

**CITY OF FALSE PASS ALASKA  
MUNICIPAL CODE 2019**

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GENERAL PROVISIONS**

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**CHAPTER 1  
GENERAL PROVISIONS**

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- Section 01.01.020. Definitions.
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**Section 01.01.010. Code cite and designation.**

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- A. The ordinance in the following chapters and sections shall be called the "Code of Ordinances, City of False Pass, Alaska".

**Section 01.01.020. Definitions.**

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

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

**Section 01.01.030. Grammatical interpretation.**

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The following grammatical rules shall apply in the False Pass City Code and the ordinances of the City:

- A. Gender. Any gender includes the other genders.
- B. Singular and plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- D. All words and phrases shall be construed and understood according to the context and the commonly approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- E. "May" is permissive.
- F. "Must" and "Shall", each is mandatory.

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**Section 01.01.040. Effect of repeal of ordinances.**

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

**Section 01.01.050. Severability of ordinances and parts of Code.**

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Any ordinance enacted before or after the adoption of this Code which lacks a severability clause shall be construed as though it contained the clause in the following language: "If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby".

**Section 01.01.060. General Penalty.**

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Every act prohibited by ordinance of this City is unlawful. Unless other penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code, shall be punished by a fine of not more than three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority. Council may, at its discretion, require community service at the equivalent rate of \$5 per hour. A "violation" is a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled:

- A. To a trial by jury; or
- B. To have a public defender or other counsel appointed at public expense to represent the person;

The penalty provided by this section shall, unless any other penalty is expressly provided, apply to the amendment of any section of this Code, whether or not such penalty is re-enacted in the amendment ordinance.

**Section 01.01.070. Laws of Alaska; violations.**

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No person shall violate any law of the State of Alaska, nor any rule or regulation adopted by any duly authorized agency of the State of Alaska. Violations of the foregoing shall be violations of the Code of Ordinances of the City of False Pass, Alaska, except where the State has exclusive jurisdiction over the offense.

**Section 01.01.080. Amendments to Code; effect of new ordinances.**

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

Amendments to this Code shall be made by specific reference to the section number of this Code in substantially the following language: "Chapter\_\_\_\_\_, Section\_\_\_\_\_of the Code of Ordinances of the City of False Pass, Alaska, is hereby amended to read as follows:"

If a new chapter or section is to be added to this Code, substantially the following language shall

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be used: "The Code of Ordinances of the City of False Pass, Alaska, is hereby amended by addition of the following chapter(s) (or section(s))".

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

**Section 01.01.090. Distribution.**

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

**Section 01.01.100. Supplements or revisions to the False Pass City Code.**

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- A. Amendments and supplements to this Code shall be typed or printed and included within this Code within sixty (60) days after adoption by the council.
- B. The False Pass City Code shall be supplemented at regular intervals or if the council deems that supplementation of the code is unnecessary; the Code shall be revised and printed every five years.

**Section 01.01.110. Ordinances included in the False Pass City Code.**

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The council shall cause each ordinance and resolution to be printed promptly as possible following its adoption in the following manner:

- A. Ordinances enacted by the City council and permanent in nature shall be inserted in the False Pass City Code when properly prepared and authenticated by the City Clerk.
- B. Emergency, bond, temporary and appropriation ordinances and resolutions shall be retained in the form enacted.
- C. All titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity and construction clauses shall be omitted from the Code unless from their nature it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

**Section 01.01.120. Time ordinances take effect.**

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

**Section 01.01.130. Corrections.**

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

The following corrections are so authorized:

- A. Manifest errors, which are clerical, or typographical in nature, or errors in spelling, or errors by way of addition or omission;

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- B. Changes in capitalization for the purpose of uniformity;
- C. Correction of manifest errors in references to laws;
- D. Correction of mistakes in grammar;
- E. Correction of citations or references to laws, statutes and ordinances whose designations have changed because of renumbering or revision of the Alaska Statutes, federal law, or this Code.

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**TITLE 1  
GENERAL PROVISIONS**

**CHAPTER 2  
CITY INFORMATION**

Section 01.02.010. Name of City and form of government.

Section 01.02.020. City limits and history.

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**Section 01.02.010 Name of City and form of government.**

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The City of False Pass shall continue as a municipal corporation and political subdivision of the State of Alaska under the Name: "City of False 'Pass, Alaska". The government of the city shall be that commonly known and designated as the council-Mayor form of government.

**Section 01.02.020. City limits and history.**

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The boundaries of the said City are:

The map on the following page of this Code shows the locations of these boundaries.

The boundaries of the City as above described were the effective City limits as of incorporation of the City of False Pass as a Second Class City on the 20th day of November 1990.

The Certificate of Incorporation is recorded in Book 31, page 874 at the Aleutian Islands Recording District in Anchorage Alaska. This certificate was recorded on the 5<sup>th</sup> day of November, 1990.

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**TITLE 1  
GENERAL PROVISIONS**

**CHAPTER 3  
ORDINANCES RESOLUTIONS: REGULATIONS**

- Section 01.03.010. Acts of the council.
- Section 01.03.020. Acts required to be by ordinance.
- Section 01.03.030. Ordinance procedure.
- Section 01.03.040. Ordinance form and content.
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- Section 01.03.060. Supplements or revisions to the False Pass City Code.
- Section 01.03.070. Emergency ordinances.
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- Section 01.03.090. Requirements for passage.
- Section 01.03.100. Signature.
- Section 01.03.110. Ordinance File.
- Section 01.03.120. Repeal shall not revise any ordinance.
- Section 01.03.130. Formal acts by resolution.
- Section 01.03.140. Procedures for resolutions.
- Section 01.03.150. Requirements for passage of resolutions.
- Section 01.03.160. Rules and regulations.
- Section 01.03.170. Codes of regulations.

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**Section 01.03.010. Acts of the council.**

---

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

**Section 01.03.020. Acts required to be by ordinance.**

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

- A. Establish, alter, or abolish city departments;
- B. Amend or repeal. an existing ordinance;
- C. Fix the compensation of members of the council;
- D. Provide for the sale of city property;
- E. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- F. Provide for the levying of taxes;
- G. Make appropriations including supplemental appropriations or transfer of appropriations;
- H. Grant, renew, or extend a franchise;
- I. Adopt modify, or repeal the comprehensive plan, land use and subdivision regulations building and housing codes, and the official map;
- J. Approve the transfer of a power to a first or second-class borough;
- K. Provide for the retention or sale of tax-foreclosed property;
- L. Regulate the rate charged by a public utility;
- M. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS.36.25.025.

**Section 01.03.030. Ordinance procedure.**

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A proposed ordinance is introduced in writing by the Mayor or other councilmember, or by a committee of councilmembers, at any lawful council meeting. After the ordinance is introduced, the council shall vote on whether to set the time and date for a public hearing on the ordinance. If there are at least four votes in favor of setting a public hearing, the draft ordinance shall be assigned a reference number by the Mayor and the council shall publish a summary of the proposed ordinance and notice setting out the time and place for the public hearing on the proposed ordinance. The public hearing on the proposed ordinance shall follow the date the notice was published by at least, five days. The public hearing may be held at any lawful council meeting.

At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. During the public hearing the council shall hear all interested persons wishing to be heard. After the hearing, the council shall

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consider the proposed ordinance and may adopt it with or without amendment. The council shall type or print and make available copies of the adopted ordinance.

If a proposed ordinance is amended by the council after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly introduced proposed ordinance.

**Section 01.03.040. Ordinance form and content.**

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

- A. The heading: "City of False Pass, Alaska";
- B. The "Ordinance Number " "
- C. The title, which summarizes the ordinance's provisions and includes any penalties imposed;
- D. The enacting clause, which shall read:
- E. "BE IT ENACTED BY THE COUNCIL OF THE CITY OF FALSE PASS, ALASKA:";
- F. The provisions of the ordinance;
- G. The dates of introduction, first reading, and public hearing;
- H. The date of adoption;
- I. Space for the signature of the mayor; and
- J. Space for the clerk's signature attesting to the signature of the mayor.

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

**Section 01.03.050. Amendments to Code; effect of new ordinances; amendatory language.**

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All ordinances passed subsequent to this code, which -amend; repeal or in any way affect this code, shall be numbered according to the numbering system of this code and be printed for inclusion herein; In the case of chapters, sections and subsections or any part thereof repealed by subsequent ordinances, such repealed portions shall be excluded from the code by omission from reprinted pages affected thereby.

Amendments to any of the provisions of this code shall be made by specific reference to the section number of this code in substantially the following language: "Title \_\_ , Chapter \_\_\_\_, Section \_\_\_\_, of the Code of Ordinances of the City of False Pass, Alaska is hereby amended to read as follows: ". The new chapter or section shall than be set out in full as desired.

If a new Chapter or Section not heretofore existing in the code is to be added the following language shall be used: "The Code of Ordinances of the City of False Pass, Alaska is hereby amended' by addition of a chapter or section, to be numbered, which chapter or section reads as follows: ". The new chapter or section shall then be set out in full as desired.

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

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**Section 01.03.060. Supplements or revisions to the Code of Ordinances of the City of False Pass.**

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The Code of Ordinances of the City of False Pass shall be supplemented at regular intervals or if the council deems that supplementation of the code is unnecessary; the code shall be revised and printed every five years.

**Section 01.03.070. Emergency ordinances.**

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To meet public emergencies the council may adopt emergency ordinances effective on adoption. Each emergency ordinance shall contain a finding by the council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The council must type or print and make available copies of adopted emergency ordinances.

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. An emergency ordinance is effective for 60 days.

**Section 01.03.080. Ordinances confined to single subject.**

---

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

**Section 01.03.090. Requirements for passage.**

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

If the ordinance is submitted at a city election when state law requires, then after the election favoring the ordinance has been certified by the council, the ordinance may be adopted.

**Section 01.03.100. Signature.**

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Each ordinance shall be signed by the mayor upon its adoption and attested by the clerk.

**Section 01.03.110. Ordinance File.**

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

**Section 01.03.120. Repeal shall not revise any ordinance.**

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

**Section 01.03.130. Formal acts by resolution.**

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Formal acts by the council not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution.

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A resolution shall have:

- A. The heading "City of False Pass, Alaska"
- B. The space for a number to be assigned "Resolution No."
- C. A short and concise title descriptive of the resolution's subject and purpose;
- D. Short premises or WHEREAS clauses descriptive of the reasons for the resolution, if necessary;
- E. The resolving clause "Be it Resolved";
- F. The date of adoption;
- G. Space for the signature of the Mayor;
- H. Space for the clerk's signature attesting to the signature of the Mayor.

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

Resolutions shall not be included in the code, but shall be kept in a separate permanent file by the city clerk and shall be available for public inspection.

The form appearing at the end of this chapter illustrates the form set out and is suggested for use by council members.

**Section 01.03.140. Procedures for resolutions.**

---

Every resolution shall be introduced in writing and shall be read aloud before any vote for passage is taken.

On any vote to pass a resolution, all interested persons shall be given an opportunity to be heard. After such hearing, the council may finally pass such resolution with or without amendments. After adoption, every resolution shall be posted in full on the city bulletin board and in such other places as the council may direct. Every resolution, unless it shall specify a later date, shall become effective upon adoption. If the resolution is submitted at a city election When State law requires then "after the election favoring the resolution has been certified by the council, the resolution may be adopted.

**Section 01.03.150. Requirements for passage of resolutions.**

---

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

**Section 01.03.160. Rules and regulations.**

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Any rule or regulation made by an administrative officer or board or commission shall be posted for ten (10) days in three public places following its approval by the council.

**Section 01.03.170. Codes of regulations.**

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The council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of 15 days before adoption of an ordinance under this section at least five copies of the code of regulations shall be made available for public inspection at a time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The

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council shall provide for an adopted code of regulations to be made available to the public at no more than cost.

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**CHAPTER 4  
PUBLIC RECORDS**

Section 01.04.010 Definitions.

Section 01.04.020. Ownership and custody of records;

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Section 01.04.060. Retention and disposal.

**Section 01.04.070. City records related to litigation.**

**Section 01.04.080 Request for city records- Response by  
city agency.**

**Section 01.04.085 Fees for city record requests.**

## City of False Pass

### **Section 01.04.010 Definitions.**

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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.

**“Confidential information” means information whose disclosure is restricted by a city, state or federal statute, ordinance, regulation, rule, or judicial decision.**

**“Litigation” or “involved in litigation” means a party to litigation or representing a party to litigation, including obtaining city records for the party.**

**“Requester” means a person who requests to inspect or obtain a copy of a City record.**

### **Section 01.04.020. 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 and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of this chapter or as otherwise provided by law.
- B. City records, or copies of city records, which have been certified by the clerk, shall be prima facie evidence of their contents.

### **Section 01.04.025. Policy of the City.**

**It is the policy of the City to provide access to city records to serve the interest of the public in being informed about the business and affairs of the City. The purpose of FPMC 01.04.030 through 01.04.060 is to carry out that policy, while avoiding unwarranted invasions of personal privacy and recognizing the public interest in confidentiality in limited areas of city affairs. FPMC 01.04.025 through 01.04.060 shall be construed to require disclosure of all city records except those specifically exempted under FPMC 01.04.045.**

### **Section 01.04.030. Duties of city clerk.**

---

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

The clerk shall:

- A. Compile and maintain an inventory of the public records, including those in the custody of other city officials and employees, those which have been placed in storage or destroyed, and those which are confidential;
- B. Establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving, and refilling records which are temporarily removed from the permanent files for use by the clerk, other city officials or employees, or members of

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the public,

- C. Develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or as provided by AS 40.21.090, and for the destruction of records pursuant to Section 060 of this Chapter, while protecting the confidentiality of those records which are not open to public inspection pursuant to Section 5;
- D. Establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records which are not open to inspection pursuant to Section 050 of this Chapter, and
- E. Secure and maintain at least one copy of ‘the Alaska Statutes and make them available for public inspection

**Section 01.04.040. Public records; Inspection and copying.**

- A. Except as provided in Section 050 of this chapter **or by other provisions of the city, state or federal law,** 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, **and the payment of any fee that is applicable under 01.04.070,** ~~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.
- C. **Nothing in this chapter requires the city to create city records, or to compile, summarize, outline or in any other way create information from existing city records, at the request of a member of the public.**
- D. **The city is not required to produce the city records for inspection, or to copy city records, in the exact form or medium in which they are stored; provided, that any alteration of the form or medium of a city record shall not change the substantive content of the information contained in the city record.**

**Section 01.04.045 Exceptions to inspection and copying of city records.**

**This Chapter shall not be construed to require disclosure of the following records:**

- A. **Personnel, payroll, or medical files which reveal the financial or medical status of any specific individual, the release of which would constitute an unwarranted invasion of privacy;**
- B. **Records of vital statistics and adoption proceedings;**
- C. **Records pertaining to juveniles;**
- D. **Medical and related public health records;**
- E. **Records required to be kept confidential by federal law or regulation or by state law;**
- F. **Records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information (a) could reasonably be expected to interfere with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness, (c) could reasonably be expected to disclose the identify**

City of False Pass

- of a confidential source, (e) would disclose confidential techniques and procedures for law enforcement investigations or prosecutions, (f) would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law, or (g) could reasonably be expected to endanger the life or physical safety of an individual;
- G. Records held by the City pertaining to any client, customer, or subscriber, the release of which would constitute an unwarranted invasion of privacy of that person or entity;
- H. Records of engineering, marketing, accounting, or other technical or financial data, which, if released, would provide a competitive advantage to any other persons or business engaged in similar or related activities;
- I. Proprietary information which a manufacturer, consultant, or provider reasonably expects to be kept privileged or confidential to protect the property interests of persons providing the information or data;
- J. Communications between any agency and the City Attorney which contain legal questions concerning potential, pending, or actual litigation, however this subsection does not protect from disclosure documents which were public records prior to the commencement of the litigation, and public records which are otherwise subject to disclosure may not be protected from disclosure by mere submission to the City Attorney. Any documents marked "Confidential" which are submitted to the agency by the City Attorney shall be produced only if the City Attorney so authorizes;
- K. Communications between the City and any insurance carrier discussing potential, threatened, or pending claims against the City;
- L. The names of persons who have reported violations of the City's building, zoning, environmental health, tax, or other ordinances to the City. The substance of zoning complaints shall be public information, but the names of reporters shall be disclosed only if necessary to the fair and just disposition of the complaint in an enforcement proceeding;
- M. Information which municipal governments engaged in collective bargaining regularly consider to be privileged or confidential for the purpose of successful collective bargaining; and
- N. City personnel records to the extent that the release of such records would constitute an unwarranted invasion of privacy of the person.

