

TABLE I
ORDINANCE LIST AND DISPOSITION TABLE

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- 84-1 Enacts ch. 1.1 (General Provisions), 1.4 (City Information), ch. 2.6 (Documents and Records), ch. 2.1 (Mayor), ch. 2.5 (City Clerk), Title V (City Properties), ch. 2.7 (Personnel Policy Requirements)
- 85- Enacts Conflicts of Interest ordinance.
- 85- Enacts Animal Control ordinance.
- 87-01 Enacts Title 1 (General Provisions), ch. 2.04 (Mayor), ch. 2.20 (Appointive Offices), Title 13 (City Property), Title 3 (Personnel), ch. 9.12 (Minors -- Curfew).
- 87-02 Re-enacts Title 3 (Personnel).
- 89-04 Repeals prior code ch. 1.1, 1.4 and 2.6 (enacted by ordinance 84-01) and Title 1 (enacted by ordinance 87-01); enacts Title 1 (General Provision).
- 89-05 Repeals prior code ch. 2.1 (enacted by ordinance 84-01) and 2.04 (enacted by ordinance 87-01); enacts ch. 2.04 (Mayor and Vice-Mayor).
- 89-06 Repeals prior code ch. 1.2, 1.3, 2.2, 2.3 and 2.4 (enacted by ordinance 84-01) and ch. 2.08 and 2.12 (enacted by ordinance 87-01); enacts ch. 2.08 (City Council) and 2.12 (City Council Procedures).
- 89-07 Repeals prior code ch. 2.5 (enacted by ordinance 84-01) and 2.20 (enacted by ordinance 87-01); enacts ch. 2.20 (Appointive Offices).
- 89-08 Repeals prior code Conflicts of Interest (enacted by ordinance 85-) ; enacts ch. 2.24 (Assuming and Leaving Office) and ch. 2.26 (Conflict of Interest).
- 89-11 Enacts ch. 2.36 (Elections).
- 89-13 Repeals prior code Title IV (enacted by ordinance 84-01) and Title 13 (enacted by ordinance 87-01); enacts Title 13 (City Property).
- 89-14 Repeals prior code ch. 2.7 (enacted by ordinance 84-01) and Title 3 (enacted by ordinance 87-01 and re-enacted by ordinance 87-02); enacts Title 3 (Personnel)

- 89-13** Repeals prior code Title IV (Enacted by Ordinance 84-01) And Title 13 (Enacted by Ordinance 87-01); enacts Title 13 (Enacted by Ordinance 87-01); Enacts Title 13 (City Property) .
- 89-14** Repeals prior code Ch. 2.7 (Enacted by Ordinance 84-01) And Title 3 (Enacted by Ordinance 87-01 and Re-Enacted By Ordinance 87-02); enacts Title 3 (Personnel).
- 89-16** Repeals prior code Animal Control (Enacted by Ordinance 85-); enacts Ch. 8.28 (Animal Control).
- 89-17** Repeals prior code Ch. 9.12 (Enacted by Ordinance 87-01) Enacts Ch. 9.12 (Minors - Curfew).
- 91-03** Amends 8.28.020 (Animal Control).
- 91-04** Amends 3.04.050(C) (Penalty for Bribery).
- 91-05** Amends 3.16.080 (A) (Advances and Recovery) .
- 98-01** Enacts Ch. 2. 29 (Health Board).
- 98-02** Re-Enacts Title 4 (Revenue & Finance).
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Title 15

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TITLE 1

GENERAL PROVISIONS

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- 1.01.100 Constitutionality; Severability.
- 1.01.110 Effect of repeal of ordinances.
- 1.01.120 Changes to code.
- 1.01.130 Distribution and publication of code.

section 1.01.010 Adoption.

As required by A.S. 29.25.050, there is adopted the "City of Atkasuk Code of Ordinances." (Ordinance No. 89-04.)

Section 1.01.020 Title -- citation -- Reference.

This code shall be known as the "City of Atqasuk, Code of Ordinances ." It shall be sufficient to refer to this Code as the "City of Atqasuk Code" in any prosecution for the violation of any provision hereof or in any proceeding at law or in equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion hereof (pursuant to section 2.12.092) as an addition, amendment, correction or repeal of the "City of Atqasuk, Code of Ordinances." Further reference may be had to titles, chapters, sections and subsections of the "City of Atqasuk, Code of Ordinances," such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ordinance No. 89-04.) (Note: Section 2.12.092 has not been adopted by the city of Atqasuk.)

Section 1.01.030 Contents of code.

This code consists of all the general and permanent ordinances of the City of Atqasuk, Alaska, including all of the regulatory and penal ordinances and certain of the administrative ordinances of the city, codified pursuant to the requirements of A.S. 29.25.050. (Ordinance No . 89-04.)

Section 1.01.040 [Reserved.]

section 1.01.050 Reference applies to all amendments .

Whenever a reference is made to this code as the "City of Atqasuk, Code of Ordinances," or as the "City of Atqasuk Code" or to any portion hereof, or to any ordinance of the city of Atqasuk, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made . (Ordinance No. 89-04.)

Section 1.01.060 Title, chapter and section headings .

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this code. (Ordinance No. 89-04.)

section 1.01.070 Reference to specific ordinances .

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. {Ordinance No. 89-04.)

Section 1.01.090 Effect of code on past actions and obligations .

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the City of Atqasuk shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ordinance No. 89-04.)

section 1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the "City of Atqasuk Code of Ordinances" becomes effective. (Ordinance No. 89-04.)

Section 1.01.100 Constitutionality; Severability.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ordinance No. 89-04.)

section 1.01.110. Effect of repeal of ordinances.

The repeal of any ordinance does not limit or affect any right or remedy available to the city or any other party and arising out of a violation of that ordinance which occurred before its repeal. (Ordinance No. 89-04.)

section 1.01.120. Changes to code.

A. All permanent and general ordinances passed after the adoption of this code shall be assigned one or more section numbers according to the numbering system of this code.

B. Repealed provisions of this Code shall be excluded from the code.

(Ordinance No. 89-04.)

Section 1.01.130 Distribution and publication of code.

This code shall be made available to the public. The cost of reproducing all or parts of this code may be charged to anyone requesting copies . A copy of this Code shall be furnished to any court as needed or upon its request. (Ordinance No. 89-04.)

Chapter 1.04

GENERAL

PROVISIONS

Sections :

- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.

Section 1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the city, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. "Borough" means the North Slope Borough.
- B. "City" means the City of Atqasuk, Alaska, or the area within the territorial limits of the city of Atqasuk, Alaska.
- C. "Clerk" means the city clerk.
- D. "Council" means the city council of Atqasuk, Alaska. "All its members" or "all council members " means the total number of council members holding office.
- E. "Law" denotes applicable federal law, the Constitution and statutes of the state of Alaska, the ordinances of the city of Atqasuk and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- F. "May" is permissive.
- G. "Month" means a calendar month.
- H. "Must" and "shall" are each mandatory.
- I. "No person shall" means that the described conduct is prohibited.
- J. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" or "declare" and "affirmed" or "declared."
- K. "Owner , " applied to a building, land , or persona 1 property, includes any part owner, joint owner, tenant in common,

joint tenant, or tenant by the entirety, of the whole or a part of such building, land, or personal property.

L. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

M. "Personal property" means a person's tangible personal property which may be seen, weighed, measured by the physical senses and is capable of being possessed or owned singly or in part, and includes money, goods, chattels, things in action and evidences of debt.

N. "Preceding" and "following" mean next before and next after, respectively.

O. "Property" includes real and personal property.

P. "Real property" includes any estate in land, easement, right-of-way, lease, permit, license, franchise, future interest, building, fixture, any right existing pursuant to §14 (c) (3) of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1613(c) (3), 85 Stat. 688, as amended, and any other right, title or interest in land or a building.

Q. "Sidewalk" means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

R. "State" means the state of Alaska.

S. "Street" includes all streets, roads, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this city which have been or may, after the effective date of the ordinance codified in this chapter, be dedicated and open to public use, or such other public property so designated in any law of this state.

T. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or part of such building or land, whether alone or with others.

U. "Written" includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.

V. "Year" means a calendar year.

(Ordinance No. 89-04.)

Section 1.04.020 Title of office.

Whenever used in the ordinances of the city, the title of any officer, employee, department, board or commission means that officer, employee, department, board, or commission of the city. (Ordinance No. 89-04.)

section 1.04.030 Interpretation of language.

The following grammatical and interpretative rules apply to this code:

1. Any gender includes the other gender;
2. The singular number includes the plural and the plural includes the singular;
3. The present tense includes the past and future tenses, and vice versa, unless clearly inappropriate;
4. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.
5. Common words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(Ordinance No. 89-04.)

Chapter

1.08

INCORPORATION

Sections:

1.08.010 Status of municipality.

section 1.0 s.010 status of municipality.

The city shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Atqasuk, Alaska." It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation under the laws of the state, and shall be liable for all debts and other obligations for which the corporation is legally bound. (Ordinance No. 89-04.)

Chapter 1.12

CITY BOUNDARIES

Sections:

1.12.010	city boundaries	Changes .
1.12.020	City boundaries	Described.
1.12.030	city boundaries	Illustrated.

section 1.12.010 city Boundaries -- Changes.

The boundaries of the city may be changed only in a manner authorized or permitted by the State Constitution or state law. (Ordinance No . 89-04.)

section 1.12.020 City Boundaries -- Described.

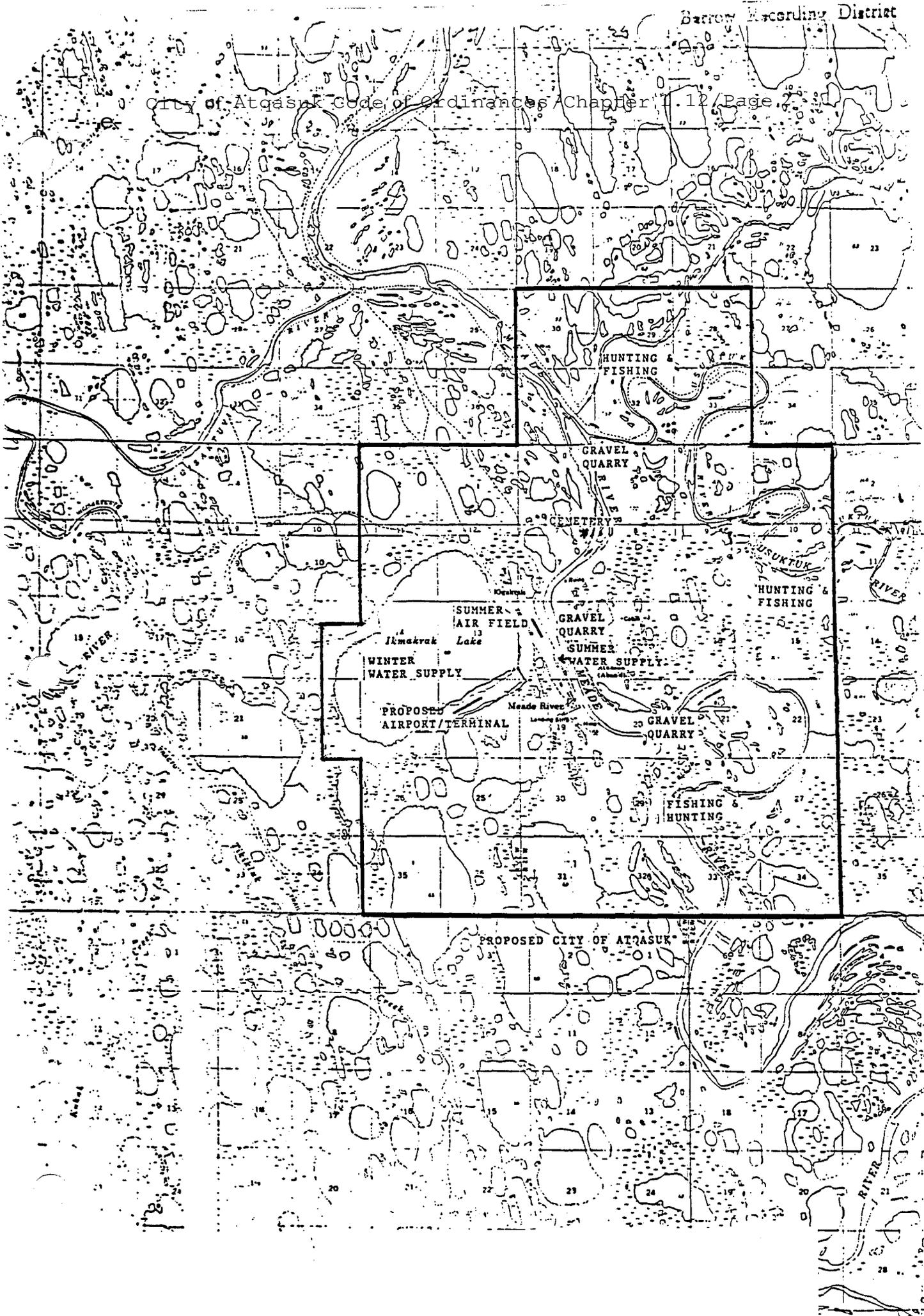
The boundaries of the city of Atqasuk, as set forth in the Certificate of Incorporation issued by the Lieutenant Governor of the State of Alaska, dated October 25, 1982, and recorded at Book 34, Page 956, Records of the Barrow Recording District, Barrow Judicial Service Area, State of Alaska, are as follows:

Beginning at the NW corner of Section 2, T13N, R22W, Umiat Meridian (U.M.); thence east to the NE corner of Section 1, T13N, R22W, U.M. ; thence north to the NW corner of Section 30, T14N, R21W, U.M. ; thence east to the NE corner of Section 28, T14N, R21W, U.M. ; thence south to the NW corner of Section 3, T13N, R21W, U.M. ; thence east to the NE corner of Section 3, T13N, R21W, U.M. ; thence south to the SE corner of Section 34, T13N, R21W, U.M. ; thence west to the SW corner of Section 35, T13N, R22W, U.M. ; thence north to the NW corner of Section 26, T13N, R22W, U.M. ; thence west to the SW corner of the SE 1/4 Section 22, T13N, R22W, U.M. ; thence north to the NW corner of the SW 1/4 of the NE 1/4 of Section 15, T13N, R22W, U.M. ; thence east to the NW corner of the SW 1/4 of the NW 1/4 Section 14, T13N, R22W, U.M. ; thence north to the NW corner of Section 2, T13N, R22W, U.M. ; the true point of beginning; containing 42.875 square miles, more or less; all in the Second Judicial District - Barrow Judicial Service District, State of Alaska.

(Ordinance No . 89-04.)

section 1.12.030 city boundaries -- Illustrated.

The following map illustrates the city boundaries described in § 1.12.010. (Ordinance No . 89-04.)



Chapter 1.16

CITY SEAL

Sections:

1.16.010 City seal -- Described and adopted.

section 1.16.010 City seal -- Described and adopted.

The official seal of the city shall be a circle upon which shall be printed the words, "The City of Atqasuk, Alaska." The seal is adopted and declared to be the corporate seal of the city, and shall be used to authenticate all acts of the municipal corporation. (Ordinance No . 89-04.)

Chapter

1.20 CITY

POWERS

Sections:

- 1.20.010 Designated.
- 1.20.020 Discrimination prohibited.

Section 1.20.010 Designated.

The city shall have all the powers, functions, rights and privileges, franchises and immunity of every name and nature whatever, which a city of the second class may bear under the Constitution and laws of the state. (Ordinance No. 89-04.)

section 1.20.020 Discrimination prohibited.

It is unlawful for the city or any elected officer, appointed official, or city employee in the course of his or her duties

1. to refuse, withhold from, or deny to , a person any services, goods, facilities, advantages, or privileges because of race, religion, creed, sex, color, or national origin;

2. to publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement which states or implies that any city services, goods, facilities, advantages, or privileges will be refused, withheld from, or denied to a person of a certain race, religion, creed, sex, color, or national origin, or that the participation, application, or attendance of a person belonging to a particular race, religion, creed, sex, color, or national origin is unwelcome , not desired , or solicited.

(Ordinance No. 89-04.)

Chapter 1.24

Public Records

Sections:

- 1.24.010 Definition.
- 1.24.020 ownership and custody of records.
- 1.24.030 Duties of city clerk.
- 1.24.040 Public records: Inspection and copying.
- 1.24.050 Confidential records.
- 1.24.060 Retention and disposal.

Section 1.24.010 Definition.

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. (Ordinance No. 89-04.)

Section 1.24.020 ownership and custody of records.

A. All records shall be and remain city property. Records shall be delivered by outgoing officials and employees to their successors as required by section 2.24.040 and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of this chapter or as otherwise provided for by law.

B. City records, or copies of city records which have been certified by the clerk, shall be prima facie evidence of their contents.

(Ordinance No. 89-04.)

section 1.24.030 Duties of City Clerk.

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

1. 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;

2. 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;

3. 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 Community and Regional Affairs as provided by A.S. 40.21.090, and for the destruction of records pursuant to section 1.24.060, while protecting the confidentiality of those records which are not open to public inspection pursuant to section 1.24.050;

4. 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 1.24.050; and

5. Secure and maintain at least one copy of the Alaska Statutes and one (1) copy of the North Slope Borough Code, and make them available for public inspection.

(Ordinance No. 89-04.)

section 1.24.040 Public records; Inspection and copying.

A. Except as provided in 1.24.050, 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.

(Ordinance No. 89-04.)

section 1.24.050 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 A.S. 18.50;
2. records pertaining to juveniles;
3. medical and related public health records;
4. . personnel records, except as provided in §

3.06.100.

5. other records required by federal or or state law or regulation or by ordinance to be kept confidential.

(Ordinance No. 89-04.)

Section 1.24.060 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 lists of these records 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.

(Ordinance No. 89-04.)

Chapter 1.28

PENALTIES; ENFORCEMENT

Sections:

- 1.28.010 Designated.
- 1.28.015 Enforcement by public safety officers.
- 1.28.020 Enforcement by city attorney.
- 1.28.030 Separate violations.
- 1.28.040 civil or criminal enforcement action.
- 1.28.050 Community service in lieu of payment of fine.

section 1.28.010 Designated.

The council shall prescribe the penalties for violations of the city ordinances. Where no specific penalty is provided a violation of an ordinance shall constitute an infraction as defined by A.S. 11.81.250(a)(6) and shall be punishable by a maximum fine of three hundred dollars (\$300.00). (Ordinance No. 89704.)

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Section 1.28.015 Enforcement by public safety officers.

Authority is hereby granted to the Alaska State Troopers and North Slope Borough public safety officers to enforce the provisions of this code. (Ordinance No. 89-04.)

Section 1.28.020 Enforcement by city attorney.

The city attorney, or such other counsel as may be engaged by the city attorney at the direction of the council, shall prosecute on behalf of the city such civil and criminal enforcement actions as the council may deem appropriate. (Ordinance No. 89-04.)

Section 1.28.030 Separate violations.

Each day that a violation of an ordinance continues constitutes a separate violation. (Ordinance No. 89-04.)

section 1.28.040 Civil or criminal enforcement action.

The city may enforce its ordinances by civil and criminal proceedings as follows:

1. Maintain a civil action to obtain temporary, preliminary, or permanent injunctive relief restraining the violation of

any ordinance, rule, or regulation. Such an action may be brought notwithstanding the availability of any other remedy.

2. Maintain a civil action for damages suffered by the city or its citizens as a result of the violation of any city ordinance, rule or regulation or right or privilege granted under state or federal constitution, law, or regulation.

3. Maintain a civil action to collect a civil penalty of not more than one thousand dollars (\$1,000.00) for the violation of any ordinance.

4. Maintain an action prosecuting as an infraction the violation of any city ordinance for which no greater penalty is established.

5. Maintain a criminal action prosecuting as a misdemeanor the violation of any city ordinance the violation of which is defined as a misdemeanor. Any person convicted of a misdemeanor violation of an ordinance may be punished by a fine of not more than one thousand dollars (\$1,000.00) and imprisonment for not more than ninety (90) days.

(Ordinance No. 89-04.)

Section 1.2a.050 Community service in lieu of payment of fine.

The mayor, at his or her discretion, may permit a person who has been convicted of an infraction or misdemeanor violation of an ordinance to perform community service for the city in lieu of paying the fine imposed by the court. For each hour of community service performed for the city, the person shall be deemed to have paid \$5.00, which amount shall be credited against the amount of his or her fine. (Ordinance 89-04.)

Chapter 1.32

RIGHT OF ENTRY FOR INSPECTION

Section:

1.32.010 Right of entry to enforce city law.

Section 1.32.010 Right of entry to enforce city law.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, the owner shall be given twenty-four (24) hours' notice, in person or by written notice delivered to the owner's residence, of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon the issuance of a search warrant by a duly authorized judicial officer. (Ordinance No. 89-04.)

TITLE 2

ADMINISTRATION

Chapters:

- 2.04 Mayor and Vice-Mayor.
- 2.08 City Council.
- 2.12 City Council Procedures.
- 2.16 [Reserved.]**
- 2.20 Appointive Officers.
- 2.24 Assuming and Leaving Office.
- 2.26 Conflicts of Interest.
- 2.28 Department of Recreation.
- 2.29 Health Board.
- 2.32 [Reserved.]**
- 2.36 Elections.
- 2.40 [Reserved.]**
- 2.44 [Reserved.]**

Chapter 2.04

MAYOR AND VICE-MAYOR

Sections:

- 2.04.010 Duties Generally.
- 2.04.020 Election; Qualifications; Term.
- 2.04.030 Vacancies.
- 2.04.040 Vote in Council.
- 2.04.050 Veto.
- 2.04.060 Compensation.
- 2.04.070 Vice-Mayor.

section 2.04.010 Duties generally.

A. The mayor is the chief executive officer of the city. The mayor acts as ceremonial head of the city government, presides at council meetings, and executes documents :on behalf of the city upon council authorization.

B. The mayor is the chief administrative officer of the city. As chief administrator the mayor shall:

1. appoint, suspend, or remove city employees and administrative officers, as provided in chapter 2.20 and title 3, unless otherwise provided in this code; hire necessary administrative assistants, if so desired; and authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his or her department, if so desired;

2. supervise enforcement of city law and carry out the directives of the council;

3. prepare and submit the annual budget and capital improvements program to the council for its consideration, and execute the budget and capital improvements program as adopted;

4. make monthly financial reports and other reports on city finances and operations as required by the council;

5. report to the council at the end of each fiscal year on the finances and administrative activities of the city;

6. prepare and make available for public distribution an annual report on city affairs;

7. exercise custody over all real and personal property of the city, as provided in title 13;

8. serve as city personnel officer, as provided in title 3, unless the council authorizes the mayor by resolution or ordinance to appoint a personnel officer;

9. serve as an ex-officio member of every committee or department organized under this code; and

10. perform other duties required by law or by the council.

(Ordinance No. 89-05.)

section 2.04.020 Election; Qualifications; Term.

A. The mayor and vice-mayor are elected by and from the council for a term of one year, and serve 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 and vice-mayor. The mayor and vice-mayor shall take office immediately.

B. The mayor and vice-mayor shall be qualified city voters and members of the council. If the mayor or vice-mayor ceases to be eligible to be a city voter, or ceases to be a member of the council, he or she is no longer mayor or vice-mayor, regardless of the term for which he or she was elected.

C. The mayor and vice-mayor shall have been residents of the City of Atqasuk for one year immediately prior to the date of the election.

D. The mayor and vice-mayor, as council members, shall affirm in writing the oath of office prescribed by section 2.24.010.

(Ordinance No. 89-05.)

Section 2.04.030 vacancies.

A. A vacancy in the office of mayor or vice-mayor is filled by and from the council. A mayor or vice-mayor appointed under this subsection serves the balance of the term to which appointed, except that the mayor or vice-mayor may serve only while a member of the council and a qualified city voter.

B. The council shall, by two-thirds concurring vote, declare the office of mayor or vice-mayor vacant only when:

1. the person elected resigns, and the resignation is accepted by the council; or

2. the council, pursuant to section 2.08.070, declares the person's council seat vacant.

C. In the temporary absence or disability of the mayor or vice-mayor, any member of the council may call the council to order at any properly called meeting to elect an acting mayor from among its members. The acting mayor shall exercise all the powers of mayor only during such temporary absence or disability of the mayor or vice-mayor.

(Ordinance No. 89-05.)

Section 2.04.040 Vote in council.

The mayor and vice-mayor are council members and may vote on all matters.
(Ordinance No. 89-05.)

Section 2.04.050 Veto.

The mayor does not have the veto power.
(Ordinance No. 89-05.)

Section 2.04.060 A Compensation.

A. The mayor shall be compensated at the rate of twenty-eight and 00/100 dollars (\$28.00) per hour, limited to actual hours worked not to exceed six (6) hours per day or thirty (30) hours per week.

B. The annual compensation fixed by law for the mayor is in full for all services rendered by him/her in any official capacity or employment whatsoever during his/her respective term of office, and shall be paid throughout his/her respective term of office unless the office becomes vacant.
(Ordinance No. 89-05.)

Section 2.04.070 Vice-Mayor.

The vice-mayor shall perform the duties of the mayor in the temporary absence of the mayor.
(Ordinance No. 89-05.)

Section 2.04.040 Vote in council.

The mayor and vice-mayor are council members and may vote on all matters. (Ordinance No. 89-05.)

Section 2.04.050 veto.

The mayor does not have the veto power. (Ordinance No. 89-05.)

Section 2.04.060 Compensation.

A. The mayor shall be compensated at the rate of twenty-eight and 00/100 dollars (\$28.00) per hour, limited to actual hours worked not to exceed four (4) hours per day or twenty (20) hours per week.

B. The annual compensation fixed by law for the mayor is in full for all services rendered by him/her in any official capacity or employment whatsoever during his/her respective term of office, and shall be paid throughout his/her respective term of office unless the office becomes vacant.

(Ordinance No. 89-05.)

Section 2.04.070 Vice-Mayor.

The vice-mayor shall perform the duties of the mayor in the temporary absence of the mayor. (Ordinance No. 89-05.)

Chapter 2.08

CITY COUNCIL

Sections:

- 2.08.010 Established; Composition.
- 2.08.015 Qualifications of council members.
- 2.08.020 Election; Term.
- 2.08.030 Powers.
- 2.08.040 Regular meetings.
- 2.08.050 Special meetings.
- 2.08.055 Notice of meetings.
- 2.08.060 Compensation.
- 2.08.070 vacancies.
- 2.08.080 Filling vacancies.

section 2.08.010 Established; Composition.

The legislative power of the city is vested in the city council. The council shall consist of seven (7) members elected by the voters at large. (Ordinance No. 89-06.)

section 2.08.015 Qualifications of council members.

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

B. In order to serve as a council member, a person must be a resident of the city for ninety (90) days immediately prior to the date of the election.

C. All council members, before entering upon the duties of office shall affirm in writing the oath or affirmation provided by Section 2.24.010.

(Ordinance No . 89-06.)

section 2.08.020 Election; Term.

A. A council member is elected for a three (3) year term and serves until a successor qualifies .

B. The regular term of office begins on the first Monday following certification of the election.

C. City council members shall be elected at the regular election held annually on the first Tuesday in October. A council member shall be elected to Seat A at the 1989 regular election and at the regular election in every third year following 1989 (1992, 1995, etc.); council members shall be elected to Seats B, C and D at the 1990 regular election and at the regular election in every third year following 1990 (1993, 1996, etc.); and council members shall be elected to Seats, E, F, and G at the 1991 regular election and at the regular election in every third year following 1991 (1994, 1997, etc.).

(Ordinance No. 89-06.)

Section 2.08.030 Powers.

The council shall have and may exercise all legislative and adjudicative powers provided by law. (Ordinance No. 89-06.)

Section 2.08.040 Regular meetings.

A. The council shall meet on the first Monday of each month at 7:30 p.m.

B. The usual place of council meetings shall be the Atqasuk Community Center, Atqasuk, Alaska.

C. In the event that the council becomes aware in advance that a quorum will not be present at a future regular meeting, or if any condition renders the meeting place unfit to conduct meetings of the council, the meeting may be rescheduled for such other day or time or moved to such other place as the council may choose, provided reasonable notice is given to council members and to the public.

(Ordinance No. 89-06.)

Section 2.08.050 special meetings.

A. Special meetings of the council may be called for a time different than that fixed for regular council meetings by the mayor or by any three (3) member of the council. The location of all special council meetings shall be the same as that authorized for regular meetings.

B. Advance notice of at least twenty-four (24) hours shall be given each council member before a special meeting is held. The notice may be written or oral and shall specify the time, place, and business of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice

shall be given personally to each member of the council or left at his or her usual place of business or residence by the clerk or the clerk's designee.

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

(Ordinance No. 89-06.)

section 2.0a.055 Notice of meetings.

Reasonable notice shall be given to the public of all regular and special council meetings. Public notice of a meeting is reasonable if a statement containing the date, time, and place of the meeting, and the purpose of the meeting if it is a special meeting, is posted in at least three public places not less than twenty-four (24) hours before the time of the meeting. This section does not alter or supersede any other notice requirements which may be provided in state law. (Ordinance No. 89-06.)

Section 2.08.060 Compensation.

A. Each council member shall receive compensation of \$75.00 per regular meeting, special meeting, or council workshop attended.

B. No compensation shall be paid for any meeting at which there is no quorum present 'to open the meeting.

C. The council may change the compensation of council members at any time by ordinance, except that if the mayor is paid a salary, that salary may not be reduced during a term of office. All council members shall be compensated at the same rate for their service as council members.

O. An elected officer who is regularly employed by the city may be compensated for services performed for the city in the course of such employment, to the same extent as would a person other than an elected officer employed to perform the same services. An officer who is employed on an hourly basis may not be compensated on such basis for any time during which the officer is performing his or her duties as an elected officer, and may not be compensated in the manner provided by subsection A of this section for any meeting or workshop if the officer's duties as a city employee require his or her attendance at the meeting or workshop.

An officer who is a salaried employee may not be compensated in the manner provided by subsection A of this section.

(Ordinance No. 89-06.)

section 2.0a.010 Vacancies.

The council shall declare a council seat vacant when the person elected:

1. dies;
2. fails to qualify or take office within thirty (30) days after election or appointment;
3. is physically absent from the city for ninety (90) consecutive days unless excused by the council;
4. resigns and the resignation is accepted;
5. is physically or mentally unable to perform the duties of office as determined by two-thirds (2/3) vote of the council;
6. is convicted of a felony or of an offense involving a violation of the oath of office;
7. is convicted of a felony or misdemeanor described in A.S. 15.56 or in Section 2.36.380 and two-thirds (2/3) of the council members concur in expelling the person elected;
8. is discharged from the council pursuant to section 2.26.050 for repeated failure to disclose potential conflicts of interest or for participating in an action when the member has a conflict of interest;
9. is convicted of a violation of A.S. 15.13;
10. no longer physically resides in the city, and the council by two-thirds (2/3) vote declares the seat vacant;
11. misses three (3) consecutive regular council meetings, unless excused; or
12. has been recalled by the voters.

(Ordinance No. 89-06.)

Section 2.08.080 Filling vacancies.

A. If a vacancy occurs in the council, the council, by vote of a majority of its remaining members shall, within thirty (30) days, appoint a person to fill the vacant seat . If less than thirty (30) days remain in the term of the vacant seat at the time that the vacancy occurs, the vacancy shall not be filled.

B. Notwithstanding subsection (A) of this section, if the membership of the council is reduced to fewer than four (4) members, the remaining members shall, within seven (7) days, appoint as many qualified persons as are necessary to increase the membership of the council to four (4).

C. If all seven council seats become vacant at one time, the governor shall appoint three (3) qualified persons to the council. The governor's appointees shall appoint additional members as provided in subsection (B) of this section.

D. A person appointed to fill a vacancy serves until the next regular city election, when a successor shall be elected to serve the balance of the term, and until the successor has qualified.

(Ordinance No. 89-06.)

Chapter 2.0a

[Reserved.]

Chapter 2.08
City Council

Sections:

2.08.010	Established; Composition.
2.08.015	Qualifications of Council Members.
2.08.020	Election; Term.
2.08.030	Powers.
2.08.040	Regular Meetings.
2.08.050	Special Meetings
2.08.055	Notice of Meetings
2.08.060	Compensation.
2.08.070	Vacancies.
2.08.080	Filling Vacancies.

Section 2.08.010 Established; Composition.

The legislative power of the city is vested in the City Council. The Council shall consist of seven (7) members elected by the voters at large. (Ord. No. 89-06)

Section 2.08.015 Qualifications of Council Members.

A A Council Member shall be a qualified city voter. A Council Member who ceases to be eligible to be a city voter immediately forfeits his or her office.

B. In order to serve as a Council Member, a person must be a resident of the city for ninety (90) days immediately prior to the date of the election.

C. All Council Members, before entering upon the duties of office shall affirm in writing the oath of affirmation provided by Section 2.24.010.

(Ord. No. 89-06)

Section 2.08.020 Election Term.

A A Council Member is elected for a three (3) year term and serves until a successor qualifies.

B. The regular term of office begins on the first Monday following certification of the election.

C. City Council Members shall be elected at the regular election held annually on the first Tuesday in October. A Council Member shall be elected to Seat A at the 1989 regular election and at the regular election in every third year following 1989 (1992, 1995, etc.); Council Members shall be elected to Seats B, C, and D at the 1990 regular election and at the regular election in every third year following 1990 (1993, 1996, etc.); and Council Members shall be elected to Seats E, F, and G at the 1991 regular election and at the regular election in every third year following 1991, 1994, 1997, etc.).

(Ord. No. 89-06)

Section 2.08.030 Powers.

The Council shall have and may exercise all legislative and adjudicative powers provided by law.

(Ord. No. 89-06)

Section 2.08.040 Regular Meetings.

A. The Council shall meet on the first Monday of each month at 7:00 P.M. (Ord.No. 00-04)

B. The usual place of Council Meetings shall be the Atqasuk Community Center, Atqasuk, Alaska.

C. In the event that the Council becomes aware in advance that a quorum will not be present at a future regular meeting, or if any condition renders the meeting place unfit to conduct meetings of the Council, the meeting may be rescheduled for such other day or time or moved to such other place as the Council may choose, provided reasonable notice is given to Council Members and to the public.

(Ord. No. 89-06)

Section 2w.08.050 Special Meetings.

A. Special Meetings of the Council may be called for a time different than that fixed for regular Council Meetings by the Mayor or by any three (3) members of the Council. The location of all Special Council Meetings shall be the same as that authorized for regular meetings.

B. Advance notice of at least twenty-four (24) hours shall be given each Council Member before a Special Meeting is held. The notice may be written or oral and shall specify the time, place, and business of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice shall be given personally to each member of the Council or left at his or her usual place of business or residence by the Clerk or the Clerk's designee.

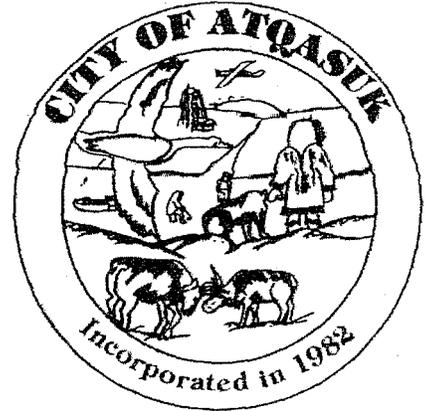
C. In an emergency, a Special Meeting called on less than twenty-four (24) hours notice is a legal meeting if all members are present or if a quorum is present and all absent members have waived in writing the required notice. A waiver may be made either before or after the Special Meeting is held. Waivers shall be attached to and made a part of the Minutes of the meeting.

(Ord. No. 89-06)

Section 2.08.055 Notice of Meetings.

Reasonable notice shall be given to the public of all Regular and Special Council Meetings. Public notice of a meeting is reasonable if a statement containing the date, time, and place of the meeting, and the purpose of the meeting if it is a Special Meeting, is posted in at least three public places not less than twenty-four (24) hours before the time of the meeting. This section does not alter or supersede any other notice requirements which may be provided in State Law.

(Ord. No. 89-06)



CITY OF ATQASUK

P.O. Box 91119
Atqasuk, Alaska, 99791
City Office Ph: 907-633-6811
Fax: 907-633-6812
Email: cityofatqasuk@hotmail.com

Douglas Whiteman, Mayor

ORDINANCE NO. 2012-03

AN ORDINANCE AMENDING CITY CODE SECTION 2.08.0GO(A) PERTAINING TO CITY COUNCIL CHANGING THE COUNCIL MEMBER COMPENSATION

BE IT ENACTED BY THE ATQASUK CITY COUNCIL AS FOLLOWS:

Section I **CLASSIFICATION.** This Ordinance is of a general and permanent nature and shall become a part of the City of Atqasuk Code of Ordinances

Section II **CLASSIFICATION.** This Ordinance shall be effective upon adoption by the City Council

Section III **AMENDMENT OF SECTION 2.08.0GO(A)**

A.) Each Council Member shall receive compensation of \$200.00 per regular meeting and \$150.00 per special meeting. Each council member shall receive \$200.00 per day for council workshop or training attended.

Introduced: August 6, 2012
Public Hearing: September 10,
 2012

PASSED and **APPROVED** by a duly constituted quorum of the City Council of Atqasuk, Alaska this
12 day of pk!rz/Ju'''. 2012.


Mayor

ATTEST:


City Clerk

Section 2.08.060 Compensation.

A. Each Council Member shall receive compensation of \$100.00 per Regular Meeting, Special Meeting, or Council Workshop attended. (Ord. No. 00-04)

B. No compensation shall be paid for any meeting at which there is no quorum present to open the meeting.

C. The Council may change the compensation of Council Members at any time by Ordinance, except that if the Mayor is paid a salary, that salary may not be reduced during a term of office. All Council Members shall be compensated at the same rate for their service as Council Members.

D. An elected officer who is regularly employed by the City may be compensated for services performed for the City in the course of such employment, to the same extent as would a person other than an elected officer employed to perform the same services. An officer who is employed on an hourly basis may not be compensated on such basis for any time during which the officer is performing his or her duties as an elected officer, and may not be compensated in the manner provided by subsection A of this section for any meeting or workshop if the officer's duties as a city employee require his or her attendance at the meeting or workshop.

An officer who is a salaried employee may be not compensated in the manner provided by subsection A of this section.

(Ord. No. 89-06)

Section 2.08.070 Vacancies.

The Council shall declare a Council Seat vacant when the person elected:

1. Dies.
2. Fails to qualify or take office within thirty (30) days after election or appointment.
3. Is physically absent from the city for ninety (90) consecutive days unless excused by the Council.
4. Resigns and the Resignation is accepted.
5. Is physically or mentally unable to perform the duties of office as determined by two-thirds (2/3) vote of the Council.
6. Is convicted of a felony or of an offense involving a violation of the Oath of Office.
7. Is convicted of a felony or misdemeanor described in A.S. 15.56 or in Section 2.36.380 and two-thirds (2/3) of the Council Members concur in expelling the person elected.
8. Is discharged from the Council pursuant to Section 2.26.050 for repeated failure to disclose potential conflicts of interest or for participating in an action when the member has a conflict of interest.
9. Is convicted of a violation of A.S. 15.13.
10. No longer physically resides in the city, and the Council by two-thirds (2/3) vote declares the seat vacant.

11. Misses three (3) consecutive Regular Council Meetings, unless excused; or
12. Has been recalled by the voters.

(Ord. No. 89-06)

Section 2.08.080 Filling Vacancies.

A. If a vacancy occurs in the Council, the Council, by vote of a majority of its remaining members shall, within thirty (30) days, appoint a person to fill the vacant seat. If less than thirty (30) days remain in the term of the vacant seat at the time that the vacancy occurs, the vacancy shall not be filled.

B. Notwithstanding subsection (A) of this section, if the membership of the Council is reduced to fewer than four (4) members, the remaining members shall, within seven (7) days, appoint as many qualified persons as are necessary to increase the membership of the Council to four (4).

C. If all seven Council seats become vacant at one time, the Governor shall appoint three (3) qualified persons to the Council. The Governor's appointees shall appoint additional members as provided in subsection (B) of this section.

D. A person appointed to fill a vacancy serves until the next regular city election, when a successor shall be elected to serve the balance of the term, and until the successor has qualified.

(Ord. No. 89-06)

City of Atqasuk, Alaska

ORDINANCE NO. 00-04

AN ORDINANCE AMENDING CITY CODE SECTION 2.08.040(A), AND. SECTION 2.08.060(A) PERTAINING TO CITY COUNCIL, CHANGING THE REGULAR MEETING TIME AND COUNCIL MEMBER COMPENSATION.

