If, following complete disclosure of all conflicts, the majority of the councilmembers have a conflict that would otherwise preclude those members from participating under subsection (c)(4) above, the Council shall, if so advised by the city attorney, proceed under the Rule of Necessity, allowing the participation of all councilmembers.
- d) Conflicts of interest and disclosure; city officers and employees.
1. Each city officer and employee shall disclose to the Mayor or the Council any financial interest he or she may have in any matter that has come before the officer or employee for action in the course of his or her duties. If either the officer or employee making the disclosure, the Mayor, or a majority of the members of the Council conclude that the financial interest in question is substantial, then the officer or employee shall not act or participate in taking action on the matter.
 2. Any resident of the City who thinks that a city officer or employee may have an undisclosed conflict of interest may request a confidential meeting with the Mayor (or, in the event that a claimed potential conflict of interest involves the Mayor, any other Councilmember chosen by the resident requesting the meeting) and the officer or employee who may have a conflict of interest. If, as a result of the confidential meeting, the officer or employee with the potential conflict concludes that he or she should refrain

from acting on the matter, or the Mayor (or other chosen Councilmember) directs the officer or employee to refrain from acting on the matter, all proceedings of the meeting with the resident and the Mayor (or other chosen Councilmember) will remain confidential. If neither the officer or employee nor the Mayor (or other chosen Councilmember) decides that the officer or employee must refrain from acting, the resident may request the Council to consider the matter at its next regular meeting.

e) Violations.

1. Any Councilmember, city officer, or city employee who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be suspended from the Council or from his or her city office or employment. Such suspensions shall be for a period up of 90 days, and shall be made upon a two-thirds majority vote of the Council. Any Councilmember, officer, or employee who is suspended for this reason more than once in any twelve month period may be discharged from the Council or from his or her office or job. Such discharge shall be made upon a two-thirds majority vote of the Council.
2. Any person who willfully violates any provision of subsection (a) shall be guilty of an infraction.
3. Any Councilmember or appointed city officer who willfully violates any provision of Subsection (a) shall be deemed to have violated his or her oath of office and shall be subject to immediate discharge from the Council or from office by two-thirds vote of the Council. Any willful violation of any provision of subsection (b) by any city employee shall be cause for immediate dismissal from employment.
4. A Councilmember cannot vote on any question of his or her own suspension or discharge.

Title VIII: PERSONNEL

CHAPTER 75

(Reserved)