**Section 01.04.050. Confidential records.**

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.

The following city records are confidential:

- A. Records of vital statistics and adoption proceedings, which shall be treated in the manner required by A.S. 18.50;
- B. Records pertaining to juveniles;
- C. Medical and related public health records;
- D. Personnel records
- E. Other records required by federal or state law or regulation or by ordinance to be kept confidential.

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**Section 01.04.060. Retention and disposal.**

- A. All city records shall be retained or disposed of according to the State of Alaska's Local Government Model General Administrative Records Retention Schedule.
- ~~B. 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 and refer to the State of Alaska's Local Government Model General Administrative Records Retention Schedule, 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~~
- C. 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.
- 
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**Section 01.04.070 City records related to litigation.**

**A city record that is subject to disclosure and copying under this chapter remains a city record subject to disclosure and copying even if the record is used for, included in, or relevant to litigation, including law enforcement proceedings involving a city agency, except that, with respect to a person involved in litigation, the records sought shall be disclosed in accordance with the rules of procedure applicable in a court or an administrative adjudication.**

**Section 01.04.080 Request for city records- response by city agency.**

- A. **A requester shall submit a written request to inspect or obtain a copy of a city record to the city agency that is the custodian of the city record. Where required under FPMC 01.04.085, the request shall be accompanied by the applicable fee.**
- B. **A city agency that receives a request to inspect or provide a copy of a city record shall respond as follows:**
1. **If the city record is subject to inspection under this chapter and is readily available, the city agency may permit the requester to inspect the city record, and provide the requester with a copy of the city record, at the time the request is made.**
  2. **If the requested city record is subject to inspection under this chapter but either the city record is not immediately available, or staff resources**

## City of False Pass

of the city agency are not sufficient to respond to the request when it is made, the city agency shall provide the city record for inspection or provide a copy of the record as requested within 14 business days after receiving the request.

3. If the city agency must determine whether the city record is subject to inspection under this chapter, within 14 business days after receiving the request, the city agency shall make that determination, and at that time either:
    - a. Provide the city record for inspection or provide a copy of the record as requested; or
    - b. State in writing that the city record is not subject to inspection, including a citation to the provision of city, state or federal law that authorizes or requires the withholding of the city record from inspection.
- C. The city agency may extend the initial 14-business-day period established under subsection B of this section for a period not to exceed 14 additional days by providing notice to the requester within the initial 14-business-day period. The notice must state the reason for the extension and the date by which the city agency expects to be able to furnish the requested record or to issue a determination that the record is not subject to disclosure,

### Section 01.04.085 Fees for city record requests.

- A. The mayor from time to time shall establish the standard unit cost of copying city records under this chapter. The fee for copying of a city record may not exceed the standard unit cost. Please refer to the Charges for Services and Copies list at end of this chapter.
- B. If the city personnel time required to produce city records for one requester in a calendar month exceeds five person-hours, the requester shall pay the city agency for the personnel costs required during the month to complete the search and copying tasks. The personnel costs may not exceed the actual salary and benefit costs for the personnel time required to perform the search and copying tasks. The requester shall pay a deposit to the city agency before the search is performed and shall pay the fee in full before the records are disclosed.

**CITY OF FALSE PASS ALASKA  
MUNICIPAL CODE 2013**

**TITLE 2  
ADMINISTRATION**

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<b>CHAPTER 5</b> .....	<b>CITY COUNCIL</b>
<b>CHAPTER 6</b> .....	<b>MAYOR</b>
<b>CHAPTER 7</b> .....	<b>COUNCIL MEETINGS</b>
<b>CHAPTER 8</b> .....	<b>COUNCIL PROCEDURES</b>
<b>CHAPTER 9</b> .....	<b>CITY CLERK</b>
<b>CHAPTER 10</b> .....	<b>(RESERVED)</b>
<b>CHAPTER 11</b> .....	<b>CITY ATTORNEY</b>
<b>CHAPTER 12</b> .....	<b>CITY TREASURER</b>
<b>CHAPTER 13</b> .....	<b>(RESERVED)</b>
<b>CHAPTER 14</b> .....	<b>(RESERVED)</b>
<b>CHAPTER 15</b> .....	<b>(RESERVED)</b>

**City of False Pass**

**TITLE 2  
ADMINISTRATION**

**CHAPTER 5  
CITY COUNCIL**

- Section 02.05.010. City council; composition.
- Section 02.05.020. Qualification of council members.
- Section 02.05.030. Election of council members: terms.
- Section 02.05.040. Oath of office.
- Section 02.05.050. Compensation of council members.
- Section 02.05.060. Conflicts of interest.
- Section 02.05.070. Vacancies.
- Section 02.05.080. Recall.
- Section 02.05.090. Filling a vacancy.

## City of False Pass

### **Section 02.05.010. City council; composition.**

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

### **Section 02.05.020. Qualification of council members.**

---

Council members shall be qualified city voters. Candidates for council shall have resided in the city for six months preceding the date of election or appointment.

Council seats are designated and terms expire as follows:

Seat A - term expires in 1997, then 2000, 2003, etc.

Seat B - term expires in 1997, then 2000, 2003, etc.

Seat C - term expires in 1997, then 2000, 2003, etc.

Seat D - term expires in 1998, then 2001, 2004, etc.

Seat E - term expires in 1998, then 2001, 2004, etc.

Seat F - term expires in 1999, then 2002, 2005, etc.

Seat G - term expires in 1999, then 2002, 2005, etc.

A council member who ceases to be a voter in the city immediately forfeits office.

### **Section 02.05.030. Election of council members: terms.**

---

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

### **Section 02.05.040. Oath of office.**

---

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

“I do solemnly swear (or affirm) that I will support

the Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances of the city of False Pass, Alaska, and that I will honestly, faithfully and impartially discharge my duties as to the best of my ability.”

The oath is filed with the city clerk.

### **Section 02.05.050. Compensation of council members.**

---

Subject to the availability of funds in the city's budget, council members shall be paid for serving on the council in the amount of \$200 per regular or special meeting. Payment will be made within five working days, when it is a matter of public record in the roll call and minutes of any meeting, that the council member was present. Per Diem payments or reimbursements for expenses are not compensation under this section.

### **Section 02.05.060. Conflicts of interest.**

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- A. If a council member has a substantial financial interest in an official action. The council member shall declare that interest and ask to be excused from a vote on the matter.
- B. City officials of the City of False Pass are exempt from the requirements as AS 39.50, which require filing a statement of income sources and business interest. The voters at the election held October 6, 1998 voted to -approve the ordinance exempting the city.

## City of False Pass

### **Section 02.05.070. Vacancies.**

---

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

- A. Fails to qualify or take office within thirty days after his election or appointment;
- B. Is physically absent from the city for ninety consecutive days unless excused by the council;
- C. Resigns and his resignation are accepted;
- D. Is physically or mentally unable to perform the duties of his office as determined by two-thirds vote of the council;
- E. Is convicted of a felony or an offense involving a violation of the oath of office;
- F. Is convicted of a felony or misdemeanor described in A.S. 15.56 and two-thirds of the members of the council concur in expelling the person elected;
- G. Is convicted of a violation of A.S. 15.13;
- H. No longer physically resides in the city and the council by two-thirds vote declares the seat vacant; or
- I. If a member of the council misses three consecutive regular meetings and is not excused.

### **Section 02.05.080. Recall.**

---

- A. An official who elected or appointed to an elective city office, may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.
- B. Grounds for recall are “misconduct in office, incompetence or failure to perform prescribed duties.
- C. Procedures to be followed for a recall petition and election are those set out in Chapter 26 of Title 29.
- D. If a council member is recalled that office is filled in accordance with this Chapter. If all members of the council are recalled, the governor shall appoint three qualified persons to the council. The appointees shall appoint additional members to fill remaining vacancies. A person appointed to the council serves until a successor is elected and takes office.

## City of False Pass

- E. If any official other than a member of the city council is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held no more than 60 days after the date the recall election is certified, except that if a regular election occurs within 75 -days after certification the successor shall be chosen at that election. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

### **Section 02.05.090. Filling a vacancy.**

---

If a vacancy occurs in the city council. The remaining members shall, within 30 days, appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled. Notwithstanding the less than 30 days remaining in a term provision, if the membership of the council is reduced to fewer than the number required to constitute a quorum, the remaining members shall within seven days, appoint a number of qualified persons to constitute a quorum. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

**City of False Pass**

**TITLE 2  
ADMINISTRATION**

**CHAPTER 6  
MAYOR**

- Section 02.06.010 Election and term of mayor.
- Section 02.06.020 Duties of mayor.
- Section 02.06.030 Vice-mayor; presiding officer pro tem.
- Section 02.06.040 Compensation of mayor.
- Section 02.06.050 Oath of office.
- Section 02.06.060 Vacancy in the office of mayor.
- Section 02.06.070 Mayor is ex-officio officer.

## City of False Pass

### **Section 02.06.010 Election and term of mayor.**

---

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

### **Section 02.06.020 Duties of mayor.**

---

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

- A. Appoint suspend or remove city employees and administrative officials as provided in the city's personnel ordinance; Supervise the enforcement of city law and carry out the directives of the council;
- B. Prepare and submit an annual budget and capital improvement program for consideration by the council, and execute the budget and capital improvement program adopted;
- C. Make monthly financial reports and other reports on city finances and operations as required by the council;
- D. Exercise custody over all real and personal property of the city;
- E. Serve as personnel officer, unless the council authorizes the mayor to appoint personnel officer;
- F. Perform such other duties, as required by law or ordinance or lawfully prescribed by the council.

### **Section 02.06.030 Vice-mayor; presiding officer pro tem.**

---

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

### **Section 02.06.040 Compensation of mayor.**

---

Subject to the availability of funds in the city's budget, the mayor of the city shall receive \$1,000 per month as compensation.

### **Section 02.06.050 Oath of office.**

---

The mayor before entering the duties of office shall affirm in writing an oath of office as provided for council members in Chapter 5, Section 040 of this code.  
The oath is filed with the Clerk.

### **Section 02.06.060 Vacancy in the office of mayor.**

---

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

## City of False Pass

1. Fails to qualify or take office within 30 days after election or appointment;
  2. Unless excused by the council, is physically absent from the city for 90 consecutive days;
  3. Resigns and the resignation are accepted;
  4. Is physically or mentally unable to perform the duties of office;
  5. Is convicted of a felony or of an offense involving a violation of the oath of office;
  6. Is convicted of a felony or misdemeanor described in A.S. 15.56;
  7. Is convicted of a violation of A.S. 15.13;
  8. No longer physically resides in the city; or
  9. Misses three consecutive regular council meetings and is not excused;
- C. A vacancy in the office of mayor shall be filled by and from the council. A mayor
- D. appointed under this subsection serves the balance of the term to which appointed, except the mayor may serve only while a member of the council.
- E. Recall provisions of Section 080, Chapter 5 of this code apply to the office of mayor.

### **Section 02.06.070 Mayor is ex-officio officer.**

---

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

**City of False Pass**

**TITLE 2  
ADMINISTRATION**

**CHAPTER 7  
COUNCIL MEETINGS**

- Section 02.07.010 Meetings public.
- Section 02.07.020 Quorum.
- Section 02.07.030 Regular council meetings.
- Section 02.07.040 Special meetings.
- Section 02.07.050 Notice.
- Section 02.07.060 Executive Session.
- Section 02.07.070 Public Participation.

## City of False Pass

### **Section 02.07.010 Meetings public.**

---

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

### **Section 02.07.020 Quorum.**

---

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

### **Section 02.07.030 Regular council meetings.**

---

All regular meetings of the council shall be held on the third Tuesday of each month, excluding June, July, and August.

The usual place of council meetings shall be at the False Pass City Office provided, however, that in the event of any condition, which renders the meeting, place unfit to conduct any regular meeting of the council, the meeting may be moved.

### **Section 02.07.040 Special meetings.**

---

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

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

### **Section 02.07.050 Notice.**

---

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

## City of False Pass

### **Section 02.07.060 Executive Session.**

---

All meetings of the council are public meetings. However in cases where excepted subjects are to be discussed at a council meeting the council may consider holding an executive session. The meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are excepted subject shall be determined by a majority vote of the council. This vote shall be a recorded roll call vote. If the vote to hold an executive session is affirmative the public will be asked to leave the meeting hall until the executive session is concluded or the council shall withdraw to a private area of the hall to hold the executive session. The public shall be given notice of the excepted subject to be discussed, the amount of time the council expects to spend in executive session and the expected time of reconvening of the public meeting. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session. Upon conclusion of the executive session the public meeting will be reconvened. During the public meeting action may be taken on the excepted subjects discussed at the executive session. Excepted subjects, which may be discussed at an executive session, are:

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

### **Section 02.07.070 Public Participation.**

---

In order to allow community members an opportunity to inform the council of their opinions of agenda items before council action is taken, members of the public may address the council during the Public Participation or Public Hearing portions of the agenda. After respectfully addressing and being recognized by the mayor or presiding officer, public participants shall confine their comments to the items on the agenda or the subject of the public hearing, and shall not refer to council members or other members of the public except in a respectful manner. A reasonable time limit may be imposed by the mayor or presiding officer, which can be extended upon the request of any council member present. Comments to the council will not include a dialog with council members, however at the end of each presentation, questions may be asked by council members to clarify the presenter's position.

Members of the public wishing to address the council on a subject not on an agenda may make an Appearance Request to the city clerk at least two business days before a council meeting, stating the nature of the business. The request will be placed on the agenda for the next meeting at which time the council will consider whether to have the business included on a future meeting's agenda under New Business.

**City of False Pass**

**TITLE 2  
ADMINISTRATION**

**CHAPTER 8  
COUNCIL PROCEDURES**

- Section 02.08.010 Mayor; the presiding officer at council meetings.
- Section 02.08.020 Meetings; order of business.
- Section 02.08.030 Minutes.
- Section 02.08.040 council rules; speaking; rules of conduct.
- Section 02.08.050 Motions; second required.
- Section 02.08.060 Motions; disposition; withdrawal.
- Section 02.08.070 Motions; reduction to writing.
- Section 02.08.080 Motions; rescinding vote.
- Section 02.08.090 Voting; quorum.
- Section 02.08.100 Duties of the clerk at council meetings.

## City of False Pass

### **Section 02.08.010 Mayor; the presiding officer at council meetings.**

---

The mayor shall preside at all meetings of the council; the mayor shall preserve order among the council members and is responsible for conduct of all meetings according to the rules of the council. He may at any time make such rules, as the mayor considers proper to preserve order among the attending public in the city council room during sessions of the council. The vice-mayor shall preside in the absence of the mayor.

In the temporary absence or disability of the mayor and vice mayor, any member of the city council may call the council to order at any duly called meeting to elect a presiding officer pro tem from among its number. The presiding officer pro tem shall exercise all the powers of mayor and may also vote.

### **Section 02.08.020 Meetings; order of business.**

---

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

- A. Call to order.
- B. Roll call.
- C. Consent Agenda
- D. Approval of Agenda.
- E. Minutes of previous meetings.
- F. Reports.
- G. Communications and appearance requests.
- H. Hearings, ordinances and resolutions.
- I. Bids.
- J. Old business.
- K. New business.
- L. Public participation.
- M. Council comments.
- N. Adjournment.

### **Section 02.08.030 Minutes.**

---

Minutes of all regular and special meetings shall be taken. All minutes shall be kept in the journal of the proceedings of the council. The minutes are public records and are to be made available to anyone upon request. The cost of copying may be charged. Minutes shall be posted, as soon as typewritten, at a public place.