BE IT ENACTED BY THE ATQASUK CITY COUNCIL AS FOLLOWS:

Section I **CLASSIFICATION.** This Ordinance is of a general and pennant nature and shall become a part of the City of Atqasuk Code of Ordinances.

Section II **EFFECTIVE DATE.** This Ordinance shall be effective upon adoption by the City Council.

Section III **AMENDMENT OF SECTION 2.08.040(A), and SECTION 2.08.060(A).**

- A. Section 2.08.040(A) of the Atqasuk Code of Ordinances is, hereby, amended by changing the Regular Meeting time from 7:30 P.M. to **7:00 P.M.**
- B. Section 2.08.060(A) of the Atqasuk Code of Ordinances is, hereby, amended by changing the Council Member Compensation rate from \$75.00 to **\$100.00.**

Introduced: 04 December 2000

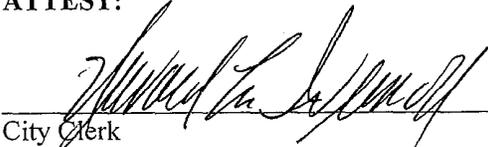
Public Hearing: 08 January 2001

PASSED and **APPROVED** by the Atqasuk City Council this **1** day of January 2001.



Mayor

ATTEST:



City Clerk

Chapter 2.12

[Reserved.]

Chapter 2.12

CITY COUNCIL PROCEDURES

Sections:

- 2.12.010 Presiding officer.
- 2.12.020 Public meetings .
- 2.12.030 Executive sessions.
- 2.12.040 Agenda.
- 2.12.050 Quorum.
- 2.12.060 Absence of quorum.
- 2.12.070 Call to order.
- 2.12.080 Order of business.
- 2.12.090 Ordinances When required.
- 2.12.092 Ordinances Codification.
- 2.12.094 Ordinances Procedure .
- 2.12.096 Ordinances Form.
- 2.12.100 Ordinances Emergency.
- 2.12.110 Resolutions When used.
- 2.12.112 Resolutions Permanent file .
- 2.12.114 Resolutions Procedure.
- 2.12.116 Resolutions Form.
- 2.12.120 Voting.

- 2.12.130 Rules of order .

Appendix of Forms following section 2.12.130:

- Form 2.12-A Ordinance.
- Form 2.12-B Resolution.

section 2.12.010 Presiding officer.

A. The mayor shall preside at all meetings of the council. If the mayor is not present or is personally disqualified on account of a conflict of interest, the vice-mayor shall preside. If both the mayor and the vice-mayor are absent or disqualified, any member of the council may call the council to order at any properly called meeting to elect another council member as president pro tempore to preside at that meeting only.

B. The presiding officer shall preserve order among council members and is responsible for the efficient conduct of all meetings according to the rules of the council. The presiding officer may at any time make such other rules as he or she considers reasonable and proper to preserve order among the attending public during sessions of the council.

(Ordinance No. 89-06.)

Section 2.12.020 Public meetings.

A. All meetings of the council shall be public. The only exception to the requirement of public council meetings is when an executive session is permitted by Section 2.12.030.

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

C. This section does not apply to special meetings called solely to discuss and decide adjudicatory proceedings, if the public and the affected parties have been given an opportunity to be heard on the same topic at a prior meeting.

(Ordinance No. 89-06.)

Section 2.12.030 Executive sessions.

A. Only the following subjects may be discussed in an executive session:

1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the city;

2. subjects that tend to prejudice the reputation and character of any person, except that the person may request a public discussion.

B. The following subjects shall be discussed in executive session when the best interests of the city so require:

1. negotiations with labor organizations representing city employees;

2. discussions of pending or threatened lawsuits in which the city has an interest; and

3. matters required by federal or state law or by city ordinance to be confidential.

C. If any of the above subjects are to be discussed at a council meeting, the meeting must first be convened as a public meeting. During the public meeting, the council shall vote on a motion to hold an executive session on a particular matter or matter of the type described in subsections (A) and (B) of this section.

No subjects may be considered during the executive session except those matters mentioned in the adopted motion calling for the executive session, or related subjects which must be discussed in order to fully consider the matters mentioned in the motion.

D. No action may be taken at the executive session. Only after the executive session is over and the meeting is once again before the public may the council take action on the matters discussed in the executive session.

(Ordinance No. 89-06.)

Section 2.12.040 Agenda.

The clerk shall prepare the agenda for each council meeting after consulting with the mayor. The clerk shall distribute the agenda to all council members at least twenty-four (24) hours prior to the meeting. (Ordinance No. 89-06.)

section 2.12.oso Quorum.

Four (4) council members constitute a quorum. A council member who is excused from voting on a question due to a conflict of interest pursuant to section 2.26.030 shall be considered present for purposes of constituting a quorum. A quorum is necessary for the council to conduct any business. (Ordinance 89-06.)

Section 2.12.060 Absence of quorum.

In the absence of a quorum, as many members as are present may recess or adjourn the meeting to a later date. (Ordinance 89-06.)

section 2.12.010 Call to order.

The mayor or, in the mayor's absence, the vice-mayor, shall call the council to order at the time stated in the notice of the meeting and, if a quorum is present, proceed with the order of business. (Ordinance 89-06.)

section 2.12.oa o Order of business.

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

1. call to order;
2. roll call;
3. minutes of previous meeting(s);
4. reports;

5. communications and public appearance requests;
6. hearings, ordinances, and resolutions;
7. old business;
8. new business;
9. public participation;
10. council comments;
11. adjournment .

(Ordinance No . 89-06.)

Section 2.12.090 Ordinances -- When required.

A. The council may act only by ordinance, resolution, or motion. Laws of a general, uniform, and permanent nature shall be adopted by ordinance. Statements of opinions, principles, facts, or propositions may be made by adoption of a resolution.

B. In addition to other actions which state law requires to be taken by ordinance, the council shall use ordinances to:

1. establish, alter, or abolish city departments;
2. amend or repeal an existing ordinance;
3. fix the compensation of council members and other city officers and employees;
4. provide for the sale or exchange of city property;
5. provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
6. adopt the city budget;
7. make appropriations, including supplemental appropriations or transfer of appropriations;
8. provide for the levying of taxes;
9. grant, renew, or extend a franchise;
10. regulate the rate charged by a public utility;
11. approve the transfer of a power to the borough;

12. adopt, modify, or repeal building and housing codes;
13. provide for the retention or sale of tax-foreclosed property; and
14. exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of city public works projects within the limitations set out in A.S. 36.25.025.

(Ordinance 89-06.)

Section 2.12.092 Ordinances -- Codification.

A. At the time of or after adoption, each ordinance shall be made a part of and assigned a permanent subsection or section number or numbers specifying its placement in this code; a notation of the date of adoption and the number of the ordinance by which it was adopted shall be added to the end of each subsection or section, as appropriate; and it shall be entered by the clerk into the official city copy of this code. This subsection does not apply to appropriation or budget ordinances .

B. An amendment to any of the provisions of this code shall be made by adoption of an ordinance specifically referring to the section number (s) of such provisions in the following language:
/- "That Section of the Atqasuk Code is hereby amended to read as follows: (insert full text of provision as amended) ."

C. An amendment of this code which adds a new provision shall be made by adoption of an ordinance specifically assigning a new subsection or section number or numbers to the new provision(s) in the following language: "That the Atqasuk Code is hereby amended to add Section , which shall read as follows : (insert full text of new provision) ."

D. An amendment of this code which repeals and deletes a section, chapter, or title shall be made by adoption of an ordinance specifically repealing each section, chapter, or title by number .

(Ordinance 89-06.)

Section 2.12.094 Ordinances -- Procedure.

A. A proposed ordinance shall be introduced in writing, in the form prescribed by Section 2.12.096, by the mayor or any other member of the council, or by a committee of council members, at any lawful council meeting.

B. After an ordinance is introduced, the council may approve a motion to set the time and place for a public hearing on the ordinance. At least four (4) affirmative votes are required to approve such a motion.

C. When a proposed ordinance has been set for public hearing, the council shall direct the clerk to make public a summary of the ordinance, together with a notice of the time and place of the hearing. The summary and notice shall be posted in at least three public places in the city at least five (5) days before the public hearing.

D. At the public hearing, copies of the ordinance shall be available for all persons present, or the ordinance shall be read in full. All persons shall have the opportunity to be heard at the public hearing. After the hearing, the council shall consider the proposed ordinance, and may adopt it with or without amendment, except that if the amendments are so substantial that they would change the basic character of the proposed ordinance, the proposed amended ordinance shall be treated as a newly introduced proposed ordinance and set for public hearing. If the ordinance is adopted, the council shall direct the clerk to type or print the ordinance in its final form and make copies available to the public.

E. At least four (4) affirmative votes are required for the adoption of an ordinance.

F. Upon adoption, each ordinance shall be signed by the mayor, and attested by the clerk.

G. An ordinance takes effect upon adoption, or at a later date specified in the ordinance.

(Ordinance 89-06.)

section 2.12.096 Ordinances -- Form.

A. All ordinances adopted by the council shall be in substantially the following form (illustrated by Form 2.12-A):

1. the heading "CITY OF ATQASUK, ALASKA";
2. the ordinance number;
3. the ordinance title, summarizing the ordinance's provisions and stating whether any penalty is imposed;
4. the enacting clause, which shall read: "BE IT ENACTED BY THE ATQASUK CITY COUNCIL AS FOLLOWS:";

b. the provisions of the ordinance, including the effective date, if the ordinance is not to take effect upon adoption;

6. the dates of introduction (first reading), public hearing, and adoption;

7. space for the signature of the mayor; and

8. space for the clerk's signature attesting to the mayor's signature.

B. Every ordinance shall be confined to a single subject, unless it is an appropriations ordinance or an ordinance codifying, revising, or rearranging existing ordinances. Appropriations ordinances shall be confined to appropriations.

(Ordinance 89-06.)

Section 2.12.100 Ordinances -- Emergency.

A. To meet a public emergency, the council may adopt an emergency ordinance effective upon adoption. Each emergency ordinance shall contain a finding by the council that an emergency exists and a statement of the facts upon which that finding is based. An emergency ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all council members present, or the affirmative vote of six (6) council members, whichever is less, is required for the adoption of an emergency ordinance. Except as specified in this section, the requirements of Sections 2.12.090 through 2.12.096 apply to 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 sixty (60) days unless the ordinance specifies a shorter period of time during which the ordinance is to remain in effect.

(Ordinance 89-06.)

Section 2.12.110 Resolutions -- When used.

Formal acts of the council which are not required by state law or this Code to be enacted by ordinance and which are not of a general and permanent nature may be adopted by resolution. Opinions, principles, facts, or propositions may be stated in the form of a resolution. (Ordinance 89-06.)

section 2.12.112 Resolutions Permanent file.

Resolutions shall not be included in this code, but shall be kept by the clerk in a permanent file available for public inspection. (Ordinance 89-06.)

section 2.12.114 Resolutions -- Procedure.

A. A proposed resolution shall be introduced in writing, in the form prescribed by Section 2.12.116, by the mayor or any other member of the council, or by a committee of council members, at any lawful council meeting.

B. The proposed resolution shall be read aloud at the time of introduction. Before the council votes on the motion to adopt the resolution, all interested persons present shall have the opportunity to comment.

C. Adoption of a resolution must be approved by at least four (4) affirmative votes.

(Ordinance No. 89-06.)

section 2.12.116 Resolutions -- Form.

All resolutions adopted by the council shall be insubstantially the following form (illustrated by Form 2.12-B):

1. the heading "CITY OF ATQASUK ALASKA";
2. the resolution number;
3. a short title, descriptive of the resolution's subject and purpose;
4. short premises or "WHEREAS" clauses, stating the facts underlying or describing the reasons for the resolution;
5. the resolving clause "BE IT RESOLVED:" stating the opinions, principles, findings of fact, propositions, or course of action the council believes should be taken;
6. the date of adoption;
7. space for the signature of the mayor; and
8. space for the clerk's signature attesting to the mayor's signature.

(Ordinance 89-06.)

Section 2.12.120 voting.

A. The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. Each member present shall vote on every question, unless required by law to abstain from voting on a question.

B. The mayor or presiding officer shall declare all votes and the result.

(Ordinance 89-06.)

section 2.12.130 Rules of order.

A. Before speaking, a council member shall first respectfully address the mayor or other presiding officer for permission to speak. A council member must then be recognized by the mayor or presiding officer before speaking. When two or more members request to speak at the same time, the mayor or other presiding officer shall determine which one is recognized.

B. When speaking, a council member shall discuss only the subject under discussion. A council member shall not refer to any other council member except in a respectful manner.

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

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

E. A motion must be made in writing if any council member so requests.

F. Any previous decision on a motion may be changed by majority vote of the council on a motion made later at the same meeting. Subject to the requirements of section 2.12.114, a resolution may be repealed or modified at any time by adoption of a new resolution. Subject to the requirements of section 2.12.094 or 2.12.100, an ordinance may be repealed or modified at any time by adoption of a new ordinance.

G. Except as otherwise specified by state statute or city ordinance, all meetings shall be conducted according to Robert's Rules of Order. The council may, when no member objects, proceed informally in dealing with non-controversial matters.

H. The clerk shall keep minutes of all regular and special meetings, and shall maintain a council meeting journal which shall include agendas and minutes of all meetings, together with copies of all resolutions and ordinances introduced, whether or not adopted. The council meeting journal is a public record. The council journal shall be available to the public for inspection and copies of pages from the journal may be made available without charge or sold at cost.

(Ordinance 89-06.)

CITY OF ATQASUK, ALASKA

ORDINANCE NO.

(form 2.12-A) (sample)

AN ORDINANCE _____

BE IT ENACTED BY THE ATQASUK CITY COUNCIL AS FOLLOWS :

Section 1. _____

Section 2. _____

Section 3. _____

DATE INTRODUCED: _ _ _

DATE OF PUBLIC HEARING: _____

PASSED and APPROVED by the Atqasuk City Council this _____ day of
_____ '19

MAYOR

ATTEST:

CLERK

CITY OF ATQASUK, ALASKA

RESOLUTION NO.

(Form 2.12-B) (Sample)

A RESOLUTION _____

WHEREAS, _____
_____, and

WHEREAS, _____
_____, now, therefore,

BE IT RESOLVED: _____
_____, and

BE IT FURTHER RESOLVED: _____

PASSED and APPROVED by the Atqasuk City Council this _____ day of
_____, 19 ____ -

Mayor

ATTEST:

Clerk

Chapter

2.16

[Reserved.]

Chapter 2.20

APPOINTIVE OFFICES

Sections:

- 2.20.010 Appointive officials .
- 2.20.020 Appointment; Term; Bonds .
- 2.20.030 City clerk.
- 2.20.040 City attorney.
- 2.20.050 Reserved.↓
- 2.20.060 Boards and commissions.

Section 2.20.010 Appointive officials .

A. The appointive officials of the city are the city clerk/treasurer and the city attorney. Such additional appointive offices as may be considered necessary shall be established by ordinance; each administrative department shall be supervised by an appointive officer or by the mayor .

B. The council and the mayor shall each have the power to inquire into the conduct of any office, department, officer, or employee of the city, make investigation into city affairs, and compel the production of books, papers, and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any city officer or employee.

C. All records and accounts of every office and department of the city shall be open to the public as provided in section 1.24.40. . If any appointed officer has or expects to have in his or her possession records or documents the disclosure of which would tend to defeat the lawful purpose for which they were intended, such officer shall request through the mayor that the council, by ordinance, designate such records as confidential. Each department head shall be held responsible for the safe-keeping of all public records under his or her responsibility. No public records, reports, correspondence, or other data relative to the business of any department shall be destroyed or removed permanently from the files except as provided in section 1.24.060.

{Ordinance No. 89-07.)

section 2.20.020 Appointment; Term; Bonds .

A. Appointive officials are appointed by the mayor, and must be confirmed by the city council before taking office. Appointed officers serve at the pleasure of the mayor.

B. Appointive officials are appointed and serve for indefinite terms.

C. The city clerk is required, and other appointive officials may be required, to be bonded pursuant to section 2.24.020.

(Ordinance No. 89-07.)

Section 2.20.030 city clerk.

A. An individual appointed as clerk must be eligible for appointment as a notary public under A.S. 44.50.

B. The clerk shall be appointed for an indefinite term.

C. The clerk shall:

1. Give notice of the time and place of council meetings to the council and the public;

2. Attend and keep the minutes of council meetings;

3. Arrange publication and posting of notices, ordinances, and resolutions;

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

5. Attest deeds, ordinances, resolutions, and other documents;

6. Act as city election registrar, and call and supervise city elections;

7. Perform other duties specified by state law or city ordinance or assigned by the mayor or the council; and

8. Apply within fifteen (15) days after appointment as clerk for appointment as a notary public, and serve as a notary public at all times during his or her term as clerk. The costs related to applying to be appointed as, and serving as, a notary public shall be paid by the city.

O. The clerk shall act as city treasurer, and in that capacity shall:

1. keep custody of all city funds;
2. keep an itemized account of money received and disbursed; and pay money on vouchers drawn against appropriations;
3. keep custody of and maintain all property used by the city;
4. assist the mayor in compiling the annual budget of the city;
5. prepare and submit to the mayor and council such financial reports and other data as may be required or requested;
6. prescribe and control such procedures as are necessary to protect city funds and property;
7. be responsible for filing state and federal applications for revenue sharing programs;
8. perform other duties specified by state law or city ordinance or assigned by the mayor or the council; and
9. give bond to the city in a sum that the council directs. Premiums on the bond will be paid by the city.

E. The mayor may appoint an acting clerk to perform the duties of the clerk in the temporary absence of the clerk.

(Ordinance No. 89-07.)

section 2.20.040 city attorney.

There shall be a city attorney who shall be an officer of the city appointed by the mayor subject to approval by the council for an indefinite term, and who shall be the chief legal advisor of the council, the mayor and all other offices, departments and agencies of the city government in matters relating to their official powers and duties. The attorney shall represent the city in civil and criminal proceedings in the courts, and shall perform all services incident to this position, which may be required by law or ordinance.

(Ordinance No. 89-07.)

section 2.20.050 [Reserved.]

Section 2.20.060 Boards and commissions.

The council may by ordinance establish advisory, administrative, technical, or quasi-judicial boards or commissions. The members of boards and commissions shall be appointed by the mayor, subject to confirmation by the city council. Members of boards and commissions serve at the pleasure of the mayor . Such boards and commissions shall perform such functions and make such reports as the council may by ordinance or resolution direct, and may be dissolved by ordinance .

(Ordinance No. 89-07.)

Chapter 2.24

ASSUMING AND LEAVING OFFICE

Sections:

- Section 2.24.010 oath of office.
- Section 2.24.020 Bond.
- Section 2.24.030 Resignation.
- Section 2.24.040 Delivery of office.

section 2.24.010 oath of office.

A. Before taking office, unless another oath or affirmation is specifically required for the office by state law or this code, all elected officials and appointed officers shall swear to or affirm the following oath or affirmation:

I, _____, do solemnly swear [or affirm] that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the ordinances of the City of Atkasuk, Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of _____ to the best of my ability.

B. The oath or affirmation shall be sworn to or affirmed, and signed, by the officer or official before a notary public or a witness who is a qualified voter, and shall then be filed with the clerk.

(Ordinance No. 89-08.)

section 2.24.020 Bond.

A. The council may by resolution or ordinance require city officers, appointed officials, or employees in addition to the clerk to be individually bonded. All city officers, officials, and employees not individually bonded shall be covered by a blanket bond. The city shall pay the premiums for all bonds required by this section.

B. The official bond of a city officer, official, or employee when required by ordinance or resolution shall be in a form joint and several, and made payable to the city in the penal sum and with the conditions required by law.

(Ordinance No. 89-08.)

Section 2.24.030 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.

(Ordinance No. 89-08.)

section 2.24.040 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.

(Ordinance No. 89-08.)

Chapter 2.26

CONFLICTS OF INTEREST

Sections :

- 2.26.010 Prohibitions.
- 2.26.020 Financial interests which may be conflicts of interest.
- 2.26.030 Conflicts of interest and disclosure City council members.
- 2.26.040 Conflicts of interest and disclosure City officers and employees.
- 2.26.050 Violations .

Section 2.26.010 Prohibitions.

A. 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.

B. No elected official, 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 council member, taking part in council debate, soliciting the vote of a council member, or encouraging any city official or officer to act in a certain way in regard to a subject.

c. 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, 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.

D. No elected official, appointed city officer, or city employee, and no 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, 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 .

(Ordinance No. 89-08.)

Section 2.26.020 Financial interests which may be conflicts of interest.

The following is a list of examples of financial interests substantial enough that any council member, 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 council member, appointed officer, or city employee should abstain from voting or refrain from acting if:

1. He or she (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. He or she (or a member of his or her immediate family) is party to or beneficiary of a contract for a sum of one thousand dollars (\$1,000.00) or more that will be affected by the vote or action.

3. He or she (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 one thousand dollars (\$1,000.00) or more that will be affected by the vote or action.

4. He or she (or a member of his or her immediate family) is a member of a board of directors or governing body or an officer of, or holds a management position with an organization that has financial dealings of one thousand (\$1,000.00) or more with the city that will be affected by his or her vote or -action.

(Ordinance No. 89-08.)

section 2.26.030 conflicts of interest and disclosure -- City council members.

A. Each city council member 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.

B. The mayor shall rule on the request of a council member 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 council member who has no financial interest in the matter to rule on the request.

C. The decision of the mayor (or designated council member) on the member's request to be excused from voting may be overridden by a majority vote of the council. Neither the council member making the request, nor any other council member 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.

D. If any resident of the city believes that a council member 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 council member chosen by the resident requesting the meeting) and the council member who may have a conflict of interest. If, as a result of the confidential meeting, the council member with the potential conflict or the mayor decides that the financial interest must be disclosed to the council, the council member shall disclose the interest to the council as provided in section 2.26.030 (B) above.

E. A council member 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 council member in the debate on the matter, although he or she may participate in discussion to the same extent as a 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.

F. If a conflict of interest is discovered after an official action has been undertaken or completed the city 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.

(Ordinance No. 89-08.)

section 2.26.040 conflicts of interest and disclosure -- City of f icers and employees.

A. Each city officer and employee shall disclose to the mayor or the city 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.

B. 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 council member 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 council member) 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 council member) will remain confidential. If neither the officer or employee nor the mayor (or other chosen council member) 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.

(Ordinance No. 89-08.)

section 2.26.050 Violations.

A. Any council member, city officer, or city employee who violates this ordinance by knowingly refusing to disclose a financial interest as required by this chapter may be suspended from the council or from his or her city office or employment. Such suspensions shall be for a period up to ninety (90) days, and shall be made upon a two-thirds (2/3rds) majority vote of the council. Any council member, officer, or employee who is suspended for this reason more than once in any twelve (12) 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 (2/3rds) majority vote of the council.

B. Any person who wilfully violates any provision of section 2.26.010 shall be guilty of an infraction.

c. Any city council member or appointed city officer who wilfully violates any provision of section 2.26.010 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 (2/3rds) vote of the council. Any willful violation of any provision of section 2.26.010 by any city employee shall be cause for immediate termination of employment.

D. No council member may vote on any question of his or her own suspension or discharge.

(Ordinance No . 89-08.)

Chapter 2.28

[REDACTED.]

DEPARTMENT OF RECREATION

Chapter 2.28

DEPARTMENT OF RECREATION

Sections:

- 2.28.010 Department Established.
- 2.28.020 Director -- Appointment.
- 2.28.030 Director -- Duties.
- 2.28.040 Commission -- Established.
- 2.28.050 [Reserved]
- 2.28.060 Commission -- Tenure.
- 2.28.070 Commission -- Powers and Duties.
- 2.28.080 Commission Meetings -- Generally.
- 2.28.090 Commission Meetings -- Conduct.
- 2.28.100 Commission Meetings -- Notice.
- 2.28.110 Commission Meetings -- Agenda.
- 2.28.120 Advisory Subcommittees.

Section 2.28.010 Department Established.

There is created a Department of Recreation as a city department. The Director of the Department of Recreation is the head of the department. (Ordinance No. 98-03)

Section 2.28.020 Director -- Appointment.

The Director is an appointive officer of the city and shall be appointed **in** the manner provided by Section 2.20.020. (Ordinance No. 98-03)

Section 2.28.030 Director -- Duties.

A. The Director, subject to the supervision and control of the Mayor or the City Administrator, shall have charge of and direct the recreational programs, activities, and facilities sponsored, carried on, or maintained by the city, including any parks, playgrounds, or other facilities and any municipal equipment used in connection therewith.

B. The Director is a non-voting member of the Recreation Commission and its secretary.

C. The Director shall develop meeting agendas, plans, materials and arrangements in consultation with the commission chairperson.

D. The Director is responsible for carrying out the policy and programs of the commission, as approved by the City Council.

E. The Director shall present commission recommendations to the City Clerk for inclusion on City Council agendas. Every recommendation to the City Council will include the following information:

B. Commission members may be removed by the City Council if the Council finds that such an action is in the best interest of the city. The Council's decision to remove a commission member must be approved by at least five members of the Council.

C. A commission member who misses three consecutive regular meetings shall be removed from the commission. When a member has missed three consecutive regular meetings, the Director shall promptly report the vacancy to the City Administrator and the Mayor.

D. Vacancies shall be filled for the remainder of the unexpired term by a person appointed by the Mayor, subject to approval by majority vote of the City Council.

(Ordinance No. 98-03)

Section 2.28.070 Commission -- Powers and Duties.

The Recreation Commission shall:

A. Advise the Recreation Director, City Administrator, the Mayor, and the City Council in matters of recreation policy regarding:

1. Development and management of parks and open space areas.
2. Recreation programs and activities.
3. Budgetary and other fiscal matters relating to recreation; and
4. Development of a five-year recreation plan.

B. Investigate, study and advise the Recreation Director, City Administrator, Mayor, and City Council as to feasible projects that will further the development and enhancement of parks and open spaces and the program of recreational activities. Such studies shall consider each of the factors set out in Section 2.28.030(E).

C. Advise the Recreation Director in coordination of plans of management of park and open-space areas and recreational facilities.

D. Investigate, study and advise the Recreation Director, City Administrator, Mayor, and City Council on suitable locations for statues, monuments, historical markers or other objects of a historical nature which may be placed in public squares or parkways in the city or which are worth of public protection.

E. Plan, establish and coordinate city recreational programs, and any other recreational activities approved by the City Council which use public facilities.

(Ordinance No. 98-03)

Section 2.28.080 Commission Meetings -- Generally.

A. Regular Commission meetings shall be held once a month.

Section 2.28.120 Advisory Sub-Committees.

A. The Commission may establish the Advisory Sub-Committees to advise the Commission on specific recreational activities or programs.

B. Each Advisory Sub-Committee shall be chaired by a Commission member.

(Ordinance No. 98-03)

Chapter 2.32.

[Reserved.]

Chapter 2.29

HEALTH BOARD

SECTIONS:

- 2.29.010 Health Board -- Established.
- 2.29.020 Board -- Tenure.
- 2.29.030 Board -- Powers and Duties.
- 2.29.040 Board Meetings -- Generally.
- 2.29.050 Board Meetings -- Conduct.
- 2.29.060 Board Meetings -- Notice
- 2.29.070 Board Meetings -- Agenda
- 2.29.080 Advisory Sub-Committees.

Section 2.29.010 Health Board -- Established.

- A. There is created the City of Atkasuk Health Board.
- B. The Health Board shall consist of five (5) members appointed by the City Council. All Board Members shall be city residents.
- C. At the time prescribed for the beginning of newly appointed members' terms, or as soon thereafter as practicable, the Board shall elect a Chairperson, a Vice-Chairperson, and a Secretary, and determine the time and place of its regular quarterly meetings.

(Ordinance No. 98-01)

Section 2.29.020 Board -- Tenure.

- A. Board Members shall serve for three (3) years or until the appointment of their successors. The terms of Members shall be staggered so that two or three Members' terms end during each year.
- B. Board Members may be removed by the City Council if the Council finds that such an action is in the best interest of the City. The Council's decision to remove a Board Member must be approved by at least five (5) Members of the Council.
- C. A Board Member(s) who misses three (3) consecutive regular meetings shall be removed from the Board. When a Member has missed three consecutive regular meetings, the Board shall promptly report the vacancy to the Mayor.
- D. Vacancies shall be filled for the remainder of the unexpired term by a person appointed by the City Council.

(Ordinance No. 98-01)

Section 2.29.030 Board -- Powers and Duties.

The Health Board Shall:

A. The Secretary shall prepare and present a brief written report on the activities of the Health Board to the City Clerk each quarter for distribution to the City Council, including information on the following:

1. Total income and expenses of the Atqasuk Health Board.

B. Recommend to the City Council names for Representative and Alternate to the North Slope Borough Health Board.

C. Review and consider Non-emergency travel requests. The Board shall render a decision on each request.

(Ordinance No. 98-01)

Section 2.29.040 Board Meetings -- Generally.

A. Regular Health Board meetings shall be held on a quarterly basis.

B. The Chairperson or any three (3) members of the Board may call Special Meetings. The Chairperson or Members calling such meeting shall specify the purpose of the Special Meeting

(Ordinance No. 98-01)

Section 2.29.050 Board Meeting -- Conduct.

A. All Board Meetings are public meetings, governed by the statutes of the State of Alaska and City Ordinance.

B. Except as otherwise specified by State Statute or City Ordinance, all meetings be conducted according to 'Robert's Rules of Order'. The Board may, when no member objects, proceed informally in dealing with non-controversial matters.

C. Three (3) Board Members shall constitute a **Quorum**.

D. The Secretary shall keep Minutes of all Board Meetings. Copies of the Minutes shall be provided to the City Clerk for distribution to the City Council.

(Ordinance No. 98-01)

Section 2.29.060 Board Meetings -- Notice.

A. Notice of regular meetings, including a copy of the proposed agenda, shall be given to Board Members by mail, or in person, at least five working days prior to each regular meeting. Notice of Special Meetings, including notice of the purpose for which the special meeting is called, shall be given to Board Members by mail, in person, or by telephone or radio, at least twenty-four hours to each Special Meeting.

B. The Chairperson or designee shall notify the general public of Regular and Special Meetings by radio, by postings in at least three public places in the city; and, if deemed appropriate by the Chairperson, by insertion in local newspaper advertisements.

(Ordinance No. 98-01)

Section 2.29.070 Board Meetings -- Agenda.

A. The Chairperson shall prepare the Agenda for regular meetings, including all items requested in a timely manner by Board Members or other persons. Persons wishing to have item(s) included on the agenda must submit their request to the Chairperson, in writing, no later than eight working days prior to the meeting.

B. The Agenda for each Special Meeting shall be limited to the specific item or items identified, and listed on the agenda, by the Chairperson or the Members calling for the Special Meeting.

(Ordinance No. 98-01)

Section 2.29.080 Advisory Sub-Committees.

A. The Board may establish Advisory Sub-Committees to advise the Board on specific public health activities or programs.

B. Each advisory sub-committee shall be chaired by a Board Member.

(Ordinance No. 98-01)

Chapter 2.32.

[Reserved.]

Chapter 2.36

ELECTIONS

Sections :

Article I: General

- 2.36.010 Voter qualifications.
- 2.36.020 Residence criteria.
- 2.36.030 Precincts and votingplaces.
- 2.36.040 Supervision by city clerk.
- 2.36.050 Election board; Judges; Clerks.
- 2.36.060 Oath of election officials.
- 2.36.070 Offenses.

Article II: Preparation for Election Day

- 2.36.080 Date of regular election.
- 2.36.090 Special elections.
- 2.36.100 Coincidence with other elections.
- 2.36.110 Election place and hours.
- 2.36.120 Notices of election.
- 2.36.130 Nominations for - office.
- 2.36.140 Declaration of candidacy Form.
- 2.36.150 Declaration of candidacy Filing.
- 2.36.160 Declaration of candidacy Withdrawal.
- 2.36.170 Ballots -- Form.
- 2.36.180 Ballots -- Preparation .
- 2.36.190 Other materials .

Article III: Election Day Procedures

- 2.36.200 Distribution of ballots.
- 2.36.210 Distribution of other election materials.
- 2.36.220 Voting General procedure.
- 2.36.230 Voting Spoiled ballots.
- 2.36.240 Voting Questioned ballots.
- 2.36.250 Voting Absentee voters.
- 2.36.260 Return of unused and spoiled ballots.
- 2.36.270 Ballot count Commencement .
- 2.36.280 Ballot count Watchers.
- 2.36.290 Ballot count General procedure.
- 2.36.300 Ballot count Rules.
- 2.36.310 Ballot count Completion.

Article IV: Absentee Voting

- 2.36.320
- 2.36.330
- 2.36.340
- 2.36.350

Perso
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eligi
ble.

Ballot application; Filing.
Ballot and envelope form.
Absentee voting procedure.

Article V: Post-Election Procedure

- 2.36.360 Posting result certificate.
- 2.36.370 Final canvass by city council.
- 2.36.380 Runoff elections.
- 2.36.390 Recounts.
- 2.36.400 Contest.
- 2.36.410 Contest --Appeal.

Article VI: Initiative, Referendum, and Recall

- 2.36.420 Initiative and referendum.
- 2.36.430 Recall.
- 2.36.440 Petition Application.
- 2.36.450 Petition Preparation.
- 2.36.460 Petition Circulation and filing.
- 2.36.470 Petition Certification; Protest.
- 2.36.480 Election.

Forms following Section 2.36.480

- Form 2.36-A Oath of Election Official.
- Form 2.36-B Notice of Election.
- Form 2.36-C Official Ballot.
- Form 2.36-D Tally Sheet.
- Form 2.36-E Report of Preliminary Election Results.
- Form 2.36-F Oath and Affidavit of Eligibility.
- Form 2.36-G Application for Absentee Ballot.
- Form 2.36-H Absentee Ballot Return Envelope.
- Form 2.36-I Declaration of Candidacy.
- Form 2.36-J Certificate of Election -- Officer.
- Form 2.36-K Certificate of Election -- Ballot Proposition.
- Form 2.36-L Affidavit of Election Contest.

ARTICLE J:: GENERAL

section 2.36.010 Voter qualifications .

A person shall be qualified to vote in a city election who:

1. is a United States citizen qualified to vote in state elections;
2. has been a resident of the City of Atqasuk for thirty (30) days immediately preceding the election;
3. is registered to vote in state elections;
4. has not been convicted of a felony involving moral turpitude without later restoration of voting rights pursuant to

A.S. 15.05.030; and

5. has not been judicially determined to be of unsound mind, unless the disability has been removed.

(Ordinance No. 89-11.)

Section 2.36.020 Residence criteria.

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

1. No person may be considered to have gained a residence solely by reason of his presence nor may he lose it solely by reason of his absence while in the civil or military service of the State or of the United States, or of his 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 .

2. The residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return. If a person resides in one place, but does business in another, the former is his place of residence. Temporary construction camps do not constitute a dwelling place.

3. 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 (1) residence.

4. A person does not lose his residence if he leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.

5. A person does not gain residency by coming to the city without the present intention to establish his permanent dwelling in the city.

6. A person loses his 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.

7. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.

8. The address of a voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the director setting out his new voting residence.

(Ordinance No. 89-11.)

section 2.36.030 Precincts and voting places.

Election precincts for city elections shall be the same as those established for state elections, except that all areas of state election precincts located outside the city limits are excluded. Currently, the City of Atqasuk is entirely within the Atqasuk election precinct. The city council shall establish the location of voting places for each precinct by resolution.

(Ordinance No. 89-11.)

Section 2.36.040 supervision by city clerk.

A. The clerk is the supervisor of elections for the City of Atqasuk. The clerk may propose written regulations for approval by the council for all additional procedures necessary to carry out the provisions of any election ordinance passed by the council.

B. The clerk shall pay all necessary election expenses, including those of securing polling places and providing ballot boxes, ballots, voting booths or screens and other supplies.

(Ordinance No. 89-11.)

section 2.36.050 Election board; Judges; Clerks.

A. There shall be an election board for each election precinct. The council shall, by resolution adopted at least ten (10) days prior to each regular or special election, appoint three (3) judges to serve as the election board, and designate one of the judges to chair the board.

B. Judges shall not be council members, the city clerk, candidates for office, or members of candidates' immediate families (parents, children, brothers or sisters, or husbands or wives of candidates).

C. If any judge fails or refuses to perform the duties of election judge on or during election day, the remaining judges shall choose a qualified voter to serve in his or her place. If

more than one (1) replacement judge is required to be chosen at any one time, the city clerk, together with the remaining judge (if any) shall choose qualified voters to serve in the place of the absent judges.

D. The city clerk may, at the request of the judges and if necessary to conduct an orderly election or to relieve the judges of undue hardship, appoint up to three (3) election clerks to assist the judges. Persons appointed as election clerks must be qualified to serve as judges.

E. Each election judge or clerk shall sign the oath specified in Section 2.36.060 of this code and file it with the clerk on or before election day.

F. In appointing election board members, the council shall, to the maximum extent possible, select election judges who are fluent in both Inupiaq and English, so as to ensure, if reasonably possible, that there will be present, at each polling location during all times when the polls are open, an election official capable of assisting voters who may be fluent in only one of those languages.

(Ordinance No. 89-11.)

section 2.36.060 Oath of election officials.

A. The city clerk shall give the following written oath to all election judges and election clerks on or before election day:

I, _____ 'do solemnly swear (affirm)
that:

I will honestly, faithfully, and impartially perform the duties of election judge (clerk) to the best of my ability;

I will not receive any ballot or votes from any person who I do not firmly believe to be entitled to vote at this election, according to the laws of this state and the ordinances of this City, nor will I refuse to receive a ballot or vote from, or do any thing to hinder the casting of a ballot or vote by, any person who I believe is entitled to vote at this election: and

I am familiar with the city's elections ordinances and elections procedures.

B. A form for administration of this oath is included in the forms appendix as Form 2.36-A.

(Ordinance No. 89-11.)

Section 2.36.070 Offenses.

It is unlawful for any person, firm or corporation to do or to attempt to do any of the following acts, and any person, firm or corporation who does or attempts to do any of the following acts is guilty of a misdemeanor and shall be subject to a fine of up to five hundred dollars (\$500.00) and/or imprisonment for up to thirty (30) days :

1. To directly or indirectly use or threaten to use force, coercion, violence or restraint, or inflict or threaten to inflict damage, harm or loss, upon or against any person to induce or compel the person to vote or refrain from voting for any candidate in any election or for any election proposition or question.

2. To give, or promise to give, or offer any money or valuable thing to any person, with the intent to induce him to vote for or restrain him from voting for any candidate at any election or election proposition or question.

3. To write, print or circulate any letter, circular, placard, poster or other publication relating to any election or to any candidate at any election or to any election proposition or question without the same bearing on its face the name and address of the author, printer and publisher thereof.

4. To willfully write, print, circulate or broadcast any statement containing any false charge or comment relating to any candidate at any election or to any election proposition or question or reflecting on the character, morality or integrity of any candidate at any election.

5. To possess any official ballot outside of the voting room; provided, that this subsection shall not apply to election officials or other properly authorized persons having such possession in the course of their official duties, or to any absentee voter with respect to the single ballot issued to the voter by the city clerk.

6. To possess any counterfeit of an official ballot .

7. Having been contracted or employed by the city to print or reproduce in any manner any official ballot, to willfully appropriate to him or herself, nor to give or deliver to, or knowingly permit to be taken by anyone other than a person authorized by the city clerk, any official ballots, or knowingly print or reproduce or cause to be printed or reproduced any official ballots in any other form or with any other content other than that prescribed by ordinance or as directed by the city clerk.

8. To refuse to allow an employee reasonable time off for the purpose of voting when the employee does not have a reasonable amount of time to vote before or after work, or after allowing the time off, to deduct the time from the compensation of the employee.

9. To vote more than once at the same election.

10. To vote in the name of another person or in any name other than his or her own.

11. To sign any name other than his or her own to a petition proposing an initiative, referendum or recall.

12. To willfully conceal, withhold, wrongfully change, mutilate, or destroy the election return.

13. While the polls are open, to open any ballot received from a voter at any election, or to mark any ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how any voter marked his or her ballot, or allow the same to be done by any other person.

14. To willfully delay the election returns.

15. To induce by force, threat, intimidation, or offer of a reward any election official to fail in his or her duty.

16. To willfully make a false affidavit or swear falsely under oath required in connection with any election or registration for voting or falsely affirm in lieu of so swearing.

17. To willfully fail to perform any election duty or knowingly do any unauthorized act with the intent to affect the election or its results.

18. To willfully change or cause to be changed any official election documents, including ballots, tallies and returns, or attempts to do the same.

19. To willfully permit or make any false count or report of the election returns.

20. To persuade a person to vote for or against any candidate, question, or proposition on the ballot within one hundred feet (100') of any entrance to the polling place during the hours the polls are open.