### **Section 02.08.040 council rules; speaking; rules of conduct.**

---

A council member about to speak shall respectfully address the mayor or the presiding officer, and shall not commence to speak until recognized by the mayor or presiding officer. When two or more members request to speak at the same time, the mayor or presiding officer shall determine which one is recognized.

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

## City of False Pass

### **Section 02.08.050 Motions; second required.**

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

### **Section 02.08.060 Motions; disposition; withdrawal.**

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

### **Section 02.08.070 Motions; reduction to writing.**

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

### **Section 02.08.080 Motions; rescinding vote.**

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

### **Section 02.08.090 Voting; quorum.**

---

Four council members constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.

All council members present shall vote on every question, unless required to abstain from voting on a question by law. The final vote on each ordinance resolution or substantive motion shall be recorded "yes" or "no" except that if the vote is unanimous it may be so recorded. The mayor or presiding officer shall declare the result of all votes.

### **Section 02.08.100 Duties of the clerk at council meetings.**

---

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

**City of False Pass**

**TITLE 2  
ADMINISTRATION**

**CHAPTER 9  
CITY CLERK**

- Section 02.09.010. Appointment; term.
- Section 02.09.020. City clerk.
- Section 02.09.030. Additional duties of the clerk.
- Section 02.09.040. Acting clerk.
- Section 02.09.050. Clerk's pay.

## City of False Pass

### **Section 02.09.010. Appointment; term.**

---

The city clerk shall be appointed by the council. He/she shall hold office at the pleasure of the council.

### **Section 02.09.020. City clerk.**

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The city Clerk shall:

- A. Give notice of the time and place of council meetings to the council and to
- B. the public;
- C. Attend council meetings and keep the journal;
- D. Arrange publication of notices,
- E. Ordinances and resolutions;
- F. Maintain and make available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations and codes;
- G. Attest deeds and other documents; and
- H. Perform other duties specified in the Alaska Statutes or prescribed in this code or by the mayor or by the council.

The council may combine the office of clerk with that of the treasurer.

### **Section 02.09.030. Additional duties of the clerk.**

---

- A. The city clerk shall record and certify all actions of the council;
- B. Shall have the power to administer all oaths required by law;
- C. Shall be custodian of the city seal and the official records of the city;
- D. Shall give to the proper officials ample notice of the expiration or termination of any terms of office and when necessary, conditions or requirements of all bonds, franchises, contracts or agreements; and
- E. Shall be the city election supervisor and shall be responsible for the calling and supervision of all city elections.

### **Section 02.09.040. Acting clerk.**

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

### **Section 02.09.050. Clerk's pay.**

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

**City of False Pass**

**TITLE 2  
ADMINISTRATION**

**CHAPTER 10  
(RESERVED)**

**City of False Pass**

**TITLE 2  
ADMINISTRATION**

**CHAPTER 11  
CITY ATTORNEY**

Section 02.11.010. City attorney.

Section 02.11.020. Duties.

Section 02.11.030. Pay.

## City of False Pass

### **Section 02.11.010. City attorney.**

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There may be a city attorney who shall be appointed by the council. He/she shall hold office at the pleasure of the council.

### **Section 02.11.020. Duties.**

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The city attorney may:

- A. Be charged with the performance of all legal services of the city, including those of legal advisor to the council, the mayor, and to all departments and offices of the city;
- B. Represent the city in all matters, civil and criminal, in which the city is interested;
- C. Draft any ordinance when required by the city council or mayor;
- D. Attend meetings of the city council;
- E. Report to the city council promptly all suits brought against the city;
- F. Call to the attention of the city council and the mayor all matters of law affecting the city;
- G. Render all opinions in writing, as far as is practicable;
- H. Maintain a record of all opinions rendered and turn such record over to his successor in office; and
- I. Perform such other duties as the mayor or council may require.

### **Section 02.11.030. Pay.**

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The council shall determine the pay of the city attorney.

**City of False Pass**

**TITLE 2  
ADMINISTRATION**

**CHAPTER 12  
CITY TREASURER**

Section 02.12.010. Appointment.

Section 02.12.020. Duties.

Section 02.12.030. Pay.

## City of False Pass

### **Section 02.12.010. Appointment.**

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The treasurer shall be appointed by the council. He/she shall hold office at the pleasure of the council. The council may combine the office of clerk with that of the treasurer.

### **Section 02.12.020. Duties.**

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The treasurer shall:

- A. Except as provided in Title 14 be the custodian of all city funds and Property;
- B. Keep an itemized account of money received and disbursed;
- C. Pay money and vouchers drawn against appropriations;
- D. Assist the mayor in preparing the annual budget of the city;
- E. Prepare and submit to the mayor and council such financial reports and other data as may be required or requested;
- F. Prescribe and implement those procedures necessary to protect city funds and property;
- G. Be responsible for filing state and federal applications for shared revenue programs;
- H. Perform other duties specified by State law or city ordinances or assigned by the mayor or the council; and
- I. Give bond to the city in a sum that the council directs. Premiums for any such bond shall be paid by the city.

### **Section 02.12.030. Pay.**

---

The council shall determine the pay of the treasurer.

**City of False Pass**

**TITLE 2  
ADMINISTRATION**

**CHAPTER 13  
(RESERVED)**

**CHAPTER 14  
(RESERVED)**

**CHAPTER 15  
(RESERVED)**

**City Of False Pass**

**TITLE 3  
REVENUE AND FINANCE**

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<b>CHAPTER 16</b> .....	<b>FISCAL PROCEDURES</b>
<b>CHAPTER 17</b> .....	<b>BUDGET</b>
<b>CHAPTER 18</b> .....	<b>AUDIT</b>
<b>CHAPTER 19</b> .....	<b>SALES TAX</b>
<b>CHAPTER 20</b> .....	<b>CONTRACTS AND BONDS</b>
<b>CHAPTER 21</b> .....	<b>TRANSIENT BED TAX</b>
<b>CHAPTER 22</b> .....	<b>(RESERVED)</b>

**City Of False Pass**

**TITLE 3  
REVENUE AND FINANCE**

**CHAPTER 16  
FISCAL PROCEDURES**

- Section 03.16.010. Fiscal year.
- Section 03.16.020. Ordinance required.
- Section 03.16.030. Treasurer.
- Section 03.16.040. Checking and savings accounts.
- Section 03.16.050. Responsibilities of officers.
- Section 03.16.060. Insufficient funds in book account.
- Section 03.16.070. Account receivable – interest.

## City Of False Pass

### **Section 03.16.010. Fiscal year.**

---

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

### **Section 03.16.020. Ordinance required.**

---

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

### **Section 03.16.030. Treasurer.**

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The council may combine the office of city clerk with that of the treasurer. The treasurer shall be responsible for collection, custody and disbursement of all city money.

### **Section 03.16.040. Checking and savings accounts.**

---

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

### **Section 03.16.050. Responsibilities of officers.**

---

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

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

## City Of False Pass

### **Section 03.16.060. Insufficient funds in book account.**

---

No city checks may be written at any time when funds are insufficient. Willful violation of this provision and conviction thereof shall result in a fine of not more than three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority.

### **Section 03.16.070. Account receivable – interest.**

---

Any obligations, debts or outstanding monies owed to the city that are not paid by the due date, or if no due date, not paid by 30 days of being incurred, shall accrue interest of 0.875% per month (10.5% per year) on unpaid balance.

Any delinquent obligations, debts or outstanding monies due to the city upon which payment are being made on a monthly basis pursuant to a city- approved payment plan and upon which all new charges are kept current will not be subject to further interest charges. If the monthly minimum payments required by the payment plan is not paid on a timely basis, the 0.875% per month interest charge will be retroactively assessed to the delinquent account or debt as of the date interest charges were suspended.

**City Of False Pass**

**TITLE 3  
REVENUE AND FINANCE**

**CHAPTER 17  
BUDGET**

- Section 03.17.010. Preparation of the budget.
- Section 03.17.020. Scope of budget.
- Section 03.17.030. Budget adopted as ordinance.
- Section 03.17.040. Public hearing on budget.
- Section 03.17.050. Further consideration of budget.
- Section 03.17.060. Adoption of budget, vote required.
- Section 03.17.070. Effective date of budget; certification.
- Section 03.17.080. Budget public record.
- Section 03.17.090. Amendment of the budget.

## City Of False Pass

### **Section 03.17.010. Preparation of the budget.**

---

The city clerk and treasurer with assistance of the bookkeeper shall prepare the budget under direction of the mayor. Budget preparation should begin by April 1.

### **Section 03.17.020. Scope of budget.**

---

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

### **Section 03.17.030. Budget adopted as ordinance.**

---

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

### **Section 03.17.040. Public hearing on budget.**

---

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

### **Section 03.17.050. Further consideration of budget.**

---

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

### **Section 03.17.060. Adoption of budget, vote required.**

---

A majority vote of the council, preferably by May 1, but no later than June 15 shall adopt the budget.

### **Section 03.17.070. Effective date of budget; certification.**

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

### **Section 03.17.080. Budget public record.**

---

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

## City Of False Pass

### **Section 03.17.090. Amendment of the budget.**

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

**City Of False Pass**

**TITLE 3  
REVENUE AND FINANCE**

**CHAPTER 18  
AUDIT**

Section 03.18.010. Conformity to generally accepted accounting principles.

Section 03.18.020. Compliance with audit requirements.

## City Of False Pass

### **Section 03.18.010. Conformity to generally accepted accounting principles.**

---

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

### **Section 03.18.020. Compliance with audit requirements.**

---

The city shall comply with the requirements of the federal and state "Single Audit Acts".

**City Of False Pass**

**TITLE 3  
REVENUE AND FINANCE**

**CHAPTER 19  
SALES TAX**

- Section 03.19.010. Sales tax.
- Section 03.19.020. Definitions.
- Section 03.19.030. Duties of seller and buyer.
- Section 03.19.040. Sale or transfer of business, final return.
- Section 03.19.050. Exemptions.
- Section 03.19.060. Method of deposit.
- Section 03.19.070. Confidential material.
- Section 03.19.080. Installment sale.
- Section 03.19.090. Mayor's powers RE: Rulings and regulations.
- Section 03.19.100. Certification of registration as tax collectors.
- Section 03.19.110. Tax schedule.
- Section 03.19.120. Protest of tax by taxpayer.
- Section 03.19.130. Protest of tax by collector.
- Section 03.19.140. Duty to keep books.
- Section 03.19.150. Use tax levied.
- Section 03.19.160. Omissions, requirements and civil penalties.
- Section 03.19.170. Lien.
- Section 03.19.180. Accelerated returns.
- Section 03.19.190. Extensions

## City Of False Pass

### **Section 03.19.010. Sales tax.**

---

There is levied a 3% tax on sales made and services rendered in the City of False Pass which shall be paid by the buyer and collected by the seller or the person, firm, or corporation performing the service except in the case of raw seafood products the tax shall be 2% and paid by the seller and collected by the buyer. The tax shall be computed on the gross sales price, except that salaries or wages received by an employee from an employer are exempt from the provisions of this ordinance.

### **Section 03.19.020. Definitions.**

---

When not clearly indicated by the context, the following words and phrases, as used in this chapter, have the following meaning:

- A. "Sale" shall include:
1. Every sale of services;
  2. Every sale "of tangible personal property not exempt under this chapter;
  3. Every sale or-exchange of services, use or title in property. Installment credit and conditional sales are included in the term;
  4. Every sale of raw seafood products including an event that occurs when a person within the city becomes directly or indirectly obligated for the raw seafood products without regard to whether delivery of the raw seafood products occurred inside or outside the city if the raw seafood products are purchased for delivery or are delivered to a location inside the city. The place of the sale is the business location of the buyer inside the city. A sale in the city occurs if the raw seafood products are purchased by a buyer with a business location inside the city and delivered to the buyer inside the city even if transported outside the city prior to delivery to the buyer's location inside the city.
- B. "Sales price" means consideration paid by the buyer in terms of money and, in the case of a sale involving an exchange of property, the fair market value of the property exchanged, including delivery or installation costs, taxes, or any other expenses whatsoever, measured by the gross sales of the seller. In the case of raw seafood products, sale price includes any indirect considerations such as fuel or supplies furnished by the processor or offsets to the cash value for gear furnished.
- C. "Buyer" includes persons who are purchasers of personal property or services.
- D. "Seller" includes persons or firms who are vendors of property, suppliers of services, and all persons making sales, including sales by coin operated vending machines of goods and/or services, including amusement machines.
- E. "Services" includes all services of every manner and description, which are performed or furnished for compensation, except services rendered to an employer by an employee, including but not limited to:
1. Professional services;
  2. Services rendered for compensation by any person who furnishes any such services in the course of his business or occupation;
  3. Services wherein labor and materials are used to accomplish a specified result;
  4. Any other services.

## City Of False Pass

- F. "Raw seafood products" or "raw fish products" includes all raw seafood products including, but not limited to, clams, crab, shrimp, and other shellfish, salmon, herring, bottom fish and salmon roe.
- G. "City" means the City of False Pass.
- H. "Person" means individuals and every person recognized in law and every group of persons who act as a unit.
- I. "Mayor" means the mayor of the City of False Pass, or his designee.
- J. "Collector" means all persons who are required to collect the tax levied under this chapter, whether a buyer of raw seafood products or a seller as defined in this section.
- K. "Taxpayer" means all persons who are required to pay the tax levied by this chapter, whether a seller of raw seafood products or a buyer as defined in this section.

### **Section 03.19.030. Duties of seller and buyer.**

---

Within thirty (30) days of notification by the city all businesses operating within the city shall register with the office of the city clerk and obtain the required reporting forms.

- A. Transient businesses not permanently located within the City of False Pass who intends to sell goods or services within the city must register with the city clerk within 24 hours of arrival. These businesses must (comply with the provisions set out in this ordinance for the duration of their business activity. Failure to comply with this section will result in misdemeanor charges as provided in this Chapter.
- B. The tax levied hereunder shall be paid by the buyer or consumer to the seller, and it shall be the duty of each seller to collect from the buyer or consumer the full amount of the tax
- C. payable at the time of sale or provision of the service (or at the time of collection with respect to credit transactions)
- D. In the case of raw seafood products, the tax is levied on and shall be paid by the seller. It is the responsibility of the buyer of the raw seafood product to collect and remit the tax. Sellers, or in the case of raw seafood products buyers, shall add the tax to the sales price or service charge at a straight two percent (2%), and such tax shall be a debt until paid, and shall be recoverable at law in the same manner as other debts. Providers of services shall be considered sellers for the purpose of this Ordinance.
- E. Sellers, or in the case of raw seafood products buyers, shall add the tax to the sales price or service charge at a straight three percent (3%) **(or in the case of raw seafood products, 2%)** and such tax shall be a debt until paid, and shall be recoverable at law in the same manner as other debts. Providers of services shall be considered sellers for the purpose of this ordinance.
- F. Except for operators of coin-operated vending machines, a seller may not advertise or state to the public or any buyer, directly or indirectly, that the tax or any part thereof imposed by this chapter will be assumed or absorbed by the seller or that it will not be added to the sales price or that it will refunded, in whole or in part. The collector shall, whenever feasible, separately state the tax to the taxpayer in each taxable transaction. When not feasible to state separately, the collector shall prominently display a sign provided by the city indicating the imposition of the tax.

## City Of False Pass

- G. Operators of coin operated vending machines shall prominently display a sign provided by the city indicating the imposition of the tax, and will file returns and remit tax at a flat three percent (3%) of the gross sales for that reporting period. Any person or firm who willfully or intentionally fails neglects or refuses to pay the required tax shall be guilty of a misdemeanor, and on conviction thereof shall be punished in the manner hereinafter provided.