(Ordinance No. 89-11.)

ARTICLE II: PREPARATION FOR ELECTION DAY

Section 2.36.080 Date of regular election .

The regular election for council members or other elected officials shall be held every year on the first (1st) Tuesday in October. Questions or propositions may be placed on the ballot at this time.

(Ordinance No. 89-11.)

section 2.36.090 Special elections .

The city council may call a special election to decide any question that must by law be decided by the voters at any time; provided, that the election date must be preceded by at least twenty (20) days public notice.

(Ordinance No. 89-11.)

Section 2.36.100 Coincidence with other elections .

Nothing in this chapter shall prohibit holding a city election on the same day and by the same election personnel as a state, borough or other public election, or submitting a city question at such an election.

(Ordinance No. 89-11.)

section 2.36.110 Election place and hours.

A. Elections shall be held at the place or places specified by the council and stated in the Notice of Election.

B. The polls shall be open from 8:00 a.m. until 8:00 p.m. on election day. Fifteen (15) minutes before the time of closing the polls, the election board shall announce the present time and the time at which the polls will close. At 8:00 p.m., the election board shall announce the time and that the polls are closing. All voters in line to vote at 8:00 p.m. shall be allowed to vote, but no person arriving at the polling place after 8:00 p.m. may be allowed to vote.

(Ordinance No. 89-11.)

Section 2.36.120 Notices of election.

A. Notice that an election will be held shall be prepared and posted by the clerk and shall contain all of the following which apply:

1. whether the election is regular or special;
2. date of the election;
3. location of each city polling place;
4. time polling places will open and close;
5. offices to be filled;
6. a statement describing voter qualifications;
7. times for filing declarations of candidacy; and
8. a statement of any questions or propositions to be placed on the ballot.

The clerk shall use Form 2.36-B to prepare the Notice of Election.

B. Notice of a regular election must be posted in three (3) public places for thirty (30) days before the election and published in a newspaper of general circulation in the city, if any.

C. Notice of a special election shall be posted in three (3) public places at least twenty (20) days before the election and published in a newspaper of general circulation in the city, if any.

D. Notice of a runoff election shall be posted in three (3) public places at least five (5) days before the election and published in a newspaper of general circulation in the city, if any.

{Ordinance No. 89-11.)

section 2.36.130 Nominations for office.

Nominations for elective office shall be made only by declaration of candidacy.

(Ordinance No. 89-11.)

section 2.36.140 Declaration of candidacy -- Form.

A. Declaration of candidacy forms shall be prepared by the clerk using Form 2.36-I at least thirty (30) days before the election. The declaration shall have spaces for the following: the candidate's full name; the office for which the candidate is running; that the candidate is a qualified city voter and has been a resident of the city for the required length of time for

the office sought; the date the declaration is filed ; and a statement that if elected, the candidate will serve the full term of office.

B. The clerk shall keep the completed :declarations of candidacy in the city files.

(Ordinance No. 89-11.)

section 2.36.150 Declaration of candidacy -- Filing.

A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the clerk. Declarations of candidacy may be filed no sooner than thirty (30) days and no later than ten (10) working days before the election.

(Ordinance No. 89-11.)

Section 2.36.160 Declaration of candidacy -- Withdrawal.

Any candidate who has filed a declaration of candidacy may withdraw his or ,her candidacy not later than the last day for filing declarations of candidacy by filing with the city clerk a written notice of withdrawal.

(Ordinance No. 89-11.)

Section 2.36.170 Ballots -- Form.

A. The clerk shall design the ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of the election. The ballots shall:

1. be printed on plain white paper, stating at the top whether the election is a regular, special, or runoff election.

2. include instructions on how to mark the ballots.

3. list the offices 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 (except in runoff elections). 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 . A blank or box for marking a vote shall be located next to each name and each blank line.

4. list the questions or propositions to be voted on, if any. Each question or proposition shall have two blank lines or boxes next to or following the text of the question or proposition, one marked "Yes" or "For" and the other "No" or "Against," as appropriate.

B. In preparing the ballot, the clerk shall use Form 2.36-C as a guide, adding and/or deleting such ballot sections as appropriate.

(Ordinance No. 89-11.)

section 2.36.180 Ballots Preparation

The clerk shall have ballots typed or printed at least ten (10) days before the date set for a regular or special election. Ballots shall be typed or printed on white paper. There shall be at least three ballots, typed or printed on colored paper, with the word "SAMPLE" printed on them, to be posted in the clerk's office until election day and then given to the judges at each polling place.

(Ordinance No. 89-11.)

Section 2.36.190 Other materials.

A. At least ten (10) days prior to the day of the election, the clerk shall prepare the following materials:

1. an updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;

2. 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;

3. tally sheets, an example of which is illustrated by Form 2.36-D;

4. a form for the Report of Preliminary Election Results, prepared using Form 2.36-E;

5. envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots, prepared using Form 2.36-F;

6. two (2) large envelopes for each polling place, one marked "Spoiled Ballots" and the other marked "Questioned Ballots;"

7. copies of the Notice of Election, the city's elections ordinances; and A.S. 15.15.080 through 15.15.370;

8. applications for absentee ballots, prepared in accordance with Form 2.36-G; and

9. ballot envelopes and return envelopes for absentee ballots, prepared in accordance with section 2.36.340.

B. The clerk shall prepare for each polling place instructions for the guidance of voters covering the following:

1. how to obtain a ballot;
2. how to mark a ballot;
3. how to obtain additional information; and
4. how to obtain a new ballot to replace any ballot destroyed or spoiled.

C. After the election, the clerk shall keep all election materials in the permanent city files.

-- (Ordinance No. 89-11.)

ARTICLE III: ELECTION DAY PROCEDURE

section 2.36.200 Distribution of ballots.

A. Before the polls open on election day, the clerk shall deliver the ballots and sample ballots prepared pursuant to section 2.36.180 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 clerk. No ballots shall be taken from the polling place before the closing of the polls.

B. The clerk shall keep the following records:

1. the number of ballots delivered to the polling place;
2. the name of the person to whom the ballots are delivered;
3. the time the ballots are delivered; and
4. the receipt given for the ballots by the election board.

C. When the ballots are returned, the clerk 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.

(Ordinance No. 89-11.)

section 2.36.210 Distribution of other election materials.

A. On election day, the clerk shall also furnish the election board judges at each polling place with a voting booth and ballot box (with lock or sealing materials); and the following materials prepared pursuant to section 2.36.190: the updated Master Voter Registration List; a Blank Register; envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots; 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, and A.S. 15.15.080 through 15.15.370; a sufficient number of Instruction Sheets; and a sufficient supply of pens, pencils, and envelopes.

B. The clerk shall supply the election board chairperson with tally sheets and forms for the Report of Preliminary Election Results, either before or on election day.

C. Judges shall report to the polling place thirty (30) minutes before the opening of the polls. Before the first ballot is cast, the judges will inspect the ballot box to make sure it is empty and then seal or lock it and not open it until after the final ballot is cast and the polls have closed.

(Ordinance No. 89-11.)

Section 2.36.220 Voting -- General procedure.

A. A voter shall give the judges or clerks his name, and print and sign his name and write his 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 challenge the voter.

B. If the voter is not challenged , 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 ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for the purpose. The voter also marks the boxes to indicate his vote for or against questions and propositions . Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number on the ballot and deliver it to one of the judges or clerks, whoshall, without unfolding the ballot or allowing any person to see how it is marked, tear the number off and deposit the ballot in the ballot box if the ballot bears the same number as the ballot given to the voter by the judges and clerks.

C. If a voter is challenged, the voter may cast a questioned ballot pursuant to section 2.36.240.

(Ordinance No. 89-11.)

Section 2.36.230 Voting -- Spoiled ballots.

If a voter improperly marks or otherwise damages a ballot, and discovers his mistake before the ballot is placed into the ballot box, he shall return it to the election officials, 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 city clerk. The judge or clerk shall then issue a new ballot to the voter as provided in section 2.36.220 (A). A voter may request replacement of a spoiled ballot no more than three (3) times.

(Ordinance No. 89-11.)

Section 2.36.240 Voting -- Questioned ballots.

A. If a voter's name is not on the Master Voter Registration List or a voter's eligibility to vote is challenged 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 and cast a questioned ballot .

B. To cast a questioned ballot, a voter shall sign the register and be given and shall mark, fold, and return a ballot as provided in section 2.36.220 (A) and (B), except that the judge or clerk shall not place the folded ballot into the ballot box.

C. After tearing the number off the questioned ballot, the judge or clerk shall hand the ballot back to the questioned voter with a blank envelope. The questioned voter will insert the ballot into the blank envelope and seal it. This envelope shall be placed in the signed oath and affidavit envelope. The oath and affidavit envelope shall be sealed and inserted into a larger envelope with other questioned ballots. The large envelope containing all the questioned ballots cast at the polling place shall be delivered to the city clerk when the polls close. The clerk shall give the election board a receipt listing the total number of questioned ballots delivered and the names of the persons who cast them.

O. The city clerk shall present the envelope containing all of the sealed oath and affidavit envelopes containing the questioned ballots to the city council at the meeting held pursuant to section 2.36.370.

(Ordinance No. 89-11.)

Section 2.36.250 Voting -- Absentee voters.

If a voter issued an absentee ballot returns to the city on election day, he shall not vote at the polling place unless he first surrenders to the election board the absentee ballot, ballot envelope, and return envelope issued to him. Unused absentee ballots, ballot envelopes and return envelopes shall be returned to the city clerk by the election board with other ballots not used at the polling place.

(Ordinance No. 89-11.)

Section 2.36.260 . Return of unused and spoiled ballots.

After the polls have closed, all ballots not voted (including absentee ballots returned by voters who choose to vote in person at the polling place) and all spoiled ballots shall be returned by the judges to the city clerk, who shall give a receipt therefor and keep a record of the number and character of ballots returned to him, indicating when and by which judge each was returned.

(Ordinance No. 89-11.)

section 2.36.270 Ballot count -- commencement.

A. When the polls are closed and the last vote has been cast, the election board and clerks shall immediately open the ballot box and count the ballots to determine whether the total number of ballots is equal to the total number of persons (including absentee voters) who voted, as indicated by the

register . If the number of ballots found in the ballot box does not match the number of voters indicated by the register, the election board shall recount the ballots until the board finds that the number of ballots is equal to the number of voters indicated by the register, or that an unexplained discrepancy exists. If such a discrepancy exists, a detailed explanation of the nature of the discrepancy shall be written on the tally sheet and signed by each of the election judges.

B. All aspects of the ballot count, including the opening of the ballot box, the counting of the ballots in the box, and the tallying of the votes, shall be done in public and in full view of all persons present. The public may not be excluded from the area in which these activities are conducted; provided, however, that the judges shall not permit any person to in any way interfere with or distract the election officials from the performance of their duties.

c. In all cases the election board shall cause the count to be continued without adjournment until the count is complete.

(Ordinance No. 89-11.)

section 2.36.280 Ballot count -- watchers.

If it becomes necessary for the election board to exclude the public at large from circulating freely among the ballot counters because the number of persons interested in observing the vote is larger than may be accommodated without seriously disrupting the ballot counting process, and to restrict the public to another portion of the room in which the ballots are being counted, any candidate for elective city office or organization or organized group sponsoring or opposing an initiative, referendum, or recall may appoint a watcher. State law relating to watchers in state elections shall govern watchers in city elections insofar as it is applicable.

(Ordinance No. 89-11.)

Section 2.36.290 Ballot count -- General procedure.

A. The clerk may issue rules prescribing the manner in which the ballot count is accomplished so as to assure accuracy in the count and to expedite the process.

B. The election board shall account for all ballots by specifying on tally sheets (1) the number of ballots received from the clerk; (2) the number of ballots voted; (3) the number

of spoiled ballots returned to the clerk; (4) the number of questioned ballots delivered to the clerk; and (5) the number of unused ballots returned to the clerk.

C. The election board shall count the ballots in a manner that allows watchers to see the ballots when opened and read.

D. No person other than appointed election judges and clerks who have executed the oath provided by section 2.36.060 shall be permitted to handle the ballots. No person handling any ballot after it has been taken from the ballot box and before it is sealed in the package with the other ballots at the conclusion of the board's ballot count may have a marking device in hand or remove a ballot from the immediate vicinity in which the ballots are being counted.

(Ordinance No. 89-11.)

Section 2.36.300 Ballot count -- Rules.

A. The election board shall count the ballots according to the following rules:

1. a voter may mark his ballot with cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate or choice the voter desires to designate. The voter's mark shall be counted only if it is substantially inside the square provided; or touching the square so as to indicate clearly that the voter intended the particular square to be designated.

2. a voter is not required to cast a vote for every office or on every proposition included on the ballot . No vote shall be tallied for those offices or propositions for which no choice is marked by the voter.

3. a failure to properly mark a ballot as to one (1) or more offices or propositions does not itself invalidate the entire ballot .

4. if a voter marks fewer names than there are persons to be elected to an office, a vote shall be counted for each candidate properly marked.

5. if a voter marks more names than there are persons to be elected to any office, no vote shall be counted for any candidate for that office. If a voter marks both "for" and "against" or "yes" and "no" for a proposition or question, no vote on that proposition or question shall be recorded.

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. in order to vote for a write-in candidate, the voter must write in the candidate 's name in the space provided and mark the square opposite the candidate 's name in accordance with (1) of this subsection. A write-in vote is not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was so marked for the purpose of identifying the ballot .

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 in subsection (A) of this section . 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 portions 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 city clerk.

F. All decisions regarding the validity of all or any portion of a ballot or any other question arising during the course of the election or the ballot count shall be made by majority vote of the election judges.

(Ordinance No. 89-11.)

section 2.36.310 Ballot count -- completion .

When the count of ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results using the Report of

Preliminary Election Results, Form 2.36-E. The report includes the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information prescribed by the clerk. Both copies of the certificate shall be signed by each election judge. The election board shall, immediately upon completion of the certificate, deliver to the clerk one of the two (2) original certificates, the Master Voter Registration List, the Register of voters, the tallysheets, the envelope containing the defective and objected-to ballots, and other election documents in one sealed package and, in a separate sealed package, all ballots properly cast.

(Ordinance No. 89-11.)

ARTICLE IV: ABSENTEE VOTING

section 2.36.320 Persons eligible .

Any qualified voter who expects to be absent from the city on election day or who is unable to go to the polls because of physical disability may cast an absentee ballot . An absentee ballot may be obtained by application to the clerk.

(Ordinance No. 89-11.)

Section 2.36.330 Ballot application :Filing.

A. A person who is eligible to cast an absentee ballot may apply to the clerk in person or by mail for a ballot. Applications for absentee ballots shall be made using Form 2.36-G or by letter containing all of the information required to complete that form.

B. An application made by mail must be received by the clerk not more than twenty (20) days and not less than three (3) days before the day of the election. An application made in person must be filed with the clerk not more than twenty (20) days before the day of the election and no later than noon on the day preceding the election.

C. Upon timely receipt of application for an absentee ballot, the clerk shall file the application and then verify the residence of the applicant by any means the clerk deems proper.

(Ordinance No. 89-11.)

Section 2.36.340 Ballot and envelope form.

The ballot provided to absentee voters shall be identical to the ballots to be used on election day. The ballot envelope and the return envelope shall be of heavy opaque paper. The ballot envelope shall be marked "Ballot Envelope" and have no other marks upon it. The material set out in Form 2.36-H shall be printed on the return envelope . (Ordinance No. 89-11.)

Section 2.36.350 Absentee voting procedure .

A. The clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with Section 2.36.180, together with a ballot envelope and a prepaid return envelope . The ballot provided to absentee voters shall be identical to the ballot prepared for regular voters .

B. The clerk shall not issue an absentee ballot sooner than ten (10) days before the election .

C. 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 .

D. 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 .

E. 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: the number of the ballot issued, the name of the voter to whom it was issued, and the date on which the ballot was issued .

F. 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 votes. The voter shall fold the ballot and 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 face of the return envelope and deliver it to the clerk. The clerk shall certify to the affidavit on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the council for canvassing .

G. 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 at the office of the city clerk, and there cast his ballot in the following manner : The voter first shall show the city clerk that his ballot has not been marked, then shall mark the ballot with pen and ink or indelible pencil

in the presence of the city clerk, in such a manner that the city clerk cannot see how it is marked. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the face of the return envelope, and deliver it, properly sealed, to the city clerk. The city clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the council for canvassing.

H. At any time on or before the day of the election, any voter issued an absentee ballot may appear before any person authorized by law to administer oaths, and in the presence of such officer cast his ballot in the same manner he would cast it in the office of the city clerk under this section. After writing or stamping his name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the city clerk.

I. To be counted, an absentee ballot must be postmarked on or before the date of the election, or returned to the clerk before the close of the polls on election day. An absentee ballot received by the city clerk after the time at which the clerk delivers the ballots to the council for canvass shall not be counted.

(Ordinance No. 89-11.)

ARTICLE V: POST-ELECTION PROCEDURE

section 2.36.360 Posting result certificate .

A. The clerk shall post copies of the Certificate of Preliminary Election Results results in three (3) public places the day after the election results are known. The notice shall include:

1. the time and place of the council meeting to be convened to consider the election results;

2. 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

3. that anyone has the opportunity to contest the election at the meeting.

(Ordinance No. 89-11.)

section 2.36.370 Final canvass by city council.

A. The city council shall meet on the first Monday after the election and canvass all absentee ballots received after the close of the polls, and all questioned and defective ballots cast in the election. If the council is unable to obtain a quorum or complete the count on the Monday after the election, the canvass will be continued the following day and each day thereafter until completed.

B. The city 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.

C. The council 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.

D. The ballot envelopes containing the absentee ballots shall be opened, and the ballots placed with the questioned ballots which the council has determined should be counted.

E. The council, with the assistance of the clerk, shall count the votes of the questioned and absentee ballots collected pursuant to subsections (C) and (D) of this section.

F. Council members 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.

G. After a final determination is made by the council, the election results shall be read into the minutes. The statement of results read into the minutes shall include the following:

1. the total number of ballots cast at the election;
2. for each office voted on, the name of the office, the names of the candidates (including write-in candidates) voted for, and the number of votes cast for each;
3. each proposition or question voted on, and the number of votes cast for and against each:

4. the disposition of all questioned and defective ballots: and

5. any other matter which the council deems necessary to preserve a complete record of the election.

E. The clerk shall provide Certificate of Election forms to the council for each office and each proposition or question presented at the election. Such forms are illustrated by Forms 2.36-J and 2.36-K. When the council has made its final determination, the clerk shall fill out, and the clerk and mayor shall sign, two Certificates of Election for each office, proposition, or question considered. 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.

(Ordinance No. 89-11.)

Section 2.36.380 Runoff elections.

A. The candidate who receives the highest number of votes cast for a particular council seat shall be elected to that office. No runoff election shall be conducted except as provided in B of this section.

B. In case of a tie vote between two or more candidates, a run-off election shall be conducted in accordance with the regular election procedures after a recount of votes by the city council.

(Ordinance No. 89-11.)

Section 2.36.:390 Recounts.

A. Any defeated candidate or any ten (10) qualified voters who believe that a mistake has been made by an election official or by the council in counting or tabulating the votes in any election may make an application in writing to the council for a recount of the votes for any particular office or on any particular question. The application must be filed with the city clerk within twenty-four (24) hours, excluding any Saturday, Sunday or holiday, after the council declares the results of the vote being questioned. In case of a tie vote between two (2) or more candidates, the council shall recount the votes without any application therefor.

B. In case of a tie vote between two or more candidates, a run-off election shall be conducted in accordance with the regular election procedures after a recount of votes by the city council.

C. The council shall begin the recount within twenty-four (24) hours after receiving the application, excluding any Saturday, Sunday or holiday, shall proceed with it as rapidly as practicable, and shall declare the results thereof. The city clerk shall promptly issue another election certificate if a change in the results requires it.

(Ordinance No. 89-11.)

Section 2.36.400 Contest.

A. Any defeated candidate or any ten (10) qualified voters who believe that prohibited practices have occurred, or that the election was conducted in a manner which did not comply with the requirements of this chapter and which affected the outcome of the election, may contest the election by filing an Affidavit of Election Contest (Form 2.36-L) at the council meeting at which the ballots are canvassed, prior to the issuance of the Certificates of Election. The name of the person(s) contesting the election, the reason for the contest, and the council's decision shall be entered into the minutes of the meeting.

B. The council may order an investigation or a recount of the ballots or declare the election, as to one or more offices or propositions or in its entirety, invalid, and order a new election.

(Ordinance No. 89-11.)

section 2.36.410 contest -- Appeal .

If the council rejects an election contest and certifies the election, any candidate or voter who filed an Affidavit of Election Contest may appeal the council's decision to the state Superior Court within ten (10) days after the council's decision on the contest. Otherwise, the results are conclusive, final, and valid in all respects.

(Ordinance No. 89-11.)

ARTICLE VI : INITIATIVE, REFERENDUM, AND RECALL

section 2.36.420 Initiative and referendum.

A. The powers of initiative and referendum may be exercised by city residents as provided by this chapter or otherwise in accordance with state law.

B. The powers of initiative and referendum do not extend to matters restricted by Section 7, Article XI of the state Constitution. That Section provides: "The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety."

C. An application for an initiative or referendum petition shall be prepared, filed, and certified as provided in this section and Section 2.36.440.

D. A petition for initiative or referendum shall be prepared, filed, and certified as provided in this section and Sections 2.36.450 through 2.36.470.

E. An application for initiative petition, and a petition for initiative, shall:

1. embrace only a single comprehensive subject not restricted by subsection (B) of this section; and

2. relate to a legislative rather than to an administrative matter.

F. An application for initiative or referendum petition shall set out fully the ordinance or resolution sought to be enacted or referred. A petition for initiative or referendum shall set out fully the ordinance or resolution sought to be enacted or referred, and, in addition, shall set out a summary of the ordinance or resolution sought to be initiated or referred.

G. When the clerk certifies as sufficient an initiative petition which seeks enactment of an ordinance or resolution within the powers of the council and not otherwise restricted by subsection (B) of this section, or a referendum petition, the clerk shall present it to the council at its next meeting. The council may reject the petition if the subject matter of the initiative or referendum is within the restrictions of subsection (B) of this section.

H. Unless the council adopts substantially the same ordinance or resolution proposed in an initiative petition, or repeals the ordinance or resolution against which a referendum petition is directed, the clerk shall submit the matter to the voters at the next regular election occurring no sooner than forty-five (45) days after certification of the petition.

I. If the council adopts substantially the same ordinance or resolution proposed by an initiative petition, or repeals the ordinance or resolution proposed by a referendum petition to be repealed, the petition is void and an election shall not be held on the matter initiated or referred.

J. The ordinance or resolution proposed by the petition to be enacted or repealed shall be published in full in the notice of election but may be summarized on the ballot to indicate clearly the proposal submitted.

K. If a majority of those voting favor an initiated ordinance or resolution, it becomes effective upon certification of the election, unless a different effective date is provided in the ordinance or resolution. If a majority of those voting favor the repeal of a referred ordinance or resolution, it is repealed effective upon certification of the election; otherwise, the matter referred remains in effect, or, if it has been suspended, becomes effective upon certification of the election.

L. If a sufficient petition for referendum is filed before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension the council may not enact an ordinance or resolution substantially similar to the suspended measure, but may repeal the suspended ordinance or resolution.

M. The effect of an ordinance or resolution may not be modified or negated within two (2) years after its effective date if adopted in an initiative election or if adopted after a petition containing substantially the same measure has been filed. The council may not, for a period of two years, adopt legislation substantially similar to an ordinance or resolution repealed in a referendum election or repealed by the council after a petition containing substantially the same measure has been filed.

N. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six (6) months after the election results are certified.

(Ordinance No. 89-11.)

section 2.36.430 Recall.

A. Any official elected or appointed to an elective municipal office may be recalled by the voters after he or she has served one hundred and twenty (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. An application for a recall petition shall be prepared, filed, and certified as provided in this section and Section 2.36.440.

D. A petition for recall shall be prepared, filed, and certified as provided in this section and Sections 2.36.450 through 2.36.470.

E. A petition for recall may not be filed or supplemented within one hundred and eighty (180) days before the end of the term of office of the official sought to be recalled.

F. An application for a recall petition, and a recall petition, shall each contain:

1. the name (s) of the officer or officers to be recalled, and

2. a statement in two hundred (200) words or less of the grounds for the recall, stated with particularity.

G. A recall ballot shall contain:

1. the grounds for recall as stated in the recall petition;

2. a statement of two hundred (200) words or less by each officer who is subject to recall, if such a statement is filed with the clerk for publication and public inspection at least twenty (20) day before the election;

3. the following question: "Shall (name of person) be recalled from the office of (office)? Yes [] No []".

H. If a vacancy occurs in the office for which a recall petition has been filed, prior to the date of the recall election, the petition shall not be submitted to the voters.

I. If the voters recall an officer, the council shall schedule a special election for a successor to fill the unexpired term. The election shall be held at least ten (10) but not more than forty-five (45) days from the date of the recall election.

City of Atkasuk Code of Ordinances/Chapter 2.36/Page 27

However, if a regular or previously scheduled special election

occurs within seventy-five (75) days of the recall election, the successor to the recalled official shall be chosen at that regular or special election. The procedures and requirements for the regular election for th office from which the incumbent is recalled apply to the election conducted under this Section.

J. If all members of the governing body are recalled, the governor shall appoint three (3) qualified persons to the governing body. The appointees shall appoint additional members to fill remaining vacancies in accordance with A.S. 29.26.350.

(Ordinance No. 89-11.)

Section 2.36.440 Petition -- Application .

A. A petition for initiative, referendum, or recall is proposed by filing an application with the clerk.

B. An application shall contain:

1. the matters required by Section 2.36.420 (E) and (F) or Section 2.36.430 (F) ;
2. the address to which all correspondence relating to the proposed petition may be sent;
3. the signatures and residence addresses of ten (10) qualified voters who will sponsor the petition.

C. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk.

D. Within two (2) weeks after the filing of the application, the clerk shall certify the application if the clerk finds that the application complies with this section and either Section 2.36.420 (E) and (F) or Section 2.36.430 (F), as appropriate. An application for initiative petition shall not be certified unless the clerk finds in addition that it would be enforceable as a matter of law.

(Ordinance No. 89-11.)

section 2.36.450 Petition -- Preparation .

A. Within two weeks after certification of an application for petition, the clerk shall prepare a petition.

B. Each copy of the petition shall contain, in addition to the items specified in Section 2.36.420 (F) or 2.36.430 (F), the following:

1. the date on which the petition is issued by the clerk:

2. (a) if the petition is an initiative or referendum petition, notice that the signatures on the petition must be secured within ninety (90) days from the date the petition is issued: or

(b) if the petition is a recall petition, notice that the signatures on the petition must be secured within sixty (60) days from the date the petition is issued:

3. spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer:

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

5. space for indicating the total number of signatures on the petition.

C. If the petition consists of more than one page, each page shall contain the summary of the ordinance or resolution to be initiated, the ordinance or resolution to be referred, or the name (s) of the officer(s) to be recalled.

D. Copies of the petition shall be provided to each sponsor by the clerk.

(Ordinance No. 89-11.)

Section 2.36.460 Petition -- Circulation and filing.

A. The clerk shall determine the number of signatures required on a petition and inform each sponsor. The petition shall be signed by a number of qualified voters equal in number to twenty-five percent (25%) of the number of votes cast in the last regular election held in the city before the petition was issued.

B. The signatures on an initiative or referendum petition shall be secured within ninety (90) days after the date the clerk issues the petition. The signatures on a recall petition shall be secured within sixty (60) days after the date the clerk issues the petition. Signatures shall be in ink or indelible pencil.

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

D. All copies of a petition shall be assembled and filed with the clerk as a single instrument.

E. An initiative or referendum petition may not be filed if a substantially similar petition has been defeated by the voters within the preceding six (6) months. A recall petition may not be filed if a petition seeking the recall of the same official has been defeated by the voters within the preceding six (6) months.

(Ordinance No. 89-11.)

section 2.36.470 Petition certification:Protest.

A. When a petition has been filed, the clerk shall within ten (10) days certify on the petition whether it is sufficient, and, if it is insufficient, identify the insufficiency and notify the sponsors at the address provided on the petition by certified mail.

B. To determine whether the petition is sufficient, the clerk shall first determine whether the petition complies with the applicable requirements of sections 2.36.420 through 2.36.460. In determining whether the petition bears the required number of signatures, illegible signatures shall not be counted unless accompanied by a legible printed name, and signatures not accompanied by a legible residence address shall not be counted. The clerk shall count only those signatures which can be determined, from the information on the petition and other information known or available to the clerk, to be the signatures of qualified voters. Illegible signatures, unless accompanied by a legible printed name, shall be rejected by the clerk. The clerk shall certify on the petition within ten (10) days of the filing date whether it is accepted or rejected. Until the petition is accepted, a petition signer may withdraw his or her signature upon written application to the clerk.

C. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the eleventh (11th) day after the date on which the petition is rejected. A recall petition may not be supplemented unless it contains an adequate number of signatures, counting both valid and invalid signatures.

D. A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under subsection (C) of this section. Within ten (10) days after a sup-

plementary filing, the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

E. Failure to secure sufficient signatures does not preclude the filing of a new initiative, referendum, or recall petition. However, a new initiative or referendum petition seeking to enact or repeal substantially the same measure, or a new application for a petition to recall the same official, may not be filed sooner than six (6) months after a petition is rejected as insufficient.

F. If the clerk certifies the petition as being insufficient, a signer of the petition may file a protest with the mayor within seven (7) days after the certification. The mayor shall then present the protest to the council at the next regular meeting for hearing and decision of the protest.

G. If the clerk certifies an initiative or referendum or recall petition as sufficient, the clerk shall immediately submit it to the council at the next regular meeting or at a special meeting held before the next regular meeting.

(Ordinance No. 89-11.)

section 2.36.480 Election.

A. If a regular election or previously scheduled special election occurs within seventy-five (75) days of the clerk's submission of a certified sufficient petition, the council shall submit the issue raised by the petition at that election.

B. If no regular election or previously scheduled special election will occur within seventy-five (75) days of the clerk's submission of a petition, the council shall hold a special election within seventy-five (75) days of submission.

C. Procedures for conducting an initiative, referendum, or recall election are those of a regular election.

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

(Ordinance No. 89-11.)

APPENDIX OF FORMS

Forms:

- 2.36-A Oath of Election Official.
- 2.36-B Notice of Election.
- 2.36-C Official Ballot.
- 2.36-D Tally Sheet.
- 2.36-E Report of Preliminary Election Results.
- 2.36-F Oath and Affidavit of Eligibility.
- 2.36-G Application for Absentee Ballot.
- 2.36-H Absentee Ballot Return Envelope.
- 2.36-I Declaration of Candidacy.
- 2.36-J Certificate of Election -- Officer.
- 2.36-K Certificate of Election -- Ballot Proposition.
- 2.36-L Affidavit of Election Contest.

city of Atqasuk
OATH OF ELECTION OFFICIAL
(Form 2.36-A)

I, _____, do solemnly swear (affirm)
that:

I will honestly, faithfully, and impartially perform the
duties of election judge (clerk) to the best of my ability;

■ will not receive any ballot or votes from any person who ■
do not firmly believe to be entitled to vote at this election,
according to the laws of this State and the ordinances of this
City, nor will ■ refuse to receive a ballot or vote from, or do
anything to hinder the casting of a ballot or vote by, any person
who I believe is entitled to vote at this election; and

■ am familiar with the city's elections ordinances and elec-
tions procedures .

SIGNED: _____
Election Judge or Clerk

Witnessed:

City Clerk

CITY OF ATQASUK, ALASKA

NOTICE OF ELECTION

(Form 2.36-B) (Sample)

NOTICE: A regular (special, runoff) election will be held in the City of Atqasuk on the _____ day of _____, 19____ for the purpose of filling three (3) seats on the City Council, as follows:

city Council Seat , 3-year term

City Council Seat , 3-year term

city Council Seat , 3-year term

The polls will be located at: _____

The polls will open at 8:00 a.m. and close at 8:00 p.m.

In order to vote, you must be: (1) a citizen of the United states, and qualified in state of Alaska elections; (2) a resident of the City of Atqasuk for at least 30 days prior to the date of the election; and (3) registered to vote in State elections. You *cannot* vote if you have been (1) convicted of a felony involving moral turpitude, unless your voting rights have been restored, or (2) judicially determined to be of unsound mind, unless this disability has been removed.

Candidates for office must file a Declaration of Candidacy form with the City Clerk no later than _____, 19____

Declaration of Candidacy forms may be obtained from the City Clerk at the city offices from 9:00 a.m. to 5:00 p.m., Mondays through Fridays.

DATE

City Clerk

[City
Seal]

AFTER MARKING BALLOT, FOLD BALLOT TO HIS LINE

CITY OF ATQASUK, ALASKA

OFFICIAL BALLOT
(Form 2.36-C) (Sample)

Regular Election of October 7, 1986

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 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.

CITY COUNCIL SEAT E
(Vote for one only)

CITY COUNCIL SEAT G
(Vote for one only)

Joe **Smith**

Martha Mitchell .

Irene Candidate . .

Jim John, Jr. . .

Fred Friendly . . .

(Write-in)

(Write-in)

CITY COUNCIL SEAT F
(Vote for one only)

INITIATIVE 86-1

Arnold Jones, Sr.

An ordinance to limit the length of speeches given by City Council members.

Bill Brown

For

(Write-in)

Against

city of Atqasuk
TALLY SHEET
(Form 2.36-D) (Sample)

Election Date: _____ Date of Vote Count: _____

Number of ballots:

- 1) received from city Clerk: _____
- 2) voted: _____
- 3) spoiled and returned to City Clerk: _____
- 4) questioned and delivered to City Clerk: _____
- 5) unused and returned to City Clerk: _____

Candidate	Votes as Counted	Votes
COUNCIL SEAT		
_____	_____	
_____	_____	
_____	_____	
_____	_____	
_____	_____	
(No vote for this seat)		
		Total :
COUNCIL SEAT		
_____	_____	
_____	_____	
_____	_____	
_____	_____	
_____	_____	
(No vote for this seat)		
		Total:

COUNCIL SEAT

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(No vote for this seat)

Total:

PROPOSITION/QUESTION — —

For/Yes

Against/No

(No vote for this question)

Total:

PROPOSITION/QUESTION _____

For/Yes

Against/No

(No vote for this question)

Total:

CITY OF ATQASUK, ALASKA

REPORT OF PRELIMINARY ELECTION RESULTS

(Form 2.36-E)

The tally below is a true and accurate record of all regular votes cast in the _____ election held in the City of Atqasuk, Alaska on _____, 19

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

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 Received From City Clerk: _____

Total Regular Ballots cast: _____

Total Questioned Ballots cast: _____

Total Ballots Returned to Clerk: Defective _____

Unused: _____

The tally of ballots was completed between the hours of _____ p.m. and _____ p.m. on _____, 19

Respectfully submitted,

_____, Election Board Chairman

_____, Election Judge

_____, Election Judge

ATTEST:

City Clerk

[City
Seal]

CITY OF ATQASUK, ALASKA
OATH AND AFFIDAVIT OF ELIGIBILITY
(Form 2.36-F)

STATE OF ALASKA
SECOND JUDICIAL DISTRICT

SS.

I, _____ DO HEREBY DECLARE
THAT I AM A RESIDENT OF THE CITY OF ATQASUK, 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

CITY OF ATQASUK, ALASKA
APPLICATION FOR ABSENTEE BALLOT
(Form 2.36-G)

I, _____, A QUALIFIED
VOTER AND RESIDENT OF THE CITY OF ATQASUK, ALASKA HEREBY APPLY
FOR AN ABSENTEE BALLOT FOR THE CITY ELECTION TO BE HELD ON
_____, 19

RESIDENCE ADDRESS:

(P.O. BOX NUMBER OR STREET)

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 Atqasuk.*

DATE: _____

SIGNED: _____

RECEIVED BY: _____

DATE: _____

PLEASE MAIL THIS APPLICATION TO: Office of the City Clerk, City
of Atqasuk, General Delivery, Atqasuk, AK 99791

City of Atqasuk, Alaska

CERTIFICATE OF ELECTION -- BALLOT PROPOSITION

(Form 2.36-K)

THIS IS To CERTIFY that on the _____ day of _____
19_____, the ballot proposition relating to _____
_____, a true and correct

copy of which is attached hereto, was approved by the voters of
the City of Atqasuk, as confirmed by the city Council of the City
of Atqasuk, upon completion of the final canvass of ballots on
the _____ day of _____, 19_____

DATED at Atqasuk, Alaska this _____ day of _____
19_____

Mayor

ATTEST:

City Clerk

[City
seal]

city of Atqasuk, Alaska

DECLARATION OF CANDIDACY
(Form 2.36-I)

Clerk: Insert date of
filing

I, _____, hereby declare my candidacy

(Insert full name)
for the office of _____ of the City of
(State name of office)

Atqasuk, Alaska. I am a qualified city voter. I am a United States citizen qualified and registered to vote in elections of the State of Alaska. I have not been convicted of a felony involving moral turpitude without later restoration of my voting rights pursuant to A.S. 15.05.030, nor have I been judicially determined to be of unsound mind, unless this disability has been removed. I have been, or will by the date of the election for which I am filing this Declaration have been, a resident of the City of Atqasuk, Alaska for more than thirty (30) days.

If elected to the above office, I will serve for the full term of _____ years, commencing on _____, 19____ and ending on _____ - '19____. I request that my name be

(length of term) (date term of office begins)
(date term of office ends)
printed on the official ballot for the municipal election to be held in the City of Atqasuk, Alaska on _____, 19____.
(date of election)

Signature

City of Atqasuk, Alaska

CERTIFICATE OF ELECTION OFFICER
(Form 2.36-J)

THIS IS TO CERTIFY that on the _____ day of _____
19_____ was elected to the of-
fice of _____ of the City of Atqasuk,
Alaska, as confirmed by the City Council of the city of Atqasuk
upon completion of the final canvass of ballots on the _____ day
of _____, 19_____

DATED at Atqasuk, Alaska this _____ day of _____
19_____

Mayor

ATTEST:

City Clerk

[City
Seal]

CITY OF ATQASUK, ALASKA

AFFIDAVIT OF ELECTION CONTEST

(Form 2.36-L)

STATE OF ALASKA)
) SS.
SECOND JUDICIAL DISTRICT)

I believe that prohibited practices occurred at the election held
on _____, 19____

I believe that the following laws were violated: _____

The above provisions of the law were violated in the follow-
ing manner: _____

These facts are true and correct to the best of my knowledge.

Signature of Person Contesting

SUBSCRIBED and I SWORN TO before me this _____ day of
_____, 19____

[Notary Seal] Notary Public in and for Alaska
My Commission Expires: _____

Chapter

2.40

[Reserved.]

Chapter

2.44

[Reserved.]

TITLE 3

PERSONNEL

Chapters:

- 3.04 Personnel System Generally.
- 3.06 Hiring Policies.
- 3.12 Conditions of Employment.
- 3.16 Travel and Other Pay Allowances.
- 3.20 [RESERVED .]**
- 3.24 Leave.
- 3.28 Leaves of Absence.
- 3.32 [RESERVED .]**
- 3.36 Disability and Health Insurance.
- 3.40 Disciplinary Actions.
- 3.44 Non-Disciplinary Actions.
- 3.48 Grievance Procedure.

Chapter 3.04

PERSONNEL SYSTEM

GENERALLY

Sections:

- 3.04.010 Definitions .
- 3.04.020 Policy.
- 3.04.030 Discrimination prohibited.
- 3.04.040 [Reserved. J
- 3.04.050 Prohibited conduct.
- 3.04.060 Regulations generally.
- 3.04.070 Prohibited acts.
- 3.04.080 Nepotism prohibited.
- 3.04.090 Classified and exempt employees; Scope.
- 3.04.100 Mayor.
- 3.04.110 Service at mayor's pleasure.
- 3.04.120 Exceptions at hiring.
- 3.04.130 Records.

section 3.04.010 Definitions.

A. "Applicant" is an individual who has completed and submitted an application for employment with the city.

B. "Appointment" is the offer to and acceptance by a person of a position either on a regular or temporary basis.

C. "Certified" means signed by the head of a department or agency or by a responsible person designated by him.

D. "Class" is a group of positions which is sufficiently alike in general duties and responsibilities to warrant the uses of the same title, class specification and pay range.

E. "Class Series" is a number of classes of positions which are substantially similar as to the types of work involved and differ only in rank as determined by the importance of the duties and degree of responsibility involved and the amount of training and experience required. Such classes constitute a series.

F. "Class specification" is a written description of a class consisting of a class title, a general statement of the level of work and of the distinguishing features of work, examples of duties, and the desirable qualifications for the class.

— G. "Classification" is the act of grouping positions in the classes with regard to:

1. duties and responsibilities;

2. requirements as to education, knowledge, experience and ability;
3. tests of fitness; and
4. ranges of pay.

H. "Classification plan" shall be the official or approved system of grouping positions into appropriate classes consisting of:

1. an index to the position classification;
2. the position classifications; and
3. rules for administering the classification plan.

I. "Classified service" shall mean all offices and positions in the service of the city as described in this article.

J. "Compensation plan" shall be the official schedule of pay approved by the city council assigning one or more rates of pay to each position title.

K. "Compensation" shall be the standard rates of pay which have been established for the respective classes of work, as set forth in the compensation plan.

L. "Confidential employee" is an individual who assists and acts in a confidential capacity to persons who formulate, determine and effectuate management policies in the field of labor relations, or who is privy to confidential communications concerning labor relations between employer and employee, and who, in the normal performance of his duties may obtain advance information of management's position with regard to contract negotiation, dispositions of grievances, or other labor relations matters.

M. "Demotion" shall be the assignment of an employee from one class to another which has a lower maximum rate of pay.

N. "Department" is the primary organizational unit which is under the immediate charge of the mayor, the clerk, or a department head defined by Chapter 2.24.

O. "Dismissal" is the separation from city employment for cause.

P. "Eligible" is a person who has successfully met required qualifications for a particular class.

Q. "Emergency Employee" means an employee appointed for a period not to exceed thirty days calendar days, whose appointment was made under conditions requiring immediate action to carry on work that is required in the public interest.

R. "Employee" is an individual who is legally employed by the city and is compensated through the city payroll for his or her services. Individuals or groups compensated on a fee basis are not included. Said term is synonymous with "incumbent."

S. "Examination" is the process of testing, evaluating or investigating the fitness and qualifications of applicants and employees.

T. "Exempt employees" are certain city employees, including but not limited to elected officers, to whom the provisions of this title are generally inapplicable, as provided by section 3.04.090.

U. "Layoff" is the involuntary nondisciplinary separation of any employee from a position.

V. "Leave" shall be the approved type of absence from work as provided for by these rules.

W. "Mayor" means the mayor or his official designee.

X. "Merit pay increase" is the increases in compensation established in the compensation plan which may be granted to an employee for meritorious service and completion of minimum prescribed periods of employment in the class.

Y. "Nonpermanent employee" means a person who is employed in city service in a position which is not in the exempt or partially exempt service and who is not a permanent or an emergency employee.

Z. "Overtime" is the authorized time worked by an employee in excess of his total normal working hours per day or week.

AA. "Overtime pay" is the compensation paid to an employee for overtime work performed in accordance with this chapter.

BB. "Partially exempt employees" are certain city employees, including but not limited to the city clerk, to whom certain provisions of this title are inapplicable, as provided by section 3.04.090.

cc. "Pay period" is one (1) of the two (2) monthly pay periods of the city for a total of twenty-four (24) pay periods each year.

DD. "Pay range" shall mean one (1) or more, but commonly fourteen (14) specific pay rates having a percentage relationship to one another, assigned to a class of positions as the compensation for that class.

EE. "Pay rate" is the specific dollar amount, expressed as either an annual rate, a monthly rate, a semimonthly rate, a biweekly rate or and hourly rate, as shown in the pay plan of the city.

FF. "Permanent employee" means an employee who has been appointed to a authorized, permanent full-time or part-time position in the classified service and who is in the process of completing or has successfully completed the required probationary service in that position.

GG. "Position" is the office or employment whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities assigned to one individual by competent authority.

HH. "Probationary period" is the working test or trial period of employment beginning with the date of an employee's first appointment to the classified service.

II. "Program or project employee" means a nonpermanent employee, including a student intern, who is employed in city service and will continue for at most the duration of a specified program or project or which is not a regular and continuing function of a department or agency which has an established probable date of termination.

JJ. "Promotion" shall be the assignment of an employee from one class to another which has a higher maximum rate of pay.

KK. "Provisional employee" is an individual employed for a specific time or to fill a position of an employee on a leave of absence for reason, such as special training, prolonged illness or the like.

LL. "Regular Employee" is an individual receiving a regular appointment in either the classified or exempt service.

MM. "Removal" is the separation of any employee on probation or for failure to meet legal requirements of employment.

NN. "Suspension" is the enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

OO. "Transfer" is the assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of the same class or between positions of different classes.

PP. "Workday" is the scheduled number of hours an employee is required to work per day.

(Ordinance No. 89-14.)

section 3.04.020 Policy.

A. City employment shall be based on merit and free of personal and political considerations .

B. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in operation of the city government.

c. Every effort shall be made to stimulate high morale by fair administration of this title and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the city.

D. Continuity of employment covered by this title shall be subject to good behavior, satisfactory performance of work, necessity for the performance of work, and availability of funds.

(Ordinance No. 89-14.)

section 3.04.030 Discrimination prohibited.

Discrimination on the basis of race, religion, gender, political affiliation, or national origin, in any phase of the employment procedure, including appointment, promotion, demotion, suspension or removal, is prohibited.

(Ordinance No. 89-14.)

Section 3.04.040 [Reserved.]

Section 3.04.050 Prohibited conduct.

A. It is expressly prohibited for any city employee to:

1. Accept, or offer to accept, a gift, gratuity, consideration, or extraordinary favor from any person doing business or likely to do business with the city, except that this subsection does not apply to the giving of ceremonial gifts of non-monetary value or to a gift given by a member of the employee's family or ordinary circle of friends, unless offered for a corrupt purpose;

2. Give, render, pay, offer, solicit or accept any money, service or other valuable thing in attempting to secure any appointment, promotion or advantage in a position in the city service;

3. Require any other employee to subscribe , contribute or provide a service to any political party;

4. Take any action which affects the employment status of any other employee when the reason for such action is predicated on race, color, religion, sex or national origin;

5. Demand or request an applicant for employment to provide information relating to his religion, ancestry, race, membership in fraternal organizations, or political convictions, except that such information may be requested if the information is to be kept confidential and used solely for statistical purposes, if the information is gathered in a manner which protects the anonymity of the employee providing it to the maximum extent reasonably possible and if each employee is permitted to decline to provide the information and informed that responding to the request for information is strictly voluntary;

6. Solicit, negotiate for or promise to accept anything of substantial value from any person, firm or company which is engaged in the transaction of business with the city;

7. Invest, either directly or indirectly , in any business or participate in any private business transaction which conflicts with his or her official duties;

8. Use information which is obtained in his or her official capacity as an employee of the city and which concerns the property, government, or affairs of the city to advance the financial or other private interests of himself or others;

9. Be a party to the purchase of or influence the purchase of goods or services for the use of the city from any business in which the employee has any financial interest unless the purchase is approved in advance by the city council; or

10. Make any false statement on any application , report or other document relating to employment status or to commit any other fraud which would prevent the fair and impartial execution of this section.

B. An employee shall immediately report to his or her department head or to the mayor any offer, promise or suggestion that the employee participate in the violation of any provision of this section. Any department head who becomes aware, through direct involvement, the report of an employee, or otherwise, that any provision of this section has been violated, or that any person has proposed any action which would constitute a violation of

any provision of this section, shall report the fact to the mayor. When the mayor becomes aware, through direct involvement, the report of an employee, or otherwise, that such a violation has occurred or has been proposed, he or she shall report the offer to the city council.

C. Any person either offering or receiving a gift, gratuity, consideration or extraordinary favor in violation of subsection (A) (1) of this section is subject to a criminal penalty not to exceed a fine of \$1,000 and imprisonment for 90 days.

{Ordinance No. 89-14; Ordinance No. 91-04.}

Section 3.04.060 Regulations generally.

A. No person may give, render, pay, offer, solicit, or accept money, service, or other valuable thing in connection with an appointment, promotion, or advantage in a position in the classified service.

B. No person may require an assessment, subscription, contribution, or service for a political party from an employee in the classified service.

C. No person may seek or attempt to use a political party endorsement in connection with an appointment or promotion in the classified service.

D. An employee in the classified service who seeks nomination or becomes a candidate for state or national elective political office shall immediately resign his position in the city service.

E. No action affecting the employment status of an employee in the classified service or applicant for position in the classified service, including appointment, promotion, demotion, suspension, or removal, may be taken or withheld for racial, political, or religious reasons.

F. No person may make a false statement, certificate, mark, rating, or report with regard to a test, certification, or appointment made under this title or in any manner commit a fraud preventing or impairing the impartial execution of this title and any personnel rules adopted under this title.

G. No person may defeat, deceive, or obstruct another person in his right to examination, eligibility, certification, appointment, or promotion under this title.

H. The following prohibitions shall apply to all city employees :

1. No city employee shall engage in any business or transaction, or shall own a financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties .

2. No city employee may be party to the purchase of goods or services for the use of the city from any person, company, or business in which he or she has a substantial financial interest unless disclosed and approved in advance by the council.

3. No person or employee shall use information peculiarly within his or her knowledge or purview concerning the property , government, or affairs of the city to advance the financial or other private interest of himself or herself or others.

4. No employee shall engage in any employment other than that assigned by the city, whether public, private, or self-employment, if such employment conflicts with the city's interest or adversely affects the employee's availability or productivity ; provided, however, that an employee may hold a second job with the written approval of the mayor.

(Ordinance No. 89-14.)

section 3.04.070 Prohibited acts.

A. No department, agency, official, officer, or any person employed by the city may directly or indirectly:

1. Require or coerce any employee of the city to participate in any way in any activity or undertaking unless the activity or undertaking is related to the performance of official duties;

2. Require or coerce any employee of the city to make any report concerning any of his activities or undertakings unless the activity or undertaking is related to the performance of his official duties;

3. Except as directly related to the performance of his official duties, require or coerce any employee of the city to submit to any interrogation or examination or psychological test which is designed to elicit from him information concerning:

a. His personal relationship with any person connected with him by blood or marriage,

b. His religious beliefs or practices,

c. Sexual matters, or

d. His political affiliation or philosophy;

4. Coerce any employee of the city to invest or contribute his earnings in any manner or for any purpose;

5. Restrict or attempt to restrict after-working-hour statements, pronouncements or other activities, not otherwise prohibited by law or personnel rule, of any employee of the city, if the employee does not purport to speak or act in an official capacity.

B. The mayor, clerk, and department heads may adopt regulations for their respective departments, specifying exceptions to subsection (A)(5) of this section. These regulations shall be submitted for approval to the council.

(Ordinance No. 89-14.)

Section 3.04.080 Nepotism prohibited.

If a position is funded by state or federal funds, it is unlawful for a person to be employed in a department or agency in a position affected by the funds received if the person is the spouse of or is related by blood within and including the second degree of kindred to the city officer, official, or employee appointing the person to the position or supervising the person in the position. (Ordinance No. 89-14.)

section 3.04.090 Classified and exempt employees; Scope.

A. For purposes of this title, the positions of all city officers, officials, and employees are categorized as either classified, partially exempt, or exempt, and the persons holding those offices and positions from time to time are categorized as classified employees, partially exempt employees, or exempt employees, respectively. In general, exempt employees serve at the pleasure of the voting public or the mayor, while partially exempt employees serve at the pleasure of the mayor. All positions which are not specifically designated as exempt or partially exempt are classified positions.

B. All elected officers, the city attorney, any employee covered by an employment contract with the city, and volunteer members of citizen boards and commissions and other persons serving the city without compensation are exempt employees. The council may designate as exempt any newly authorized position. The council may also designate as exempt any existing position, but designation of an existing position as exempt shall not be effective until the position is vacated by the person holding the position at the time of the designation.

C. The city clerk and all department heads are partially exempt employees. The council may designate as partially exempt any newly authorized position. The council may also designate as partially exempt any existing position, but if the person holding the position at the time of the designation is a classified employee, designation of an existing position as partially exempt shall not be effective until the position is vacated.

D. Except as specified herein, all provisions of this title apply to all city employees.

E. The following provisions of this title do not apply to exempt employees:

1. Chapter 3.12, with the exception of sections 3.12.060, 3.12.130, 3.12.140, 3.12.150, 3.12.220, and 3.12.230, which sections do apply to exempt employees;

2. Chapter 3.24;

3. Chapter 3.28;

4. Sections 3.36.010 and 3.36.030, except that the council may extend the coverage of these sections to particular exempt positions; and

5. Chapter 3.48.

F. The following provisions of this title do not apply to partially exempt employees:

1. Chapter 3.48.

(Ordinance No. 89-14.)

Section 3.04.100 Mayor.

The mayor shall have the basic responsibility for the personnel program set forth in this title. The mayor shall:

1. Be responsible for the effective administration of the personnel system;

2. Appoint, remove, suspend and discipline all officials and employees of the city subject to the policies set forth in this title and state law; or he may, at his discretion, authorize the head of the department or office responsible to him for operations and/or internal administration to appoint and remove subordinates in such departments and offices;

3. Fix and establish the number of employees in the various city departments and offices and determine the duties and

compensation in accordance with the policies set forth in this article and subject to the approval of the city council and budget limitations; and

4. Perform such other duties and exercise such other powers in personnel administration as may be prescribed by law and this title.

(Ordinance No. 89-14.)

section 3.04.110 service at mayor' s pleasure.

Elected officers of the city serve at the pleasure of the voting public, as provided in Chapters 2.04, 2.08, and 2.36. All other exempt and partially exempt employees, including but not limited to all appointive officials and the mayor's office staff, serve solely at the pleasure of the mayor. They may be dismissed at any time by the mayor with or without cause, and are not eligible for a hearing by the council in case of suspension, demotion, transfer, layoff, or dismissal. (Ordinance No. 89-14.)

section 3.04.120 Exceptions at hiring.

The nature of certain positions may dictate terms of hire which are exceptions to the general rules. The employees that fit in this category will be fully informed of these exceptions at the time of their hire. (Ordinance No. 89-14.)

Section 3.04.130 Records.

The clerk shall maintain a separate file containing all records relating to each employee's employment. Such records include the employee's original applications, medical examinations, reports of the results of other employment, investigations and tests, annual reports of performance reports of employee' s progress and disciplinary actions affecting him, employee grievances, and such other records as may be sigiliificant in the employee's service to the city.

A. Personnel records including employment applications and examination materials, kre confidential and are not open to public inspection except as provided in this section.

B. The following infdrmtion is available for public inspection, subject to reasonAble regulations on the time and manner of inspection:

1. the names and position t titles of all city employees;

Chapter 3.06

HIRING

POLICIES

Sections:

- 3.06.01,0 Merit and Fitness.
- 3.06.020 Promotion.
- 3.06.030 Tests.
- 3.06.040 Minimum age.
- 3.06.050 Residence in city.
- 3.06.060 Hiring procedures.

Section 3.06.010 Merit and fitness.

Hiring or grading of city employees shall be made on a basis of merit and fitness. (Ordinance No. 89-14.)

Section 3.06.020 Promotion.

When well qualified individuals are available, appointments to fill vacancies shall be by promotion of persons who are current city employees . (Ordinance No. 89-14.)

Section 3.06.030 Tests.

Before appointment each applicant shall take such written, oral, or practical tests of his/her qualifications as the personnel officer may consider appropriate. (Ordinance No. 89-14.)

Section 3.06.040 Minimum age.

Minimum age for city employment shall be in accordance with state law. (Ordinance No. 89-14.)

Section 3.06.050 Residence in city.

Other qualifications being equal, preference in employment or promotion shall be given to residents of the city area. (Ordinance No. 89-14.)

Section 3.06.060 Hiring procedures.

A. Before filling any permanent position with a permanent employee, whether by hiring of a new employee or promotion or transfer of a current employee, the availability of the position

shall be advertised for at least two (2) weeks, unless the council specifies an advertising period longer than two weeks at the time it creates, funds, or authorizes the filling of the position. At a minimum, every advertising of an available permanent city position shall include posting of notices of availability in three public places in the city and circulation of notice to current city employees. Such notice or advertisement of availability of a permanent city position shall include the position title, a summary of duties, including location and hours of work, the rate or range of compensation, a list or description of minimum requirements such as experience, education, skills, or licenses, and instructions regarding how to obtain additional information and how and when to apply for employment. The mayor may, in his or her discretion, direct the availability of a permanent position to be advertised for a period of time longer than two weeks.

B. Only those persons who apply for appointment during the time period specified in the notice required by subsection (A) of this section and who possess the specified qualifications may be considered in making a permanent appointment. After the application period has ended and the applications have been reviewed, the hiring authority may either appoint one of the qualified applicants or decline to make any permanent appointment to the position. In the latter case, no permanent appointment to the position shall be made until the availability of the position is readvertised.

C. The procedural requirements applicable to the filling of a permanent position with a permanent employee apply to every other appointment to city employment, including nonpermanent, temporary, fill-in, and emergency appointments, except to the extent that the mayor determines in writing that compliance with a particular requirement in the case of a particular appointment or group of appointments is impracticable.

(Ordinance No. 89-14.)

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Chapter 3.12

CONDITIONS OF

EMPLOYMENT

Sections:

- 3.12.010 Permanent employees.
- 3.12.015 Nonpermanent employee-appointment.
- 3.12.020 Temporary employees.
- 3.12.025 Termination of temporary employees.
- 3.12.030 Probationary employees.
- 3.12.035 Oaths; bonds.
- 3.12.040 Work days.
- 3.12.050 Workweek.
- 3.12.060 Overtime.
- 3.12.070 Compensatory time off.
- 3.12.080 Overtime by exempt personnel.
- 3.12.090 Final pay.
- 3.12.100 Pay period.
- 3.12.110 Payroll deductions.
- 3.12.120 Holidays.
- 3.12.130 Holiday during vacation.
- 3.12.140 Holiday falling on weekend.
- 3.12.145 Holiday falling on employee's day off.
- 3.12.150 Unpaid holidays.
- 3.12.160 Subsistence leave.
- 3.12.170 Training.
- 3.12.180 Performance evaluation.
- 3.12.210 Employee operation of city-owned vehicles.
- 3.12.230 Procedures for handling of city funds.

section 3.12.010 Permanent employees.

Permanent appointments are made to positions which are considered to be a part of the regular complement needed for the performance of municipal services. A permanent employee may be either:

A. Full-time, where the work involves a total of thirty-seven and one-half hours a week on a regular basis;

B. Part-time, where the work involved is to be done on a portion of the work day or workweek and totals at least twenty (20) hours a week on a regular basis;

C. Permanent short-hour, where an employee is regularly assigned to work on a predetermined schedule of less than twenty (20) hours per week.

(Ordinance No. 89-14.)

Section 3.12.015 Nonpermanent employee -- Appointment.

A. An individual may not be appointed as a nonpermanent city employee, except as an emergency employee, without the mayor's prior written approval.

B. No appointment of a nonpermanent employee may be made unless the request for authorization is approved by the mayor, adequate money is available for the anticipated duration of the appointment, and the mayor determines that:

1. The council has appropriated money for the work in question;

2. There is an immediate need to fill an authorized, permanent position and it is impractical to fill the position within a reasonable time;

3. An immediate need exists and the hiring department or agency could not reasonably have been expected to anticipate the need and meet it through the creation of a permanent position;

4. A program or project exists and the need for employees can most appropriately be met through the use of program or project employees.

C. The mayor may not authorize the appointment of a nonpermanent employee if he determines that:

1. The need for nonpermanent employee can practicably be met through establishing and filling an authorized permanent position;

2. The need for the nonpermanent employee would be more appropriately met through an emergency appointment; or

3. The need for the nonpermanent employee is not immediate and could reasonably have been anticipated and met by the appointing authority through the creation and filling of a permanent position.

D. A nonpermanent employee may not be placed on the city payroll unless the mayor has first approved the personnel action for the employee's appointment.

E. Nothing in this section prevents the mayor from adopting regulations to provide for timely substitution for permanent employees on medical or personal leave of other situations in which the appointment of an emergency or permanent employee would be inappropriate or when delay in making a temporary replacement would cause serious disruption.

F. A department or agency may not use nonpermanent employees to perform a given work assignment for more than one hundred twenty (120) calendar days in a twelve (12) month period. A department or agency may not employ any individual as a nonpermanent employee for more than one hundred twenty (120) calendar days in a twelve (12) month period. In appropriate circumstances the mayor may authorize an extension of the limit imposed by this subsection if he finds that there is an immediate need for the extension. The limit imposed by this subsection does not apply to program or project employees or to substitutes appointed under subsection (F) of this section.

(Ordinance No. 89-14.)

section 3.12.020 Temporary employees.

A temporary employee is an employee hired as interim replacement, or for temporary work on a predetermined work schedule that does not extend beyond three (3) calendar months. A temporary employee may be separated from service, demoted or suspended with or without cause in the full discretion of the appointing authority or mayor. If a temporary employee is appointed as a permanent employee, they are entitled to sick leave and annual leave accruals retroactive to their date of hire. (Ordinance No. 89-14.)

Section 3.12.025 Termination of nonpermanent employees.

When the mayor determines that an employee has been appointed as a result of a false certification under Section 3.12.020, he shall immediately notify the head of the affected department or agency in writing and the department or agency shall terminate the employee within one (1) working day after receipt of notice.

(Ordinance No. 89-14.)

section 3.12.030 Probationary employees.

Every new permanent employee (including any former city employee) and every permanent employee newly promoted to a permanent position shall serve a probationary period. The length of the probationary period shall be at least ninety (90) days and may be extended to one (1) year if justified in writing and approved by the mayor. During the probationary period, the employee is partially exempt as defined by section 3.04.090. During the probationary period, an employee who was promoted to the new position may be returned to the position from which he was promoted or an equivalent one at the discretion of the appointing authority or mayor. (Ordinance No. 89-14.)

Section 3.12.035 Oaths; Bonds.

At the time of hiring or promotion, and before beginning performance of the duties of the new position, each city employee shall:

1. Swear to or affirm the oath or affirmation provided by section 2.24.010(A); and
2. Give bond as provided to section 2.24.020, unless the new position is covered by a blanket bond.

(Ordinance No. 89-14.)

Section 3.12.040 Work Days.

The regular work day for full-time employees shall consist of seven and one-half (7 1/2) hours. The scheduling of the seven and one-half (7 1/2) hour work day shall be at the discretion of the City Administrator. (Ordinance No. 89-14.)

Section 3.12.050 Workweek.

The regular workweek for full-time employees shall consist of five (5) regular work days, thirty-seven and one-half (37 1/2) hours. (Ordinance No. 89-14)

Section 3.12.060 Overtime.

No employee may earn overtime unless prior permission has been obtained from the Mayor or City Administrator. Overtime will be considered those hours worked in excess of the normal workday or workweek. (Ordinance No. 89-14.)

Section 3.12.070 Compensatory time off.

A. Overtime pay will be in the form of compensatory time off. When an employee has obtained prior approval to work overtime, the employee will be given one (1) hour of compensatory time off for each hour of approved overtime worked.

B. Compensatory time off may be used at any time, providing that prior approval has been obtained from the Mayor, City Administrator or from the department head who supervises the employee. When an employee, with approval, takes compensatory time off from his or her regular duty hours, the employee will be paid as if he or she had actually worked during those hours, and the number of hours taken off shall be deducted from the employee's accrued total of compensatory time off.

C. The mayor or the department head who supervises the employee is responsible for organizing the employee's assigned duties so that the employee is provided with reasonable opportunities to use his or her compensatory time off. An employee may accumulate a maximum of two hundred (200) hours of compensatory time off.

D. Any accrued compensatory time off unused by an employee at the time of termination shall be lost, except that an employee dismissed without notice shall be paid for any accrued and unused compensatory time off.

(Ordinance No. 89-14.)

Section 3.12.080 overtime by exempt personnel.

Except as otherwise approved by the mayor, exempt employees and salaried employees will not be paid for or given compensatory time off for time worked in excess of the basic workweek. The mayor may, in his or her discretion and in consideration of excessive amounts of time worked by such employees, grant them short periods of time off to attend to personal or civic matters without reduction of accrued annual leave. (Ordinance No. 89-14.)

Section 3.12.090 Final pay.

An employee who has resigned, giving adequate notice, or who has been discharged without notice, shall be paid in full on the day his employment terminates. An employee who is leaving without giving adequate notice, or who is being terminated with notice, shall be paid in full within seventy-two (72) hours of termination. (Ordinance No. 89-14.)

Section 3.12.100 Pay period.

All employees shall be paid bi-weekly. (Ordinance No. 89-14.)

Section 3.12.110 Payroll deductions.

All deductions required by law will be withheld from each employee's paycheck. Other deductions, such as premiums for health insurance coverage and savings bonds, may be provided for on a voluntary basis. (Ordinance No. 89-14.)

Section 3.12.120 Holi days .

The following days shall be recognized as paid holidays for all permanent and probationary employees who are in pay status before and following such days:

- A. January 1st, known as New Year's Day;
- B. The third Monday in January, or January 15th (whichever is selected by the State of Alaska), known as Dr. Martin Luther King Day;
- C. February 12th, known as Lincoln's Birthday;
- D. The third Monday in February, known as Washington's Birthday;
- E. The last Monday of March, known as Seward's Day;
- F. The last Monday in May, known as Memorial Day;
- G. July 4th, known as Independence Day;
- H. The first Monday in September, known as Labor Day;
- I. October 18th, known as Alaska Day;
- J. November 11th, known as Veteran's Day;
- K. The fourth Thursday in November, known as Thanksgiving Day;
- L. December 25th, known as Christmas Day;
- M. Every day designated by public proclamation by the President of the United States, the Governor of Alaska, or the mayor as a legal holiday.

(Ordinance No. 89-14.)

Section 3.12.130 Holiday during vacation.

If a paid holiday falls on a day during a period of paid leave, the employee will be paid for the day as a holiday and the day is not counted as part of the accrued leave used by the employee.
(Ordinance No. 89-14.)

Section 3.12. 140 Holiday falling on weekend.

When a holiday falls on Sunday, the following Monday will be observed as the holiday. When a holiday falls on a Saturday , the

preceding Friday will be observed as the holiday. (Ordinance No. 89-14.)

Section 3.12.145 Holiday falling on employee' s day off.

An employee whose regular day off falls on one of the holidays listed in section 3.12.120, the employee shall be allowed to take the regular work day immediately preceding or following the holiday off as a paid holiday. (Ordinance No. 89-14.)

Section 3.12.150 unpaid holidays.

The city employees in a city department may elect to observe a special cultural event and/or activity as a holiday, under the following conditions:

- A. That such holiday will be without pay;
- B. That all personnel in the department wish to observe the holiday; and
- C. The mayor or council gives prior approval to such observance.

(Ordinance No. 89-14.)

Section 3.12. 160 Subsistence leave.

City employees may, with the prior approval of the mayor, be permitted up to ten (10) days' leave for subsistence activities such as whaling, hunting, and fishing. Subsistence leave shall be leave without pay. (Ordinance No. 89-14.)

Section 3.12.170 Training.

Each department head shall develop and conduct such practical training programs as are suited to the special requirements of that department. The city clerk shall institute and provide for the conducting of training programs which are needed for efficient management of two (2) or more departments. Training programs shall emphasize practical accident prevention, employee safety, and public relations. (Ordinance No. 89-14.)

Section 3.12.180 Performance evaluation.

Department heads shall periodically and at least annually evaluate the performance of each employee in their department, inform any employee whose performance is unsatisfactory, and dis-

cuss with the employee means of improving performance. Employees who are performing in a superior manner also shall be informed in writing of their job performance. Reports of unsatisfactory or superior performance shall be documented by memorandum for inclusion in the individual's personnel file. (Ordinance No. 89-14.)

Section 3.12.210 Employee operation of city-owned vehicles.

City vehicles are provided to enable employees to carry out their jobs or related duties. Employees may operate city vehicles under the following conditions:

A. Only city employees may drive city vehicles. City employees shall not permit any person who is not a city employee to operate a city vehicle.

B. In order for a city employee to drive a city vehicle he or she must:

1. Have a valid, unsuspended Alaska Driver's License;
2. Sign a vehicle use form agreeing to abide by this title and other related policies; and
3. Obtain the written approval of his or her department head for the use of city vehicles.

C. City vehicles shall be used only for city business; no employee may use city vehicles for personal business or errands.

D. An employee may be assigned by his or her department head the duty to pick up and drop off other employees to take them to and from work. The assigned driver may not make personal use of the vehicle after dropping off his or her passengers. If an employee incurs expenses while transporting other employees, he or she may be reimbursed.

E. An employee who operates a city vehicle shall keep a log of the use of the vehicle and expenses incurred in connection with such use on a form provided by the employee's department head or the mayor.

F. City employees must obey all traffic laws and drive in a careful and lawful manner when driving a city vehicle. Conviction of a traffic offense which results in property damage or personal injury will result in loss of the driving privileges for a period of time consistent with the nature of the loss to be determined by the employee's department head with the approval of the mayor. In addition, if the employee was at fault the mayor may require the employee to reimburse the city for losses sustained.

a period of time consistent with the nature of the loss to be determined by the employee's department head with the approval of the mayor. In addition, if the employee was at fault the mayor may require the employee to reimburse the city for losses sustained.

G. A violation of the vehicle policy may result in the loss of driving privileges, and may have other personnel consequences.

(Ordinance No. 89-14.)

Section 3.12.230 Procedures for handling city funds.

A. Except as provided in subsection (B) of this section, no employee shall incur expense in the name of the city, and the city shall not be liable for and shall not pay unauthorized expenses incurred in its name.

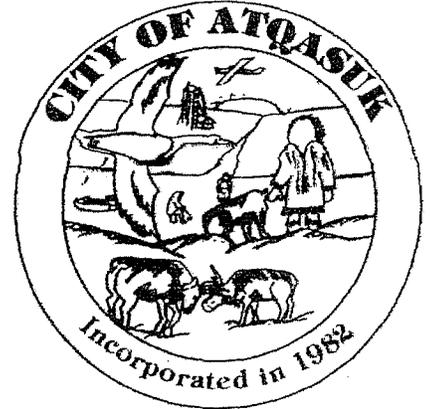
B. Before incurring any expense in the name of the city, an employee shall first obtain approval from his or her department head; department heads shall not give such approval without the consent of the mayor. Employees may be given advance blanket approval of routine expenditures for gasoline for city vehicles, water and sewage hauling for city facilities, and petty cash expenditures. Every employee incurring an expense in the name of the city shall obtain and present to the city clerk a receipt stating the purpose for which the expense was incurred.

C. City funds shall be handled in accordance with the requirements of Title 4 of this code. The mayor may prescribe additional procedures governing the incurring of expenses by city employees. If an employee negligently or intentionally fails to follow procedures prescribed by this section or by the mayor and loss of city funds results, the employee may be required by the mayor to reimburse the city for any such losses. (Note: Title 4 has not been adopted by the City of Atqasuk.)

D. Employees may not convert city supplies to their own use. In addition, city employees shall log the date, number called and the nature of all long distance phone calls and reimburse the city for personal calls.

(Ordinance No. 89-14.)





CITY OF ATQASUK

P.O. Box 91119
Atkasuk, Alaska, 99791
City Office Ph: 907-633-6811
Fax: 907-633-6812
Email: cityofatqasuk@hotmail.com

Douglas Whiteman, Mayor

ORDINANCE NO. 2012-04

AN ORDINANCE AMENDING CITY CODE SECTION 3.16.010 PERTAINING TO CITY COUNCIL CHANGING THE CITY OFFICIALS AND EMPLOYEE PER DIEM RATES

BE IT ENACTED BY THE ATKASUK CITY COUNCIL AS FOLLOWS:

Section I **CLASSIFICATION.** This Ordinance is of a general and permanent nature and shall become a part of the City of Atkasuk Code of Ordinances

Section II **CLASSIFICATION.** This Ordinance shall be effective upon adoption by the City Council

Section III **AMENDMENT OF SECTION 3.16.010**

A.) City officials and employees shall be entitled to a per diem allowance of seventy five dollars (\$75.00) per day while outside the city on official business with the prior approval of the mayor. The per diem is to be used for food and incidental expenses. The city will directly pay the lodging expense.

Introduced: August 6, 2012
Public Hearing: September
 10, 2012

PASSED and **APPROVED** by a duly constituted quorum of the City Council of Atkasuk, Alaska this 11 day of _____, 2012.


Mayor

ATTEST:


City Clerk

Chapter 3.16

TRAVEL AND OTHER PAY ALLOWANCES

Section:

- 3.16.010 Per diem allowance.
- 3.16.020 Actual expenses.
- 3.16.030 Convention registration fee.
- 3.16.040 Transportation costs Mayor and city council.
- 3.16.050 Transportation costs -- City employees.
- 3.16.060 Individual travel.
- 3.16.070 Job-connected training.
- 3.16.080 Advances and recovery.

section 3.16.010 Per diem allowance.

A. City officials and employees shall be entitled to a per diem allowance of one hundred thirty-five dollars (\$135.00) per day while outside the city on official business with the prior approval of the mayor. The per diem is to be used for lodging, food and incidental expenses .

B. Official travel status, and eligibility for per diem, begins when an employee leaves the city to travel to the location where the official business will be conducted, and ends at the following time:

1. when the employee actually returns to the city, if the employee leaves the location where the official business has been conducted on the same day that the business is completed and returns directly to the city; or

2. when the official business is concluded and the employee could begin to travel to the city.

c. Employees shall not receive per diem for any periods of time during which they are on official travel status but fail to attend to or conduct city business at times when it is possible to do so.

(Ordinance No. 89-14.)

section 3.16.020 Actual expenses.

A. An employee traveling on official business may, with the prior approval of the mayor, be advanced and/or reimbursed for reasonable and properly documented actual expenses in excess of the per diem allowance established in § 3.16.010.

R. A. == lav== who has been advanced any sums pursuant to this section shall, immediately upon his or her return to the city, provide original receipts or comparable documentation for all allowable expenses actually paid with such funds, and repay to the city any portion of the advanced funds not used to pay allowable documented expenses.

(Ordinance No. 89-14.)

Section 3.16.030 Convention registration fees.

In addition to the per diem allowance given pursuant to § 3.16.10 or 3.16.020, the city may advance to an employee, reimburse an employee for, or pay on behalf of an employee, actual conference, convention, workshop, or course registration fees or similar expenses incurred at the direction of the employee's supervisor or the council. The employee's per diem allowance shall be reduced to the extent that the city has paid for meals, lodging, entertainment or similar expenses through such registration fees. (Ordinance No. 89-14.)

section 3.16.040 Transportation costs Mayor and city council.

A. The mayor and members of the council may travel on city business with their immediate family members. The transportation cost and per diem for the mayor and council members shall be paid by the city. When there is no scheduled service and transportation is provided by charter, the immediate family members may travel in spare seats at the city's cost.

B. The transportation costs of the spouse of any council member accompanying the member in travel on city business may be paid by the city, if such payment is authorized in advance by the council. Such authorization shall be requested and granted on a trip-by-trip basis.

(Ordinance No. 89-14.)

Section 3.16.050 Transportation costs -- city employees.

A. In addition to the per diem allowance given pursuant to § 3.16.010 or 3.16.020, the city may advance to an employee, reimburse an employee for, or pay on behalf of an employee, actual and necessary transportation expenses. Such transportation expenses may include airline, bus, train, or other common carrier fares or the cost of charter aircraft, taxicabs, or other special hires. No reimbursement in excess of the lowest tourist or coach-class fare available on the most direct route between the city and the place where the employee is to transact city busi-

ness, or between two places where the employee is to transact city business, shall be allowed , unless:

1. Tourist-class accommodations are not available;
2. Waiting for tourist-class accommodations would occasion delay harmful to the city; or
3. The mayor finds that travel by tourist-class accommodations is not in the best interest of the city and authorizes other accommodations.

B. An employee may, with the mayor' s prior approval , travel on city business by means of a privately owned airplane, vessel , or automobile, except that the cost to the city for such travel may not exceed the cost payable under subsection A of this section. If travel by such means takes longer than would travel by scheduled or available charter carrier, the excess travel time shall be taken by the employee as personal leave or leave without pay.

C. Any portion of a travel voucher or ticket purchased with city funds which is not used by the employee on official travel shall be returned to the clerk immediately after the employee's return to the city.

(Ordinance No. 89-14.)

Section 3.16.060 Individual travel.

A. If an employee, for his or her own pleasure or convenience, travels on official business by an indirect route or remains at a place where city business is transacted longer than is reasonably necessary to complete the city business, any additional expenses incurred shall be borne by the employee, and the city shall pay only such expenses, including per diem, as would have been incurred had the employee traveled directly between the city and the place where official business was transacted, and remained at that place only long enough to conveniently complete the city business. Any additional time away from the employee's duties that may be required by such indirect travel or extended stay shall be taken by the employee as personal leave or leave without pay.

B. If an employee, for his or her own pleasure or convenience, interrupts his or her travel between the city and a place where city business is to be transacted, any additional expenses incurred as a result of such interruption shall be borne by the employee, and the city shall pay only such expenses, including per diem, as would have been incurred had the employee traveled without interruption between the city and the place where official business was transacted. Any additional time away

from the employee's duties that may be required by such interrupted travel shall be taken by the employee as personal leave or leave without pay.

C. An employee shall request permission for indirect travel, extended stay, or interrupted travel pursuant to subsections A or B of this section before making travel arrangements or departing from the city.

(Ordinance No. 89-14.)

section 3.16.070 Job-connected training.

Where an employee attends a school, training session, conference or any other similar program of mutual benefit to the employee and the city, the employee shall agree:

A. To remain in the municipal service one (1) month for every day, including Saturdays and Sundays, that the employee is attending the school and for which the municipality is paying the employee's salary, travel cost and per diem;

B. That there shall be a two (2)-year maximum to the length of time that the employee must remain in service;

C. That should the employee leave the service of the municipality prior to the completion of computed service time, the employee shall reimburse the city for the per diem, travel and other cost incurred by the municipality in sending him on job-connected training;

D. That if the employee is involuntarily separated from the service of the municipality, before completion of computed service time, the remaining time to be served will be canceled.

(Ordinance No. 89-14.)

Section 3.16.080 Advances and recovery.

A. The city may advance funds to an employee pursuant to this chapter only if the mayor, having considered the character and probable duration of the travel and the costs likely to be incurred by the employee, approves the advance before it is disbursed.

B. An employee who is in official travel status for a shorter period of time than anticipated shall, upon the employee's return to the city, immediately repay to the city any amount of per diem advanced to the employee which is in excess of the amount of the per diem allowance to which the employee is entitled under this chapter. Any sums advanced to an employee for

anticipated actual travel expenses which are not shown, upon the employee's return to the city, to have been actually spent for allowable and documented travel expenses shall be immediately repaid to the city. If an employee fails to immediately repay any such advance, the amount required to be repaid may be recovered by deduction from any salary or other sum then or thereafter due to the employee from the city, or may be recovered by any legal method from the employee or the employee's estate.

(Ordinance No. 89-14; Ordinance No. 91-05.)

Chapter

3.20

[RESERVED]

Chapter

3.24 LEAVE

Section:

- 3.24.010 [Reserved.]
- 3.24.020 Purposes .
- 3.24.030 Accrual -- Permanent employees.
- 3.24.040 Accrual -- Temporary employees.
- 3.24.050 Authorization.
- 3.24.060 Employee to call in.
- 3.24.070 Donated leave.
- 3.24.080 Payment on termination.
- 3.24.090 Advance vacation pay.
- 3.24.100 Maximum accumulation.

Section 3.24.010 [Reserved.]

Section 3.24.020 Purposes .

Personal leave may be used for vacation, illnesses requiring absence from work and absence from work due to personal reasons. (Ordinance No. 89-14.)

Section 3.24.030 Accrual -- Permanent employees .

After completing the probationary period described by section 3.12.030, each permanent employee, whether full-time or part-time, shall accrue personal leave at the rate of two days per month. An employee's rate of accrual for each month shall be on a pro rata basis for each scheduled hour actually worked during that month. (Ordinance No. 89-14.)

Section 3.24.040 Accrual -- Temporary employees .

An employee appointed to a position of a temporary nature shall not accrue personal leave. (Ordinance No. 89-14.)

Section 3.24.050 Authorization .

Personal leave of more than three (3) days must be authorized in advance by the mayor who shall grant the requested leave if it will not seriously impede the functioning of the city administra-

tion. (Ordinance No. 89-14.)

Section 3.24.060 Employee to call in.

In order for an employee to receive personal pay for a day when the employee will be absent from work because of illness or for personal reasons, when the leave has not been authorized in advance, that employee must notify his supervisor within one (1) hour of the beginning of his shift unless due to circumstances beyond the control of the employee it would be impossible to call in. (Ordinance No. 89-14.)