### **Section 03.19.040. Sale or transfer of business, final return.**

---

If any buyer of raw seafood products or any seller or other person required to collect a tax under this chapter sells, leases or in any other manner disposes of the business or if the business is transferred voluntarily or involuntarily, the person selling, leasing or otherwise transferring the business shall make or otherwise deliver to the city within fifteen days of the date of the transaction a final sales tax return. The purchaser, lessee or transferee shall withhold a sufficient portion of the purchase or lease money to cover the amount of the tax required to be collected under this chapter, along with such penalties and interest as may be due until the former owner has produced a receipt from the city showing that all tax obligations imposed by this chapter have been paid through the date of transfer. The purchaser, lessee or transferee of a business required to collect the tax under this chapter shall be liable for all taxes required to have been collected by the former owner but not paid over to the city and shall be liable for all penalties and interest on such unpaid taxes and on late or unfiled returns.

### **Section 03.19.050. Exemptions.**

---

- A. The following shall be exempt from a sales and use tax imposed by the city:
1. Casual and isolated sales not made in the regular Course of business;
  2. Sales of insurance and bonds of guaranty and fidelity;
  3. Gross receipts or proceeds derived from funeral charges and services;
  4. Rentals and leases of residential housing units;
  5. Gross receipts of electric and telephone utilities;
  6. Proceeds from sale of food in cafeterias, lunchrooms and restaurants operated primarily as retail food establishments;
  7. Proceeds from sale of goods or services by churches or other religious organizations unless competing with private companies engaged in similar business;
  8. Proceeds from sale of real property; except the amount claimed as commission shall be taxed;
  9. Transportation charges of certified commercial airlines or steamship companies operating in the city limits.
  10. Sales of snow-machines, ATV's, boats, outboard motors, parts and accessories.
  11. Sales of motor vehicles, parts and accessories.
  12. Groceries purchased outside the city for personal consumption, not for resale.

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13. Hospital, medical and dental services performed by licensed practitioners and sales of prescribed medicines, drugs and/or appliances.
  14. Subscriptions to magazines and newspapers.
  15. Sales and services to the United States, the State of Alaska or any political subdivision or agency of either.
- B. Not exempt and not intended to be exempt from a sales and tax imposed by the city are:
1. Sales of raw fish that are processed in facilities located within the city limits of False Pass.
  2. Sales of fuel;
  3. Sales of groceries within the city;
  4. Sales of clothing, medical supplies, household supplies, hand tools, hardware items, and other personal consumption goods within the city;
  5. Fees charged for rooms, meals and other services by motels, hotels, lodges, inns, bed and breakfast establishments, and other transient housing establishments located within the city limits of False Pass.

### **Section 03.19.060. Method of deposit.**

---

All tax revenues collected under the provisions of this ordinance shall, by the city clerk, be deposited in the general fund.

### **Section 03.19.070. Confidential material.**

---

- A. Returns filed with the city for the purpose of complying with the terms of this chapter and all data obtained from such returns are confidential. and shall be kept from inspection by all private persons except as necessary to investigate and prosecute violations of this chapter.
- B. Nothing contained in this section shall be constructed to prohibit the delivery to a person or their duly authorized representative, of a copy of any return or report filed, nor to prohibit the furnishing of information on a reciprocal basis or otherwise, to other agencies of the State, the Aleutians East Borough, or the United States concerned with the enforcement of any tax laws.

### **Section 03.19.080. Installment sale.**

---

When a sale is made on an installment basis, the sales tax shall be collected from the down payment, or if none, from the first installment, or, if the installment or down payment is less than the tax, then from as many installments as is necessary to pay the tax.

### **Section 03.19.090. Mayor's powers RE: Rulings and regulations.**

---

- A. The mayor may take any action necessary or appropriate to implement this chapter by promulgating regulations, which may include the adoption of forms. Such regulations or any procedures adopted by the mayor are effective at the time indicated by him, but are subject to approval by the city council.
- B. Should a taxpayer under this chapter obliged to collect the tax be in doubt as to the

## City Of False Pass

application of this chapter to an actual situation facing the tax payer or about to face the tax payer, the tax payer may apply to the mayor for an informal ruling on this issue. Rulings having general application may, at the direction of the mayor, be promulgated as regulations.

### **Section 03.19.100. Certification of registration as tax collectors.**

---

- A. All collectors shall file with the city an application for a certificate of registration on a form prescribed by the city, not more than ten (10) days after the date of commencing business or the opening of an additional place of business. The application must contain or be accompanied by:
1. The name and address of the applicant.
  2. The location at which the applicant will conduct its business or transactions subject to the tax under this chapter will occur. If the applicant's business is to be conducted from one or more vessels, the name of the vessels and the general location or areas in which each vessel will operate;
  3. If the applicant is a buyer of raw seafood products:
  4. The applicant's Alaska Fisheries Business License number;
  5. A copy of the applicant's most recent Alaska Fisheries Business License Tax filing; and
  6. A copy of the most recent statement provided the State of the amount of fisheries products the person expects to produce during the applicant's license year;
  7. A description and the location of real and personal property owned by the applicant in the city and other information with respect to the description, location and values of the property, which the city may require.
- B. Upon the receipt of a properly executed application, the mayor will issue without charge to the collector, a Certificate of registration, stating the address of the place of business to which it is applicable and the collection of the tax. The certificate must be prominently displayed at the place of business named therein. A seller or raw seafood products buyer who has no regular place of business shall attach the certificate to his stand, truck, or other merchandising device.
- C. The certificate of registration is non-assignable and non-transferable and must be surrendered to the mayor by the collector to whom it was issued upon his ceasing to do business at the location named therein. If the business is continued at the same location but there is any change in the ownership of the business, the certificate shall be surrendered to the mayor for cancellation. The successor in interest is required to file a new application for a certificate of registration. Upon receipt of a properly executed application, the mayor will issue a new certificate to the new owner.
- D. When there is a change of location for the collector's business, a new certificate of registration is required showing the new address.
- E. Before issuing a certificate of registration, the mayor may require the applicant to post a bond, furnish a statement of net worth, or furnish additional security to insure the full and

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prompt payment of taxes to be collected under such certificate when in his judgment it is in the best interest of the city to do so.

- F. A collector who obtains or should obtain a certificate of registration in accordance with this chapter thereby consents to the inspection of his Alaska Fisheries Business Tax returns in order to facilitate the accomplishment of the provisions and objectives of this chapter. Section 11.

### **Section 03.19.110. Tax schedule.**

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Repealed 08-21-2003

### **Section 03.19.120. Protest of tax by taxpayer.**

- A. A collector shall determine whether a sale is taxable under this chapter. If the collector fails to collect the tax due on a transaction because of an incorrect determination of taxability by the collector or for any other reason, the collector becomes liable to the city for the tax in the same manner as if the tax had been collected.
- B. If a taxpayer believes that a transaction is not subject to the tax imposed under this chapter, but the collector has determined the transaction to be subject to the tax, the taxpayer shall pay the tax under protest. A tax is paid under protest by filing with the collector a statement of protest on a form provided by the city. The taxpayer shall clearly set out in the form the terms and conditions of the sale, the amount of the sale, the quantity and type if items or services involved, the location of all parts of the sale, and all other information necessary to support the taxpayer's claim that the tax does not apply. The form shall include the names and mailing addresses of both the collector and the taxpayer and any other party involved in the transaction. If the taxpayer desires to have an oral hearing or to present supplemental statements or briefs, the taxpayer must set out the request on the protest form.
- C. Upon receipt of a written protest, the collector shall forward the protest to the city along with any additional statements the collector believes may assist the city in determining the protest. The written protest must be forwarded to the city as promptly as possible, but no later than thirty (30) days after delivery of the protest to the collector.
- D. If there is a request for hearing or opportunity to submit additional statements or briefs, the mayor shall fix the date for the hearing or submission of additional statements or briefs and inform the taxpayer of such dates. The taxpayer has the burden of proof. The mayor's ruling on the protest must be in writing, and must set forth the reason for the grant or denial of the protest. The ruling will be sent to the mailing addresses of the collector and the taxpayer. The ruling on a protest not requiring a hearing will be made within thirty (30) days of receipt of the protest by the mayor unless the mayor determines a longer period of time is required. If there is a hearing or submission of additional statements or briefs, the mayor shall make a ruling within a reasonable time as determined by the mayor.

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- E. If protest is granted and the city has received the tax from the collector, the mayor shall refund directly to the taxpayer the protested tax amount with interest from the date received by the city. The interest rate shall be the average interest earned by the city on its invested funds as last determined by the city. If the tax has not been received by the city, the collector shall be instructed to refund to the taxpayer the amount collected plus appropriate interest. In the case of a collector who is a buyer of raw seafood products, if the collector has not yet paid for the raw seafood products, the collector shall make such adjustments as necessary to the accounts of the taxpayer to reflect the correct amount of the tax due. The collector and taxpayer may make other arrangements if a mutual agreement is reached as to an alternate procedure.
- F. In the event a protest is denied, the taxpayer has fifteen (15) days from date of mailing of the notice of denial to request reconsideration of the matter. The request shall be accompanied by additional statements or briefs to explain why the denial should be reversed in whole or in part. The decision of the mayor is final and is subject to appeal to the superior court under applicable rules of court.

### **Section 03.19.130. Protest of tax by collector.**

---

- A. If a collector believes that a transaction is not subject to the tax imposed under this chapter or believes that a penalty, interest or other charge is not owed, the collector may protest the tax or charge by paying to the city the tax or charge claimed and filing with the city at the time of payment a statement of protest setting out all relevant facts and clearly explaining why the tax or charge made is not owing. The payment and statement of protest must be received by the city not later than the last business day of the month following the end of the calendar quarter in which the tax was collected; or, if no tax was collected, the later of thirty (30) days from the challenged transaction or the date of notice from the city of tax due; or, if the protest is of a charge, is allowance or similar action by the city, thirty (30) days from the date of notice to the collector of the city determination. Failure to file a statement of protest and to pay the amount claimed by the city within the time permitted under this subsection constitutes a waiver of the right to protest the tax or charge or other city determination under this chapter and is a waiver of the right to appeal the protest to the mayor or to otherwise challenge the tax, charge or other determination in any judicial or other proceeding.
- B. The mayor shall rule on each collector protest within thirty (30) days of receipt of the protest unless the mayor determines a longer period of time is required. The collector has the burden of proof. The mayor may permit or require the collector to provide additional information relevant to the protest. The mayor's ruling on the protest must be in writing, and must set forth the reason for the grant or denial of the protest. The ruling will be sent to the mailing address of the collector.
- C. If a protest is granted, the mayor shall refund to the collector the tax or charge levied that was not subject to the tax under this chapter, with interest from the date received by the city. The interest rate shall be the average interest earned by the city on its invested funds as last determined by the city. The collector shall immediately refund to each taxpayer the amount improperly collected plus appropriate interest apportioned among the taxpayers; provided, if the collector has failed to collect the tax but has paid the tax to the city from its own account, the collector may retain the tax and interest refunded.

## City Of False Pass

- D. In the event a protest is denied, the collector has fifteen (15) days from date of mailing of the notice of denial to request reconsideration of the matter. The request shall be accompanied by additional statements or briefs to explain why the denial should be reversed in whole or in part. The decision of the mayor is final and is subject to appeal to the superior court under applicable rules of court.

### **Section 03.19.140. Duty to keep books.**

---

- A. Every collector subject to this chapter shall keep suitable records of all sales and such other books and accounts as may be necessary to determine the amount of tax, which is, obliged to collect. All such records shall be preserved for a period of three years from the date of return reporting the sales. Also preserved for three years shall be all invoices of goods and merchandise purchased for resale, and all such other books, invoices and records as may be necessary to accurately determine the amount of taxes the collector was obliged to collect under this chapter.
- B. The mayor shall have the power to adopt suitable rules and regulations providing for the application and interpretation of this chapter and for providing methods and forms for reporting and collecting the tax. The mayor is empowered to audit or view state business license returns and any other relevant books, papers, records or memoranda of any collector registered in the city, and may require the presence of any collector or their officers or employees at any required hearing.

### **Section 03.19.150. Use tax levied.**

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- A. There is levied and shall be collected a use tax of three percent (3%) on the processing, storage, consumption or other use of property within the city if such property has not been the subject of a transaction otherwise taxable under this chapter or if the property is not exempt from taxation under Section 5 of this chapter. The tax shall be levied and collected in an amount equal to three percent (3%) of the value of the property used.
- B. A credit shall be allowed against the tax imposed by this section in an amount equal to any sales tax paid on such property in any other State or political subdivision prior to the use of the property in the city. The user or importer of the property is liable for the payment of the tax to the city, and shall file a return and remit the tax in the same manner as set out for the taxation of sales. The State of Alaska fisheries business license tax shall not be considered a tax for purposes of establishing entitlement to a credit under this section. The Aleutians East Borough sales tax shall not be considered a tax for purposes of establishing entitlement to a credit under this section.

### **Section 03.19.160. Omissions, requirements and civil penalties.**

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- A. Penalties for violations. Any person, firm, partnership or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and for the first conviction shall be fined not less than fifty dollars (\$50) nor more than one hundred fifty dollars (\$150). Upon conviction of a second or subsequent offense, the fine shall be not less than one hundred fifty dollars (\$150) or more than three hundred dollars (\$300) plus associated court costs.
- B. Returns required. Every collector selling, buying, and/or providing services in any quarter shall make out a return for the quarter upon forms to be provided by the city clerk setting

## City Of False Pass

forth the amount of all taxable transactions for the quarter, the amount of the tax thereon, and such Other information as the city clerk may require and sign and transmit the same to the city clerk by the end of the month following the quarter.

- C. Tax due; penalties and interest. All tax due under this ordinance shall be paid to the city clerk at the time of transmitting of the return, and if not so paid or if no return is filed, such tax shall immediately become delinquent. Tax not paid before becoming delinquent shall incur a penalty of five percent (5%) of the taxes due for each month or part thereof delinquent, up to three months. Such penalty shall be assessed and collected in the same manner as the tax is assessed and paid. In addition to any penalty for delinquent tax, interest at the rate of eight percent (8%) per annum on the delinquent amount (not including penalty) from the date of delinquency shall accrue and be collected in the same manner as the delinquent tax is collected.
- D. Filing a return. Any buyer or seller who was required to collect a tax during a calendar quarter shall file a return for the next following calendar quarter even though no tax may be due during the following quarter. A return filed for a quarter in which no tax was required to be collected must show why no tax was collected or is due.
- E. Cost of administration. If a return is filed with the taxes remitted within the time allowed, the seller or buyer collecting the tax may retain two percent (2%) of the amount collected to defray the cost of administration of the tax.
- F. Credit of monies received. Amounts received with Return shall be credited against the following balances:
  - 1. Penalties due, beginning with the oldest penalty;
  - 2. Interest due, beginning with the oldest amount;
  - 3. Taxes due, beginning with the taxes due from the oldest quarter.
- G. Certificate of registration. A collector who is obliged to obtain a certificate of registration but fails to do so after written notice is guilty of a misdemeanor, and for the first conviction shall be fined not less than fifty dollars (\$50) nor more than one hundred fifty dollars (\$150). Upon conviction of a second or subsequent offense, the fine shall be not less than one hundred fifty dollars (\$150) or more than three hundred dollars (\$300) plus associated court costs.
- H. Falsification. Falsification or knowing misrepresentation of any record required under this chapter is a misdemeanor and subjects the person making such falsification or misrepresentation to those penalties identified in Section 160 a of this chapter.
- I. Failure to separately state the tax. A collector who fails to separately state the tax due in any sales transaction shall be subject to those penalties identified in Section 16 a of this chapter
- J. Inspection. Failure of a collector to allow the inspection at reasonable times of records required by this chapter to be kept is a misdemeanor and subjects the collector to those penalties identified in Section 160 a of this chapter.

## City Of False Pass

- K. Forced filing. If a collector fails to file a complete and accurate return or to pay over all the taxes due as required by this chapter, the mayor may make an estimate of the taxes due based upon any information available. The mayor shall file a return for such collector and shall provide a copy of the return to the collector with a request that the collector file a correct return along with payment of the taxes due. The mayor may require the collector filing the return to provide sufficient information to support the corrected return. If the collector has not filed a corrected return satisfactory to the mayor, along with the taxes due, within thirty (30) days of the date of the mailing of the forced filing, the amount shown on the forced filing is presumed correct and becomes delinquent; provided, if upon a subsequent audit or inspection of the records of the collector it is determined that a greater amount was due, the collector shall be liable for payment of the additional amount. A forced filing may be made if the city is unable to ascertain the tax due to be remitted by a collector by reason of the failure of the collector to keep accurate records or allow inspections or has falsified records.
- L. Loss of Records. A collector shall immediately notify the city of any fire, theft, or other casualty, which would prevent complying with this chapter. Such casualty constitutes a defense to any penalty provided in this chapter, but does not excuse the collector from liability for taxes due. Loss of funds or records is not a defense hereunder.
- M. M. Maintenance of Suits. Nothing in this section shall prevent the city from filing and maintaining an action to collect any taxes due in addition to penalties assessed.

### **Section 03.19.170. Lien.**

---

The tax, penalty and interest imposed by this chapter shall constitute a lien in favor of the city upon all the collector's property within the city. The lien arises upon delinquency and continues until the liability for the amount is satisfied or the property is sold at foreclosure sale. When recorded, the sales tax lien has priority over all other liens except as provided in AS 29.45.650(e).

## City Of False Pass

### **Section 03.19.180. Accelerated returns.**

---

A collector who fails for more than thirty (30) days to file a return or pay the taxes due, or who has, within a twelve month period, filed or paid taxes late on two or more occasions may be required by the mayor to file and pay on a monthly basis; provided, the mayor shall provide to the collector a hearing after reasonable notice of the mayor's intention to require more frequent filing and payment. The collector required to file and pay on a monthly basis who fails to file and pay the full amount due by the fifteenth of the month following the reporting month or such a collector who files late two or more times during a four month period may be required by the mayor to file on a weekly basis after written notice of intent and a hearing as provided in this section.

### **Section 03.19.190. Extensions**

---

For good cause shown, the city may grant extensions on any time limitation described in this chapter. Application for extension must be filed before the date specified as the original time limitation.

**City Of False Pass**

**The tax imposed under this chapter shall be payable at the end of each quarter and shall be due not later than the last day of the month following the quarter, beyond which time it shall become delinquent.**

---

Calendar year \_\_\_\_\_

Quarter Ending: 3/31 \_\_\_\_\_ 6/30 \_\_\_\_\_ 9/30 \_\_\_\_\_ 12/31 \_\_\_\_\_

Type of Business: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

- 
- |  |          |
|--|----------|
| 1. Gross sales   | \$ _____ |
| 2. Non-tax   | \$ _____ |
| 3. Revenue from all taxable transactions<br>(Subtract line 2 from 1) | \$ _____ |
| 4. Taxes collected @ 3%<br>(Multiply line 3 X .03)                   | \$ _____ |
| 5. Interest, penalty & deductions (add)                              | \$ _____ |
| 6. Total amount remitted   | \$ _____ |
- 

I declare, under penalty of perjury, that this return (and any accompanying statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete return.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Member, Owner or Agent

Make check or Money Order payable to: City of False Pass.

Mail the original to: The City of False Pass  
Po Box 50  
False Pass, AK 99583

Or deliver to the city clerk, together with remittance of tax.

**City Of False Pass**

**CITY OF FALSE PASS  
P.O. BOX 50  
FALSE PASS, AK 99583  
Phone (907) 548-2319 – Fax (907) 548-2214**

**REGISTRATION OF SELLERS AND BUYERS AS TAX COLLECTORS**

UNDER THE CITY OF FALSE PASS CODE OF ORDINANCE, TITLE 3, CHAPTER 19, SALES TAX, ARE REQUIRED TO COLLECT ON BEHALF OF THE CITY, THREE (3%) SALES AND USE TAX FROM BUYERS.

NAME OF BUSINESS OR OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_

\_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

---

**PERSON TO BE CONTACTED REGARDING TAX**

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_

\_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

---

**PERSON IN FALSE PASS TO BE CONTACTED REGARDING TAX: (IF APPLICABLE)**

CALENDAR YEAR: (IF APPLICABLE): \_\_\_\_\_

NAME: \_\_\_\_\_

NAME OF BUSINESS/FACILITY: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF PERSON SIGNING ON

BEHALF OF OWNER OF BUSINESS OR REGISTRANT

\_\_\_\_\_  
TITLE

**City Of False Pass**

**TITLE 3  
REVENUE AND FINANCE**

**CHAPTER 20  
CONTRACTS AND BONDS**

Section 03.20.010. Contract

Section 03.20.020. Bonds and securities

## City Of False Pass

### **Section 03.20.010. Contract**

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When a Request for Proposals concerning construction projects is published and subsequent bids come in and one is chosen, that is a contract for construction.

### **Section 03.20.020. Bonds and securities**

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A performance bond and/or a payment bond are required for any project over \$400,000.00. The following bonds shall be delivered to the city and shall become a binding on all parties upon the execution of the contract.

The council shall judge contracts whose price is less than \$400,000.00 on an individual basis. They may or may not require bonds or securities for contracts under \$400,000.00 providing the following conditions are satisfactorily met: the contractor is licensed; and if the contractor has not defaulted in the past three (3) years; and if the contractor submits a recent financial statement; and if the total amount of his contract does not exceed seven (7) times the contractor's net worth. It is up to the discretion of the council whether to require, and to what degree, to require bonds or securities on contracts under \$400,000.00.

- A. A performance bond satisfactory to the city, executed by a surety company authorized to do business in this state or otherwise secured in a manner satisfactory to the city, in an amount equal to one hundred percent (100%) of the price specified in the contract.
- B. A payment bond satisfactory to the city, executed by a surety company authorized to do business in the state or otherwise secured in a manner satisfactory to the city, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to one hundred percent (100%) of the price specified in the contract.
- C. Nothing in this section shall be construed to limit the authority of the city to require a performance bond or other security in addition to those bonds, or in circumstances other than specified in Section 020, Subsection B.
- D. Any person who has furnished labor or material to the contractor or subcontractors for the work provided in the contract, for which a payment bond is furnished under this section, and who has not been paid in full within ninety (90) days from the date on which that person performed the last of the labor or supplied the material, shall have the right to sue on the payment bond for any amount unpaid at the time the suit is instituted and to prosecute the action for the amount due that person. However, any person having a contract with a subcontractor of the contractor, but no express or implied contract with the contractor furnishing the payment bond, shall have a right of action upon the payment bond upon giving written notice to the contractor within ninety (90) days from the date on which that person performed the last of the labor or supplied the material. That person shall state in the notice the amount claimed and the name of the party to whom the material was supplied or for whom the labor was performed. The notice shall be served personally or by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or conducts business.

## **City Of False Pass**

- E. Every suit instituted upon ea payment bond shall be brought in the Superior Court of the State of Alaska, Third Circuit District Court. But, no such suit shall be commenced after the expiration of one (1) year after the day on which the last of the labor was performed or material was supplied by the person bringing the suit. The oblige named in the bond need not be joined as a party in any such suit.

**City Of False Pass**

**TITLE 3  
REVENUE AND FINANCE**

**CHAPTER 21  
TRANSIENT BED TAX**

- Section 03.21.010. Transient bed tax.
- Section 03.21.020. Definitions.
- Section 03.21.030. Duties of operator and guest.
- Section 03.21.040. Sale or transfer of business, final return.
- Section 03.21.050. Exemptions.
- Section 03.21.060. Method of deposit.
- Section 03.21.070. Confidential material.
- Section 03.21.080. Prohibited acts,
- Section 03.21.090. Mayor's powers RE: rulings and regulations.
- Section 03.21.100. Certificate of registration as tax collectors.
- Section 03.21.110. Duty to keep books.
- Section 03.21.120. Omissions, requirements and civil penalties.
- Section 03.21.130. Lien.
- Section 03.21.140. Accelerated returns.
- Section 03.21.150. Extensions.

## City Of False Pass

### **Section 03.21.010. Transient bed tax.**

---

There is levied a tax on all accommodations rent payable to an operator in the amount of 6% of the accommodations room rent. The guest shall pay the tax to the operator at the time the rent is paid. The operator shall collect the tax when the operator collects the rent. The operator shall state the tax as a separate item on the guest's bill.

### **Section 03.21.020. Definitions.**

---

When not clearly indicated by the context, the following words and phrases, as used in this chapter, have the following meaning:

- A. "mayor" means the mayor of the city of False Pass or his/her designee.
- B. "city clerk" means the city clerk of the city of False Pass.
- C. "Guest" means a person who rents a hotel or motel room for a term of less than one hundred (100) consecutive days.
- D. "Operator" includes persons or firms who rent rooms, structures, or parts of structures for dwelling, lodging, or sleeping purposes for a term less than one hundred (100) consecutive days.
- E. "Hotel room" or "Motel room" means a structure or part of a structure or vessel rented, or offered for rent for a term of less than one hundred (100) consecutive days for dwelling, lodging, or sleeping purposes, but excludes a structure or part of a structure.
- F. "Rent" means:
- G. to rent a room or other accommodation means to obtain the right to use or occupy the room or other accommodation; and
- H. a monetary consideration paid to rent an accommodation.
- I. "city" means the City of False Pass.
- J. "Person" means individuals and every person recognized in law and every group of persons who act as a unit.
- K. "Collector" mean all persons who are required to collect the tax levied under this chapter.
- L. "Taxpayer" mean all persons who are required to pay the tax levied by this chapter.

### **Section 03.21.030. Duties of operator and guest.**

---

The tax levied hereunder shall be paid by the guest to the operator, and it shall be the duty of each operator to collect from the guest the full amount of the tax payable at the time the rent is paid (or at the time of collection with respect to credit transactions).

Any person or firm who willfully or intentionally fails, neglects or refuses to pay the required tax shall be guilty of a misdemeanor, and on conviction thereof shall be punished in the manner hereinafter provided.

## City Of False Pass

### **Section 03.21.040. Sale or transfer of business, final return.**

---

If any operator required to collect a tax under this chapter sells, leases or in any other manner disposes of the business or if the business is transferred voluntarily or involuntarily, the person selling, leasing or otherwise transferring the business shall make or otherwise deliver to the city within fifteen (15) days of the date of the transaction a final bed tax return. The purchaser, lessee or transferee shall withhold a sufficient portion of the purchase or lease money to cover the amount of the tax required to be collected under this chapter, along with such penalties and interest as may be due until the former owner has produced a receipt from the city showing that all tax obligations imposed by this chapter have been paid through the date of transfer. The purchaser, lessee or transferee of a business required to collect the tax under this chapter shall be liable for all taxes required to have been collected by the former owner but not paid over to the city and shall be liable for all penalties and interest on such unpaid taxes and on late or unfiled returns.

### **Section 03.21.050. Exemptions.**

---

The following shall be exempt from a transient bed tax imposed by the city:

- A. Rentals and leases of residential housing units for more than one hundred (100) consecutive days by the same guest;
- B. Rentals and leases of residential housing units by persons permanently employed within the city where the expectation is that the employment will last indefinitely,
- C. Rental of a room or other accommodations to the United States, the State of Alaska, Aleutian East Borough or any political subdivision or agency thereof.

### **Section 03.21.060. Method of deposit.**

---

All tax revenues collected under the provisions of this ordinance shall, by the city clerk, be deposited in the general fund.

### **Section 03.21.070. Confidential material.**

---

- A. Returns filed with the city for the purpose of complying with the terms of this chapter and all data obtained from such returns are confidential, and shall be kept from inspection by all private persons except as necessary to investigate and prosecute violations of this chapter.
- B. Nothing contained in this section shall be construed to prohibit the delivery to a person or his duly authorized representative, of a copy of any return or report filed by him, nor to prohibit the furnishing of information on a reciprocal basis or otherwise, to other agencies of the State, the Aleutians East Borough, or the United States concerned with the enforcement of any tax laws.

### **Section 03.21.080. Prohibited acts,**

---

- A. A person may not fail or refuse to pay the tax imposed by this chapter when it is due and payable to an operator authorized to collect the tax.
- B. An operator may not absorb or fail to add the tax or any part of it, or refund any tax, or fail to state the tax separately to the guest.

## City Of False Pass

### **Section 03.21.090. Mayor's powers RE: rulings and regulations.**

---

- A. The mayor may take any action necessary or appropriate to implement this chapter by promulgating regulations, which may include the adoption of forms. Such regulations or any procedures adopted by the mayor are effective at the time indicated by him, but are subject to approval by the city council.
- B. Should a taxpayer under this chapter obliged to collect the tax be in doubt as to the application of this chapter to an actual situation facing the tax payer or about to face the tax payer, the tax payer may apply to the mayor for an informal ruling on this issue. Rulings having general application may, at the direction of the mayor, be promulgated as regulations.

### **Section 03.21.100. Certificate of registration as tax collectors.**

---

- A. All collectors shall file with the city an application for a certificate of registration on a form prescribed by the city, not more than ten (10) days after the date of commencing business or the opening of an additional place of business. The application must contain or be accompanied by:
  - 1. The name and address of the applicant.
  - 2. The location at which the applicant will conduct its business or transactions subject to the tax under this chapter will occur. If the applicant's business is to be conducted from one or more vessels, the name of the vessels and the general location or areas in which each vessel will operate;
- B. Upon the receipt of a properly executed application, the mayor will issue without charge to the collector, a certificate of registration, stating the address of the place of business to which it is applicable and where collection of the tax will occur. The certificate must be prominently displayed at the place of business named therein.
- C. The certificate of registration is non-assignable and non-transferable and must be surrendered to the mayor by the collector to whom it was issued upon his ceasing to do business at the location named therein. if the business is continued at the same location but there is any change“ in the ownership of the business, the certificate shall be surrendered to the mayor for cancellation. The successor in interest is required to file a new application for a certificate of registration. Upon receipt of a \_properly executed application, the mayor will issue a new certificate to the new owner.
- D. When there is a change of location for the collector's business, a new certificate of registration is required showing the new address.
- E. Before issuing a certificate of registration, the mayor may require the applicant to post a bond, furnish a statement of net worth, or furnish additional security to insure the full and prompt payment of taxes to be –collected under such certificate when in his judgment it is in the best interest of the city to do so.

## City Of False Pass

### **Section 03.21.110. Duty to keep books.**

---

- A. Every collector subject to this chapter shall keep guest registers, accounting records and such other books and accounts reflecting the renting of accommodations for which the operator received rents, and the receipt of rents thereof, as may be necessary to determine the amount of tax which is obliged to collect. Every collector shall also keep evidence, which supports the operator's decision to not collect the tax required by this chapter. (Section 050 Exemptions) All such records shall be preserved for a period of three years from the date of return reporting the rents and tax collected.
- B. The mayor shall have the power to adopt suitable rules and regulations providing for the application and interpretation of this chapter and for providing methods and forms for reporting and collecting the tax. The mayor is empowered to audit or view state business license returns and any other relevant books, papers, records or memoranda of any collector registered in the city, and may require the presence of any collector or their officers or employees at any required hearing.

### **Section 03.21.120. Omissions, requirements and civil penalties.**

---

- A. Penalties for violations. Any person, firm, partnership or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and for the first conviction shall be fined not less than fifty dollars (\$50) nor more than one hundred fifty dollars (\$150). Upon conviction of a second or subsequent offense, the fine shall be not less than one hundred fifty dollars (\$150) or more than three hundred dollars (\$300) plus associated court costs.
- B. Returns required. Every operator renting rooms or other accommodations in any quarter shall make out a return for the quarter upon forms to be provided by the city clerk on or before thirty (30) days after the end of each calendar quarter. The operator shall sign the return and transmit it together with the taxes collected to the city clerk on or before the due date. A return shall be filed even if none of the reported rents were taxable.
- C. Tax due; penalties and interest. All tax due under this ordinance shall be paid to the city clerk at the time of transmitting of the return, and if not so paid or if no return is filed, such tax shall immediately become delinquent. Tax not paid before becoming delinquent shall incur a penalty of five percent (5%) of the taxes due for each month or part thereof delinquent, up to three months. Such penalty shall be assessed and collected in the same manner as the tax is assessed and paid. In addition to any penalty for delinquent tax, interest at the rate of 0.875% per month (10.5% per year) on the delinquent amount (not including penalty) from the date of delinquency shall accrue and be collected in the same manner as the delinquent tax is collected.
- D. Filing a return. Any operator who was required to collect a tax during a calendar quarter shall file a return for the next following calendar quarter even though no tax may be due during the following quarter. A return filed for a quarter in which no tax was required to be collected must show why no tax was collected or is due.