Section 3.24.070 Donated Leave.

An employee may donate paid leave for the benefit of fellow employees. Such leave shall be used only for the most serious circumstances such as lingering or incurable illness of the employee or the spouse or child of the employee, or in extreme emergency, such as the loss of a house and all belongings due to a fire or natural disaster. Such leave shall be donated to a central account, to be granted by the mayor. Donated leave shall be paid at the regular rate of the recipient employee. An employee may receive no more than thirty (30) days of donated leave in a single calendar year. (Ordinance No. 89-14.)

Section 3.24.080 Payment on termination.

All accumulated personal leave, up to a maximum of thirty (30) days, will be paid to an employee who voluntarily terminates or is discharged from city employment so long as that employee has given the proper two-(2)-week notice pursuant to § 3.20.060. (Ordinance No. 89-14.)

Section 3.24.090 Advance vacation pay.

An employee who has had a period of personal leave approved by the mayor may, upon request, receive a check for that period on the day before his leave commences. (Ordinance No. 89-14.)

Section 3.24.100 Maximum accumulation.

On each employee's anniversary date that employee shall arrange to use leave within ninety (90) days or lose accumulated leave in excess of thirty (30) days. (Ordinance No. 89-14.)

FAMILY LEAVE ACT

By Paul S. Wilcox, Attorney

The State of Alaska, the Alaska Railroad, the University of Alaska, and most local governments are required to grant extended leave to public employees under the Alaska Family Leave Act which became effective on September 16, 1992.

The Act requires employers to permit eligible employees to take up to eighteen work weeks' leave during a twelve month period in connection with a pregnancy and childbirth or adoption. Prior law provided for nine weeks' maternity leave.

It also requires employers to grant leave for an employee to take care of a child, spouse, or parent with a serious health condition. Both male and female employees are eligible for the leave.

Where the need for the leave is reasonably foreseeable, the employee is required to give adequate notice to the employer. Also, the law provides that a pregnant employee may request transfer to a suitable position. In that event, the employee has the right of first refusal to the position.

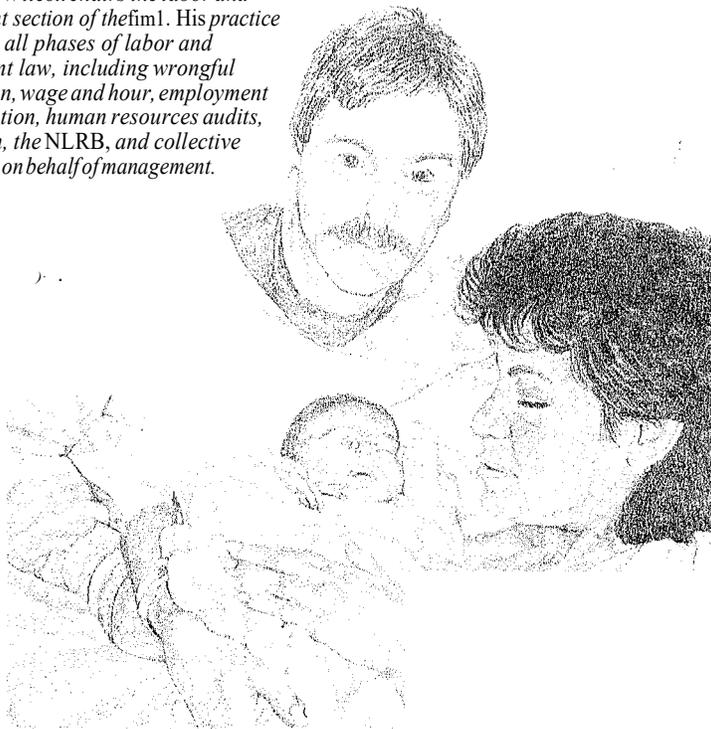
To qualify for the family leave, employees must work full-time for at least thirty-five hours per week for six consecutive months or seventeen and one-half hours per week for twelve consecutive months. The Act does not apply to employers with fewer than twenty-one employees.

New collective bargaining agreements must contain terms that are at least as beneficial as the new law. However, contracts already in effect remain valid until their normal expiration.

Since the presidential election, it appears that mandatory family leave will be imposed on private employers as well. Congress passed a similar bill which was vetoed by President Bush. President-elect Clinton has stated that he favors mandatory family leave.



Paul Wilcox chairs the labor and employment section of the firm. His practice focuses on all phases of labor and employment law, including wrongful termination, wage and hour, employment discrimination, human resources audits, arbitration, the NLRB, and collective bargaining on behalf of management.



Chapter 3.28

LEAVE OF ABSENCE

Section:

- 3.28.005 Ten days or less.
- 3.28.010 More than ten days .
- 3.28.015 Maternity leave.
- 3.28.020 Active Military duty.
- 3.28.030 Military reserve duty or training.
- 3.28.040 Vacancies from military leave.
- 3.28.050 Witness and juror leave.
- 3.28.060 Sick leave.

Section 3.28.005 Ten days or less.

ployees may be granted leave without pay not to exceed a total of ten (10) working days in any year for any compelling reason, subject to the approval of the mayor. (Ordinance No. 89-14)

Section 3.28.010 More than ten days.

Permanent employees may be allowed to be absent from duty without pay, in excess of ten (10) days, on the basis of application for leave without pay, approved by the mayor under the following conditions:

1. The city's interest is not unduly affected. Such leave shall be only when it will not result in undue prejudice to the interest of the city beyond any benefits to be realized.

2. For travel of study period, an application for leave without pay, for travel or study calculated to equip an employee for more effective service in the city. The mayor would consider the eventual compensating benefits of such leave to the city in keeping the position open, or filling it temporarily, until the retrn of the employee.

3 . The employee is suffering an extended illness but is expected to recover sufficiently to permit resumption of duties ithin a reasonable period of time.

(Ordinance No. 89-14)

Section 3.28.015 Maternity leave.

An employee who has been employed for more than one year (1) is e!;titled to take leave of absence for nine weeks immediately ?receding and following the childbirth. The time shall be charged

first to personal leave and then to leave without pay.
(Ordinance No. 89-14.)

Section 3.28.020 Active military duty.

Permanent or probationary employees shall be entitled to military leave of absence, without pay, to serve in the Armed Forces of the United States (including duty with regular, reserve, and National Guard units) and shall be entitled to reemployment.
(Ordinance No. 89-14.)

Section 3.28.030 Military reserve duty or training.

An employee of the city, who is a member of the reserved component of the United States Armed Forces, is entitled to a leave of absence when he is ordered to training duty, as distinguished from active duty, with troops or at field exercises or for instruction. The leave of absence may not exceed fifteen (15) working days in any one (1) calendar year. Military leave for reserved training purposes shall be without pay. (Ordinance No. 89-14.)

Section 3.28.040 Vacancies from military leave.

The filling of a position made vacant by the granting of a military leave of absence of less than six (6) months shall be by temporary appointment. If the period is more than six (6) months, it may be filled by permanent appointment. (Ordinance No. 89-14.)

Section 3.28.050 Witness and juror leave.

A. A permanent employee who is called to serve as a juror or witness shall be entitled to court leave. The request of such leave shall be supported by written documents such as a subpoena, a Marshall statement of attendance, and request for compensation for services, per diem and travel.

B. The city will provide the difference between the employee's salary and the amount received from the court as compensation for service.

(Ordinance No. 89-14.)

Section 3.28.060 Sick leave.

sick leave may be taken for the following reasons :

1. Actual illness or injury of employee .
2. Illness within immediate family of employee requiring the employee 's presence at home. (Home is employee's primary residence in the North Slope.)
3. If presence on the job would jeopardize the health of others.
4. Up to five days for death within the immediate family or hospitalization of an immediate family member.
5. A medical or dental appointment when such appointment relates to an illness or injury.
6. Medical treatment which requires travel will reflect the actual time spent in a hospital or doctor's office to the nearest day.

A physician 's statement will be required when absence is caused by illness in immediate family, health hazard to others, or when travel is required.

At the supervisor's discretion, a physician's certificate or a CHAP {Community Health Aide Practitioner} certificate may be required, if sick leave is in excess of three consecutive days. Supervisors may require a physician's/CHAP statement for lesser periods.

Sick leave may not be used in conjunction with other leave unless it is for prearranged surgery. Medical documentation must be provided in advance and approved by the Mayor prior to leave.

Abuse of sick leave is grounds for disciplinary action and/or dismissal. (Ordinance No. 89-14.)

Legislative Research Report 98029
February 3, 1998

CITY
Sent to
Committee

Bereavement Fare Policies of Airlines Serving Alaska

Legislative Research Services
Division of Legal and Research Services
Legislative Affairs Agency
Alaska State Legislature



Prepared for Representative Gowdery
Prepared by Gretchen Hanington, Legislative Analyst



Legislative Research Services
130 Seward Street, Room 218
Juneau, AK 99801
907-465-3991
907-463-335 (fax)
www.egis.state.ak.us/legres/legres.htm

Table 1: Summary of Bereavement Fare Policies of Airlines Serving Alaska

Airline	Type of Discount	Information / Documentation Required	Relationship to Deceased	Restrictions
Alaska	70% off highest fare	Copy of death certificate or a letter from the funeral director on return.	Immediate family	None
Aeroflot	None offered			
America West (Seasonal Service)	'Bereavement rate' depends on cities chosen.	Funeral home, hospital, or doctor's name, address, and phone number. Document verifying funeral attendance.	Immediate family	None
China Air	Waive advance purchase restrictions	None required.	Case by case basis	\$75 fee for changing departure
Continental	50% off full fare	Funeral home or hospital name, address and phone number, name of deceased, and relationship. Documentation from funeral home presented on return.	Immediate family, plus in-laws, step, and foster relatives	Must return 60 days from departure.
Delta	Domestic - 50% off full fare International - waive advance purchase restrictions	Funeral home or hospital name and phone number, relationship to deceased Form to fill out at ticket counter.	Immediate family	Travel must be within 7 days of funeral.
Japan Air	None offered			

Chapter

3.32

[RESERVED]

Chapter 3.36

DISABILITY AND HEA^UTH INSURANCE

Sections:

- 3.36.010 Group health insurance.
- 3.36.020 Reporting accidents.
- 3.36.030 Salary when injured.
- 3.36.040 Voluntary and auxiliary personnel.

section 3.3 6.010 Group health insurance.

Employees shall enroll in the North Slope Borough group health insurance plan. The city shall pay one hundred percent (100%) of the employees' premiums and the premiums for dependent coverage. (Ordinance No. 89-14.)

section 3.36.020 Reporting accidents.

It shall be the duty of each employee to immediately report any and all accidents to the city. (Ordinance No. 89-14.)

section 3.36.030 Salary when injured.

The city will provide the difference between the employee's salary and the amount received from workman's compensation in the event of an accident or disability, up to a maximum of thirty (30) calendar days. (Ordinance No. 89-14.)

section 3.3 6.040 Voluntary and auxiliary personnel.

Volunteer and auxiliary personnel who receive injuries while performing work for the city are insured through worker's compensation. (Ordinance No. 89-14.)

Chapter 3.40

DISCIPLINARY ACTIONS

Sections:

- 3.40.010 Penalties.
- 3.40.020 Suspension, demotion, and dismissal for cause.
- 3.40.030 Exoneration -- reinstatement.

Section 3.40.010 Penalties.

An employee who wilfully violates a provision of this title forfeits his office or position. (Ordinance No. 89-14.)

Section 3.40.020 Suspension, demotion, and dismissal for cause.

A. The mayor or the mayor's designee may discipline an employee for incompetence, inefficiency, inability to perform assigned duties due to age, health, education, or temperament, insubordination, habitual tardiness, use while on duty of alcoholic beverages or narcotics, actions which endanger the health or safety of the employee or others, violation of city ordinances or regulations, or other cause.

B. Depending on the seriousness of the offense committed and the employee's disciplinary history, any of the following disciplinary actions may be taken:

1. The employee may be given a verbal warning explaining what the employee did wrong and what corrective measure must be taken.

2. The employee may be given a written reprimand, a copy of which shall be filed in the employee's personnel file.

3. The employee may be suspended without pay. Suspensions without pay may not exceed thirty (30) days in any twelve- (12)-month period; if there is cause to suspend an employee who has previously been suspended for a total of thirty (30) days during the preceding twelve months, the mayor shall dismiss rather than suspend that employee.

4. The employee may be demoted to a lower-paid or less responsible position.

5. The employee may be dismissed from city employment.

C. An employee against whom any disciplinary action other than dismissal is taken shall be advised that failure to correct the problem or to avoid its repetition will result in more serious discipline in the future.

D. When any disciplinary action other than issuance of a written reprimand is taken against any employee, the mayor or the mayor's designee shall prepare a brief written memorandum of the action taken and the reasons for the action. The original of the memorandum shall be placed in the employee's personnel file. If the action is taken by a designee of the mayor, a copy of the memorandum shall be provided to the mayor. If the action is taken against a department head, a copy of the memorandum shall be circulated to the council members. When an employee is given a written reprimand, a copy of the reprimand shall be provided to the mayor or council in place of a memorandum.

E. The record of a verbal warning or written reprimand may, at the mayor's discretion, be removed from the employee's personnel file after a period of six months, provided there has not been a recurrence of the infraction.

F. This section does not apply to probationary employees. The mayor or the mayor's designee may at any time dismiss or demote a probationary employee or put a probationary employee on leave without pay for a fixed or indefinite period of time.

(Ordinance No. 89-14.)

Section 3.40.030 Exoneration -- Reinstatement.

A. If an employee has been reprimanded, suspended, or demoted for cause pursuant to section 3.40.010, and the mayor later determines that the factual basis for the disciplinary action was erroneous and that there was not cause for such discipline, the employee shall be retroactively reinstated to the same pay and benefit status which the employee was in at the time of the erroneous disciplinary action.

B. If the employee has been erroneously suspended or demoted, the employee shall be immediately offered reinstatement to the position the employee held at the time of the disciplinary action; except that if a suspended employee's prior position has been temporarily filled, or a demoted employee's prior position has been filled, the mayor may, in his or her discretion, offer the employee the option of temporarily or permanently retaining his or her present position, with pay and other benefits adjusted to equal those of the position from which he or she was er-

roneously suspended or demoted, or of transferring to another open position with the same pay and benefits as that of the position from which the employee was suspended or demoted.

(Ordinance No. 89-14.)

Chapter 3.44

NON-DISCIPLINARY PERSONNEL ACTIONS

Sections:

- 3.44.010 Demotion.
- 3.44.020 Layoff.
- 3.44.030 Resignation.
- 3.44.040 Maintenance of longevity.

section 3.44.010 Demotion.

An employee may request demotion to a lower-paid or less responsible position. A permanent employee demoted under this section retains his or her permanent status upon demotion. (Ordinance No. 89-14.)

section 3.44.020 Layoff.

When it is necessary to reduce the number of city employees because of lack of work or lack of funds, the mayor shall recommend and investigate the problem and proposed layoffs will first be presented to the city council to consider the types of activities to be curtailed and the classes of positions thereby affected, and consideration shall be given to the employee's length of service and quality of service to the city. The advisability of demoting employees in higher grades to lower grades shall also be considered. Employees thus separated from service, through no fault of their own, shall be given preference when new appointments are made. (Ordinance No. 89-14.)

section 3.44.030 Resignation.

An employee resigning his position shall give at least two (2) weeks' notice, to enable the city to make proper provisions for filling the position. This requirement may be waived by the mayor where adequate provisions may be made in a shorter period of time. All resignations shall be in writing and must be filed with the city clerk. The city clerk shall furnish a copy of the accepted resignation to the employee for his records. (Ordinance No. 89-14.)

Section 3.44.040 Maintenance of longevity.

Employees having more than one (1) year of continuous service with the city shall, if laid off in good standing, maintain longevity privileges with the grade from which terminated, if

rehired within two years. Rehired employees shall be placed in work with preferential treatment, as directed by the mayor. (Ordinance No. 89-14.)

Chapter 3.48

GRIEVANCE PROCEDURE

Sections:

- 3.48.010 Scope of chapter.
- 3.48.020 Initiation of grievance.
- 3.48.030 Confidentiality.
- 3.48.040 Review of grievance.
- 3.48.050 Mayor's decision.
- 3.48.060 Further review.

section 3.48.010 Scope of chapter.

This chapter applies to all employee requests for review of alleged grievances arising out of suspension, demotion, dismissal, transfer, layoff, or other employer actions affecting the employee. (Ordinance No. 89-14.)

Section 3.48.020 Initiation of grievance.

An employee may initiate a grievance by making a brief written statement describing the employer action giving rise to the grievance, explaining why the action is improper, unfair, or illegal, and stating what remedial action is requested. The complaint should be addressed to the mayor and may be either delivered to the mayor personally or filed with the city clerk. (Ordinance No. 89-14.)

Section 3.48.030 Confidentiality.

The employee statement initiating a grievance shall become part of the employee's personnel file as provided by section 3.04.140. The statement shall not be made public without the express written consent of the employee. (Ordinance No. 89-14.)

Section 3.48.040 Review of grievance.

The mayor shall take such steps as he or she considers appropriate to investigate the grievance. Such steps may include, but are not limited to, review of the employee's personnel file, interviews with the employee, the employee's supervisor, or other persons who may have knowledge of facts pertinent to the grievance, and examination of the employee's work products. The mayor may either review the employee's grievance himself or refer the matter to another person for review. (Ordinance No. 89-14.)

Section 3.48.050 Mayor' s decision.

After review of the grievance, and consideration of the report of the person, if any, to whom the grievance has been referred for review, the mayor shall enter his or her decision on the grievance. The decision shall be in writing, and shall state, in such detail as the mayor considers appropriate, the reason for the decision and the remedial action, if any, to be taken. The mayor shall provide a copy of the decision to the employee who filed the grievance, and shall note on the original the date on which the employee received the copy. The original decision shall then be filed in the employee's personnel file, and shall not be made public without the express written consent of the employee who filed the grievance . (Ordinance No. 89-14.)

Section 3.48.060 Further review.

If the employee who filed the grievance is dissatisfied with the mayor 's decision, the employee may seek further review of the grievance in the manner provided by chapters 2.40 and 2.44. (Ordinance No. 89-14; Note: chapters 2.40 and 2.44 have not been adopted by the City of Atqasuk.)

Title 4

REVENUE AND FINANCE

Chapters :

- 4.01 Budget Generally.
- 4.04 Budget Procedures.
- 4.08 Annual Audit.
- 4.12 Management of Funds.
- 4.16 Contracts and Purchasing.

TITLE 4

REVENUE AND FINANCE

Chapters:

- Chapter 4.01 Budget Generally
- Chapter 4.04 Budget Procedure
- Chapter 4.08 Arumal Audit
- Chapter 4.12 Management of Funds
- Chapter 4.16 Contracts and Purchasing

Chapter 4.01

BUDGET

GENERALLY

Sections:

- 4.01.010 City Obligations.
- 4.01.0-20 Scope of Budget.
- 4.01.030 Budgeted Revenues.
- 4.01.040 Budgeted Expenditures.

Section 4.01.010 City Obligations.

A. A Bond, Contract, Lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one (1) fiscal year shall be made by Ordinance and Approved by the voters.

B. No payment may be authorized or made and no obligation may be incurred except in accordance with an appropriation made by Ordinance. The Council may make supplemental and emergency appropriations.

C. The Council may authorize contracts for capital improvements to be financed wholly or partly by the issuance of Bonds.

(Ordinance No. 98-02)

Section 4.01.020 Scope of Budget.

A The Budget shall be a complete financial plan for the operation of the city during the next fiscal year, showing dollar reserves, anticipated revenues and proposed expenditures.

B. Adoption of the Budget, together with appropriation of the required funds, constitutes the commitment of each sum identified as an expenditure to the specified purchase or expense or class of purchases or expenses, and authorization and direction to the Mayor and the city's appointed officials to expend each budgeted sum for the specified purpose.

C. Proposed expenditures shall not exceed anticipated revenues and reserves.

(Ordinance No. 98-02)

Section 4.01.030 Budgeted Revenues.

Budgeted revenues shall be itemized, and may be composed of taxes, licenses and permits, intergovernmental revenue, charges for services, fines and forfeitures, miscellaneous revenue, cash reserves, and others as needed for proper accounting purposes.

(Ordinance No. 98-02)

Section 4.01.040 Budgeted Expenditures.

Budgeted expenditures shall be itemized. Separate provisions shall be included in the budget for at least:

1. Interest, Amortization of Principal and Redemption Charges on the public debt for which the faith and credit of the city is pledged;
2. Administration, Operation and Maintenance of each office, department or agency of the city;
3. The Council's budgetary reserve; and
4. Expenditures proposed for capital projects, including provision for down payments on capital projects.

(Ordinance No. 98-02)

Chapter 4.04

BUDGETPROCEDURE

Sections:

- 4.04.010 Fiscal Year.
- 4.04.020 Public Records.
- 4.04.030 Proposed Budget.
- 4.04.040 Public Hearing.
- 4.04.050 Amendment of Proposed Budget; Adoption; Appropriation of Funds.
- 4.04.060 Amendment.
- 4.04.070 Encumbrance.
- 4.04.075 Effective Date of Budget Certification.
- 4.04.080 Excess Liability; Lapse of Appropriations.
- 4.04.090 Transfers.
- 4.04.100 Biennial Projection -- Capital Program.
- 4.04.110 Preparation Guidelines.

Section. 4.04.010 Fiscal Year.

The fiscal year of the city government shall begin on the first day of July or each calendar year and end on the last day of June of the following calendar year. The fiscal year shall also constitute the budget and accounting year.

(Ordinance No. 98-02)

Sectim.1 4.04.020 Public Records.

The proposed budget and budget message, and, upon adoption, the budget shall be public records open to inspection pursuant to Chapter 1.24.

(Ordinance No. 98-02)

Section 4.04.030 Proposed Budget.

A The Mayor shall prepare and submit to the Council not later than May 1st of each year, the proposed budget for the following fiscal year, together with a budget message. The proposed budget shall set out estimates of all revenues expected to be received, and provide and appropriate for all anticipated expenditures of money, including contract and other commitments, except expenditures of construction funds derived from bonds or from special assessment. The budget shall be submitted as an ordinance. The Council may amend the budget estimate at any time prior to adoption.

B. The proposed budget shall include in a parallel column opposite the items of anticipated revenues the amount of each such item actually received in the preceding fiscal year and the budget for the current fiscal year.

C. The proposed budget shall include in a parallel column opposite the items of proposed expenditures, the amount of each such item actually spent in the preceding fiscal year and the budget for the current fiscal year.

D. At the head of the proposed budget there shall appear a summary of the budget, which need not be itemized. Principal sources of anticipated revenues and kinds of expenditures by department shall be stated in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

(Ordinance No. 98-02)

Section 4.04.040 Public Hearing.

The Council shall fix the time and place for a public hearing on the proposed budget. Notice of the hearing, together with a summary of the proposed budget, shall be posted in three places in the city not more than ten (10) days, nor less than five (5) days prior to the time fixed for the hearing. At the Public Hearing, all interested persons shall be given an opportunity to be heard.

(Ordinance No. 98-02)

Section 4.04.050 Amendment of proposed Budget; Adoption; Appropriation of Funds.

A. After the conclusion of the Public Hearing on the proposed budget, the Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law.

B. The Council shall adopt the budget and make the appropriation by ordinance not later than the fifteenth (15th) day of June. The Council shall then appropriate the money required for the approved budget.

C. If no budget has been adopted by the Council by the last day of the present fiscal year, the proposed budget, as submitted or amended, shall be deemed to have been adopted by the Council, and the proposed expenditures, therein, shall be deemed to have been appropriated for the next fiscal year.

(Ordinance No. 98-02)

Section 4.04.060 Amendment.

The Budget may be amended by the Council at any time after adoption, provided no such amendment shall be made until after a public hearing upon the same notice as required for the budget estimate under Section 4.04.040. The substance of the proposed amendment or amendments shall be posted with the notice of the public hearing.

(Ordinance No. 98-02)

Section 4.04.070 Encumbrance.

No budget appropriations may be encumbered without prior certification by the Mayor that there is an unencumbered appropriation sufficient to cover such encumbrance and sufficient funds available to meet the expenditure.

(Ordinance No. 98-02)

Section 4.04.075 Effective Day of Budget Certification.

The adopted budget shall be in effect for the fiscal year. A copy of the adopted budget shall be certified by the Mayor, attested to by the City Clerk, and filed with the City Clerk. The certified budget is a public document.

(Ordinance No. 98-02)

Section 4.04.080 Excess Liability; Lapse of Appropriations.

The Mayor and City Clerk/Treasurer or Treasurer shall not permit, without Council approval, during any budget year, an expenditure or contract incurring any liability in excess of the amount appropriated for each department of the city. All appropriations covered by the budget lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered.

(Ordinance No. 98-02)

Section 4.04.090 Transfers.

The Mayor may approve intra-departmental transfers of appropriated funds; provided, however, that appropriations may not be transferred between departments except by ordinance amending the budget as provided by Section 4.04.060.

(Ordinance No. 98-02)

Section 4.04.100 Biennial Projection; Capital Program.

At the same time the Mayor prepares and submits the proposed budget under the provisions of Section 4.04.020, he/she shall present to the Council, as a working document, a proposed two (2) year summary budget for the city (excluding Capital Improvement Programs) in the same general form as the budget for the next fiscal year. In addition, the Mayor shall present a five (5) year Capital Improvement Program as a working document which shall estimate, by year and for each project, anticipated costs, funding requirements and sources, and include a narrative outlining the need and proposed priority of each project.

(Ordinance No. 98-02)

Section 4.04.110 Preparation Guidelines.

The Budget, including the Biennial Projection and the five (5) year Capital Improvement Program, shall be prepared in accordance with recommendations of the National Committee on Governmental Accounting of the Municipal Finance Officers Association.

(Ordinance No. 98-02)

Chapter 4.08

ANNUAL AUDIT

Sections:

4.08.010 Required.

Section 4.08.010 Required.

A. The Council shall provide for an Annual Independent Audit of the accounts and other evidences of financial transactions of the city and of every city department. The audit shall be made by an accountant or accounting firm, designated by the Council, who has no personal interest, direct or indirect, as defined in the Rules of Professional Ethics of the American Institute of Certified Public Accountants, in the fiscal affairs of the city or any of its departments. The designated accountant shall be a Certified Public Accountant. The accountant or accounting firm shall be licensed to practice in the State of Alaska, and shall be a member of the American Institute of Certified Public Accountants. The accountant or firm shall submit his/her/their report to the Mayor and Council no later than two hundred seventy (270) days following the end of the fiscal year under audit.

(Ordinance No.98-02)



Chapter 4.12

MANAGEMENT OF FUNDS

Sections:

- 4.12.010 Treasurer.
- 4.12.020 Deposits and Withdrawals.
- 4.12.030 Investments.

Section 4.12.010 Treasurer.

A. The Treasurer or the City Clerk/Treasurer is the Custodian of all municipal funds and shall be responsible for the management of all cash and negotiable instruments of the city and shall develop and maintain such records, systems and procedures as may, in his/her opinion, be necessary for that purpose.

B. All accounting functions for all city departments and offices are the responsibility of the Treasurer. The Treasurer shall provide the following statements to the Council on a monthly basis:

1. Summary Statement of Cash Receipts and Disbursements;
2. Reconciliation Statements (bank(s) - funds - investments).
3. Statement of Expenditures compared with appropriations.

(Ordinance No. 98-02)

Section 4.12.020 Deposits and Withdrawals.

A. The City Clerk is authorized to deposit city funds in such federally insured commercial banks, savings and loan associations, or investment accounts as the Council may authorize by resolution. All such deposits shall be held in the name of the city. The City Clerk, Mayor, and Council members, designated by resolution, are authorized signatories on such accounts.

B. All withdrawals from, or checks drawn on such accounts shall require two signatures; one by the City Clerk and one by the Mayor or another Council member.

C. No check may be drawn unless there are sufficient funds in the account on which the check is drawn to pay the check.

(Ordinance No. 98-02)

Section 4.12.030 Investments.

The City Clerk shall periodically determine necessary cash balances to be maintained in the city's demand deposit accounts and shall invest excess cash in securities of the United States, any state or local government, commercial paper, time certificates of deposit, or any other form of security as may be authorized by law commensurate with the following stipulations:

1. Preference shall be given to Alaska securities and financial institutions.
2. Investment in Corporate Stocks and Bonds is prohibited.
3. All transactions shall be made and held in the name of the city.

(Ordinance No. 98-2)

Chapter 4.16

CONTRACTS AND PURCHASING

Sections:

- 4.16.010 Competitive Bidding Required.
- 4.16.020 Purchase Generally.
- 4.16.025 Purchasing Agent.
- 4.16.030 Bid Invitation.
- 4.16.040 Bid Deposits.
- 4.16.050 Bid Submittal and Opening.
- 4.16.060 Rejection of Bids.
- 4.16.070 Award of Contract.
- 4.16.080 Open Market Purchases.
- 4.16.090 Contractor Bonding.
- 4.16.100 Professional Services Contracts.
- 4.16.110 Construction Contracts -- Letting.
- 4.16.120 Construction Contracts -- Administration.
- 4.16.130 Disbursement Setoffs.
- 4.16.140 Local Preference -- Contractors.
- 4.16.150 Local Preference -- Subcontractors.
- 4.16.160 Local Hire.

Section 4.16.010 Competitive Bidding Required.

A. All purchases of and contracts for supplies and contractual services shall, except as specifically provided in this chapter, be based wherever possible on competitive bids . .

B. When competitive bids are not deemed to be possible, a purchase or contract for supplies may be entered into if the estimated cost of the supplies or contractual services is:

1. Greater than two thousand five hundred dollars (\$2,500.00), and the Council by resolution find that competitive bids are impossible, reciting the reasons therefor, and specifies how the purchase shall be made or the contract shall be awarded; or

2. Not greater than two thousand five hundred dollars (\$2,500.00), if the Mayor certifies in writing that competitive bids are impossible, reciting the reasons therefor, and specifies how the purchase shall be made or the contract shall be entered into.

(Ordinance No. 98-02)

Section 4.16.020 Purchase Generally.

All supplies and contractual services, except as otherwise provided in this chapter, when the estimated cost, thereof, exceeds two thousand five hundred dollars (\$2,500.00) shall be purchased by formal, written contract from the lowest responsible bidder as defined in Section 4.16.070(0), after due notice inviting proposals.

(Ordinance No. 98-02)

Section 4.16.025 Purchasing Agent.

A The Mayor is the purchasing agent for the city. However, the Mayor may designate the City Clerk or other city employee to be the City Purchasing Agent, subject to Council approval by resolution.

B. There shall be a City Purchasing Agent. The Purchasing Agent shall make all purchases of supplies, materials, equipment, and contractual services needed by the offices, departments, and agencies of the city government, in accordance with the ordinances of the city and such rules and regulations as may be prescribed by the Mayor and approved by the Council.

C. The Purchasing Agent shall recommend joint purchases with other units of government when the best interests of the city would be served.

(Ordinance No. 98-02)

Section 4.16.030 Bid Invitation.

A When competitive bidding is required, notice inviting bids shall be published in a newspaper or newspapers of general circulation within the state selected by the City Clerk. Invitations for bids shall be published at least once, at least five (5) days prior to the last day set for the receipt of proposals. The invitation shall include information as to where the necessary bid forms and additional information may be obtained.

B. The City Clerk may also solicit bids from all responsible prospective suppliers who have indicated an interest in bidding on city contracts.

C. The City Clerk shall also advertise all pending purchases by posting a notice on the public bulletin board in the city hall.

(Ordinance No. 98-02)

Section 4.16.040 Bid Deposits.

When deemed necessary by the Mayor, bid deposits shall be prescribed in the Invitation for Bid. Unsuccessful bidders shall be entitled to return of surety where the Mayor has required such. A successful bidder shall forfeit any surety required by the Mayor if the bidder fails or refuses to enter into a contract within ten (10) days after the award.

(Ordinance No. 98-02)

Section 4.16.050 Bid Submittal and Opening.

A When competitive bidding is required, bids shall be submitted to the City Clerk and shall be identified as bids on the envelope. The City Clerk shall not accept submittal of bids after the time stated in the invitation for the opening of bids.

B. Bids shall be opened in public at the time and place stated in the Invitation for Bids.

C. A tabulation of all bids received shall be posted for public inspection. A copy of the tabulation shall be forwarded to the Council for acceptance or rejection of bid.

(Ordinance No. 98-02)

Section 4.16.060 Rejection of Bids.

A. The Council shall have the authority to reject all bids, parts of bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when such rejection is in the best interest of the city.

B. The Council may determine that rejection of all bids is in the best interest of the city for reasons which include but are not limited to the following:

1. Inadequate, ambiguous, or otherwise deficient specifications were cited in the Invitation for Bids;
2. The supplies or services are no longer needed;
3. The Invitation for Bids did not provide for consideration of all factors of cost to the city.
4. The bids received indicate that the city's needs can be satisfied in a less expensive manner than that contemplated by the Invitation for Bids;
5. All otherwise acceptable bids received are at unreasonable prices;
6. The bids were not independently arrived at in open competition, were collusive, or were submitted in bad faith; or
7. The bids received did not provide adequate competition to assure reasonable prices.

C. If the Council rejects all bids under this section, it may later direct the City Clerk to issue an identical or similar invitation for bids.

(Ordinance No. 98-02)

Section 4.16.070 Award of Contract.

A. The Council may award contracts within the purview of this chapter.

B. When competitive bidding is required, contracts shall be awarded, if at all, to the lowest responsible bidder whose bid is responsive to the Invitation for Bids.

C. In determining which bid is "lowest", the Council may, in its discretion, apply the local contractor preference of Section 4.16.140.

D. In determining whether the lowest bidder is "responsible", the Council shall consider:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
2. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference;

3. The character, integrity, reputation, judgment, experience and efficiency of the bidder, and the quality of performance of previous contracts or services;

4. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

5. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

6. The quality, availability and adaptability of the supplies or contractual services to the particular use required;

7. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract, number and scope of conditions attached to the bid;

8. The standardization requirements; and

9. The ability of the bidder to resolve the Council's concerns as to the bidder's responsibility prior to the time when the contract must be executed.

E. For a bid to be "responsive", the bid must be an offer to perform, without exception, the exact thing called for in the Invitation for Bids, which will, upon acceptance, bind the bidder to perform in accordance with all the terms and conditions of the invitation. The Council may conclude that a bid is not "responsive" if, for example:

1. The bidder has qualified or changed the terms or conditions of the Invitation to Bid;

2. The bid is considered late under Section 4.16.050, having been received after the time for opening;

3. The bid does not include bid or surety bonds, plans, specifications, samples, or other items called for in the Invitation to Bids; or

4. The bidder does not acknowledge receipt of an amendment to the invitation.

F. The Council may waive trivial or inconsequential deficiencies in a bid.

G. An aggrieved bidder may, within five (5) days after the opening of the bids, file an informal appeal pursuant to Chapter 2.40.

(Ordinance No. 98-02)

Section 4.166.080 Open Market Purchases.

All purchases of supplies and contractual services of less than two thousand five hundred dollar (\$2,500.00), shall be made on the open market, without observing the procedure prescribed in Sections 4.16.020 through Section 4.16.070.

(Ordinance No. 98-02)

Section 4.16.090 Contractor Bonding.

Contracts for construction, alteration or repair of public buildings or public works, where the cost is in excess of one hundred thousand dollars (\$100,000.00), shall be awarded only after the contractor has provided payment and performance bonds pursuant to A.S. 36.25.0IO(A).

(Ordinance No. 98-02)

Section 4.16.100 Professional Services Contracts.

A. A contract for engineering, architectural, legal, medical or other professional services shall not be binding and effective until it has been approved by the Council. Any such contract awarded by the Council is deemed approved. Any other such contract shall be immediately submitted to the Council for approval, which may be given by motion.

B. Contracts in amounts exceeding one thousand dollars (\$1,000.00) for such services and other contractual services, which are in their nature unique and not subject to competition, shall be awarded by the Council. All such contracts for professional services, when deemed appropriate by the awarding authority, shall be awarded after public notice and mail solicitation inviting proposals for the furnishing of the required services. The selection of professional assistance shall be based on competence, skill and experience.

C. No contract shall be subdivided to avoid the requirements of this section.

D. The city shall not award a contract for architectural, engineering, or land surveying services to:

1. An individual who is not registered under A.S. 08.48 to perform the architectural, engineering, or land surveying services required by the contract.

2. A partnership that is not qualified under A.S. 08.48.251 to provide that architectural, engineering, or land surveying services required by the contract; or

3. A corporation that is not authorized under A.S. 08.48.241 to offer the architectural, engineering, or land surveying services required by the contract.

(Ordinance No. 98-02)

Section 4.16.110 Construction Contracts -- Letting.

A. For the purposes of this section, "contract" means and includes construction contracts. The term shall not include professional services and other contractual services which are in their nature unique and not subject to competition.

B. All contracts shall be based wherever possible on competitive bids.

C. All contracts shall be awarded by formal, written contract to the lowest responsible bidder whose bid is responsive to the invitation for bids, as required by Section 4.16.070, after due notice inviting proposals following the procedures established in Section 4.16.120. Each construction contract shall provide:

1. That the work shall be performed in full compliance with all applicable building and safety codes, including but not limited to applicable portions of the National Electrical Code, the Uniform Building Code, the Uniform Fire Code, and the Uniform Mechanical Code, or such other, similar, codes as may be adopted from time to time by the Alaska Department of Public Safety, Division of Fire Prevention or by the City;

2. That final payment on the contract shall not be due until the work has been certified by a licensed inspector to have been correctly performed in compliance with the contract and codes referred to in the preceding subsection; and

3. That final payment under the contract shall not be deemed a waiver of any defects in the work.

D. The Council may not award a contract for the construction or repair of any building or other city facility to a contractor who has not provided each of the following:

1. The contractor's full name and permanent address, mailing address, and, if the contractor is not an individual, the name, mailing address, and telephone number of a contact person.

2. A copy of the contractor's current certificate of registration, issued pursuant to A.S. 08.18.031, provided, however, that the Council may tentatively award a contract to contractor to whom a certificate of registration has not yet been issued if the contractor provides a copy of the application filed pursuant to A.S. 08.18.021;

3. A copy of the current bond filed with the State of Alaska as required by A.S. 08.18.071;

4. A copy of the information regarding public liability and property damage insurance filed with the State of Alaska as required by A.S. 08.18.101; and

5. A copy of the contractor's current State of Alaska Business License, provided, however, that the Council may tentatively award a contract to contractor to whom a business license has not yet been issued if the contractor provides a copy of the application filed pursuant to A.S. 43.70.020.

E. Upon awarding a construction contract, the Clerk shall:

1. Immediately notify the State Commissioner of Labor of the amount of the contract, the effective date of the contract, the identity of the contractor and all subcontractors, the site or sites of construction and provide a project description; and

2. Verify that the bonding requirements of A.S. 36.25 have been met and that the requirements of A.S. 08.18 have been met.

(Ordinance No. 98-02)

Section 4.16.120 Construction Contracts -- Administration.

All contracts, as defined in Section 4.16.1 IO(A) shall be administered by the Mayor in accordance with the following provisions:

A Any change required in the work shall be made after receiving a written change order proposal from the contractor for additions to or reductions from the original contract sum and the original contract time for changes proposed.

B. Upon receipt of a change order proposal for a change in the contract sum in an amount not exceeding one thousand dollar (\$1,000.00) and after determination that the contractor's proposal is reasonable, the City Clerk, at the direction of the Mayor, may issue a written change order. The aggregate sum of change orders so authorized shall not exceed five percent (5%) of the original contract sum or one thousand dollars (\$1,000.00) whichever is greater.

C. When a proposed change order exceeds the limits set forth in subsection (B) of this section, the proposal, together with recommendations of the Mayor, shall be forwarded to the Council. The Council shall then determine whether the proposal shall be accepted or rejected.

D. Whenever a change in the work is required immediately upon the discovery of unforeseen condition, the Mayor shall have the power to order such change. If the change is otherwise subject to subsection (C) of this section a full report shall be made to the Council not later than the second regular meeting following the change. The emergency nature of such change order shall be determined by the Mayor.

E. No partial payment for work completed shall be made to a contractor without approval of the Mayor of the quantities and values submitted by the contractor. No reduction in retained percentage not called for in the contract shall be made without prior approval of the Council.

(Ordinance No. 98-02)

Section 4.16.130 Disbursement Setoffs.

A Disbursement of monies to a person, firm or corporation will be made only after the various receivable accounts of the city have been reviewed for outstanding balances owed. The disbursement will be reduced by setting off the amount of indebtedness due to the city from such person, firm or corporation.