## City Of False Pass

- E. Credit of monies received. Amounts received with return shall be credited against the following balances:
- F. Penalties due, beginning with the oldest penalty;
- G. Interest due, beginning with the oldest amount;
- H. Taxes due, beginning with the taxes due from the oldest quarter.
- I. Certificate of registration. A collector who is obliged to obtain a certificate of registration but fails to do so after written notice is guilty of a misdemeanor, and for the first conviction shall be fined not less than fifty dollars (\$50) nor more than one hundred fifty dollars (\$150). Upon conviction of a second or subsequent offense, the fine shall be not less than one hundred fifty dollars (\$150) or more than three hundred dollars (\$300) plus associated court costs.
- J. Falsification. Falsification or knowing misrepresentation of any record required under this chapter is a misdemeanor and subjects the person making such falsification or misrepresentation to those penalties identified in Section 012(A) of this chapter.
- K. Failure to separately state the tax. A collector who fails to separately state the tax due in any room or accommodation rent transaction shall be subject to those penalties identified in Section 12(A) of this chapter
- L. Inspection. Failure of a collector to allow the inspection at reasonable times of records required by this chapter to be kept is a misdemeanor and subjects the collector to those penalties identified in Section 12(A) of this chapter.
- M. Forced filing. If a collector fails to file a complete and accurate return or to pay over all the taxes due as required by this chapter, the mayor may make an estimate of the taxes due based upon any information available. The mayor shall file a return for such collector and shall provide a copy of the return to the collector with a request that the collector file a correct return along with payment of the taxes due. The mayor may require the collector filing the return to provide sufficient information to support the corrected return. If the collector has not filed a corrected return satisfactory to the mayor, along with the taxes due, within thirty (30) days of the date of the mailing of the forced filing, the amount shown on the forced filing is presumed correct and becomes delinquent; provided, if upon a subsequent audit or inspection of the records of the collector it is determined that a greater amount was due, the collector shall be liable for payment of the additional amount. A forced filing may be made if the city is unable to ascertain the tax due to be remitted by a collector by reason of the failure of the collector to keep accurate records or allow inspections or has falsified records.
- N. Loss of Records. A collector shall immediately notify the city of any fire, theft, or other casualty, which would prevent complying with this chapter. Such casualty constitutes a defense to any penalty provided in this chapter, but does not excuse the collector from liability for taxes due. Loss of funds or records is not a defense hereunder.
- O. Maintenance of Suits. Nothing in this section shall prevent the city from filing and maintaining an action to collect any taxes due in addition to penalties assessed.

## City Of False Pass

### **Section 03.21.130. Lien.**

---

The tax, penalty and interest imposed by this chapter shall constitute a lien in favor of the city upon all the collector's property within the city. The lien arises upon delinquency and continues until the liability for the amount is satisfied or the property is sold at foreclosure sale. When recorded, the sales tax lien has priority over all other liens except as provided in AS 29.45.650(e).

### **Section 03.21.140. Accelerated returns.**

---

A collector who fails for more than thirty (30) days to file a return or pay the taxes due, or who has, within a twelve month period, filed or paid taxes late on two or more occasions may be required by the mayor to file and pay on a monthly basis; provided, the mayor shall provide to the collector a hearing after reasonable notice of the mayor's intention to require more frequent filing and payment. The collector required to file and pay on a monthly basis who fails to file and pay the full amount due by the fifteenth of the month following the reporting month or such a collector who files late two or more times during a four month period may be required by the mayor to file on a weekly basis after written notice of intent and a hearing as provided in this section.

### **Section 03.21.150. Extensions.**

---

For good cause shown, the city may grant extensions on any time limitation described in this chapter. Application for extension must be filed before the date specified as the original time limitation.

**City Of False Pass**

**CITY OF FALSE PASS  
P.O. BOX 50  
FALSE PASS, AK 99583  
Phone (907) 548-2319 – Fax (907) 548-2214**

**REGISTRATION OF OPERATORS OF TRANSIENT HOUSING AS TAX COLLECTORS**

UNDER THE CITY OF FALSE PASS CODE OF ORDINANCE, TITLE 3, CHAPTER 21, TRANSIENT BED TAX, OPERATORS ARE REQUIRED TO COLLECT ON BEHALF OF THE CITY, THREE (6%) BED TAX FROM GUESTS.

NAME OF BUSINESS OR OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_

\_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

---

PERSON TO BE CONTACTED REGARDING TAX

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_

\_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

---

PERSON IN FALSE PASS TO BE CONTACTED REGARDING TAX: (IF APPLICABLE)

CALENDAR YEAR: (IF APPLICABLE): \_\_\_\_\_

NAME: \_\_\_\_\_

NAME OF BUSINESS/FACILITY: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF PERSON SIGNING ON

BEHALF OF OWNER OF BUSINESS OR REGISTRANT

\_\_\_\_\_  
TITLE

**City Of False Pass**

**TITLE 3  
REVENUE AND FINANCE**

**CHAPTER 22  
(RESERVED)**

**City Of False Pass**

**TITLE 4**

**ACQUISITION & DISPOSAL OF REAL PROPERTY**

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**CHAPTER 23..... REAL PROPERTY ACQUISITION, MANAGEMENT AND DISPOSAL**  
**CHAPTER 24..... EMINENT DOMAIN; ADVERSE POSSESSION**  
**CHAPTER 25..... (RESERVED)**  
**CHAPTER 26..... (RESERVED)**  
**CHAPTER 27.....DISPOSITION CITY OWNED PROPERTY**  
**CHAPTER 28..... (RESERVED)**  
**CHAPTER 29..... (RESERVED)**

**City Of False Pass**

**TITLE 4  
ACQUISITION & DISPOSAL OF REAL PROPERTY**

**CHAPTER 23  
REAL PROPERTY ACQUISITION, MANAGEMENT AND DISPOSAL**

- Section 04.23.010. Rights and powers of city.
- Section 04.23.020. Acquisition of land.
- Section 04.23.030. Economic development sites.
- Section 04.23.040. Temporary use of city lands.
- Section 04.23.050. Casual use of city lands.
- Section 04.23.060. Disposal of real property.
- Section 04.23.070. Methods of disposal.
- Section 04.23.080. Leases.
- Section 04.23.090. Easements.
- Section 04.23.100. Notice of disposal.
- Section 04.23.110. Definitions.

## City Of False Pass

### **Section 04.23.010. Rights and powers of city.**

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The city shall have and may exercise all rights and powers in the acquisition, ownership, holding and disposal of real property in any manner not prohibited by law.

### **Section 04.23.020. Acquisition of land.**

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- A. The city may acquire, own, and hold real property or any interest in real property inside or outside the city boundaries by purchase, lease, exchange, transfer, donation, condemnation or declaration of taking under the city's power of eminent domain, or any other legal method. Unless otherwise directed by the city council, the mayor has authority to negotiate the terms of acquisitions, subject to council approval. All acquisitions shall be by resolution approved by a majority vote of the total membership of the city council. Real property shall be held in the name of "City of False Pass".
- B. The city council may approve and authorize by resolution the purchase of real property or interest in real property by contract of sale, deed of trust, or lease
- C. Prior to approval of the purchase of property under section 020(B), the mayor shall furnish the city council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition. The validity of any acquisition or purchase of real property by the city is not affected by the failure to furnish the city council with such materials.

### **Section 04.23.030. Economic development sites.**

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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.

### **Section 04.23.040. Temporary use of city lands.**

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The mayor has the authority to issue special land use permits for the exclusive temporary use of city lands. A special land use permit does not convey an interest in the land and may be revoked for cause with thirty (30) days notice. Unless otherwise agreed to in writing, the land will be restored to its original condition upon expiration or revocation of the permit. Easements will not be granted under a special land use permit.

Public comment shall be sought before the issuing of a special land use permit in those situations where, in the opinion of the mayor, a hazardous or obnoxious use might significantly affect the surrounding area. Notice of the proposed action shall be published and a period for public comment shall be provided. When significant adverse comment is received, a public hearing shall be held.

A special land use permit shall not be granted for a term exceeding one year. Special land use permits are neither transferable nor renewable. Upon expiration, a special land use permit may be re-issued for a term not exceeding one year.

If a fee is charged for the issuance of a special land use permit, the fee schedule shall be established by the city council.

## City Of False Pass

### **Section 04.23.050. Casual use of city lands.**

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- A. No permit or lease is required for casual uses of city land.
- B. Any use under this section is at the risk of the user. The city assumes no responsibility for such use.
- C. The city shall notify the public of the location of city lands that are not open to casual use.

### **Section 04.23.060. Disposal of real property.**

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- A. The city may dispose of real property or an interest in real property, which has been found to be no longer necessary for municipal purposes. All disposals shall be by non-code ordinance. The minimum time between introduction and adoption of ordinances for disposals other than by sealed bid or public outcry or lottery shall be \_\_\_\_\_ longer than required for other non-code ordinances. The ordinance shall include:
  - 1. A finding that the real property or interest in real property is no longer necessary for municipal purposes and a statement of facts upon which such a finding is based;
  - 2. A legal description of the property;
  - 3. Type of interest in property to be disposed of as defined in section 110 of this chapter
  - 4. The purpose of the disposal;
  - 5. The method of disposal as identified in Section 070 of this chapter;
  - 6. The value of the property or the value of the interest in property as determined under section 060(B);
  - 7. The procedure for conducting the disposal and the time, place and manner in which the proposed disposal shall occur.
- B. The value of the property or interest in property shall be fair market value as determined by an appraisal prepared by a qualified appraiser or assessor, or the city council may determine the fair market value by any other means it deems appropriate.

### **Section 04.23.070. Methods of disposal.**

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- A. All disposals shall be conducted in a fair and impartial manner. Procedures for conducting all disposals shall be set out in the non-code ordinance authorizing each disposal.
- B. Competitive disposal.  
The city may conduct the following types of competitive disposal:
  - 1. Sealed bid auction. The minimum bid for a sealed bid auction shall be the fair market value of the property or interest in property as determined under Section 04.23.060(B).

## City Of False Pass

2. Public outcry auction. The minimum bid for a public outcry auction shall be the fair market value of the property or interest in property as determined under Section 6 B.
  3. Lottery. In the case of a lottery, the price of the property or interest in property may be established by the city council.
- C. Disposal for public services.  
The city council may dispose of real property or an interest in real property to a municipality, state, or federal entity or to a non-profit corporation or association, or a Native Tribal council, when the recipient is providing a necessary public service to residents of the municipality, without seeking bids and for less than the fair market value of the real property or interest in real property. If a disposal is made under this Sub-Section, the non-code ordinance authorizing the disposal must include in addition to the requirements in section 060 of this chapter.
1. A finding that the disposal to the entity is for provision of a necessary public service and a statement of facts upon which such a finding is based;
  2. A requirement that the conveyance of the property or property interest disposed include a condition that the title will revert to the municipality in the event the property is no longer used for the necessary public service justifying the disposal; and
  3. In the event that the entity receiving the property or Interest in real property is a Native Tribal council, a requirement that the Native Tribal council waive any immunity from suit for the purpose of enforcing the reversion provisions.
- D. Disposal for economic development.  
The city council may dispose of real property or an interest in real property to any person or entity in furtherance of local trade or industry without seeking bids and for less than the fair market value of that real property or interest in real property as determined under section 060(B). If a disposal is made to further economic development, the non-code ordinance authorizing the disposal must include in addition to the requirements in Section 060 of this chapter:
1. A finding that the property or property interest which is the subject of the disposal will be used in furtherance of local trade or industry; and
  2. A requirement that the conveyance of the property or property interest disposed includes a condition that title will revert to the municipality in the event the property is no longer used for the local trade or industry justifying the disposal.
- E. Miscellaneous disposals.  
The city council may settle disputed claims or litigation by authorizing disposal of real property or an interest in real property.
- F. Disposal to settle claims of equitable interest.  
Upon a finding by the city council that it is in the public interest, the city may convey real property or an interest in real property for less than fair market value to a person who has a valid claim of equitable interest in the property or in a substantial improvement located upon the property. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance.

## City Of False Pass

- G. Disposal for residential purposes.
- Upon a finding by the city council that there is a current residential housing shortage in the community and that making land available for residential purposes at less than market value is in the public interest, the city may convey real property or an interest in real property for less than fair market value to a domiciled city resident who seeks the parcel for development and use as a personal place of residence. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance. When real property or interest in real property is disposed of pursuant to this Subsection, the deed or lease must contain a condition subsequent, which ensures that if the land is used for any use other than residential use for a period of **3** years after the disposal, title will revert to the city. In addition, disposals under this sub-section shall include a requirement for the construction of a habitable dwelling within **3** years after the disposal or title will revert to the city.

### **Section 04.23.080. Leases.**

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A disposal of interest in real property by lease shall follow the requirements of sections 060 and 070 of this chapter. The terms and conditions of leases shall be established by the city council for each such disposal.

### **Section 04.23.090. Easements.**

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The disposal of interest in real property by grant of easement shall follow the requirements of sections 070 and 080 of this chapter. The terms and conditions of easements shall be established by the city council for each such disposal.

### **Section 04.23.100. Notice of disposal.**

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- A. A notice of the disposal shall be posted in three conspicuous public places within the city not less than **90** days before:
1. The date of the bid opening; or
  2. The date of the lottery; or
  3. The date of the auction; or
  4. The date of the disposal.
- B. The notice shall include:
1. A legal description of the property and the type of interest to be disposed;
  2. The method of disposal as identified in section 070 of this chapter;
  3. The assessed or estimated value of the property or interest in property;
  4. The date of the proposed disposal and the time, place, and manner in which the proposed disposal shall occur.

## City Of False Pass

### Section 04.23.110. Definitions

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As used in this chapter:

Abstract of title:	A condensed history of the title to land together with a statement of all liens, charges, or liabilities to which the land may be subject.
Appraisal:	An estimation of value of property by a qualified appraiser.
Casual use:	The temporary, safe, non-exclusive and non-surface-disturbing use of city land and includes but is not limited to such uses as: hiking, hunting, fishing, short-term camping, picnicking, skiing, snow machining or berry picking.
City boundaries:	The city limits, established when the city is incorporated, inside which all city ordinances are enforceable.
Competitive disposal:	A disposal of property wherein no preference is shown to any prospective bidder or group of bidders.
Condition subsequent:	An event that occurs after transfer of title, which will act to restore title to the maker of the condition.
Contract of sale:	A contract between a willing seller and a willing buyer to transfer title to property.
Deed of trust:	An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum of money or the performance of other conditions.
Disposal:	The act of giving away or selling; the transfer of interest in property.
Disputed claims:	Claim for property that is protested by another, or for property, which is also claimed by another.
Domiciled resident:	One who has resided in the city for at least the thirty days previous, maintains an address in the city, and intends to make the city his/her permanent residence.
Easement:	A right or privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.
Economic development:	To promote the growth of the local economy; increase income of residents.
Eminent domain:	The power of a municipality to convert private property to a public use.

## City Of False Pass

Equitable interest:	A claim (in property or other), which should be recognized in the interest of fairness or equity.
Evaluate:	To judge the quality of.
Federal entity:	The Federal government or an agency thereof. q
Hazardous use:	A use involving danger; perilous; risky to human health and wellbeing.
Interest: In property:	A right, claim, title, or legal share in that property. Refers to the "bundle of rights", which may be transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easement.
Inventory:	A list of property, containing a description of each article of property.
Lease:	Leases are used to dispose of specific interests in real property without transferring ownership of that property; A contract for exclusive possession of lands or tenements for a determinate period.
Legal description:	That part of a conveyance document, which identifies the land or premises, intended to be affected by that conveyance.
Litigation:	Contest in a court of justice for the purpose of establishing a right.
Lottery:	A plan whereby the right to obtain interest in property, either by purchase or gift, is decided by luck or chance through some type of drawing of names.
Municipality:	A unit of local government organized under the laws of the State of Alaska.
Non-code ordinance:	An ordinance that is not part of the permanent city code.
Nonprofit corporation:	An organization formed under the laws of the State of Alaska not to obtain a profit, but to supply an essential service to its constituents.
Obnoxious use:	A use which people may find objectionable; disagreeable; offensive; displeasing.
Public interest:	Something in which the public, the community at large, has some pecuniary interest (having to do with money), or some interest by which their legal rights or liabilities are affected.