B. All contracts to which the city is a party which will or may involve the disbursement of city funds shall contain the following clause or its substantial equivalent:

"Disbursement of monies by the city hereunder shall be subject to setoff pursuant to the provisions of Section 4.16.130 of the Code of Ordinances."

Such contracts include, but are not limited to, oral contracts, employment contracts, construction contracts, and purchasing contracts.

(Ordinance No. 98-02)

Section 4.16.140 Local Preference -- Contractors.

The Council may, at its discretion, direct an award of a construction contract after competitive bidding to a responsible bidder who has submitted a bid, who holds a City Business License, and who maintains a business office within the city, if that bid does not exceed the lowest responsible bid by more than ten percent (10%).

(Ordinance No. 98-02)

Section 4.16.150 Local Preference -- Subcontractors.

A. The Mayor shall, unless prohibited or otherwise restricted by funding sources, for all contracts awarded under the formal competitive bidding procedures, make incentive payments to a qualified contractor consisting of a percentage of the cost of salary and benefits paid by a qualified subcontractors to employees for personal services or labor who were directly employed on the project for which the referenced contract applies.

B. In this section, "qualified contractor" or "qualified subcontractor" means a person, partnership, or corporation holding a city business license on the date on which the contract bids are solicited.

C. Incentive payments may be applied for at the same time as periodic payments, if any, which are authorized under the contract. The contractor shall submit supporting documentation as required by the City Clerk.

D. The incentive payment shall be equal to:

1. Twelve percent (12%) of costs for qualified contractor or subcontractors under one million dollars (\$1,000,000.00);

2. Ten percent (10%) of costs for qualified contractors or subcontractors between one million dollars and one cent (\$1,000,000.01) and five million dollars (\$5,000,000.00);

3. Eight percent (8%) of costs for qualified contractors or subcontractors between five million dollars and one cent (\$5,000,000.01) and ten million dollars (\$10,000,000.00);

4. Six percent (6%) of costs for qualified contractors or subcontractors between ten million dollars and one cent (\$10,000,000.01) and over.

(Ordinance No. 98-02)

Section 4.16.160 Local Hire.

A. The City Council finds that:

1. Because of its comparatively unique climate, isolated location and distance from the population centers of the state, and erratic development, Atqasuk has historically suffered from social, seasonal, geographic and economic conditions that result in an unstable economy.

2. The unstable economy is a hardship on city residents and is aggravated by the number of seasonal and transient nonresident workers.

3. There is a high rate of unemployment among city residents.

4. The high rate of unemployment tends to depress and destabilize the local economy and local businesses.

5. Atqasuk has compelling interest in reducing the level of unemployment among its residents.

6. The construction industry in Atqasuk accounts for a large percentage of available employment.

7. There is a high rate of unemployment in the construction industry in Atqasuk.

8. It is appropriate for Atqasuk to consider the welfare of its residents when it funds or administers construction activities.

9. It is in the public interest of Atqasuk to allocate funds for capital projects in order to reduce unemployment among its resident construction workers.

10. Use of nonresident construction workers contributes to or causes the high unemployment rate among resident workers because nonresident workers compete with residents for the limited number of available construction jobs.

11. Nonresident workers displace qualified, available and unemployed Atqasuk workers on jobs on city-funded and administered projects.

12. The city has a special interest in seeing that the benefits of public construction spending accrue to its residents.

13. Nonresident workers generally bring food and other supplies with them when they come to Atqasuk or obtain these supplies from a contractor who purchases them outside the community, and thus contribute little or nothing to the local economy.

14. The City, when acting as a market participant in funding public works projects, should give Atqasuk residents an employment preference on public works projects it funds and administers.

15. There is a legitimate and compelling government interest in that the public health and welfare will suffer if Atqasuk residents are not afforded employment preference in city-funded and administered construction-related work.

B. The City has enacted the resident-hire requirements in response to problems and concerns identified by the findings of fact in subsection A to:

1. Ensure that qualified resident workers do not remain unemployed while nonresident workers are employed on construction projects funded or administered by the city.

2. Reduce the level of unemployment among residents of Atqasuk.

3. Stabilize and enhance the Atqasuk economy.

C. It is the policy of the City that to fulfill the duty of loyalty owed to Atqasuk residents and remedy social and economic problems, the City will grant an employment preference to residents on projects funded or administered by the City.

D. Under any contract for the construction, repair or alteration of public improvements funded in whole or in part by city funds which, in accordance with a federal grant, state grant or City of Atqasuk Code of Ordinances/Chapter 4.16/Page 9

otherwise, the city spends or administers, and with respect to which the City is signatory to the construction contract, at least ninety percent (90%) of the labor shall be performed by bona fide Atkasuk residents. To the extent there are not sufficient resident workers qualified and available for work, a contractor shall be exempted from the provisions of this section to the extent of such unavailability.

E. For the purpose of this section, a bona fide resident is a person who maintains and who has maintained for at least thirty (30) days before the person begins work on the project a domicile in the City of Atkasuk. Domicile is the true and permanent home of a person from which that person has no present intention of moving and to which that person intends to return whenever away from that home.

(Ordinance No. 98-02)

Title 5

[RESERVED.]

TITLE 8
HEALTH AND SAFETY

Chapters:

- 8.04 [Reserved.]
- 8.08 [Reserved.]
- 8.12 [Reserved.]
- 8.16 [Reserved.]
- 8.20 [Reserved.]
- a.24 [Rs_w&ca.] *will be added to JEHLc.LCS*
- 8.28 Animal Control.

chapter 8.04

[Reserved.]

Chapter 8.08

[Reserved.]

Chapter s.12

[Reserved.]

Chapter

8.16

[Reserved.]

Chapter 8.16

FIREARMS, WEAPONS AND EXPLOSIVES

Sections:

- 8.16.010 Definitions.
- 8.16.020 Carrying a concealed weapon.
- 8.16.030 Switchblade knives.
- 8.16.040 Possession of dangerous weapon where alcoholic beverages are sold.
- 8.16.050 Possession of dangerous weapon on school grounds.
- 8.16.060 Carrying loaded firearms.
- 8.16.070 Discharge of firearms.
- 8.16.080 Explosives.
- 8.16.090 Exclusions.
- 8.16.100 Violations.

Section 8.16.010 Definitions.

A used in this chapter:

A "Dangerous weapon" means a firearm, an air gun or BB gun, a knife other than an ordinary pocketknife having a blade not more than three and one half (3 1/2) inches in length, a dagger, Slingshot, crossbow, metal knuckles, Blackjack, billy or any other instrument by the use of which physical injury may readily be inflicted upon any person, but does not include any instrument or tool which is not commonly used as or considered to be a weapon and which in the circumstances under which it is possessed or used is clearly not intended to be used, or to be available for use, as a weapon. (AS. 11.61.200 (e).)

B. "Explosive device" means a device containing explosives as defined by AS. 11.81.900 (b) (18).

C. "Firearms" means a weapon, including a pistol, revolver, rifle, shotgun or airgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot or projectile capable of causing death or physical injury.

D. "Possession" means physical possession or the exercise of dominion or control.

E. "Switchblade knife" means any knife having a blade which opens automatically:

1. By hand pressure applied to a button or other device in the handle of the knife; or

2. By operation of inertia, gravity or both.

Section 8.16.020 Carrying a concealed weapon.

A. No person shall knowingly possess a concealed dangerous weapon on or about his or about his or her person, or within his or her reach in a vehicle.

B. As used in this section:

1. A dangerous weapon is "concealed" on or about a person if it is covered or enclosed in any manner on or in the immediate arm's reach of a person and cannot be seen and determined to be a weapon without removing it from that which covers or encloses it or without removing it from that which covers or encloses it or without opening, lifting or removing that which covers or encloses it.

2. A dangerous weapon is "concealed" in a vehicle if it is within arm's reach of a person occupying a vehicle and cannot be seen without opening the door of or entering the vehicle or without removing the weapon from that which covers or encloses it or without opening, lifting or removing that which covers or enclosed it.

C. A knife in a sheath on a belt is not considered a concealed weapon.

Section 8.16.030 Switchblade knives.

No person shall possess or transfer in any manner a switchblade knife.

Section 8.16.040 Possession of dangerous weapon where alcoholic beverages are sold

It is unlawful for a person to possess a dangerous weapon in a place where alcoholic beverages are sold.

Section 8.16.050 Possession of dangerous weapons on school ground.

It is unlawful for a person to possess a dangerous a weapon inside a school or on school ground unless by prior consent of school principal or his or her designee.

Section 8.16.060 Carrying loaded firearms.

It is unlawful for any person to possess any firearm 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, and unless the firearm is carried with the receiver in an open position except as provided in (8.16.070.).

Section 8.16.070 Discharge of firearms - prohibited.

It is unlawful for any person to discharge a firearm except in a regularly established shooting gallery, rifle range or any other place specifically designated by the City Council.

Section 8.16.080 Explosives.

It is unlawful for any person to detonate an explosive device 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 8.16.090 Exclusions.

A. Sections 8.16.020 through 8.16.080 of this ordinance do not apply to any duly authorized city, borough, state, or federal law enforcement officer in the performance of official duties.

B. Section 8.16.070 of this ordinance does not apply to duly authorized city, borough, state, or federal law enforcement officers under the following circumstances;

1. When the use of the firearm is necessary to protect himself, 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,
3. When the use of a firearm is necessary to dispose of loose dogs as otherwise provided in chapter 8.28. (Compare A.S. 11.61.200 (d).)

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 8.16.070 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. (Compare A.S. 11.81.300 through 11.81.410, 11.81.430.)
2. Engaged in subsistence activities more than 500 yards from any permanent dwelling, public building or within 500 yards towards any occupied camp.

E. Section 8.16.070 of this ordinance does not apply to person or persons who execute firing a shotgun under chapter 8.28, Section 8.28.050, 8.28.060, 8.28.070.
(Ordinance No. 02-02)

Section 8.16.100 Violations.

A. Any violation of this chapter is a misdemeanor.

B. The penalties provided by section 1.28.040 may not be imposed for any violation of this chapter unless copies of this chapter have been made available for distribution to the public as provided by section 2.12.094 (D) at no more than cost. (Limitation required by A.S. 29.25.070.)

Chapter 8.24

MOTOR VEHICLES

Sections:

8.24.010	Definitions
8.24.020	Speed Limits
8.24.030	Unsafe Operation
8.24.040	Influence of Intoxicating Liquor or Beverages
8.24.050	Land Based Vehicles – Required Equipment
8.24.060	Reporting of Accidents
8.24.070	Curfew
8.24.075	Exceptions
8.24.080	Licenses
8.24.090	Operator
8.24.100	Eligibility Fines

Section 8.24.010 Definitions.

"Land based vehicles" include every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human or animal power unaided by internal combustion engines or other such mechanical devices for the generation of energy. Devices designed primarily for travel over snow or ice by means of skis, belts, cleats or low pressure tires are deemed "vehicles." boats, canoes, barges and any other water based craft are vehicles when referred to in this Chapter. (Ord. No. 95-01)

Section 8.24.020 Speed Limits.

A. It shall be unlawful for any land based vehicle to travel within any speed limit zone in the City at speed exceeding the zone speed limit. For the purpose of limiting the speed of land base vehicles, the City is divided into the following zones:

1. School Zones: Tikigluk Street from Kippi Street to Tikigluk Street; Kippi Street from Shugluk Street to Tikigluk Street; Shugluk Street from Kippi Street to Tikigluk Street; and Tikigluk Street from Shugluk Street to Tikigluk Street. The Speed limit is fifteen (15) Miles per hour. (Ord. No. 95-01)

2. Airport Road Zone: Tikigluk Street Road from the North Slope Borough Operations and Maintenance Shop to the Airport. The speed limit for the Airport Road is Thirty-Five (35) Miles per hour. (Ord. No. 9-01)

3. Dump Road Zone: Ekosik Road from Imagruak Street to its end. The speed limit for the Dump Road is Thirty-Five (35) Miles per hour. (Ord. No. 95-01)

4. General Zone: All areas within the boundaries of the City which are not within any of the zones described above. The speed limit for the General Zone is Twenty-Five (25) Miles per hour. (Ord. No. 95-01)

Regardless of the applicable zone speed limit, it is also unlawful to operate a land based vehicle at a speed greater than is reasonable under the existing road and weather conditions. (Ord. No. 95-01)

B. There shall be SLOW signs posted in plain sight for all to see. Vehicles without speedometers shall not exceed half throttle. (Ord. No. 95-01)

Section 8.24.030 Unsafe Operations.

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. (Ord. No. 95-01)

Section 8.24.040 Operation Under Influence of Alcohol. ;

No driver of any water or land based vehicle. Shall be under the influence of alcohol. (Ord. No. 95-01)

Section 8.24.050 Land Based Vehicles - Required Equipment.

It shall be unlawful to operate any land based vehicle Without:

- A. Workable front and back lights;
 - B. A muffler;
 - C. A functioning throttle which when released by hand or foot will return the engine speed to idle;
 - D. Brakes adequate to control the movement of and to stop the vehicle under normal operating conditions.
- (Ord. No. 95-01)

Section 8.24.060 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 one hundred dollars (\$100.00) or more, shall immediately give notice of the accident to the nearest State Trooper or Borough Public Safety Officer by radio or telephone, or if neither is reasonably available, by whatever other means is likely to be received at the earliest time. (Ord. No. 95-01)

Section 8.24.070 Curfew.

There shall be imposed a curfew on vehicle operation between the hours of two (2:00) am to (6:00) a.m. Emergency operation and work required operation of vehicles is excepted. (Ord. No. 95-01)

Section 8.24.075 Exceptions.

It is an exception to a violation of Section 8.24.070 when an operation of a vehicle(s) is used to and from home for the purposes of subsistence hunting, fishing, or gathering of wild berries or edible greens. (Ordinance No. 02-06)

Section 8.24.080 Licenses.

It shall be unlawful to operate a land based vehicle without either a state operator's license issued in accordance with AS 28.15.051 and 28.15.071. (Ord. No. 95-01)

Section 8.24.090 Operator Eligibility.

A. No person under the age of fourteen (**14**) may operate an off-highway vehicle upon any street, roadway or alley located within the City Limits. (Ord. No. 95-01)

B. No person between the ages of fourteen (**14**) and sixteen (**16**) may operate an off-highway vehicle upon any street, roadway or alley located within the city limits, unless the person has completed a course, approved by the Mayor, the safe operation of such vehicles, as evidenced by a Certificate of Completion issued by the person. (Ord. No. 95-01)

C. A person over the age of sixteen (**16**) may operate an off-highway vehicle upon the streets, roadways, and alleys within the city limits only if such person: (Ord. No. 95-01)

1. Has completed a course, approved by the Mayor, in the safe operation of such vehicles, as evidenced by a Certificate of Completion issued to such person. (Ord. No. 95-01)

Section 8.24.100 Fines.

A. A person under the age of sixteen (**16**) operating any motorized vehicle:

1. First Offense: A verbal warning will be given to the person in violation of this Code. Notification of violation will be given to parent or guardian. (Ord. No. 95-01)

2. Second Offense: (a) Fifty Dollars (\$50.00)
(b) One Hundred Dollars (\$100.00) if second offense is within six (6) months of first violation. (Ord. No. 95-01)

3. Third Offense: One hundred Dollars (\$100.00) (Ord. No. 95-01)

B. The following shall be in violation of this Code:

- | | |
|---|-----------------------------|
| 1. Speeding | (Ordinance No. 95-01) |
| 2. Running Stop Sign | (Ordinance No. 95-01) |
| 3. Inoperative Lights | (Ordinance No. 95-01) |
| 4. Defective or No Muffler | (Ordinance No. 95-01) |
| 5. Curfew | (Ordinance No. 95-01) |
| 6. Driving without Valid Driver's License | (Ordinance No. 95-01) |
| 7. Damaging Road Signs | (Ordinance No. OC!- -'!.l(J |

C. "**FINES**" are as follows for above violations (Section 8.24.100(B)).

1. First Offense: Verbal Warning with a Non-Fine Citation.
2. Second Offense: Fifty Dollars (\$50.00)
3. Third Offense: One Hundred Dollars (\$100.00) if a violation is within six (6) months of Second Violation.
(Ord. No. 95-01)

Citations (Copy) to be kept on file in the City Office for a period of two (2) years from date of issue; thereafter, citations will be destroyed by burning.
(Ordinance No. 95-01)

CITY OF ATQASUK

ORDINANCE NO. 06-03

AN ORDINANCE REPEALING AND REENACTING CITY CODE OF ORDINANCES SECTIONS 08.24.010 - 100

BE IT ENACTED BY THE ATQASUK CITY COUNCIL AS FOLLOWS:

- Section I. **CLASSIFICATION.** This Ordinance is of a general and permanent nature and shall become a part of the City of Atqasuk Code of Ordinances.
- Section II. **EFFECTIVE DATE.** This Ordinance shall be effective upon adoption by the City Council.
- Section III. **AMENDMENT OF CHAPTER 08.24.** Chapter 08.24 of the Atqasuk Code of Ordinances is hereby repealed and reenacted as follows:

Sections:

- 8.24.010 Definitions
- 8.24.020 Speed, Limits
- 8.24.030 Unsafe Operation
- 8.24.040 Influence of Intoxicating Liquor or Beverages
- 8.24.050 Land Based Vehicles Required Equipment
- 8.24.060 Reporting of Accidents
- 8.24.070 Curfew
- 8.24.075 Exceptions
- 8.24.080 Licenses
- 8.24.090 Operator Eligibility
- 8.24.100 Fines

Section 8.24.010 Definitions.

"Land based vehicles" include every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human or animal power unaided by internal combustion engines or other such mechanical devices for the generation of energy. . Devices designed primarily for travel over snow or ice by means of skis, belts, cleats or low pressure tires are deemed "vehicles." Boats, canoes, barges and any other water based craft are vehicles when referred to in this Chapter. (Ord. No. 95-01)

CITY OF ATQASUK..

ORDINANCE NO. 02-06

AN ORDINANCE AMENDING CITY CODE OF ORDINANCE
8.24 ADDING SECTION 8.24.075 "EXCEPTIONS".

BE IT ENACTED BY THE ATQASUK CITY COUNCIL AS
FOLLOWS:

Section I. **CLASSIFICATION.** This Ordinance is of a general and permanent nature and shall become a part of the City of Atqasuk Code of Ordinances.

Section II. **EFFECTIVE DATE.** This Ordinance shall be effective upon adoption by the City Council.

Section III. **AMENDMENT OF CHAPTER 8.24.** Chapter 8.24 of the Atqasuk Code of Ordinances is, hereby, Amended by adding, thereto, Section 8.24.075 to read as follows.

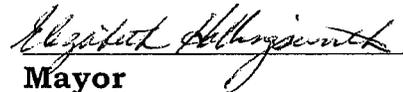
It is an exception to a violation of Section 8.24.070 when an operation of a vehicle(s) is used to and from home for the purposes of subsistence hunting, fishing, or gathering of wild berries or edible greens.

(Ordinance No. 02-06)

Introduced: 09 September 2002

Public Hearing Cl'o OC To.B c !Z ZLJ62..

PASSED AND APPROVED by the Atqasuk City council this 8rt/day of OCi'DBE R. 2002.


Mayor



City of Atqasuk, Alaska

ORDINANCE NO. 00-06

AN ORDINANCE AMENDING CITY CODE SECTION 8.24.100 (B) TO ADD A VIOLATION PERTAINING TO FINES.

BE IT ENACTED BY THE ATQASUK CITY COUNCIL AS FOLLOWS:

Section I CLASSIFICATION. This Ordinance is of a general and permanent nature and shall become a part of the City of Atqasuk Code of Ordinances.

Section II EFFECTIVE DATE. This Ordinance shall be effective upon adoption by the City Council.

Section III AMENDMENT OF SECTION 8.24.100 (B). Section 8.24.100(B) of the Atqasuk Code of Ordinances is, hereby, amended by adding, thereto, subsection 7, to read as follows:

7. Damaging Road Signs

Introduced: 04 December

2000 Public Hearing: 08 January

2001

PASSED and APPROVED by the Atqasuk City Council this day of January 2001.

Bernadine Alta

Mayor

■ ■

■ ■

Chapter 8.28

Animal control

sections:

- 8.28.010 Definitions.
- 8.28.020 Scope; Intent.
- 8.28.030 Incorporation of Borough Code Provisions.
- 8.28.040 Agreement with North Slope Borough.

section 8.28.010 Definitions .

A. All terms, when used in this chapter, shall, unless the context requires otherwise and except where a different meaning is specified, have the meanings specified for such terms by section 6.06.010 of the North Slope Borough Municipal Code.

B. The following terms, when used in North Slope Borough Municipal Code provisions which are incorporated by reference in this chapter, shall, unless the context requires otherwise, have the following meanings :

1. "Animal control officer (s)" means the mayor, or a person designated by the mayor as the city animal control officer, and all persons who are animal control officers as defined by section 6.06.010(4) of the North Slope Borough Municipal Code, in their collective capacity as administrators of this chapter.

2. In the North Slope Borough Municipal Code sections 6.08.340, and 6.10.010(A) and (B), the words "North Slope Borough" mean the North Slope Borough or the city.

3. In North Slope Borough Municipal Code section 6.10.020 (0), the word "mayor" means the mayor of the city.

4. In North Slope Borough Municipal Code section 6.10. 100(C), the words "North Slope Borough" mean the city.

5. In North Slope Borough Municipal Code sections 6.14.020(A) and 6.16.010(A), the words "this title" mean this chapter 8.28.

6. In North Slope Borough Municipal Code section 6.16.020, the words "borough clerk" mean the clerk of the North Slope Borough or the city clerk and the words "North Slope Borough attorney," mean the borough attorney or the city attorney.

(Ordinance No . 89-16.)

/ section 8.28.020 scope; Intent .

Nothing in this chapter shall be interpreted to conflict with the North Slope Borough Regulations on domestic animals pursuant to North Slope Borough Municipal Code Chapter 60.8. This chapter is intended to enforce the provisions of Title 6 of the North Slope Borough Municipal Code within the city, pursuant to section 6.10.110 of the Borough Code, and to exercise, in cooperation with the North Slope Borough, the city's own power to control and protect animals within its corporation limits.

{Ordinance No. 89-16; Ordinance No. 91-03.}

Section 8.28.030 Incorporation of Borough Code Provisions .

A. The following provisions of the North Slope Borough Municipal Code, as enacted and/or revised by North Slope Borough Ordinance No. 77-2-2 on October 6, 1988, are hereby incorporated by reference and shall be enforceable by the city to the same extent as if set out in full in this Code:

Section 6.08.010	Interference with enforcement prohibited.
Section 6.08.020	Animal at large.
Section 6.08.030	Female in heat -- Confinement.
Section 6.08.040	Animals near street or preventing access.
Section 6.08.050	Release from restraint by nonowner.
Section 6.08.060	Animal creating a disturbance.
Section 6.08.070	Surrender of animal.
Section 6.08.080	Abandonment.
Section 6.08.090	Animal waste.
Section 6.08.100	Duty of vehicle operators.
Section 6.08.200	Cruelty.
Section 6.08.220	Poisoning.
Section 6.08.230	Fighting.
Section 6.08.300	Control of animals -- Vicious animals -- Confinement.
Section 6.08.310	Diseased animals.
Section 6.08.320	Sale of diseased animals.
Section 6.08.330	Unimmunized animals .
Section 6.08.340	Surrender of animals .
Section 6.08.350	Strict liability.
Section 6.10.010	Fees for impoundment and boarding.
Section 6.10.020	Schedule of fines.

Section 6.10.030	Destruction of animals .
section 6.10.040	Protective impoundment .
Section 6.10.050	Impoundment--Authorization and procedure .
Section 6.10.060	Procedure upon impoundment .
Section 6.10.070	Forfeiture of animals .
Section 6.10.080	Redemption of impounded or forfeited animal .
Section 6.10.090	Period of impoundment .
Section 6.10.100	Other remedies .
Section 6.14.020	Enforcement duties of animal control officer .
Section 6.16.010	Citation procedure .
Section 6.16.020	Processing of citations .

B. The city clerk shall make copies of the North Slope Borough Municipal Code provisions mentioned in subsection A of this section available to the public at no more than the cost of reproduction.

section a.28.040 Agreement with North Slope Borough.

A. The mayor shall negotiate and, with the consent of the council, shall execute an agreement with the North Slope Borough providing for:

1. the allocation of the costs of administering this chapter between the city and the borough; and
2. the allocation of responsibility for administration of this chapter between the city and the borough; and
3. cooperation by the city in the borough's rabies control program.

B. The agreement negotiated under subsection A of this section shall provide that, when directed by the mayor, the city attorney shall act on behalf of the North Slope Borough in the enforcement of North Slope Borough Municipal Code Title 6 within the city, and that, when requested by the mayor, the North Slope Borough attorney may act on behalf of the city in the enforcement of this chapter .

C. The mayor shall, when appropriate, negotiate modifications of the agreement for consideration by the council.

Section 8.28.050 Killing of Vicious or Mad Dog or Suspected Rabid Fox Authorized.

A. Any person may lawfully kill any vicious or mad dog or suspected rabid fox, running at large, with a **shotgun**.

B. **Before** executing the use of a **Shotgun**, person or person(s) shall notify the NSB Police Department and/or the Animal Control Officer, to destroy a vicious or mad dog or suspected rabid fox. The Police Department and/or the Animal Control Officer shall enforce the NSB (North Slope Borough) provisions of NSB Ordinance Chapter 6.12 and 6.14.

(Ordinance No. 02-01)

Section 8.28.060 Dogs Deemed Vicious.

A. Any dog which, when unprovoked, has ever bitten or attacked a human being is considered vicious.

(Ordinance No. 02-01)

Section 8.28.070 Killing of Dogs Evincing Tendency to Bite Animals or Human Beings.

A. Whenever a dog habitually evinces a disposition, which makes it likely that it will, without provocation, bite another animal or a human being, any person may lawfully kill the Dog when at large. The owner, if known or reasonably identifiable, shall be notified and be given reasonable opportunity to restrain the dog before it is lawful to kill it.

(City of Atqasuk Codes of Ordinance No. 02-01)

Chapter 6.06

DEFINITIONS

Sections:

6.06.010 Definitions.

6.06.010 Definitions. The following terms used in this title have the following meanings:

1. "Adoption" means to bring into one's home an animal from the animal impoundment facility after having chosen the animal and paid the applicable fees to the North Slope Borough, thereby becoming the owner of the animal.

2. "Animal" means all members of the animalia Kingdom, Classes Mammalia (except homo sapiens), Aves, Reptilia and Amphibia.

3. "Animal bite" means a bite which breaks the skin and is received from an animal that is known to be a possible vector of rabies.

4. "Animal control officer(s)" means borough public health officers, employees of the borough public health office, borough public safety officers or city or village appointees in their collective capacity as administrators of this title.

5. "Animal impoundment facility" means any premises in a city or village within the borough designated by action of the animal control officer for the purpose of impounding and caring for all animals impounded in that city or village pursuant to this title or Alaska statute.

6. "At large" means any dog or cat which has been weaned and which is not under restraint.

7. "Cat" means any member of the genus and species *Felis domestica*.

8. "Dog" means any member of the genus and species *Canis familiaris*.

9. "Euthanasia" means to kill as painlessly as is practicable under the then existent circumstances.

10. "Humanely destroy" means to attempt to kill an animal in such a way that mental and physical pain are minimized. Examples would be by intravenous injection of an acceptable euthanasia solution or by a shotgun, rifle or pistol shot aimed at the animal's head or heart. Animals suspected of being rabid should not be shot in the head if at all possible.

11. "In heat" means the period of the reproductive cycle during which a female animal is fertile, attracts male animals and is receptive to breeding.

12. "Municipal clerk" means the clerk of the municipality prosecuting an owner or animal for violating this title.

13. "Neutered male" means any male animal that has been castrated.

14. "Owner" means any person, partnership or corporation owning, keeping, harboring, feeding or sheltering, for three days or more, one or more animals.

15. "Planned breeding" means any purposeful breeding intended for the perpetuation of a specific type of animal.

16. "Protective custody" means impoundment of an animal for its own protection and/or well-being.

17. "Public health officer" means the North Slope Borough administrative officer responsible for the investigation, collection and dissemination of information regarding anything which causes harm to human health.

18. "Public nuisance" means any animal which is vicious or molests passersby or passing vehicles, or attacks other animals, or trespasses on school grounds or other public or private property, or is at large, or damages public or private property, or that barks, whines or howls excessively or continuously,

19. "Restraint" means physical control, such as a leash, chain fence or building; or competent voice, whistle or hand signal control while engaged in an activity which requires

that an animal not be physically restrained or while actively engaged in a form of recognized hunting that requires the use of an animal as a retriever or when on the property of the owner. The animal control officer may determine if an animal is under competent control.

20. "Secure enclosure" means an enclosure in which an animal is confined and does not have access to human beings or other animals.

21. "Spayed female" means a female animal which has an ovariectomy or ovariectomy performed.

22. "Tattoo" means an indelible mark, number or figure fixed upon an animal's ear, lip or groin, used as a permanent source of identification.

23. "Unprovoked" means any action by an animal occurring without any activity on the part of another animal or human being that might reasonably be expected to stimulate, excite, anger or cause arousal of feeling or action in an animal. Running is not provocation.

24. "Unvaccinated" means an animal which has not been vaccinated against rabies or whose rabies vaccination is no longer current as defined by the manufacturer's product specification. A vaccination certificate signed by a licensed veterinarian or certified lay vaccinator is proof of vaccination. The absence of a vaccination certificate signed by a licensed veterinarian or a certified lay vaccinator gives rise to an irrebuttable presumption that an animal is unvaccinated.

25. "Vaccinated" or "vaccination" means an animal which is currently immunized against rabies in accordance with vaccine manufacturer's specifications and the schedules outlined in the "Compendium of Animal Rabies Vaccines" and which has a vaccination certificate signed by a licensed veterinarian or a certified lay vaccinator.

26. "Vicious animal" means any animal that when unprovoked inflicts bites or attacks human beings or other animals either on public or private property, or that, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks or any public grounds or places.

27. "Weaned" means when an animal (of class mammalia) has reached the age of three months or the age at which said animal does not naturally require its mother's milk to survive, whichever is less. (Ord. 77-2-2 §6(part), 1988).

Chapter 6.08UNLAWFUL ACTSSections:

- 6.08.010 Interference with enforcement prohibited.
- 6.08.020 Animal at large.
- 6.08.030 Female in heat--Confinement.
- 6.08.040 Animals near street or preventing access.
- 6.08.050 Release from restraint by nonowner.
- 6.08.060 Animal creating a disturbance.
- 6.08.070 Surrender of animal.
- 6.08.080 Abandonment.
- 6.08.090 Animal waste.
- 6.08.100 Duty of Vehicle operators.
- 6.08.200 Cruelty.
- 6,08.220 Poisoning.
- 6.08.230 Fighting.
- 6.08.300 Control of animals--Vicious animals--Confinement.
- 6.08.310 Diseased animals.
- 6.08.320 Sale of diseased animals.
- 6.08.330 Unimmunized animals.
- 6,08.340 surrender of animals.
- 6.08.350 Strict liability.

6.08.010 Interference with enforcement prohibited. A. No person shall interfere with, molest or hinder an animal control officer in the performance of any duty under this title, or seek to release any animal in the custody of the animal control officer or from an animal impoundment facility.
B. Violation of this section is a type one infraction.
(Ord. 77-2..2 §6(part), 1986).

6.08.020 Animal at large. A. No person shall permit any weaned dog or cat to be at large.
B. Violation of this section is a type one infraction.
(Ord. 77-2-2 §6(part), 1988).

6.08.030 Female in heat--Confinement. A. Every female cat or dog "in heat" shall be kept confined in such a manner that such female animal can not come in contact with a male animal except for planned breeding purposes.
B. Violation of this section is a type one infraction.
(Ord. 77-2-2 §6 part), 1988).

6.08.040 Animals near street or preventing access. A. No person shall tie, stall or otherwise confine an animal

within a street, sidewalk, alley or public place, or in such a manner that the animal may enter a street, alley or public place, except for the purpose of participation in a race, show or other temporary sporting or festive event.

B. No person shall tie, stake or otherwise confine an animal in such a way as to prevent lawful access to power lines, water or sewer lines, gas lines, electric, water or gas meters or to the front door of an residence.

C. Violation of this section is a type one infraction. (Ord. 77-2-2 §6(part1 , 1988).

6,08.050 Release from restraint by nonowner. A. No person shall, without permission of the owner, release any animal from restraint except to preserve the animal's life.

B. Violation of this section is a type one infraction. (Ord. 77-2-2 §6 (part), 1988).

6.08.060 Animal creating a disturbance. A. No person shall permit an animal which he owns to annoy another person by interfering with the latter's sleep, work or reasonable right to peace or privacy by making repeated or continued noise.

a. Violation of this section is a type one infraction. (Ord. 77-2-2 §6 {part), 1988).

6.08,070 surrender of animal. A. No person shall fail or refuse to surrender any animal for isolation, quarantine, forfeiture or destruction as required herein when demand is made by an animal control officer.

B. Violation of this section is a type one infraction. (Ord. 77-2-2 §6{part1 , 1988).

6.08.080 Abandonment. A. No person shall abandon, or cause to be abandoned, any animal.

B. Violation of this section is a type one infraction. (Ord. 77-2-2 §6(part), 1988).

6.08.090 Animal waste. A. No dog or cat owner shall fail to remove the excreta deposited by his dog or cat on public areas, recreation area or on any other person's property.

a. Violation of this section is a type one infraction. (Ord. 77-2-2 §6 (part), 1988).

6.08,100 Duty of vehicle operators. A. Any person who, as the operator of a motor vehicle, strikes any animal shall immediately report the accident to the department of public safety.

B. Violation of this section is a type one infraction. {Ord. 77-2-2 §6 (part), 1988).

6.08.200 Cruelty: A. No person shall commit or cause to be committed any act of cruelty, starvation, harassment or torture to an animal, or cause such animal to be wounded, mutilated, strangled or inhumanely killed. Ownership of said animal shall not be a defense for a violation of this section.

B. This section does not forbid legitimate hunting activities.

C. Violation of this section is a type two infraction. (Ord. 77-2-2 §6(part), 1988).

6.08.220 Poisoning. A. No person other than an animal control officer shall expose any known poisonous substance, whether mixed with food or not, so that such substance may threaten the life or well-being of any domesticated animal.

B. Violation of this section is a type two infraction. (Ord. 77-2-2 §6(part), 1988).

6.08.230 Fighting. A. No person shall cause, instigate or encourage any animal to fight with another of its own species or with another of a different species

B. Violation of this section is a type two infraction. (Ord. 77-2-2 §6 (part), 1988).

6.08.300 Control of animals--Vicious animals--confinement. A. The owner shall confine within a building or secure enclosure every vicious animal, and not take such animal out of such building or secure enclosure unless such animal is muzzled or otherwise secured.

B. Violation of this section is a type three infraction. (Ord. 77-2-2 §6 (part), 1988).

6.08.310 Diseaseg animals. A. No person shall knowingly own, harbor or keep any animal infected with a contagious or estilent disease, unless confined and under the care of a licensed veterinarian.

a. Violation of this section is a type three infraction. (Ord. 77-2-2 §6 (part), 1988).

6.08.320 Sale of diseased animals. A. No person shall sell an animal which the person knows to be diseased, injured or otherwise physically defectiv without disclosing to the buyer the nature of the disease, injury or defect.

B. Violation of this sectlon is a type three infraction. (Ord. 77-2-2 §6 (part), 1988).

6.08.330 Unimmunized animals. A. No person shall own, keep or harbor a dog or cat over three months of age unless such dog or cat has received immunization for rabies within the last twelve months.

B. Violation of this section is a type three infraction. (Ord. 77-2-2 §6 (part), '1988).

6.08.340 surrender of animals. A. Upon demand of an animal control officer, no person shall fail or refuse to surrender an animal which has been forfeit to the North Slope Borough or which has bitten a human being.

B. Violation of this section is a type three infraction. (Ord. 77-2-2 S6 (part), 1988).

6.08.350 Strict liability. Unless a specific mental state is specified in a section of this chapter, no mental state is required. Any persons performing a prohibited act or engaging in unlawful conduct, regardless of the person's specific intent or lack thereof at the time of the act or conduct, shall be held strictly liable. (Ord. 77-2-2 S6 (part), 1988).

Chapter

6.10

REMEDIES

Sections :

- 6.10.010 Fees for impoundment and boarding.
- 6.10.020 Schedule of fines.
- 6.10.030 Destruction of animals.
- 6.10.040 Protective impoundment.
- 6.10.050 Impoundment--Authorization and procedure.
- 6.10.060 Procedure upon impoundment.
- 6.10.070 forfeiture of animals.
- 6.10.080 Redemption of impounded or forfeited animal.
- 6.10.090 Period of impoundment.
- 6.10.100 Other remedies.
- 6.10.110 City or village council enforcement.

6.10.010 Fees for impoundment and boarding. A. Any animal impounded hereunder may only be redeemed upon payment of a twenty-five dollar fee by the owner to the North Slope Borough, unless the animal has been previously impounded, in which case the fee shall be fifty dollars.

B. Any animal impounded longer than forty-eight hours may be redeemed only upon payment by the owner to the North Slope Borough of the fee specified in subsection A of this section and a boarding fee of three dollars per day for cats and small dogs (twenty-five pounds or less) or five dollars per day for a large dog (more than twenty-five pounds). This boarding fee will start accruing when the first forty-eight hours have elapsed.

c. The fees imposed by this section are for services rendered to the owner and the animal and are in addition to

, any fine which may be imposed pursuant to this chapter for violation of this title. (Ord. 77-2-2 §6(part), 1988) .

6.10.20 Schedule of fines. A. Type one infractions shall be punished according to the following fine schedule:

1. For the first infraction; twenty-five dollars;
2. For the second infraction of this title in a twelve-month period ; fifty dollrs;
3. For the third infraction of this title in a twelve-month period: one hundred dollars.

B. Type two infractions shall be punished according to the following fine schedule:

1. For the first infraction: fifty dollarsi
2. For the second infraction of this title in a twelve-month period: one hundred dollars;
3. For the third infraction of this title in a twelve-month period: two hundred dollars.

C. Type three infractions shall be puished according to the following fine schedule:

1. For the first infraction: one hundred dollars;
2. For the second infraction of this title in a twelve-month period: two hundred dollars;
3. For the third infraction of this title in a twelve-month period: three hundred dollars.

D. The mayor may designate projects on which a violator may work at the rate of ten dollars per hour in order to work off the amount of any fine imposed, (Ord. 77-2-2 §6(part), 1988) .

6.10.030 Destruction of animals. A. If an animal is at large, animal iropoundment facilities are unavailable in the city or village, and the animal's owner cannot be readily identified or located, then the animal may be immediately disposed of in a humane manner by an animal control officer.

B. Subsection A of this section and any other provision of this chapter notwithstanding , if an animal control officer is unable , after reasonable effort, to capture an animal subject to impoundment, then the animal *may* be immediately disposed of in a humane manner **by** an animal control officer.

C. An animal control officer may accept animals from their owners for humane disposal.

D. An animal placed for adoption which is not adopted within two days may be humanely destroyed by an animal control officer.

E. Unvaccinated dogs and cats may be humanely destroyed by an animal control of ficer if an animal impoundment facility is not available in the city or village.

F. When, in the judgment of a licensed veter inarian or an animal control officer, an animal should be euthanized for humane reasons, and the owner cannot be identified and lo- cated , such animal will be euthanized, the holding periods

described in Section 6.10.090 notwithstanding. (Ord. 77-2-2 §6(part), 1988) .

6.10,040 Protective im2oundment. A. Any animal may be impounded and placed in protective custody without consent of the owner. Protective custody is available in cases where the absence, neglect or abuse by the owner, results in endangerment to the animal's health, wel -being or life.

B. Prior to taking protective custody of an animal, an animal control officer will, if practicable, give the owner written notice of the absence, neglect or abuse which is endangering the animal and demand its abatement. If the owner fails or refuses to remedy the absence, abuse or neglect which is endangering the animal, or if it is not practicable to give notice of the absence, abuse or neglect which is endangering the animal, the animal may be taken into protective custody by the animal control officer. (Ord. 77-2-2 §6(part), 1988),

6.10.050 Impoundrment- -Authorization and procedure. A. The following animals, in addition to those specified in Section 6.10.040, shall be subject to impoundrment:

1. An animal that is a public nuisance;
2. An animal which is found to be in violation of a redemption condition imposed pursuant to Section 6.10.0800 of this chapter.

B. When an animal control officer sees an animal subject to impoundment, and the officer knows the identity of the animal's owner, the officer may issue a citation to the owner rather than impound the animal.