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Public outcry auction:	Sale of property to the highest bidder, at a public auction, where each prospective buyer has the right to enter successive bids until a price is reached at which no higher subsequent bid is made.
Public service:	Activities and enterprises, which specially serve the needs of the general public.
Referendum:	A method of submitting an important measure to the direct vote of the whole people.
Revert:	With respect to property, title to go back to and lodge in former owner.
Sealed bid:	A written offer to purchase property, placed in an envelope, and opened along with all other bids (if any) at a public bid opening.
State:	The State of Alaska or an agency thereof.
Substantial Improvement:	A major change or addition to land or real property that makes it more valuable.
Temporary uses:	An exclusive use of city land which has a duration of one year or less, involves minimal disturbance to the land, and does not allow permanent structures or improvements exceeding \$_____
Valid Claim:	A legally enforceable claim by a third party.

**City Of False Pass**

**TITLE 4  
ACQUISITION & DISPOSAL OF REAL PROPERTY**

**CHAPTER 24  
EMINENT DOMAIN; ADVERSE POSSESSION**

- Section 04.24.010. Eminent domain.
- Section 04.24.020. Ordinance and vote required.
- Section 04.24.030. Adverse possession.

## City Of False Pass

### **Section 04.24.010. Eminent domain.**

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The city may, only within its boundaries, exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the city in accordance with Title 09.

### **Section 04.24.020. Ordinance and vote required.**

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The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.

### **Section 04.24.030. Adverse possession.**

---

The city may not be divested of title to real property by adverse possession.

**City Of False Pass**

**TITLE 4  
ACQUISITION & DISPOSAL OF REAL PROPERTY**

**CHAPTER 25  
(RESERVED)**

**CHAPTER 26  
(RESERVED)**

**City Of False Pass**

**TITLE 4  
ACQUISITION & DISPOSAL OF REAL PROPERTY**

**CHAPTER 27  
DISPOSITION CITY OWNED PROPERTY**

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

## City Of False Pass

### **Section 04.27.010. Personal property disposition by value.**

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Personal property, other than surplus stock, that is valued at less than one thousand dollars may be disposed of upon such notice and terms considered reasonable by the mayor with approval of the council. The Mayor shall take into consideration the value of the article, the reasons for disposal, and the general preference for competitive bid. The mayor shall report disposals to the council.

Personal property valued at more than one thousand dollars, but less than twenty-five thousand dollars, shall be disposed of by sealed bid or public outcry auction. An estimated value of the property shall be made. The items to be disposed of shall be reviewed by the council. After review, the council may, by resolution, direct the sale of the property under such terms and conditions as it require. Notice shall be posted in at least three public places in the city for at least 30 days prior to the disposal. The notice must contain a description of the property, its location, minimum acceptable bid, limitations if any, time and place set for the disposal. The procedure for disposal shall be in a manner provided by resolution of the council.

Personal property valued at more than twenty-five thousand dollars (\$25,000) shall be disposed of in the same manner just described, but shall be by ordinance rather than resolution. No disposition of personal property valued at twenty-five thousand dollars (\$25,000) and over 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.

### **Section 04.27.020. Sale of surplus or obsolete goods.**

---

The mayor may, when directed by the council, sell the following without giving an opportunity for competitive bidding:

- A. Surplus or obsolete supplies, materials, or equipment whose total value does not exceed one thousand dollars in a single transaction;
- B. Supplies, materials, or equipment when sold at a price at least as great as that paid by the city for the same.

### **Section 04.27.030. Surplus stock.**

---

All agencies shall submit to the mayor, at such times and in such forms as the mayor shall prescribe: reports, showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.

The mayor shall have the authority to transfer surplus stock to other agencies and provide for proper fiscal transfer of such.

The mayor with approval of the council shall have the authority to sell all supplies or equipment, which has become unsuitable for public use, or to exchange the same for, or trade in the same on any new supplies or equipment.

### **Section 04.27.040. Declaration of obsolescence.**

---

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

**City Of False Pass**

**TITLE 4  
ACQUISITION & DISPOSAL OF REAL PROPERTY**

**CHAPTER 28  
(RESERVED)**

**CHAPTER 29  
(RESERVED)**

**City Of False Pass**

**TITLE 5  
CITY DEPARTMENTS**

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<b>CHAPTER 30 .....</b>	<b>PUBLIC SAFETY DEPARTMENT</b>
<b>CHAPTER 31 .....</b>	<b>FIRE DEPARTMENT</b>

**City Of False Pass**

**TITLE 5  
CITY DEPARTMENTS**

**CHAPTER 30  
PUBLIC SAFETY DEPARTMENT**

- Section 05.30.010. Creation.
- Section 05.30.020. Appointment of chief (VPSO).
- Section 05.30.030. Powers, duties and responsibilities department.
- Section 05.30.040. Chief (VPSO).
- Section 05.30.050. Rules and regulations.
- Section 05.30.060. Conduct of members
- Section 05.30.070. Custody of public and stolen property.
- Section 05.30.080. Officers; regular and special.

## City Of False Pass

### **Section 05.30.010. Creation.**

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There shall be a public safety department for the City of False Pass. The Village Public Safety Officer (VPSO) is the Chief of the Department.

### **Section 05.30.020. Appointment of chief (VPSO).**

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The chief is appointed by the city council, with approval of the Alaska State Troopers, and serves at the pleasure of the council. The chief is administratively responsible to the mayor.

### **Section 05.30.030. Powers, duties and responsibilities department.**

---

The department shall have broad powers in the areas of law enforcement and emergency medical response. Law enforcement: It is the duty of the department to enforce all city ordinances; to keep the peace; to serve all warrants, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating Federal and State law as may be provided by law, and turn these violators over to the proper authorities; and in all respects to perform all duties pertaining' to the office of policeman.

Emergency medical response: The authority and duties contained in this section are only to be assumed by individuals who have successfully completed Emergency Medical Training I.

It is the duty of department Emergency Medical Technicians to undertake immediate response in traumatic accident situations; where qualified stabilize the condition of the victim in preparation for transportation; transport the victim to the nearest primary health care facility (i.e. local clinic); and resuscitate and administer first aid to persons injured in an emergency. The department shall in an emergency offer assistance to the local primary health care provider. The chief and the primary health aide will cooperate in developing protocol for dealing with emergency medical situations.

### **Section 05.30.040. Chief (VPSO).**

---

The chief (VPSO) is the commanding officer of the department. His or her duties shall include, but are not necessarily limited to the following:

- A. Determine the organization of the department and provide for its staffing;
- B. Establish and enforce rules and regulations for the conduct of department members;
- C. Direct the police and emergency rescue work of the city;
- D. Train and drill the members of the department including emergency response drills if necessary;
- E. Be responsible for the maintenance and care of all property used or in the custody of the department;
- F. Maintain and staff the city jail or other holding facilities and be responsible for the prisoners;
- G. Prepare and maintain records of all arrests, fines, and responses to emergencies, and other information about the work and status of the department and make periodic written reports to the city council;
- H. Provide arrangements and equipment for reporting emergency situations and for notifying all members of the department to assure prompt response to such incidents;
- I. Prepare and submit, upon request, a tentative budget for department to the city council;

## City Of False Pass

- J. Communicate directly with and coordinate, where possible, department activities, with those other regulatory and enforcement agencies about matters related to department business; and
- K. Perform such other duties as may be required by the city council or the Alaska State Troopers.

### **Section 05.30.050. Rules and regulations.**

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The chief (VPSO) is responsible for prescribing the rules and regulations for the conduct of members of the department. -The city council shall approve any rules or regulations before they become effective. Once effective, the rules and regulations are binding on all department employees and officers.

The rules and regulations adopted for the department may include, in addition to those concerning the conduct of the members, uniform and equipment to be worn or carried, protocol or procedures, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the department

### **Section 05.30.060. Conduct of members**

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It shall be the duty of every member of the department to conduct himself or herself in a professional manner and to refrain from conduct, which brings discredit to any member of the department. Each member of the department shall obey the directions of the chief or his/her designee. No member of the department shall use unnecessary force in carrying out his/her law enforcement duties.

### **Section 05.30.070. Custody of public and stolen property.**

---

The chief shall have custody of all property and equipment, which comes into possession of the department. The chief shall be responsible for an inventory (list) of all such property, equipment and supplies and the proper maintenance of same.

Under the direction of the council, the chief shall establish rules and regulations for the storage of department property.

No person shall use any department equipment for any private purpose, nor shall any person without proper authority take away any department property.

The above paragraph includes all lost, stolen, abandoned or otherwise unclaimed property, which comes into possession of the department, except vehicles, which are otherwise provided for by State law.

### **Section 05.30.080. Officers; regular and special.**

---

The number of regular and special department officers shall be determined by and each such officer shall be appointed by the city council unless this power to appoint, suspend or remove is delegated to the chief.

Regular members of the department are salaried city employees and are subject to all benefits, which may apply thereto.

Special members of the department may include special purpose or special response teams such as emergency medical response teams and Special Duty Officers. Special Duty Officers are appointed by the city council upon recommendation of the VPSO when the VPSO is unavailable to perform his duties.

## **City Of False Pass**

Such special members shall, however, serve on an "incident only" basis and when called upon to respond to a situation. They shall function only under the direction of the chief or his designee. They shall be compensated for services so rendered as provided for by the city council. From time to time, as the council deems advisable, payments may be made to reimburse members for clothing damage incurred while fighting fires or service in other department capacities. For purposes of this section, temporary jail guards are considered special members of the department. Temporary jail guards are compensated by the State with the prior approval of an Alaska State Trooper and only when a prisoner is charged with violation of a state law.

**City Of False Pass**

**TITLE 5  
CITY DEPARTMENTS**

**CHAPTER 31  
FIRE DEPARTMENT**

- Section 05.31.010. Fire department; fire chief.
- Section 05.31.020. Powers and duties of the fire department.
- Section 05.31.030. Fire chief.
- Section 05.31.040. Volunteer fire department.
- Section 05.31.050. Rules and regulations.
- Section 05.31.060. Training and records.
- Section 05.31.070. Conduct of members
- Section 05.31.080. Equipment.
- Section 05.31.090. Definitions.

## City Of False Pass

### **Section 05.31.010. Fire department; fire chief.**

---

There may be a fire department, the head of which shall be the fire chief appointed by the city council. The number of firefighters shall be determined by, and each firefighter appointed by, the city council except as they may delegate the power of appointment to the fire chief.

### **Section 05.31.020. Powers and duties of the fire department.**

---

Duties of the fire department shall be among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and administer first aid to persons injured in or about burn structures, promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in stores and other public buildings.

### **Section 05.31.030. Fire chief.**

---

The fire chief is the commanding officer of the fire department and of volunteer firefighters. The fire chief shall perform the following duties:

- A. Determine the organization of the fire department and provide for its staffing;
- B. Establish and enforce rules and regulations for the conduct of members of the department;
- C. Train and drill the members of the department, including periodic fire drills as deemed necessary; '
- D. Maintain possession and custody of all fire equipment, buildings, and all other property of the department;
- E. Prepare and maintain records of all fires, inspections, fire-fighting equipment, personnel, and other information about the work and status of the department and make periodic written reports to the council;
- F. Provide suitable arrangements and equipment for supporting fires or other emergencies and for notifying all members of the department to assure prompt response for such incidents;
- G. Assign equipment or manpower in response to calls for outside aid where mutual aid agreements are in force and other cases only when the absence of such equipment will not jeopardize protection in the city;
- H. Supervise fire prevention;
- I. Recommend to the Mayor and council needed fire-fighting equipment;
- J. Prepare and submit, upon request a tentative budget for the department to the Mayor or council;
- K. Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires; and
- L. Perform such other duties as may be required by the Mayor and the council.

## City Of False Pass

### **Section 05.31.040. Volunteer fire department.**

---

The fire chief shall appoint volunteer firefighters, and said volunteer firefighters shall be organized and disciplined as a fire department by the fire chief.

Members of the volunteer fire department may organize into a voluntary association with the election of their own officers and bylaws.

The voluntary association shall in no manner limit the power of the fire chief. All property used by the fire department is and remains the property of the city and all expenses of the fire department upon proper voucher shall be paid by check by the regular municipal authorities.

From time to time in such amounts as the council deems advisable, payments may be made to the volunteer department for the purpose of giving that association funds with which to reimburse members for clothing damaged while attending fires and for such other purposes that are in keeping with its functions.

### **Section 05.31.050. Rules and regulations.**

---

The fire chief shall maintain and enforce up-to-date, comprehensive ' sets of rules and regulations governing the discipline, training and operation of the fire department. Such rules, regulations and any deletions, changes or additions shall be effective when approved by and filed with the council. The fire chief shall have the authority to carry out the enforcement of these rules and regulations and is authorized to suspend or remove from service any officer or fire fighter as provided in the rules and regulations.

### **Section 05.31.060. Training and records.**

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Training	The fire chief or his representative who has complete fire training at a state fire training center shall provide, least four times per year, instruction in such subjects as first aid, water supplies, and other subjects related to fire prevention.
Records	The fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires and other department activities.
Reports	current records and comparative data for previous years and recommendations for improving the effectiveness of the department shall be included in an annual report to the council. Such reports as may be required concerning the department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the activities of the department shall also be prepared and submitted by the fire chief.

### **Section 05.31.070. Conduct of members**

---

It shall be the duty of every member of the fire department to conduct himself or herself in a professional manner and to refrain from conduct, which brings discredit to any member or to the department.

## City Of False Pass

### **Section 05.31.080. Equipment.**

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- A. The fire chief shall be responsible to the council t recommending such apparatus or other firefighting equipment as may be required to maintain fire department efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the department to assure prompt response to such incidents.
- B. No unauthorized person shall use any fire apparatus or equipment for any purpose, nor shall any person willfully and without authority take away or conceal any article used in any way by the department.
- C. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by, or having special permission of an officer or authorized member of the department.

### **Section 05.31.090. Definitions.**

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For purposes of this Code “employees” do not include members of the volunteer fire department, unless otherwise noted. Members of the volunteer fire department are not subject to the rules and regulations of any personnel system, which is adopted by the council, unless, the personnel rules and regulations affirmatively provide that the members of the volunteer fire department are included.

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

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CHAPTER 32 .....	ELECTRIC UTILITY
CHAPTER 33 .....	MUNICIPAL MARINE FACILITIES
CHAPTER 34 .....	DEPARTMENT OF PUBLIC WORKS
CHAPTER 35 .....	(RESERVED)
CHAPTER 36 .....	WATER AND SEWER
CHAPTER 37 .....	SOLID WASTE DISPOSAL
CHAPTER 38 .....	(RESERVED)
CHAPTER 39 .....	CITY EQUIPMENT
CHAPTER 40 .....	CITY PROPERTY: INVENTORY AND FILES
CHAPTER 41 .....	STREET NAMES
CHAPTER 42 .....	(RESERVED)
CHAPTER 43 .....	(RESERVED)
CHAPTER 44 .....	(RESERVED)
CHAPTER 45 .....	(RESERVED)
CHAPTER 46 .....	(RESERVED)

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

**CHAPTER 32  
ELECTRIC UTILITY**

- Section 06.32.010. Creation.
- Section 06.32.020. Service Conditions.
- Section 06.32.030. Protection of Property of Utility.
- Section 06.32.040. Liability of Utility.
- Section 06.32.050. Service Connection.
- Section 06.32.060. Schedule of Deposits, Fees and Char
- Section 06.32.070. Schedule of rates.
- Section 06.32.080. Deposits.
- Section 06.32.090. Responsibility for Payment.
- Section 06.32.100. Effect of change of Occupancy.
- Section 06.32.110. Continuance of Service During Vacancy.
- Section 06.32.120. Seasonal Service.
- Section 06.32.130. Disconnection of Service.
- Section 06.32.140. Bad Checks – Penalties.
- Section 06.32.150. Amendment of Rates.
- Section 06.32.160. Standby Power Service.