C. An animal control officer may pursue an animal onto private property in the course of effecting an impoundment under this chapter. Entry into a private residence or enclosed area shall require permission or a search warrant. (Ord. 77-2-2 S6(part), 1988) .

6.10.060 Procedure upon impoundment. A. An animal control of ficer will take an animal that **has** been impounded to the animal control facility, where the animal will be confined in a humane manner for a period not less than that prescribed in section 6.10.090 of this chapter.

B. Upon impounding an animal, an animal control officer will make a reasonable ef fort to notify the animal's owner of the impoundment and the conditions under which the owner may recover the animal. This subsection notwithstanding, it is the owner's responsibility to contact an animal control of- ficer to seek release of the animal.

c. The impounded animal may be tattooed for future iden- tification at the discretion of the North Slope Borough veter- inarian.

o. An animal control officer may, by issuing a citation or filing a complaint, charge the owner of an animal

.impounded, or the animal, with violating this title. (Ord. 77-2-2 §6(part), 1988) .

6.10.070 Forfeiture of animals. A. Any animal owned, kept, bred, maintained or treated in a manner violative of this title, subject to the redemption provisions of Section 6.10.80 of this chapter, is forfeit to the North Slope Borough:

1. Upon conviction of th animal's owner for violating this title by a court of competent jurisdiction; or
 2. Upon payment by the owner of the fine imposed by this chapter for violation of this title; or
 3. Upon judgment of a court of competent jurisdiction in a proceeding in rem that the animal was owned, kept, bred, maintained or treated in a manner violative of this title.
- B. The animal may be seized and held while the proceedings referred to in subsection A of this section are ongoing. (Ord. 77-2-2 §6(part), 1988) .

6.10.080 RedemEtion of impounded or forfeited animal.
A. SubJect to subsections B and C of this section, the owner may redeem an impounded or forfeited animal upon payment of the impoundment and maintenance fees required under this chapter.

B. The following animals shall not be subject to redemption:

1. An animal that, in the judgment of a licensed veterinarian, ought to be destroyed for humane reasons or requires immediate veterinary care;
2. An animal impounded or forfeited in connection with an unprovoked attack by that animal upon another animal or upon a person when an animal control officer determines the animal to be unredeemable in accordance with subsection C of this section;
3. An animal that has been subjected to inhuman treatment by its owner;
4. An animal with rabies or that lacks a current rabies vaccination; or
5. An animal whose impoundment and maintenance fees have not been paid ,

C. Within ten days after an animal is impounded or forfeited in connection with an attack by that animal upon another animal or upon a person, an animal control officer will determine if such animal is subject to redemption upon consideration of the following factors:

1. The observed and reported behavior of the animal;
2. The circumstances of the instant attack and the extent of the injury to the attacked animal or person;
3. The animal's and owner's past history of compliance with this title, including compliance with redemption

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.conditions which an animal control officer has previously imposed on the animal's owner; and

4 , The nature and location of any restraint or confinement system which the owner actually has in place at the time the animal control officer makes a decision.

O. An animal control officer may impose conditions reasonably necessary to prevent further violations of this title as a condition of redemption. It is unlawful for an owner to fail to comply with any such condition. Upon a finding by an animal control officer that any of the conditions imposed pursuant to this section have not been consistently met, the animal will be retrieved and impounded.

E. An animal control officer will make a clear and precise written record of the reasons for each decision made pursuant to this section. A copy of the written decision shall be forwarded to the owner of the animal. Ord. 77-2-2 §6 (part), 19aa)•

6.10.090 Period of impoundment. A. dogs and cats found running at large within the borough will be taken up and impounded for not less than forty-eight hours, where animal impoundment facilities exist , and if not claimed by the owner, will be held for adoption or be disposed of in a humane manner as determined by an animal control officer.

B. An animal wearing a collar to which is attached a rabies vaccination tag, identification, tattoo (under legs or ears) or other means of identifying its owner, will be held for a period of not less than ninety-six hours, and a reasonable effort will be made to notify the owner that the animal has been impounded,

C. No stray dog or cat will be placed for adoption or be disposed of on the day following a weekend or other holiday but will be held until at least the next day.

O. In addition to, or in lieu of , impounding a dog or cat found at large, an animal control officer may return the animal to the owner and issue a citation to the owner.

E. An animal which has been impounded and whose forfeiture is sought shall not be released from impoundment pending the forfeiture. (Ord. 77-2-2 §6 (part), 1988) .

6.10.100 Other remedies. A. In addition to any remedy or penalty provided by this chapter , a person who violates a provision of this title shall be subject to injunctive relief to restrain the person from continuing the violation or threat of violation. Upon application for injunctive relief and a finding that a person is violating or threatening to violate a provision of this title, the superior court may grant injunctive relief to restrain the violation.

B. In addition to any other remedy or penalty provided by this chapter an animal violating any provision of this title is subject to an action in rem and upon conviction may

.be ordered to be spayed, neutered, impounded, forfeit, euthanized or humanely destroyed.

C. The North Slope Borough has a lien prior and paramount to any other right, title, interest or lien, on any animal in the possession of the North Slope Borough for the payment of the impoundment and boarding fees assessed under this chapter.

D. Each day during which an infraction occurs shall constitute a separate offense. (Or. 77-2-2 §6(part), 1988).

6,10.110 City or village council enforcement. City or village councils of the cities and villages of the North Slope Borough may enforce the provisions of this title. (Ord. 77-2-2 §6(part), 1988).

Chapter 6.12

RABIES CONTROL

Sections:

- 6.12.010 Rabies control--Isolation and destruction of animals.
- 6.12.020 Duty to report animal bites and rabid animals.
- 6.12.030 Quarantine of animals.
- 6.12.040 Disposition of carcasses and diseased animals.
- 6.12.050 Rabies control board.
- 6.12.060 Immunization of animals.

6.12.010 Rabies control--Isolation and destruction of animals. A. Whenever a dog or cat bites a human being the incident shall promptly be reported to the North Slope Borough veterinary clinic.

B. A dog or cat with a current rabies vaccination will be isolated for a period of at least ten days from the date of the incident. At the discretion of the North Slope Borough veterinarian, such isolation may be on the premises of the owner; otherwise, such isolation will take place in the animal impoundment facilities or in a veterinary hospital, at the owner's expense.

C. Any unvaccinated animal over three months of age which, unprovoked, bites a human being will immediately be killed and disposed of pursuant to applicable state and federal regulations. In the event of a bite by an animal other than a dog or cat, if the animal is of a species known to transmit rabies, the animal shall be disposed of in accordance with any applicable state and federal regulations.

O. Upon demand of an animal control officer, an owner of an animal which has bitten a human being shall immediately

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surrender the animal to an animal control officer. The animal may be reclaimed by the owner when the animal is determined to be free of rabies in compliance with state and federal regulations. (Ord. 77-2-2 §6(part), 1988).

6.12.020 Duty to report animal bites and rabid animals.

A. Every physician, or other practitioner of medicine, practicing within the North Slope Borough, shall report to the North Slope Borough veterinary clinic the names and addresses of persons treated for bites inflicted by animals, together with such information as will be helpful in rabies control.

B. Every licensed veterinarian, practicing within the North Slope Borough, shall report to the North Slope Borough veterinary clinic the diagnosis any animal observed as a rabies suspect.

C. When any animal has been diagnosed by a licensed veterinarian as being rabid, the North Slope Borough veterinary clinic shall be notified and in turn the North Slope Borough veterinary clinic shall immediately notify the appropriate state and federal agencies and comply with all applicable state and federal regulations controlling rabies treatment and animal disposal. (Ord. 77-2-2 §6(part), 1988).

6.12.030 Quarantine of animals. A. When an examination of a human being or an animal gives a positive diagnosis of rabies, the borough mayor or the mayor's designee may impose a quarantine for a period of thirty days upon any and all such portions of the borough as may be deemed fit.

B. During such quarantine, no animal may be permitted off the owner's premises or in the public streets, nor may any animal be taken or shipped from the quarantine area without written permission from the North Slope Borough veterinarian or the public health officer. Violation of this section is a type three infraction.

C. Any animal found running at large during such quarantine may be killed on sight by an animal control officer.

D. During a quarantine declared under subsection A of this section, every animal bitten by an animal suspected to be rabid shall immediately be destroyed unless the bitten animal has a current vaccination. Such animals shall immediately receive a booster vaccination and be isolated for no less than thirty days and until determined to be rabies free.

E. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended at the discretion of the borough mayor or the mayor's designee. (Ord. 77-2-2 §6(part), 1988).

6.12.040 Disposition of carcasses and diseased animals.

A. The carcass of any dead animal thought to have been

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exposed to rabies shall be surrendered to the North Slope Borough veterinary clinic.

B. The North Slope Borough veterinarian and public health officer shall direct the destruction and disposition of any animal found to be infected with rabies. (Ord. 77-2-2 S6(part), 1988).

6.12.050 Rabies control board. A. There is created a rabies control board which shall consist of the doctor or nurse reviewing or treating a case of suspected rabies exposure, the head doctor of the health service facility where the person is being treated and the public health officer.

B. The board will:

1. Consider all pertinent facts on individual cases of animal-inflicted injury of known or suspected exposure of individuals to rabid animals; and

2. Render an opinion and a recommendation concerning the need for additional treatment of a victim.

C. Final treatment decisions will be made by the State Epidemiologist in Anchorage, Alaska. (Ord. 11-2-2 §6(part), 1988).

6.12.060 Immunization of animals. A. No person shall own, keep, or harbor a dog or cat over three months of age unless such animal has received immunization from rabies within the past twelve months. Immunization agents and procedures shall be consistent with current recommendations of the National Association of State Public Health Veterinarians, Inc. Proof of immunization shall consist of a statement or receipt from a licensed veterinarian or a certified lay vaccinator.

a. The North Slope Borough veterinarian shall from time to time hold a rabies immunization clinic. The clinic shall be held at such times and places as to encourage the widest participation. (Ord. 77-2-2 §6(part), 1988).

Chapter 6.14

DUTIES OF ANIMAL CONTROL OFFICER

Sections:

6.14.010 Recordkeeping duties of North Slope Borough veterinarians.

6.14.020 Enforcement duties of animal control officer.

6.14.010 Recordkeeping duties of North Slope Borough veterinarians. A.- The North Slope Borough veterinarian will keep or cause to be kept accurate records of the impoundment and disposition of all animals coming into the veterinarian's

custody. These records shall be kept confidential and are not subject to public disclosure.

B. The North Slope Borough veterinarian will keep or cause to be kept accurate reports of all animal bites reported to the North Slope Borough veterinarian and the North Slope Borough veterinarian's investigation of the same.

C. The North Slope Borough veterinarian will keep or cause to be kept accurate reports of the moneys received, which records shall be open to public inspection at reasonable times.

D. The North Slope Borough veterinarian will keep a record of all animals on which a tranquilizer gun is used. The use of any tranquilizer drug and dosage will require approval by the veterinary service of the North Slope Borough health department.

E. The North Slope Borough veterinarian will keep or cause to be kept accurate records of all identification (i.e. tags, tattoos on legs or ears) and rabies certificates issued by the North Slope Borough veterinarian. (Ord. 77-2-2 §6 (part), 1988) •

6.14.020 Enforcement duties of animal control officer.

A. Animal control officers will administer and enforce this title.

B. Animal control officers will impound, humanely destroy, euthanize or otherwise control animals at large, vicious animals, unvaccinated animals, abused animals, animals which constitute a public nuisance, and other animals in need of an animal control officer's attention.

C. Animal control officers will execute warrants, serve and file citations and complaints and serve summons and complaints for violations of this title.

D. Animal control officers will perform all such duties and make all decisions as may be necessary and proper to the enforcement of this title. (Ord. 77-2-2 §6(part), 1988).

Chapter 6.16

ENFORCEMENT PROCEDURE

Sections:

6.16.010 Citation procedure.

6.16.020 Processing of citations.

6.16.010 Citation procedure. A. Any North Slope Borough _____ by officer, Alaska State Trooper or animal control officer may issue a citation for violation of this title.

B, A citation may be issued on the officer's personal knowledge or upon information supplied to the officer by a named individual.

C, The citation shall detail the violation alleged, the facts substantiating the violation, the identity of the complaining witness and the type class of the infraction.

D. The citation shall state that the applicable fine shall be paid to the municipal clerk or the person charged shall appear on a date certain in the appropriate district court for arraignment on the charge. (Ord. 72-2-2 §6(part), 1988) .

6.16.020 Processing of citations. A. The citation shall be delivered to the person charged with the infraction.

B, A copy of the citations shall be delivered to the borough clerk or the clerk's designee.

C. Within fifteen days of the issuance of a citation the person charged may appear before the borough clerk or the clerk's designee and pay the applicable fine.

D. If the fine is not paid within fifteen days of issuance, the borough clerk shall send the citation to:

The Clerk of the Trial Courts
P. O. Box 2700
Barrow, AK 99723

unless the citation was issued in the village of Point Hope, in which case it shall be sent to:

The Clerk of the Trial Courts
P. O. Box 317
Kotzebue, AK 99752

E, If the citation is sent to the clerk of the trial courts the borough clerk shall inform the North Slope Borough attorney that the matter has been sent to the court for action. (Ord, 77-2-2 §6(part), 1988) .

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CITY OF ATQASUR, ALASJO\

Ordinance No, 89- lb

AN ORDINANCE ADOPTING CHAPTER 8.28 OF THE CODE OF ORDINANCES, RELATING TO ANIMAL CONTROL, REPEALING THE PRIOR ORDINANCE RELATING TO THE SAME SUBJECT, AND PROVIDING EFFECTIVE DATE,

BE IT ORDAINED BY THE ATQASUK CITY COUNCIL AS FOLLOWS:

section 1. Repeal of Prior Ordinance. The ordinance adopted by the city council in 1985 and relating to animal control, in force on the effective date of this ordinance, is hereby repealed.

section 2. Enactment of Code Chapter, The proposed City of Atqasuk Code Chapter 8.28, Animal Control, consisting of Sections 8,26.010 through 8,28.040, a complete copy of which is attached hereto and hereby incorporated by reference, is hereby adopted and made a part of the City of Atqasuk Code of Ordinances.

section 3. Effective Date. This ordinance shall be effective immediately upon its adoption by the city council.

DATE INTRODUCED: June 19, 1989

DATE OF PUBLIC HEARING: July 18, 1989

PASSED and APPROVED by the Atqasuk City Council this 4th day of July, 1989.


MAYOR

ATTEST:

CITY CLERK

Chapter a, 2a

MIHAL CONTROL

sections :

- 8.28.010 Definitions .
- 8.28.020 scope; Intent.
- 8.28.030 Incorporation of Borough Code provisions .
- 8.28.040 Agreement with North Slope Borough.

section a.2a.010 Definitions .

A. All terms, when used in this chapter, shall, unless the context requires otherwise and except where a different meaning is specified, have the meanings specified for such terms by section 6.06.010 of the North Slope Borough Municipal Code.

B. The following terms, when used in North Slope Borough Municipal Code provisions which are incorporated by reference in this chapter, shall, unless the context requires otherwise, have the following meanings :

1. "Animal control officer(s)" means the mayor, or a person designated by the mayor as the city animal control officer, and all persons who are animal control officers as defined by section 6.06.010(4) of the North Slope Borough Municipal Code, in their collective capacity as administrators of this chapter.

2. In North Slope Borough Municipal Code sections 6.08.340, and 6.10.010(A) and (B), the words "North Slope Borough" mean the North Slope Borough or the city.

3. In North Slope Borough Municipal Code sections 6.10.020(0), the word "mayor" means the mayor of the city.

4. In North Slope Borough Municipal Code sections 6.10.100(C), the words "North Slope Borough" mean the city.

5. In North Slope Borough Municipal Code sections 6.14.020(A) and 6.16.010(A), the words "this title" mean this chapter 8.28,

6. In North Slope Borough Municipal Code sections 6.16.020, the words "borough clerk" mean the clerk of the North Slope Borough or the city clerk and the words "North Slope Borough attorney" mean the borough attorney or the city attorney.

Ordinance No. 89 —)
section 8,28,020 scope; Intent.

This chapter is intended to enforce the provisions of Title 6 of the North Slope Borough Municipal Code within the city, pursuant to section 6.10.110 of the Borough Code, and to exercise, in cooperation with the North Slope Borough, the city's own power to control and protect animals within its corporate limits. Ordinance No. 89-)

section 8.28.030 Incorporation of Borough Code provisions.

A, The following provisions of the North Slope Borough Municipal Code, as enacted and/or revised by North Slope Borough Ordinance No. 77-2-2 on October 6, 1988, are hereby incorporated by reference and shall be enforceable by the city to the same extent as if set out in full in this Code:

Section 6.08.010	Interference with enforcement prohibited.
section 6.08,020	Animal at large.
section 6.08.030	female in heat--Confinement.
Section 6.08.040	Animals near street or preventing access.
Section 6.06,050	Release from restraint by nonowner.
Section 6.08.060	Animal creating a disturbance.
Section 6.08.070	surrender of animal.
section 6.08,080	Abandonment.
section 6.08.090	Animal waste.
Section 6.08.100	Duty of vehicle operators.
section 6.0a.200	cruelty.
section 6.08,220	Poisoning.
Section 6.08,230	Fighting.
Section 6.08.300	Control of animals--Vicious animals--confinement.
Section 6.08.310	Diseased animals.
section 6.08.320	Sale of diseased animals.
Section 6.08.330	Unimmunized animals.
section 6,08.340	surrender of animals.
section 6,08,350	Strict liability.
Section 6.10.010	Fees for impoundment and boarding.
Section 6.10.020	Schedule of fines.
Section 6,10.030	Destruction of animals.
Section 6.10.040	Protective impoundment.
section 6.10.050	Impoundment--Authorization and procedure.
section 6.10.060	Procedure upon impoundment.
Section 6.10,070	Forfeiture of animals.
section 6.10.oso	Redemption of impounded or forfeited animal.
section 6.10,090	Period of impoundment.
section 6.10.100	Other remedies.
Section 6.14.020	Enforcement duties of animal control officer.

Section 6,16,010 Citation procedure.
Section 6.16.020 Processing of citations.

B. The city clerk shall make copies of the North Slope Borough Municipal Code provisions mentioned in subsection A of this section available to the public at no more than the cost of reproduction.

section a.2a.040 Agreement with North Slope Borough.

A. The mayor shall negotiate and, with the consent of the council, shall execute an agreement with the North Slope Borough providing for

1. the allocation of **the** costs of administering this chapter between the city and the borough; and

2. the allocation of responsibility for administration of this chapter between the city and the borough; and

3. cooperation by the city in the borough's rabies control program.

B. The agreement negotiated under subsection A of this section shall provide that, when directed **by** the mayor, the city attorney shall act on behalf of the North Slope Borough in the enforcement of North Slope Borough Municipal Code Title 6 within the city, and that, when requested **by** the mayor, the North Slope Borough attorney may act on behalf of the city in the enforcement of this chapter.

C. The mayor shall, when appropriate, negotiate modifications of the agreement for consideration by the council.

TITLE 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters :

9.04 [Reserved.]

9.06 [Reserved.]

9.08 [Reserved.]

9.12 Minors -- Curfew. gcv Cl-14 Ge.5

9.16 [p= t 50.1] ALCoHOLie

9.20 [Reserved.]

Chapter 9.04
Reserved. 1

Chapter 9.06

{Reserved. }

Chapter

9.08

[Reserved.]

Section 9.12.020 Hours-Summer.

During the summer, a parent or guardian shall require a minor in his legal custody to observe the following curfew: A minor {unless accompanied by a parent or guardian} shall not be on or upon public streets, public areas, public buildings or private businesses in the city between the hours of midnight and six {6:00} A.M. during the summer.
(Ordinance No. 89-1)

Section 9.12.030 Hours-School Year.

During the school year a parent or guardian shall require a minor in his or her legal custody to observe the following curfew: A minor (unless accompanied by a parent or guardian) shall not be in or upon public streets, public area, public buildings or private business in the city during the following periods:

A. Minor(s) **ECE** through **Twelve** (12) years of age:

1. After nine-thirty (9:30) P.M. if the following day is **not** a Saturday, Sunday, or school holiday; or
2. After eleven (11:00) P.M. if the following day is Saturday, Sunday, or a school holiday; or
3. Between midnight and six (6:00) A.M.

B. Minor(s) **Thirteen** {13} years old through **Seventeen** (17) years of age:

1. After ten-thirty (10:30) P.M. if the following day is **not** a Saturday, Sunday, or a school holiday; or
2. Between midnight and six (6:00) A.M. if the following day is a Saturday, Sunday, or a school holiday; or
3. Between midnight and six (6:00) A.M.

(Ordinance No. 95-04)

Section 9.12.035 Exceptions to Violations.

A. It is an exception to a violation of section 9.12.020 or 9.12.030 if the minor was:

1. Accompanied by his or her parent or guardian;

City of Atkasuk Code of Ord:

mances Chapter 1, Page 1

Section 9.12.020 Hours-Summer.

During the summer, a parent or guardian shall require a minor in his legal custody to observe the following curfew: A minor (unless accompanied by a parent or guardian) shall not be in or upon public streets, public areas, public buildings or private businesses in the city between the hours of midnight and six (6:00) A.M. during the summer. (Ordinance No. 89-1)

Section 9.12.030 Hours-School Year.

During the school year a parent or guardian shall require a minor in his or her legal custody to observe the following curfew: A minor (unless accompanied by a parent or guardian) shall not be in or upon public streets, public areas, public buildings or private business in the city during the following periods:

A Minor(s) **ECE** through **Twelve** (12) years of age:

1. After nine-thirty (9:30) P.M. if the following day is **not** a Saturday, Sunday, or school holiday, or
2. After eleven (11:00) P.M. if the following day is Saturday, Sunday, or a school Holiday; or
3. Between midnight and six (6:00) A.M.

B. Minors thirteen (13) years old through seventeen (17) years of age:

1. After ten-thirty (10:30) P.M. if the following day is not a Saturday, Sunday, or a school holiday; or
2. Between midnight and six (6:00) AM. if the following day is a Saturday, Sunday, or a school holiday; or
3. Between midnight and six (6:00) P.M.

(Ordinance No. 95-04)

Section 9.12.035 Exceptions to Violations.

A It is an exception to a violation of Section 9.12.020, 9.12.030 if the minor was:

1. Accompanied by his or her parent or guardian;

2. On an errand at the written direction of his or her parent or guardian, without any detour or stop (written direction must be signed, timed and dated by the parent or guardian and must indicate the specific errand);

3. Involved in an emergency;

4. Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop;

5. On the public right-of-way immediately abutting the minor's residence or immediately abutting the residence of a next door neighbor or friend's residence, if the neighbor or friend did not complain to the police department about the minor's presence;

6. Attending, or going to or returning home from without any detour or stop, an official school religious sponsored by the City of Atkasuk, the North Slope Borough, a civic organization, or another similar entity that takes responsibility for the minor; or

7. Exercising first amendment rights protected by the United States Constitution, such as the free exercise of a religion, freedom of speech, and the right of

assembly.

B. It is an exception to a violation of Section 9.12.06 that the owner, operator or employee of a business promptly notified the North Slope Borough police department that a minor was/is present on the premises of the business during curfew hours.

C. The Mayor or City Council may verbally or in writing declare exceptions to the curfew established by this chapter in connection with public holidays, church gatherings, school-associated meetings, religious observances, traditional native meetings, or other special occasions.

D. It is an exception to a violation of Section 8.24.07 when an operation of a vehicle(s) is used to depart from home for the purposes of subsistence hunting, fishing, or gathering of wild berries or edible greens.

(Ordinance No. 02-05)

Section 9.12.040 Violations-Protective Custody of Minor.

A. A peace officer who has probable cause to believe that a minor is in violation of the curfew established by this chapter may take the minor to protective custody for the sole purpose of either returning him to his parent or guardian or, if the minor prefers, to a shelter operated under contract with the State Department of Health and Social Services.

B. No minor detained under subsection A of this section may be detained beyond nine (9:00) A.M. of the morning following detention. If the parent, or guardian cannot be located or fails or refuses to remove the minor from custody, the minor may be released to the custody of the Division of Corrections of the Department of Health and Social Services. (Ordinance No. 89-17)

Section 9.12.050 Violations - Parents and Guardians.

A. A parent or guardian who knowingly violates this chapter shall be cited or fined according to the following schedule:

- | | | |
|--|------------|-----------------------|
| 1. First Violation | \$ 25.00 | (Ordinance No. 00-05) |
| 2. Second Violation | \$ 50.00 | |
| 3. Third Violation | \$ 75.00 | |
| 4. Fourth Violation and Subsequent Violation | - \$100.00 | |

B. A parent or guardian who violates this chapter shall be required to perform community service, at the direction of the Council, in lieu of payment at the rate of \$5.00 (five dollars) per hour. (Ordinance No. 89-17)

Section 9.12.060 Violation - Business

A. The owner or operator of a private business enterprise who permits a minor to remain on the business premises in violation of the curfew established by this chapter is guilty of infraction, except that a third or subsequent violation may be prosecuted as a misdemeanor punishable by a fine of up to \$500.00 (five hundred dollars) and/or imprisonment for not more than thirty (30) days. (Ordinance No. 89-17)

B. These penalties shall not apply to taxicabs, buses and other forms of public or publicly regulated transportation. (Ordinance No. 89-17)

Section 9.12.070 Processing of Citations.

A. The citation shall be delivered to the parent or guardian charged with the violation.

B. A copy of the citation shall be delivered to the City Clerk or the Clerk's designee.

C. Within fifteen (15) days of the issuance of a citation the parent or guardian charged may appear before the City Clerk or the Clerk's designee and pay the applicable fine.

D. If the fine is not paid within fifteen (15) days of issuance, the City Clerk shall send the citation to:

The Clerk of the Trial Courts
P.O. Box 2700
Barrow, Alaska 99723

(Ordinance No. 89-17)

Chapter 9.12

MINORS-CURFEW

Sections:

9.12.010	Definitions
9.12.020	Hours-- Summer
9.12.030	Hours School Year
9.12.035	Exceptions
9.12.040	Violation--Protective Custody of Minors
9.12.050	Violation-Parents and Guardians
9.12.060	Violation--Businesses
9.12.070	Processing of Citations

Section 9.12.010 Definitions.

As used in this Chapter:

- A. "Guardian" means a person who is legally responsible for a minor.
- B. "Minor" means a person who is less than eighteen (18) years of age and is not legally emancipated.
- C. "Parent" means the natural or adoptive mother or father of a minor.
- D. "Peace Officer" means a state or borough Public safety officer.
- E. "School Holiday" means any day designated by the North Slope Borough School District, except Saturdays and Sundays, on which regular classes will not be held.
- F. "School Year" means that period of time during the year, generally beginning in late summer or early fall and continuing through winter and into spring of the following calendar year, when the North Slope Borough School District is holding regular classes.
- G. "Summer" means that the period of time after the close of one regular school year and prior to the commencement of the succeeding regular school year, as established by the North Slope Borough School District.

(Ordinance No. 89-17)

CITY OF ATQASUK

ORDINANCE NO. 02-05

An Ordinance Amending Chapter 9. 12.035 of the Code of Ordinance by repealing Section 9.12.03 Exceptions and Adopting Section 9. 12.035 of the same s bject.

BE IT ENACTED BY THE ATQASUK CITY COUNCI AS FOLLOWS:

Section I. CLASSIFICATION. This Ordinance i of general and permanent nature and shall become part of the City Code of Ordinances.

Section II. EFFECTIVE DATE. This Ordinance hall be effective upon adoption by the City Council.

Section III. AMENDMENT OF CHAPTER 9.12.03 . Chapter 9.12.035 of the Atqasuk Code of Oiidinances i hereby, amended to read **Exceptions to Violations** consi ting of subsections A1-7, B, C, D.

Introduc d: 09 September 2002

Public Hea ing 08 Oc.7<::>BC::12.. Z.00 Z..

PASSED AND APPROVED BY THE Atqasuk City co ncil this 9 ltlay of ()erc)i3.t...R. 2002.

Elizabeth Hallgren
MAYOR

ATTEST:

City Clerk **K**

City of Atkasuk, Alaska

ORDINANCE NO.00-05

AN ORDINANCE AMENDING CITY CODE SECTION 9.12.050 (A)(1) PERTAINING TO MINOR CURFEW VIOLATION CITATION OR FINE.

BE IT ENACTED BY THE ATQASUK CITY COUNCIL AS FOLLOWS:

Section I **CLASSIFICATION.** This Ordinance is of a general and permanent nature and shall become a part of the City of Atkasuk Code of Ordinances.

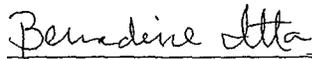
Section II **EFFECTIVE DATE.** This Ordinance shall be effective upon adoption by the City Council.

Section III **AMENDMENT OF SECTION 9.12.050 (A)(1).** Section 9.12.050 (A)(1) of the Atkasuk Code of Ordinances is, hereby, amended by changing subsection 1 from **First Violation – Verbal Warning to First Violation - \$25.00..**

Introduced: ~~04 December 2000~~ —

Public Hearing: 08 January 2001

PASSED and **APPROVED** by the Atkasuk City Council this **1** day of January 2001.



Mayor

ATTEST:



City Clerk

Chapter 9.16

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Chapter 9.16

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Chapter 9.16

Akohtilic Beverages

Sections:

- 9.16.010 Findings.
- 9.16.020 Definitions.
- 9.16.030 Prohibitions -- Possession, Sale, Importation
- 9.16.040 Prohibitions -- Licenses.
- 9.16.050 Prohibitions -- Carrying or Transportation.
- 9.16.060 Prohibitions -- Public Consumption.
- 9.16.070 Prohibitions -- Inducement.
- 9.16.080 Prohibitions -- Furnishing Alcoholic Beverages to Intoxicated Person.
- 9.16.090 Prohibitions -- Furnishing Alcoholic Beverages to Minor.
- 9.16.100 Prohibitions -- Consumption or Possession by Minor.
- 9.16.110 Prohibitions -- Public Intoxication.
- 9.16.120 Arrest or Citation of Violators; Community Service.
- 9.16.130 Penalties -- Forfeitures.
- 9.16.140 Penalties -- Fines.

Section 9.16.010 Findings

The Council finds that:

- A. The abuse of alcohol seriously interferes with the rights and privileges of city residents.
- B. The Public Health, Safety, and Welfare suffers when alcohol abuse is not controlled. There is a strong correlation between alcohol consumption and poor health, fetal damage, suicide, domestic violence and crime.
- C. Strict regulation of alcohol is an effective tool for controlling the abuse of alcohol in Atkasuk because the city is small, isolated, and lacks extensively developed law enforcement or health care facilities.

(Ordinance No. 93-06)

Section 9.16.020 Definitions

- A. "Alcoholic Beverages" means spirituous, vinous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage and that contain alcohol, whether produced commercially or privately. (AS 04.21.080(B)(1)).
- D. "Board" means the Alaska Alcoholic Beverage Control Board.
- C. "Community Work" means and is limited to work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public land, forests, parks, roads, highways, facilities, or education; community work may not confer a private benefit on a person except as may be incidental to the public benefit. (AS 04.21.21.080(b)(12)).

D. "Possession" means having physical possession of or exercising dominion or control over alcoholic beverages, but does not include having alcoholic beverages within the digestive system of a person. (AS 04.11.498).

(Ordinance No. 93-06)

Section 9.16.030 Prohibitions -- Possession, Sale, Importation

A. The possession of alcoholic beverages are prohibited, except for possession and importation of sacramental wine pursuant to subsection B of this section. Except as provided in subsection B, a person may not knowingly send, transport, or bring an alcoholic beverage into the city, or have any alcoholic beverage in his or her physical possession, in his or her residence or vehicle, or in any other place in the city within his or her dominion or control.

B. Sacramental wine may be imported and possessed if it is:

1. To be used for bona fide religious purposes based on tenets or teachings of a church or religious body.
2. Limited to quantity to the amount necessary for religious purposes; and
3. Kept in the custody of, and dispensed only for religious purposes by, a person authorized by the church or religious body to dispense the sacramental wine. (AS 04.11.498).

(Ordinance No. 93-06)

Section 9.16.040 Prohibitions -- Licenses

A. The Board may not issue, renew, or transfer between holders or locations a license for licensed premises within the city.

B. All licenses for licensed premises in the city are void.

C. Licenses voided by this section may be reinstated if the city later elects to abandon the prohibition of liquor possession, sales, and importation option. (Implements AS 04.11.498 and 04.11.504).

(Ordinance No. 93-06)

Section 9.16.050 Prohibitions -- Carrying or Transportation

A person may not carry upon his or her person or otherwise transport alcoholic beverages unless such alcoholic beverages is in the original unopened container provided by the manufacturer.

(Ordinance No. 00-02)

Section 9.16.060 Prohibitions -- Public Consumption

A person may not consume alcoholic beverages upon public streets, alleys, parks, or public school property, or in any public school building or city meeting or recreation facility, or while attending any school-related functions, or in any business establishment.

(Ordinance No. 00-02)

Section 9.16.070 Prohibitions -- Inducement

A person may not motivate or induce another person to furnish him or her with any alcoholic beverage to import any alcoholic beverages for him or her.

(Ordinance No. 00-02)

Section 9.16.080 Prohibitions -- Furnishini; Alcoholic Beverages to Intoxicated Person

A person may not furnish alcoholic beverages to a person who reasonably appears to be intoxicated.

(Ordinance No. 00-02)

Section 9.16.090 Prohibitions -- Furnishing Alcoholic Beverages to Minor

A person may not furnish or induce another person to furnish alcoholic beverages to any person under 21 years of age. (AS 04.16.051, 04.16.052, and 04.16.09)

(Ordinance No. 00-02).

Section 9.16.100 Prohibitions -- Consumption or Possession by Minor

A person less than 21 years of age may not possess, attempt to possess, or consume alcoholic beverages. (AS 04.16.060).

(Ordinance No. 00-02)

Section 9.16.110 Prohibitions -- Public Intoxication

A person who is under the influence of alcohol may not loiter on:

A. Upon public streets, alleys, parks, or public school property, in any school building, city meeting or recreation facility, or at any place where school-related functions are taking place.

B. In or about any business establishment, if the owner or person in charge of the business establishment has asked the person to leave; or

C. In or about any residence or other property which is not owned or normally occupied by the person, to the annoyance of the owner or occupants.

(Ordinance No. 00-02)

Section 9.16.120 Arrest or Citation of Violators; Community Service

A. When a peace officer stops or contacts a person concerning a violation of Sections 9.16.030 or Sections 9.16.050 through Section 9.16.110, the peace officer may, in the officer's discretion, arrest the person as provided in AS 12.25.010 through AS 12.25.160 or issue a citation to the person as provided in AS 12.25.180 through AS 12.25.220. When issuing a citation, the peace officer shall write on the citation to amount of bail established for the violation by the Alaska

Supreme Court pursuant to AS 04.16.205(c). The officer may seize such evidence as is appropriate to support the charge, including but not limited to the alcoholic beverages involved, any aircraft, vehicle, or vessel used to transport the alcoholic beverages into the city in violation of Section 9.16.030, and any materials or equipment used in the sale or offering for sale of alcoholic beverages in violation of Section 9.16.030.

B. A person cited pursuant to subsection (A) of this Section may, within thirty (30) days after the date the citation is issued:

1. Mail or personally deliver to the Clerk of the Court in which the citation is filed by the peace officer the amount of bail indicated on the citation and a copy of the citation indicating that the right to an appearance is waived, a plea of 'No Contest' is entered and the bail and all alcoholic beverages seized are forfeited; or

2. Perform Community Work in lieu of payment of the fine or a portion of the fine pursuant to subsection (C) of this Section.

C. Community Work shall be performed at the direction of the Council. The value of community work in lieu of a fine is \$5.00 per hour. When the community work is completed, the person cited for the violation shall mail or personally deliver to the Clerk of the Court in which the citation is filed by the peace officer:

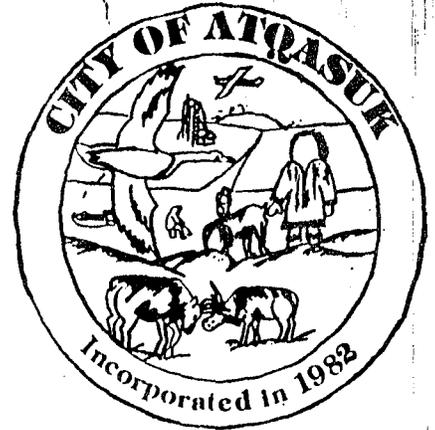
1. A form, prescribed by the Administrative Director of the Alaska Court System and available from the Clerk, indicating completion of the Community Work; and

2. A copy of the citation, indicating that the right to an appearance is waived, a plea of 'no contest' is entered, and that the bail is forfeited or community work has been performed and that all alcoholic beverages seized is forfeited.

D. When bail has been forfeited or proof of performance of community work under this Section has been filed with the court, a judgment shall be entered. Forfeiture of bail or filing proof of performance of community work and forfeiture of all seized items is a complete satisfaction for the violation. The Clerk of Court accepting the bail or the form indicating performance of community work shall provide the offender with a receipt stating that fact, if requested.

E. If the person fails to pay the bail amount stated on the citation, or fails to provide proof of performance of community work as specified in subsection (C)(1) of this Section to the court the citation is considered a summons.

F. Notwithstanding other provisions of law, if a person cited for possession of alcoholic beverages in violation of Section 9.16.030 appears in court and is found guilty, the penalty that is imposed for the offense may not exceed any bail amount for that offense established under AS 4.16.205(c).



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P.O. Box 91119
ATQASUK, ALASKA 999791
OFFICE: 907-633-6811
FAX: 907-633-6812
MAYOR: 907-633-6515

ALVIN LIEB, MAYOR

ORDINANCE NO. 00-02

AN ORDINANCE OF THE CITY OF ATQASUK, ALASKA TO AMEND ORDINANCE 93-06, SECTION 1 OF THE CITY OF ATQASUK CODE OF ORDINANCES, PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE ATQASUK CITY COUNCIL AS FOLLOWS:

Section 1. Amendment of Code Chapter. This Section is amended (in bold [] brackets and letters) to include Sections 9.16.050 through 9.16.110 and Section 9.16.130; to Sections 9.16.010, 9.16.020, 9.16.030, 9.16.040, 9.16.120, and 9.16.140 adopted under Ordinance 93-06.

Section 2. Effective Date. This Ordinance becomes effective immediately upon adoption by the Atkasuk City Council.

Date Introduced: March 2000
Public Hearing Date: April 2000

PASSED and ADOPTED by the Atkasuk City Council on this

1 of April 2000.

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ATTEST:

City 

ENCL 3

Chapter

9.20

[Reserved.]

Title 10
[RESERVED.]

G. Violation of Section 9.16.030 through 9.16.110 are not considered a criminal offense, nor is a fine imposed for a violation considered criminal punishment. A person cited for a violation does not have a right to a jury trial or court-appointed counsel.

(Ordinance No. 93-06)

Section 9.16.130 Forfeitures

A. Alcoholic beverages in the possession of any person in the city in violation of Section 9.516.030, alcoholic beverages sold, or offered for sale in violation of Section 9.616.030, aircraft, vehicles, or vessels used to transport, or facilitate the transportation of, alcoholic beverages imported into the city in violation of Section 9.16.030, and materials and equipment used in the sale or offering for sale of alcoholic beverages in violation of Section 9.16.030, are subject to forfeiture.

B. Alcoholic beverages possessed, carried, or transported in violation or Sections 9.16.050 through 9.16.110 and seized as evidence are subject to forfeiture.

C. Property subject to forfeiture under this Section may be seized as provided by AS 04.16.220(b) and forfeited as provided in AS 04.16.220(c) through 04.16.220(h). Property forfeited under this Section shall be placed in the custody of the North Slope Borough Police Department or a peace officer of the State for disposition at the direction of the Court. The Court shall order any alcoholic beverages forfeited under this Section destroyed.

(Ordinance No. 00-02)

G. Violation of Section 9.16.030 through 9.16.110 are not considered a criminal offense, nor is a fine imposed for a violation considered criminal punishment. A person cited for a violation does not have a right to a jury trial or court-appointed counsel.

(Ordinance No. 93-06)

Section 9.16.130 Forfeitures

A. Alcoholic beverages in the possession of any person in the city in violation of Section 9.16.030, alcoholic beverages sold, or offered for sale in violation of Section 9.16.030, aircraft, vehicles, or vessels used to transport, or facilitate the transportation of, alcoholic beverages imported into the city in violation of Section 9.16.030, and materials and equipment used in the sale or offering for sale of alcoholic beverages in violation of Section 9.16.030, are subject to forfeiture.

B. Alcoholic beverages possessed, carried, or transported in violation of Sections 9.16.050 through 9.16.110 and seized as evidence are subject to forfeiture.

C. Property subject to forfeiture under this Section may be seized as provided by AS 04.16.220(b) and forfeited as provided in AS 04.16.220(c) through 04.16.220(h). Property forfeited under this Section shall be placed in the custody of the North Slope Borough Police Department or a peace officer of the State for disposition at the direction of the Court. The Court shall order any alcoholic beverages forfeited under this Section destroyed.

(Ordinance No. 00-02)

Section 9.16.140 Penalties -- Fines

A. A person convicted of violating any Ordinance contained in Sections 9.16.040 through 9.16.110 shall be fined an amount not to exceed \$300.

B. A person convicted of selling or seeking to sell alcoholic beverages in violation of Section 9.16.030 shall be fined an amount not to exceed \$1,000.

C. A person convicted of sending, transporting, or bringing alcoholic beverages into the city in violation of Section 9.16.030 shall be fined an amount not to exceed \$1,000.

D. A person convicted of possessing alcoholic beverages in violation of Section 9.16.010 shall be subject to a civil fine in an amount not to exceed \$1,000.

(Ordinance No. 93-06)

Title 11

[RESERVED.]

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Title 12

STREETS, RIGHT OF WAYS, AND PUBLIC PLACES

Chapters:

- 12.04 Use of Streets, Right of Ways Sidewalks
And Alleys.
- 12.08 Use of Public Places.

Title 12

STREETS, RIGHT OF WAYS, AND PUBLIC PLACES

Chapters:

- 12.04 Use of Streets, Right of Ways, Sidewalks and Alleys.
- 12.08 Use of Public Places.

Sections:

- 12.04.010 Obstructing Streets, Right-of-Ways and Alleys.
- 12.04.020 Parking.
- 12.04.030 Littering.
- 12.04.040 Playing.
- 12.04.050 Drainage From Businesses.
- 12.04.060 Structures Prohibited.
- 12.04.070 Removal of Signs or Barricades.
- 12.04.080 Penalties; Fines.

Section 12.04.010 Obstructing Streets, Right - of - Ways, Alleys.

No person shall use any city street or right-of-way, alleys to:

1. Carry on a business or trade; or
2. Place, permit to be placed, or leave, thereon, any goods, wares, articles, merchandise, or other obstructions.
3. Place, permit to be placed, stored or stacked any goods, wares, articles, merchandise, or other obstructions within five (5) feet of the street, side-walk, right-of-way, or alley.

Exception: Utility easement use access by the North Slope Borough.

(Ordinance No. 98-06)

Section 12.04.020 Parking.

No person shall park a motorized vehicle (cars, trucks, four-wheelers, snow-machines) on any street, right-of-way, or alley; nor shall a vehicle be parked in front of entry ways, ramps, except when making a delivery.

(Ordinance No. 98-06)

Section 12.04.030 Littering.

No person shall deposit, throw or sweep into or upon the city streets, right-of-way, or alleys any paper, rubbish, trash, crates, boxes, or other refuse of any kind.

(Ordinance No. 98-06)

Section 12.04.040 Playing.

No person shall play on the sidewalks or upon the main traveled portion of the streets, right-of-ways, or alleys of the city, except as may be authorized by permit. (Ordinance No. 98-06)

Section 12.04.050 Drainage From Businesses or homes.

No homeowner, owner or operator of a business, and no agent, thereof, shall:

1. Allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking area, street, right-of-way, alley, or other public way.
2. Dig a ditch into, upon, over or across any street, right-of-way, alley, or other public way.

(Ordinance No. 98-06)

Section 12.04.060 Structures Prohibited.

No person shall place, erect, or occupy any hut, house, building, or other structure of any kind within the bounds of any street, right-of-way, alley, or other public way, park or other city property.

(Ordinance No. 98-06)

Section 12.04.070 Removal of Signs or Barricades.

No person, except by proper authority, shall remove any barricade, obstruction, light or sign placed by authority of the city to regulate traffic or keep traffic off any pavement, street, curb, right-of-way, alleys, or other areas.

(Ordinance No. 98-06)

Section 12.04.080 Penalties; Fines.

Refer to Chapter 1.28 of the Atkasuk Code of Ordinances.

(Ordinance No. 98-06)

Chapter 12.08

USE OF PUBLIC PLACES

Sections:

12.08.010 Use of motor vehicles on city-operated playgrounds, parks, cemetery reserves, and historical sites prohibited.

12.08.020 Taking of sod, gravel, and sand from public property prohibited.

Section 12.08.010 Use of motor vehicles (cars, trucks, four-wheelers, snow-machines) on city-operated playgrounds, parks, cemetery reserves and historical sites prohibited.

No person shall operate a motorized vehicle on city-operated playgrounds, parks, cemetery reserves or historical sites, except:

1. On designated roadways within such areas; and
2. For the purpose of maintaining such areas; and
3. With reference to cemetery reserves, for the purpose of maintaining or preparing grave sites or for the conduct of burial services; and
4. For special events after a permit is approved by the City Council.

(Exceptions may be allowed in crossing city reserves to gain access to traditional routes to substance sites, both in winter and summer)

(Ordinance No. 98-06)

Section 12.08.020 Taking of sod, gravel, sand from public property prohibited.

No person shall:

1. Dig and/or take away from any public property sod, gravel or sand without the express permission of the owner or lessee of the property.
 - A. For the purpose of this section "Public Property" shall be defined as property owned or leased by the City, the North Slope Borough, or the State of Alaska, or any other property designated as City or Cemetery Reserve under the laws and ordinances of the City or the North Slope Borough.

(Ordinance No. 98-06)

Title 12

[RESERVED.]

TITLE 13

CITY PROPERTY

chapters :

- 13.04 Real Property Acquisition .
- 13.08 Real Property Inventory and Management.
- 13.12 Real Property Disposal.
- 13.16 Real Property Leasing. /
- 13.20 Personal Property -- Disposal.

Chapter 13.04

REAL PROPERTY -- ACQUISITION

Sections :

- 13.04.010 Acquisition and ownership.
- 13.04.020 Dedication by plat .
- 13.04.030 sites for beneficial new industries.
- 13.04.040 Federal and state aid.
- 13.04.050 Procedural requirements.
- 13.04.060 Eminent domain.
- 13.04.070 Alaska Native Claims Settlement Act § 14(c) (3) lands .

Section 13.04.010 Acquisition and ownership.

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

B. All real property acquired or held by the city shall be acquired and held in the name of "City of Atkasuk, Alaska." The city may acquire and hold real property as sole owner or as tenant in common or other lawful tenancy, with any person or governmental body for any public purpose. The city may hold real property in trust for any public purpose.

C. The city may acquire real property or any interest in real property by purchase, lease, gift, devise, grant, dedication, exchange, redemption, purchase of equity of redemption, operation

of law, tax or lien foreclosure, adverse possession, condemnation or declaration of taking, annexation, or by any other lawful means of conveyance.

(Ordinance No. 89-13.)

section 13.04.020 Dedication by plat.

The city may not acquire any real property by means of a dedication by plat unless the dedication of the real property is accepted in a writing signed by the mayor pursuant to a resolution of the council. (Ordinance No. 89-13.)

section 13.04.030 sites for beneficial new industries.

The city may acquire, own, and hold real property, either inside or outside the city boundaries, as sites available for new industries which will benefit the city. (Ordinance No. 89-13.)

section 13.04.040 Federal and state aid.

The city may apply for, contract with, and do all things necessary to cooperate with the United States Government and the State for the acquisition, holding, improvement, or development of real property inside and outside the city boundaries. (Ordinance No. 89-13.)

section 13.04.050 Procedural requirements.

A. The city may acquire real property by warranty, quitclaim, tax, or trustee's deed, patent, contract of purchase and sale, lease, dedication, permit, license, deed of trust, redemption, purchase of equity of redemption, operation of law, tax or lien foreclosure, adverse possession, condemnation or declaration of taking, annexation, or by any other lawful means of conveyance.

B. The city may not acquire real property unless the council first adopts a resolution approving the acquisition and specifying the terms, conditions, and manner of acquisition.

C. Prior to council approval of a resolution providing for the acquisition of real property, the mayor shall furnish the council with an abstract of title, preliminary title report or other analysis by a qualified person of the exact title the city will acquire, an appraisal or a copy of the North Slope Borough's assessment of the real property, and a review of any anticipated

problems which may be encountered in acquisition or ownership of the property. The mayor's failure to furnish the council with any such information shall not affect the validity of any acquisition of real property which complies in all other respects with this chapter.

D. No council approval is necessary to acquire any easement, right-of-way, permit, or license, if necessary for a public improvement which has been authorized and approved by the council.

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

F. Any instrument requiring execution by the city shall be signed by the mayor and attested by the clerk. The form of any conveyance shall be approved by the city attorney.

(Ordinance No . 89-13.)

Section 13.04.060 Eminent domain.

A. The city may, only within its boundaries, exercise the powers of eminent domain and declaration of taking in the performance of any city power or function not prohibited by law, in accordance with the procedures set out in A. S. 09.55.250 -- 09.55.460.

B. To exercise the power of eminent domain or declaration of taking, the council must adopt an ordinance providing for the action, and the ordinance must be submitted to and approved by the voters at the next regular election or special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.

(Ordinance No . 89-13.)

section 13.04.070 Alaska Native Claims settlement Act § 14(c) (3) lands.

The council shall select lands for reconveyance pursuant to ANCSA § 14(c) (3), 43 U.S.C. § 1613(c) (3), by the village corporation established for Atqasuk pursuant to ANCSA § 8, 43 U.S.C. § 1607. If appropriate, the council, with the assistance of the city attorney, shall negotiate and enter into one or more agreements with the village corporation settling the city's § 14(c) (3) rights.

Before any such agreement may be executed by the mayor or binding on the city, it shall be approved as to form by the city attorney and approved by the council by a resolution adopted after public notice and hearing. (Ordinance No. 89-13.)

Chapter 13.08

REAL PROPERTY -- INVENTORY AND MANAGEMENT

Sections:

- 13.08.010 Inventory -- review and recommendation.
- 13.08.020 Retention and management .
- 13.08.030 City rights and powers -- disposal.
- 13.08.040 No adverse possession against city.

Section 13.08.010 Inventory -- review and recommendation.

A. Within one (1) year after the adoption of this ordinance, the mayor shall inventory and evaluate all real property owned by the City on the date of adoption of this ordinance, considering desirable uses of the property, including projected need, if any, of the land for present or future recreational or other public use. If the city hereafter acquires any real property, the mayor shall evaluate the property within six (6) months of the acquisition.

B. The mayor shall report to the council his findings and any recommendations for retention and management or disposal of city-owned property. The mayor's report shall specifically identify those lands which, in his opinion, are suitable for residential use.

(Ordinance No. 89-13.)

section 13.08.020 Retention and management.

A. The city will retain ownership of and manage:

1. those lands which the council determines are or may be required for future public uses;

2. those lands which are unsuitable for any private use due to the absence of desirable characteristics or the presence of geophysical hazards (such as slumping, flooding, or erosion hazard) or other characteristics which might cause the lands, in the judgment of the city council, to be dangerous to the public health, safety, or welfare; and

3. those lands which, in the opinion of the council, may be disposed of by the city at some future time on terms more favorable to the city than are likely to be obtained at present,

or in a manner or for uses more beneficial to the public than at

present, unless the council determines that the benefits available to the public from immediate disposal of the property outweigh the future benefits which would or might result if the property were retained by the city.

B. Any real property acquired by tax foreclosure may be devoted to public use by the city after review and recommendation by the mayor, and approval by the council of a resolution declaring such real property devoted to public use or declaring that such real property is reserved for a projected city requirement, and stating such use or requirement.

C. Real property acquired or purchased for one city purpose may be appropriated, transferred, assigned, or directed without public sale to another city purpose, whenever the council determines that the purpose for which the property was acquired or purchased no longer exists, or that the property is no longer used or useful for the purpose, or that the public would benefit if the property were devoted to some other use.

(Ordinance No. 89-13.)

section 13.08.030 city rights and powers -- disposal.

A. The city may dispose of any real property, including property acquired or held for or devoted to public use, when the council determines that the property is no longer required for present or future city purposes and is suitable for use by a private party or by another governmental entity, or when the council determines that ownership and use of the property by a private party or another governmental entity will result in greater benefits to the public than will continued ownership and present or future use by the city.

B. The council hereby declares that it is the policy of the city that city-owned real property suitable for residential use and not required by section 13.04.030 to be retained be disposed of to the general public for construction of residential dwellings. Land suitable for residential use shall not be disposed of for any other purpose unless the city council first finds that unique circumstances require disposal in a manner contrary to this general policy.

C. The city may sell, exchange, grant, dedicate, donate, or otherwise dispose of city-owned real property, subject to the requirements of chapter 13.12 of this code, or lease city-owned real property, subject to the requirements of chapter 13.16 of this code.

(Ordinance No. 89-13.)

Section 13.08.040 No adverse possession against city.

The city cannot be divested of title to real property by adverse possession. (Ordinance No. 89-13.)

Chapter 13.12

REAL PROPERTY -- DISPOSAL

Sections:

- 13.12.010 City's general powers.
- 13.12.020 Sales -- Generally.
- 13.12.030 Sales -- Limitations.
- 13.12.040 Sales -- Preference rights.
- 13.12.050 Exchanges.
- 13.12.060 Grants; Dedication.
- 13.12.070 Donation.
- 13.12.080 Release of easements and other nonpossessory interests.
- 13.12.090 Real property as security.
- 13.12.100 Predisposal procedure -- Resolution and ordinance -- Notice.
- 13.12.110 Predisposal procedure -- Setting price -- Minimum acceptable offer.
- 13.12.120 Predisposal procedure -- Purchase agreements and conveyances.
- 13.12.130 Disposal procedure -- Methods and procedure.
- 13.12.140 Disposal procedure -- Execution.
- 13.12.150 Tax-foreclosed land.

Section 13.12 .010 City's general powers .

A. The city shall have and may exercise all rights and powers in the disposal of real property as if the city were a private person.

B. The city may sell or dispose of real property or any interest in real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, or any other lawful method or mode of conveyance or grant.

C. Any instrument requiring execution by the city shall be signed by the mayor and attested by the city clerk. The form of any instrument shall be approved by the city attorney.

D. The city may dispose of sites acquired for new industries benefiting the city, upon the terms and conditions as the council considers advantageous to the city, to a person who agrees to install, maintain, and operate a beneficial new industry.

(Ordinance No. 89-13.)

Section 13.12.020 Sales -- Generally.

The city may sell city-owned real property by public outcry auction, sealed bid auction, or lottery. City land may be sold by a negotiated sale to a selected buyer if the council determines such a sale to be necessary to protect or promote the public interest, and the buyer has been selected without unfair discrimination among similarly situated persons. (Ordinance No. 89-13.)

Section 13.12.030 Sales -- Limitations.

A. An individual may purchase only one residential lot from the city in any calendar year. The council may include in a resolution or ordinance of sale other limitations on the number of parcels which may be purchased by any individual or other entity which, in its discretion, it deems necessary and proper to fair and equitable public disposal of the city's land.

B. Upon a finding by the city council that there is a serious local residential housing shortage, the council may impose a residential eligibility requirement for prospective purchasers at a specific sale of city land. The requirement shall provide that all prospective participants submit sworn statements of residency to the city clerk. For the purposes of this section, a resident is a person who lives in Atkasuk and has the present intent to stay and make Atkasuk his/her home. A person who has maintained and resided in his/her domicile in Atkasuk for at least ninety (90) days immediately preceding the sale is a resident. The city council shall resolve any challenges to residency.

(Ordinance No. 89-13.)

section 13.12.040 Sales -- Preference rights.

A. When the council adopts a resolution or ordinance of sale of residential lots, the council shall provide that the city shall offer to sell lots included in the lands to be sold to persons with preference rights as provided in this section.

B. The bona fide occupant (s) of a parcel of city land who have built a residence on the parcel have a preference right to purchase the parcel under either of the following circumstances:

1. The residence was built before the land was conveyed to the city, and the circumstances under which the residence was built do not make it inequitable to grant a preference right to the occupant (s), or

2. The residence was built after the land was conveyed to the city, with the express consent of the council, or based upon assurance by the mayor or council that the land would be conveyed to the occupant (s) after improvements were constructed.

C. When residential lots are to be sold by sealed bid or outcry auction, a preference right entitles the bona fide occupant (s) of a sale parcel to purchase the parcel by matching the highest bid. If no bids are received, the preference right holder may purchase the parcel at its appraised value.

D. When residential lots are to be sold by lottery or by negotiated sale, a preference right entitles the bona fide occupant (s) of a sale parcel to purchase the parcel for its appraised value before it is offered for sale to others.

E. For any specific sale, the council may prescribe additional terms and conditions regarding the exercise of preference rights.

(Ordinance No. 89-13.)

Section 13.12.050 Exchanges.

A. The council may approve the exchange of a parcel of city property for an equivalent parcel of property owned by the state of Alaska, the United States, any political subdivision thereof or any other individual or entity subject to such conditions as the council may impose on the exchange, if the council finds that the exchange is beneficial to the city or the public.

B. The basis for the exchange shall be the appraised values or the assessed values, as established by the North Slope Borough, of the city-owned property and the property to be acquired by the city in the exchange. Either the appraised values, or the assessed values, shall be compared, but the appraised value of one property shall not be compared to the assessed value of the other. If the value of the property obtained is less than the value of the property exchanged, the city shall be paid the difference in cash. If the value of the property obtained is greater than the value of the property exchanged, the city shall pay the difference in cash, unless the other party agrees that such payment need not be made.

C. In exchanging or considering the exchange of city property, the city shall proceed pursuant to the procedures provided by sections 13.12.090 through 13.12.130, to the extent applicable.

(Ordinance No. 89-13.)

Section 13.12.060 Grants; Dedication.

A. The council may grant or dedicate real property to the United States, the State, a political subdivision, or an agency of any of these governments, for a consideration agreed upon between the city and the grantee without a public sale if the council finds that the grant or dedication is advantageous to the city and/or the public. Any approval of a federal or state program providing for the participation or cooperation of the city by grant or dedication of the real property is a disposal of that real property to the federal or state agency administering the program for the consideration stated in the program.

B. In granting or dedicating or considering the granting or dedication of real property pursuant to this section, the city shall proceed in the manner provided by sections 13.12.090 through 13.12.130, to the extent applicable.

(Ordinance No. 89-13.)

Section 13.12.070 Donation.

-- A. The council may donate real property to a non-profit corporation without consideration if the council finds that the donation will benefit the public.

B. In donating or considering the donation of real property under this section, the city shall proceed in the manner provided by sections 13.12.090 through 13.12.130, to the extent applicable.

(Ordinance No. 89-13.)

Section 13.12.080 Release of easements and other non-possessory interests.

A. The council may at any time convey, quitclaim, release, cancel, or otherwise relinquish any real property easement, right-of-way, permit, or license, the city may have or hold for the purpose of installing, constructing, or maintaining a public improvement, if the council finds that the interest is no longer used or useful for that purpose.

B. The council may at any time convey, quitclaim, release, cancel, or otherwise relinquish any easement, right-of-way, permit, license, permit, license, covenant, condition, or other non-possessory interest in real property when the council finds that it is in the interest of the city or of the public to do so.

C. In releasing or considering the release of an interest in real property under this section, the city shall proceed in the manner provided by sections 13 .12.090 through 13 .12.130, to the extent applicable .

(Ordinance No. 89-13.)

section 13.12.090 Real property as security.

The council may pledge, mortgage, or give a deed of trust on real property of the city to secure the repayment of city bonded or other indebtedness or the performance of any other obligation owed by the city. (Ordinance No. 89-13.)

Section 13.12.100 Predisposal Procedure -- Resolution and Ordinance -- Notice.

A. After reviewing the mayor 's report and recommendations subject to 13.08.010, the council may consider a resolution or ordinance providing for the disposal of city-owned real property, or an interest in city-owned real property, pursuant to any of sections 13.12.020, 13.12.050 through 13.12.080, or chapter 13.16.

B. After the proposed resolution or ordinance providing for disposal has been introduced, the council shall direct the city clerk to obtain an estimated value of the property from a qualified appraiser, unless the property has been appraised within six (6) months of the resolution or ordinance, or to determine the current assessed value of the property as determined by the North Slope Borough.

C. The council may direct the disposal of city property by:

1. Resolution, when the property is valued at one hundred thousand dollars (\$100,000.00) or less, and is not tax foreclosed.

2. Ordinance, when the property is valued at more than one hundred thousand dollars (\$100,000.00) or more or is tax foreclosed.

D. The resolution or ordinance of disposal shall contain all of the following which are applicable to the contemplated disposal:

1. The terms and procedures of disposal, including the date of disposal, the method or methods of disposal, minimum qualifications of buyers, method of payment required , and any

other such conditions which the council may deem appropriate to the particular disposal. If disposal is by a method other than public sale, the resolution or ordinance shall contain findings of the facts justifying the council's decision to use such a method of disposal.

2. The finding required by section 13.08.030 (A).

3. A statement of the appraised and/or assessed value, and, if the property is being disposed of by sale, the minimum bid or sale price, which shall equal the appraised value of the property.

4. A specific disclaimer of any warranty of title if the council is disposing of any after-acquired title or future interest in real property to which the city is or may in the future become entitled.

5. A statement that the council has determined that any property offered for sale but which is not sold shall be:

(a) retained and managed subject to section 13.08.020; or

(b) reoffered for sale within ninety (90) days of the first offering at a fixed price of eighty percent (80%) of the appraised or assessed value to the first buyer, or by lottery, or at any subsequent sale according to the terms determined by the city council at that time.

6. If the council deems it necessary, the resolution or ordinance shall provide for a licensed real estate broker to assist in the negotiation or sale and specify the terms of the broker's employment and stipulate that the final contract of employment shall not be binding on the city until approved by the council.

7. A description of any reservations of easements and rights-of-way to be used for public improvements and purposes and of any other restrictions, limitations, reservations, conditions, or covenants the council may find advantageous to the city. The effect of these reservations may be considered in determining the appraised value of the property.

E. No disposal of land valued at one hundred thousand dollars (\$100,000.00) or more shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted. Notice of the election shall be given in the manner required for elections generally, except that the notice shall include, in addition to the information otherwise

required, a description of the property to be sold, leased, or disposed of; a brief statement of the terms and conditions of the sale; **the** consideration, if any; and the number, title, and date of passage of the ordinance.

F. When a resolution or ordinance of disposal has been adopted, public notice of the proposed disposal shall be given by publication and posting.

1. Notice of the disposal and the manner in which the property is to be disposed of shall be published in a newspaper of general circulation within the city once each week for four (4) successive weeks not less than thirty (30) days prior to the date of disposal. Publication shall not be required if the resolution or ordinance identifies the entity to whom the property is to be conveyed.

2. Notice also shall be posted in at least three (3) public places within the city for at least thirty (30) days prior to the disposal.

3. Notice may additionally be given by other means considered reasonable by the council.

4. The notice shall contain a brief description of the land, its area and general location, the kind of disposal (sale/lease/or otherwise), proposed use, term, computed annual minimum rental or minimum offer, limitations, if any, rules for disposal and time and place set for the auction or bid opening, if applicable.

5. If the property to be disposed is tax-foreclosed the notice provisions of section 13.12.140 shall be satisfied.

G. The resolution or ordinance authorizing the disposal, documents relating to the disposal, and appraisal shall be kept in the clerk's office and made available for public inspection throughout the specified notice period.

(Ordinance No. 89-13.)

Section 13.12.110 Predisposal Procedure -- setting Price; Minimum Acceptable Offer.

A. The council shall provide in the resolution or ordinance that the city shall receive consideration equal to or greater than the appraised or assessed value plus the cost of disposal of the property, unless the council finds that that for reasons stated in the resolution or ordinance it is in the public interest to dis-

pose of the property for a lesser amount, or the property is tax-foreclosed.

B. The public interest, for the purposes of subsection (A) of this section, shall include a public or quasi-public purpose and use and shall also include exchanges of property to facilitate the solution of problems involving the boundary lines of public property. Public interest shall not include a purpose to return property to private ownership, or to return property to the tax rolls, or to make property available for a desirable private enterprise or development, or other similar purposes.

C. Upon a council determination of a public interest, a negotiated offer may be accepted by the council by resolution in place of public bidding.

D. If the real property was acquired by tax foreclosure, the council, by resolution, may reduce the minimum acceptable offer to an amount not less than the sum of all back taxes, penalties, and interest due or which would have been due if the property had remained in private ownership up to the date of the sale, plus all costs of foreclosure, sale, and development incurred by the city.

(Ordinance No. 89-13.)

Section 13.12.120 Predisposal procedure -- Purchase agreements and conveyances.

A. The city may give the purchaser of real property an agreement of purchase and sale if the resolution or ordinance of sale so provides. The agreement of purchase and sale shall provide for conveyance of title by the city to the purchaser at a later date, when the purchaser has paid the purchase price or satisfied some other condition specified in the resolution or ordinance of sale. The agreement shall be signed by the mayor and attested by the clerk and shall be approved as to form by the city attorney.

B. The conveyance documents for the disposal of city-owned property, and the agreement of purchase and sale, if any, shall:

1. Be in recordable form, as specified by statute and regulation.

2. Be signed by the mayor or his or her designee and attested by the clerk.

3. Contain a specific reference to the ordinance and resolution by which the city council has authorized the conveyance to be made.

(Ordinance No. 89-13.)

section 13.12.130 Disposal Procedure -- Methods and Procedure.

A. city-owned real property and interests therein shall be conducted only in the manner specified by resolution or ordinance.

B. The city may dispose of real property or an interest in real property by one or more of the following methods for the minimum bid or sale price determined as specified in 13.12.100(A):

1. outcry auction, with the property being sold at a public auction to the qualified bidder who makes the highest bid in excess of the specified minimum bid.

2. Sealed bid, with the property being sold to the qualified bidder who submits, by the date and time specified in an invitation to bid and in instructions to bidders, the highest sealed bid in excess of the specified minimum bid.

3. Lottery, with the property being sold for the price specified in the resolution or ordinance of sale to the qualified applicant who has submitted a lottery application by the date and time specified in a notice of sale, together with a non-refundable application fee of twenty-five dollars (\$25.00), and whose name is drawn at random in a public drawing from among all applicants to purchase the parcel of property.

4. Any other method of disposal described in sections 13.12.050 through 13.12.090.

C. The mayor may provide by regulation for the procedures and forms as to applications, surveys, appraisals, auction, bidding, form of substance of purchase agreement, or any other matter involving the sale or disposition of city property not inconsistent with and to implement the intent and purpose of this title. The council may by resolution ratify any disposal of city land which has been conducted at variance with a requirement of this code, the resolution or ordinance of disposal, or a regulation promulgated by the mayor.

D. The approval of any public sale by the council authorizes the mayor to take all steps and execute all instruments to complete and close the sale, lease or other disposal.

(Ordinance No. 89-13.)

Section 13.12.140 Disposal procedure -- Execution.

A. When the council has approved a resolution or ordinance providing for the exchange, grant, donation or dedication of real property pursuant to this chapter, the appropriate notice has been given, or when the property has been sold or leased as provided in this chapter and consideration has been received, the mayor and the clerk shall execute the appropriate agreement, deed, lease or other conveyance required by the resolution or ordinance, and approved as to form by the city attorney, conveying the real property or interest to the buyer or other transferee. In the event of any discrepancy in the legal description, form of acknowledgment or other formalities associated with the conveyance, the mayor and clerk are authorized to execute such corrective instruments as may be required by the buyer or any title insurance company or financing institution taking a trust deed on the property as security with the approval as to form of the city attorney.

B. After the execution of the appropriate documents, the documents of conveyance shall be delivered by the city to the transferee or, if appropriate, to the district recorder for the Barrow Recording District.

C. A purchaser at a public sale who fails to make the cash ,--- payments or to satisfy other stated conditions within the times required by the resolution or ordinance shall forfeit his right to conveyance by the city and any cash deposit paid to the city.

(Ordinance No. 89-13.)

section 13.12.150 Tax-foreclosed land.

A. Real property acquired by tax foreclosure may be retained or disposed of as provided by AS 29.45.450 - 29.45.490. (Ordinance No. 89-13.)

Chapter 13.16

REAL PROPERTY -- LEASING

Sections:

- 13.16.010 Property available for leasing.
- 13.16.020 Preleasing procedure Appraisals .
- 13.16.030 Rental value.
- 13.16.040 Terms and conditions of lease.
- 13.16.050 Leasing -- Procedures .

section 13.16.010 Property available for leasing.

All real property and all interests in real property which are owned by the city, or to which the city may become entitled, may be leased as provided in this chapter. (Ordinance No. 89-13.)

Section 13.16.020 Preleasing procedure -- Appraisals.

A. No real property owned by the city shall be leased (whether or not it has previously been leased, unless the lessee is exercising an option to renew contained in a lease) unless the property has been appraised within one (1) year prior to the date contemplated for the beginning of the lease.

B. No appraisal is required if the fair rental value of the property does not exceed two hundred fifty dollars (\$250.00) per month and the term of the lease is one (1) year or less, or if the property has been assessed by a tax assessor during the year in which the property is to be leased.

(Ordinance No. 89-13.)

Section 13.16.030 Rental value.

A. city-owned real property shall be leased for a fair rental value, except as provided by subsection (B) of this section. Fair rental value is the rental computed from the appraised fair rental value of the property and means the highest price described in terms of money for which the property would rent, if exposed for rent for a reasonable time in the open market, for the use permitted by the city and by law.

B. City-owned real property may be leased to the United States, the State of Alaska, a political subdivision or agency of the United States or of the State of Alaska, or a nonprofit organiza-

tion for a rental less than the fair rental value if the council finds that such a lease would be in the public interest. (Ordinance No. 89-13.)

section 13.16.040 Terms and conditions of lease.

Each lease of city property shall include the following provisions, which shall be deemed to be incorporated by reference and fully enforceable as if set out in full in every lease in which they are not expressly included:

A. City property shall not be leased for a term (including any renewal periods to which the lessee may be or may become entitled) of more than twenty (20) years unless the council shall find, based upon the purpose, intended use of the leased premises, and nature of improvements which are to be made on the leased premises that a longer term will benefit the city, is consistent with long-range development plans, and is in the public interest.

B. Every lease having a term of more than two (2) years shall provide for adjustment of rentals at specified intervals during the term of lease, which intervals shall not exceed six (6) years. If no interval is specified in a lease for the adjustment of rent, the interval shall be two (2) years.

C. A lessee may be given credit against current or future rent for all or a portion of the value of a leasehold improvement made by the lessee, or of other work performed or by the lessee on or off the leased premises, provided that

1. the mayor authorizes the specific improvement (including the type and quality of work), if any, and the credit (or maximum amount of credit) to be given in writing before the improvement or other work is begun, and

2. the improvement or other work increases the value of the leased premises or of other city property.

D. The renewal or extension of a lease shall be considered as a new lease unless the lease provides that the lessee has an option to renew or extend the lease. Upon a showing of hardship or for good cause the mayor, at his or her option, may renew or extend the lease for a period not to exceed one (1) year without notice, auction, or council approval.

E. Upon condemnation of all or any part of the leased premises, including inverse condemnation, by the United States, the State of Alaska, or any subdivision or agency thereof, the lease shall terminate unless the lessee agrees that the lease should continue in full force and effect. Unless the condemnation is by the city, the city shall not be liable in damages or pay any

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compensation to the lessee as a result of the condemnation terminating the lease.

F. The city expressly reserves the right, without compensation of the lessee or adjustment of the agreed rent, to grant surface, underground and overhead utility easements or rights-of-way in, upon or over the leased premises, if the exercise of the right will not unreasonably interfere with lessee's improvements placed upon the leased premises or with the lessee's use of the property.

G. The lease shall provide the terms, conditions, and limitations of the removal or reversion of the improvements or chattels upon the lease premises upon termination of the lease. The retiring lessee may, with the mayor's consent, sell improvements made at the lessee's expense to the succeeding lessee, if any. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice to the lessee, be sold at public sale to be provided by regulations of the mayor. Proceeds of the sale shall be first applied to the city's costs and expenses of maintaining, removing, and selling the improvements and chattels and to rentals for the period of non-removal. The city may bid at the sale and may be credited with the value of the city's costs, expenses, and rentals due resulting from the non-removal of the improvements or chattels. The city, if it is the purchaser, shall have all other rights, both legal and equitable, of any other purchaser at and after such sale.

H. The city, through the mayor or his designated representative, shall have the right to enter and inspect the leased premises at any reasonable time.

I. A lessee may sub-lease or assign the lease only with the prior written consent of the mayor.

J. The city may issue a conditional lease on property to which the city reasonably expects to acquire title prior to the actual receipt of title. The city shall not, in any such conditional lease, authorize the lessee or any other person to enter the leased premises prior to the date that the city acquires title thereto. Leases issued on a conditional basis shall be void, and all prepaid rents shall be refunded, unless the city actually acquires title to the entire premises described in the lease. If the city acquires a portion of the leased premises but does not acquire title to the entire leased premises, the lease shall be void unless the lessee agrees that lease should be effective notwithstanding the city's failure to acquire title to the entire leased premises. The city shall not be liable for any claim for damages that may be caused to the property by the lessee, or liable for any claims of any third party or the lessee, or for any claims that may arise from ownership. In the event the city does receive title to

the property under lease, the conditional lease shall then have the same standing, force, and effect as an unconditional lease.

(Ordinance No. 89-13.)

section 13.16.050 Leasing -- Procedures.

The granting of a lease of city-owned real property is a disposal of real property and, except as otherwise specified in this chapter, shall be conducted in accordance with the procedures set out in sections 13.08.030, 13.12.010 through 13.12.070, 13.12.100, 13.12.110, and 13.12.130 through 13.12.150. (Ordinance No. 89-13.)

Chapter 13.20

PERSONAL PROPERTY - DISPOSAL

Sections :

- 13.20.010 Personal property disposal -- Value.
- 13.20.020 Sale of surplus or obsolete goods .
- 13.20.030 Surplus supplies and equipment.
- 13.20.040 Declaration of obsolescence.

Section 13.20.010 Personal property disposal -- Value.

A. Personal property, other than surplus supplies or equipment, valued at not more than one thousand dollars (\$1,000.00) may be disposed of upon such notice and terms as the mayor considers reasonable. In determining the notice to be given and the method and terms of disposal, the mayor consider the value of the article, the reason for disposal, and the general preference for disposal by competitive bid. The mayor shall report disposals to the council.

B. Personal property valued at more than one thousand dollars (\$1,000.00), but not more than twenty-five thousand dollars (\$25,000.00), shall be disposed of in the manner provided in chapter 13.12 of this code for the disposal of real property valued under twenty-five thousand dollars (\$25,000.00) .

C. Personal property valued at more than twenty-five thousand dollars (\$25,000.00) shall be disposed of in the manner provided in chapter 13.12 of this code for real property valued at more than twenty-five thousand dollars (\$25,000.00).

(Ordinance No. 89-13.)

Section 13.20.020 Sale of surplus or obsolete goods.

Notwithstanding the requirements of section 13.20.010, the mayor may sell the following without giving an opportunity for competitive bidding:

1. surplus or obsolete supplies, materials, or equipment whose total value does not exceed one thousand dollars (\$1,000.00) in a single transaction; and

2. supplies, materials, or equipment when sold at a price at least as great as that paid by the city for the same.

(Ordinance No. 89-13.)

section 13.20.030 Surplus supplies and equipment.

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

B. The mayor shall have the authority to transfer surplus stock to other agencies and shall provide for proper fiscal transfer of surplus stock.

C. The mayor, with the council's approval, shall have the authority to sell all supplies, material, or equipment which have become unsuitable or unnecessary for public use, or to exchange the same for, or trade in the same on, any new supplies, material, or equipment.

D. Sales of surplus city supplies, or equipment shall be made to the highest responsible bidder when the estimated value of the supplies or equipment is more than one thousand dollars (\$1,000.00).

E. The mayor or his designate shall conduct the sale and shall issue the a bill of sale to the purchaser of surplus city supplies or equipment.

(Ordinance No. 89-13.)

Section 13.20.040 Declaration of obsolescence.

No surplus or obsolete supplies, materials, or equipment of a value of more than one thousand dollars (\$1,000.00) may be sold until the council has declared them obsolete or surplus.
(Ordinance No. 89-13.)

TABLE I
ORDINANCE LIST AND DISPOSITION TABLE

Ordinance
Number

84-1	Enacts chapt. 1.1 (General Provisions), 1.4 (City Information), chapt. 2.6 (Documents and Records), chapt. 2.1 (Mayor), chapt. 2.5 (City Clerk), . Title IV (City Properties), chapt. 2.7 (Personnel Policy Requirements).
85- _	Enacts Conflicts of Interest ordinance
85- _	Enacts Animal Control ordinance.
87-01	Enacts Title 1, General Provisions, chapt. 2.04 (Mayor), chapt. 2.20 (Appointive Offices), Title 13 (City Property), Title 3 (Personnel), chapt. 9.12 (Minor -- Curfew).
87-02	Re —acts Title 3, Personnel.
89-04	Repeals prior code chapt. 1.1, 1.4 and 2.6 (enacted by ordinance 84-1); repeals Title 1 (enacted by ordinance 87-01). Enacts Title 1, General Provisions including chapt. 1.01 (Code Adoption, § §1.01.010 .130), 1.04 (General Provisions, § §1.04.010 - .030), 1.08 (Incorporation, § §1.08.010), 1.12 (City Boundaries, § §1.12.010 - .030), 1..16 (City Seal, §1.16.010), 1.20 (City Powers, § §1.20.010 .020), 1.24 (Public Records, § §1.24 .010 .060), 1.28 (Penalties; Enforcement, § §1.28 .010 .050) and 1.32 (Right of Entry for Inspection, §1.32.010).
89-05	Repeals prior code chapt. 2.1 (enacted by ordinance 84-1) and 2.04 (enacted by ordinance 87-01). Enacts chapter 2.04 (Myor and Vice-Mayor, § §2.04.010 - .070).
89-07	Repeals prior code chapt. 2.5 (enacted by ordinance 84-1.) and 2.20 (enacted by ordinance 87-01). Enacts chapter 2.20 (Appointive Offices, § §2.20.010 - .060)
89-08	Repeals prior code Conflicts of Interest (enacted by ordinance 85- _

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- Enacts chapter 2.24 (Assuming & Leaving Office, § 2.24 .010 - .040) and chapter 2.26 (Conflict of Interest, 2.26.010 - .050).
- 89-11 Enacts chapt. 2.36 (Elections, §§2.36.010 - .480 and Forms 2.36A - L).
- 89-13 Repeals prior code Title IV (enacted by ordinance 84-01) and Title 13 (enacted by ordinance 87-01).
Enacts Title 13, City Property, including chapt. 13.04 (Real Property - Acquisition, § § 13.04.010 - .070), 13.08 (Real Property - Inventory & Management, § §13.08.010 - .040), 13.12 (Real Property - Disposal, § § 13.12.010 .150), 13.16 (Real Property Leasing, § §13 .16.010 .050) and 13.20 (Personal Property - Disposal, 13.20.010 - .040).
- 89-14 Repeals prior code chapt. 2.7 (enacted by ordinance 84-01) and Title 3 (enacted by ordinance 87-01 and re-enacted by ordinance 87-02).

Enacts Title 3, Personnel, including chapt. 3.04 (Personnel System Generally, § § 3.04.010 - .130), 3.06 (Hiring Policies, §§3.06.010 - .060), 3.12 (Conditions of Employment, §§3.12.010 - .230), 3.16 (Travel and Other Pay Allowances, §§3.16.010 - .080), 3.24 (Leave, § §3.24.010 - .100), 3.28 (Leave of Absence, § §3.28.005 - .060), 3.36 (Disability and Health Insurance, § §3.36.010 - .040), 3.40 (Disciplinary Actions, § § 3.40.010 - .030), 3.44 (Non-disciplinary Actions, § §3.44.010 - .040) and 3.48 (Grievance Procedure, §§3.48.010 - .060).
- 89-16 Repeals prior code Animal Control (enacted by ordinance 85-
Enacts chapter 8.28 (Animal Control, § §8 .28.010 - .040).
- 89-17 Repeals prior code chapt. 9.12 (enacted by ordinance 87-01).
Enacts chapter 9.12 (Minors -- Curfew, § § 9.12.010 - .060).

TABLE ■

STATUTORY CROSS REFERENCE TABLE

This table shows, for each section or group of sections in the proposed code of ordinances, the controlling, authorizing or similar Alaska Statute provision.

<u>Provision of Proposed Code</u>	<u>controlling or Parallel Alaska statute</u>
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