**City Of False Pass**

**Section 06.32.010. Creation.**

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There shall be an electric utility department for the City of False Pass and it shall be known as False Pass Electric.

**Section 06.32.020. Service conditions.**

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The delivery of service by False Pass Electric and its acceptance by the consumer shall be deemed to constitute an agreement for service. The minimum term for which service will be rendered is one month or thirty days.

**Section 06.32.030. Protection of property of utility.**

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The consumer shall be responsible for the safekeeping of the property of False Pass Electric on his premises, and shall take all reasonable precautions against unlawful interference of such property

**Section 06.32.040. Liability of utility.**

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False Pass Electric will try to provide a regular and uninterrupted supply of service, but in case the supply service shall be interrupted or irregular or defective or fail from causes beyond control, False Pass Electric will not be liable unless it has failed to execute reasonable diligence. Neither by inspection or nonrejection, not in any other way does False Pass Electric give any warranty expressed or implied, as to the safety, adequacy or other characteristics of any structures, service equipment, wires, conduit, appliances, or devices owned, installed, or maintained by the customer. False Pass Electric will be responsible for all electrical services up to and including the meter.

**Section 06.32.050. Service connection.**

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False Pass Electric will furnish the meter and connect its distribution line with the member's service equipment. The conduits, wiring service equipment, enclosure, meter base, disconnect switch, and associated equipment shall be furnished by the member.

**Section 06.32.060. Schedule of deposits, fees and char**

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Account deposits: (refundable):	\$200
Connection fee 'for new service (One free connection per customer per 12 month period):	\$0
After hours:	\$40
Disconnect charge:	\$25
After hours:	\$50
Reconnection charge 8 AM – 4 PM Monday Thru Friday excluding holidays:	\$25
After hours, weekends, holidays:	\$50

## City Of False Pass

Meter test fee (refundable if meter proves to be faulty):	\$50
Authorized breaking of meter seal:	\$18
Unauthorized breaking of meter seal:	\$85
Field charge (for collection notices requiring special trip):	\$18
Dishonored check for redeposited checks:	\$5
for non-redeposited checks:	\$15
Service call-out and inspection fee	
Normal working hours per employee per hour:	\$45
All other hours per employee per hour:	\$55

### **Section 06.32.070. Schedule of rates.**

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- A. Large Commercial rates are \$0.50 per kilowatt-hour with a minimum charge of \$30 per month. Applicable to commercial establishments: schools; churches; governmental agencies; institutions; rooming houses; office or studio space; or like uses. Prior approval needed before installation of any motor rated 5 horsepower or more.
- B. Small commercial rates are \$0.62 per kilowatt-hour, with a minimum charge of \$30 per month. Applicable to establishments not exceeding 5 kilowatts demand or 1,000 kilowatt hours per month. This rate applies to commercial establishments: schools; churches; governmental agencies; institutions; rooming houses; office or studio space; common area facilities or rental units exclusive of duplexes triplexes, and fourplexes or like uses. Prior approval needed before installation of any motor rated 3 horsepower or more.
- C. Residential rates are \$0.62 per kilowatt-hour, with a minimum charge of \$15 per month. Applicable to: residential service in individual private dwellings, farms, apartments, and common area facilities of duplexes, triplexes, and fourplexes. This rate shall not apply to commercial establishments; schools; churches; governmental agencies; institutions; rooming houses; office or studio space, or like uses. Prior approval needed before installation of any motor rated 3 horsepower or more.
- D. A fuel surcharge will be assessed and added to each; large commercial, small commercial and residential monthly bill. The formula for determining the surcharge each month shall be as follows:
1. When the monthly average fuel price has exceeded the \$0.82 per gallon threshold, a surcharge shall be calculated each month to cover the additional cost of the fuel consumed. The surcharge will be calculated as follows:
  2. The average price of the fuel inventory shall be determined or adjusted by including fuel
  3. purchased during the preceding month.
  4. The gallons of fuel consumed by the utility by the utility during the preceding

## City Of False Pass

month shall be multiplied by the average amount per gallon paid by the utility in excess of \$0.82.

5. The amount that results shall be divided by the number of kilowatt-hours to be billed that month, as determined from meter readings and will equal the surcharge rate for that month.
6. The surcharge rate shall be multiplied by the number of kilowatt hours used by each utility customer for the preceding month, which will result in the surcharge amount to be billed to the customer.

### E. EXEMPTION FOR SENIOR CITIZENS

Subject to the availability of funds in the city's budget, a head of household for the City of False Pass shall be issued a credit for their monthly electricity provided by the city to his or her principal place of residence, equal to the previous month's usage for that customer and not exceeding \$100, after the head of household has attained the age of sixty-five (65) years. The city council shall determine at the end of each fiscal year the senior citizen Head of Household for this section shall mean the principal wage earner of a place of residence.

#### **Section 06.32.080. Deposits.**

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A deposit of \$200 is required from all False Pass Electric consumers. This deposit will be entered as a credit on the consumer's account. When the consumer gives notice that they no longer intend to receive False Pass Electric services, unpaid charges will be subtracted from the amount of deposit. All remaining monies will be refunded in full.

#### **Section 06.32.090. Responsibility for payment.**

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The responsibility of the deposit payment and all electric bills is the consumer's. The name of the person shown on the account records as receiving the service is the person responsible for paying all bills.

#### **Section 06.32.100. Effect of change of occupancy.**

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Bills are issued to the person shown in the company's records as the person responsible for electric consumption at the specified location. Any change of occupancy, ownership or account responsibility must be reported to False Pass Electric.

#### **Section 06.32.110. Continuance of service during vacancy.**

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During periods of vacancy service will automatically be continued in the name of the person shown in the company's records.

#### **Section 06.32.120. Seasonal service.**

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Persons desiring to discontinue service during the winter season, will have to pay a disconnect charge at the time of disconnect. A reconnect charge will be required at the time of reconnect. Service continued during seasonal vacancies will be charged the monthly minimum rate of \$15 per month. The same rules as stated before for monthly billing would apply.

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### **Section 06.32.130. Disconnection of service.**

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A customer's service may be disconnected for one of the following reasons:

- A. Nonpayment 55 days after the due date of the bill, unless the bill is paid in full, or a deferred payment arrangement has been made.
- B. An immediate hazard exists.
- C. Meter tampering or fraud.
- D. Failures to allow the city access to the meter.

### **Section 06.32.140. Bad checks-penalties.**

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A \$5 fee will be charged for non-sufficient funds checks that may be re-deposited. A \$15 fee will be charged for non-sufficient checks that are not redeposited. If a customer makes a payment with a non-sufficient funds check, all future payments will be required to be cash or money order. Any customer writing a bad check for payment will be disconnected for nonpayment and will have to pay a reconnect charge. Reconnection will not be made until both the bill for previous service and the reconnect charge are paid either in cash or by money order. This section applies only if the nonsufficient funds payment is intentional.

### **Section 06.32.150. Amendment of rates.**

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The rates of False Pass Electric shall only be amended by resolution.

### **Section 06.32.160. Standby power service.**

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Availability: Available to customers that provide their own normal power source, are located on or near the utilities lines for all types of usage, and use False Pass Electric as a standby power source; subject to established rules and regulations for standby service.

Type of service: Single-phase and three-phase (where available) at standard secondary voltages

Rates: Bills for customers served under this schedule will include a minimum charge of \$200 per month unless stipulated to be higher by contract. The standby charge is applicable when the entire electrical requirements of the customer are not regularly met by the utility. The charge is not applicable

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

**CHAPTER 33  
MUNICIPAL MARINE FACILITIES**

- Section 06.33.010. Department established.
- Section 06.33.020. Purpose.
- Section 06.33.030. Powers.
- Section 06.33.040. Position of harbormaster created.
- Section 06.33.050. Registration required.
- Section 06.33.060. Loading areas.
- Section 06.33.070. Sanitation and safeguarding.
- Section 06.33.080. Reckless operations.
- Section 06.33.090. Negligent operations.
- Section 06.33.100. Unlawful acts.
- Section 06.33.110. Vehicles.
- Section 06.33.120. Reporting violations.
- Section 06.33.130. Fees.
- Section 06.33.140. Payments.
- Section 06.33.150. Delinquencies.
- Section 06.33.160. Nuisances.
- Section 06.33.170. Abatement of nuisances.
- Section 06.33.180. Impoundment.
- Section 06.33.190. Impoundment procedure and disposition.
- Section 06.33.200. Penalties.
- Section 06.33.210. Commercial users.
- Section 06.33.220. Annual usage, permits and licensing defined.

## City Of False Pass

### **Section 06.33.010. Department established.**

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There is established a Municipal Marine Facilities Department (which includes the municipal dock sheet pile dock, boat ramp, Harbor floats and associated facilities). Executive and administrative duties are vested in the office of the mayor, who shall hire, subject to approval by the False Pass city council, a harbormaster and such, other administrative and maintenance personnel as shall be found necessary to properly and safely administer the operations of the municipal dock, sheet pile dock, harbor facilities and boat ramp.

### **Section 06.33.020. Purpose.**

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The importance of the Municipal Marine facilities is well known to the people of the City of False Pass. It is the desire of the city to protect and preserve the lives, health, safety, and well-being of the people of the city who have property on, or use or work upon the boats using the city's Municipal Marine Facilities, or who use these facilities in the course of visits for commercial or pleasure purposes; to protect the property of boat owners by regulating all marine facilities of nuisances, fire, and health hazards; to make reasonable charges for the use of certain facilities to enable the city, insofar as possible to pay the cost of maintenance, operation, and supervision of these facilities from the revenue derived there from; to promote the general welfare; and to operate upon a nonprofit basis, all marine facilities.

### **Section 06.33.030. Powers.**

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The City of False Pass shall assume all Municipal Marine facility powers not specifically prohibited by state and borough statutes.

### **Section 06.33.040. Position of harbormaster created.**

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There is created the position of harbormaster for the city, who, under the direction of the mayor shall supervise and manage all False Pass dock and boat ramp facilities. The harbormaster shall be appointed, paid, removed, and succeeded in office as other appointive positions of the city. The harbormaster shall enforce all of the provisions of this title and any rules and regulations duly adopted hereunder. In connection with official duties, the harbormaster shall have the authority to board any vessel using the dock activities.

### **Section 06.33.050. Registration required.**

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Every vessel using the dock or boat ramp facilities is required to register its name, telephone number, mailing and residence address, the name and number of the vessel, its length, breadth, and registered tonnage with the harbormaster on forms to be provided by him for the purpose.

### **Section 06.33.060. Loading areas.**

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No vessel shall remain moored in such designated areas longer than necessary for discharging or taking on cargo or equipment.

### **Section 06.33.070. Sanitation and safeguarding.**

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Every boat owner using the dock and facilities is requested to use due diligence in performing the following requirements:

- A. Use all reasonable precautions in keeping the vessels in his charge in a clean and sanitary condition with special attention to pure water and sanitary toilets;

## City Of False Pass

- B. Use all reasonable precautions in keeping the vessel in his charge free from fire hazards of any type or nature;
- C. Use all reasonable effort and precautions in keeping the vessel in his charge well-secured, securely moored with lines in reasonably fit condition, sufficiently pumped out at all times to keep the vessel afloat, and to otherwise attend the needs of the vessel;
- D. Use adequate precautions to lock up and stow and otherwise safeguard all movable gear and tackle;
- E. Supply and use adequate fenders to safeguard floats and vessels from chafing and other damages.

### **Section 06.33.080. Reckless operations.**

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- A. Vessels. It is unlawful for any vessel operator to cause to be operated a vessel in a reckless manner. This means to operate a vessel in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection, or at a speed or in a manner as to endanger or to be likely to endanger a person or property, or that which creates a substantial and unjustifiable risk of harm to person or property.
- B. Boat Ramp Vehicles. It shall be unlawful for any person operating a vehicle to load or unload a vessel at the boat ramp in a reckless manner. This means to operate the vehicle in a manner that demonstrates willful and wanton disregard to the rights or safety of others at the boat ramp or without caution and circumspection, or at a speed or in a manner as to endanger or be likely to endanger a person or property, or that which creates a substantial and unjustifiable risk of harm to person or harm.

### **Section 06.33.090. Negligent operations.**

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- A. Vessels. It is unlawful for any vessel operator to operate or cause to operate a vessel in a negligent manner. This means the operation of a boat in such a manner as to create an unjustifiable risk of harm to a person or to property and who, as a result of the creation of the risk, actually endangers a person or property. Proof that a defendant actually endangered a person or property is established by showing that, as a result of the defendant's operation:
  - 1. An accident occurred;
  - 2. A person, including the defendant, took evasive action to avoid an accident;
  - 3. A person, including the defendant, stopped or slowed down suddenly to avoid an accident;
  - 4. A person or property, including the defendant or his property, was otherwise endangered; or
  - 5. The offense of negligent operations is a lesser offense than, and included in, the offense of reckless operations, and a person charged with reckless operations may be convicted of the lesser charge of negligent operations.

## City Of False Pass

- B. Vehicles. It shall be unlawful for any person to operate or cause to operate a vehicle on the boat ramp for purposes of loading or unloading the boat in a negligent manner. This means the operation of the vehicle and boat trailer in such manner as to create an unjustifiable risk of harm to a person or property and, who as a result of the creation of the risk, actually endangers a person or property. Proof that a defendant actually endangered a person or property is established by showing that, as a result of the defendant's operation:
1. An accident occurred;
  2. A person, including the defendant, took evasive action to avoid an accident;
  3. A person, including the defendant, stopped or slowed down suddenly to avoid an accident;
  4. A person or property, including the defendant or his property, was otherwise endangered; or
  5. The offense of negligent operations is a lesser offense than, and included in, the offense of reckless operations, and a person charged with reckless operations may be convicted of the lesser charge of negligent operations.

### **Section 06.33.100. Unlawful acts.**

---

It shall be unlawful for any person using the dock or boat ramp facilities to:

- A. Operate or to be in actual physical control of any vessel or other equipment when under the influence of intoxicating liquor or drugs;
- B. Operate or cause to be 'operated any vehicle or vessel within the 'dock area that causes a wake or wave action, which will damage, endanger or be likely to endanger any other vessel or any of the dock or boat ramp facilities;
- C. Throw or otherwise cause to be deposited gasoline, oil, litter, trash, garbage, or refuse on any part of the dock or boat ramp or into the waters adjacent to the dock or boat ramp;
- D. Allow or permit dogs or other animals to run at large on the dock or boat ramp or to become a nuisance thereon;
- E. Create or maintain any nuisance on the dock or boat ramp, or to conduct or carry on any unlawful business or occupation thereon;
- F. Erect, place, post, or maintain any advertising matter, sign, or other printed matter, other than legal notices, on any part of the dock or boat ramp without prior approval of the harbormaster. All unauthorized advertising and signs shall be removed by the harbormaster;
- G. Write or post any written or printed matter or sign upon any bulletin board constructed or maintained by the city on the dock without prior approval of the harbormaster;
- H. Deposit, place, or leave any cargo, merchandise, supplies, freight, articles, or thing upon any float, ramp, decline, walk, or other public place on the dock, excepting at such place or places as may be designated as loading areas by the harbormaster;
- I. Fail to register with the harbormaster any vessel using any of the dock or boat ramp facilities;

## City Of False Pass

- J. Tap, connect, disconnect, interfere with, or tamper with any electrical wiring, electrical outlet, or electrical device without prior approval of the harbormaster, or to interfere with or tamper with any associated dock system;
- K. Tie up to or otherwise use the dock or boat ramp except as provided for in this chapter;
- L. Disregard, deface, remove, tamper with or damage any sign or notice posted or erected by the harbormaster or by direction of the mayor relating to the use of the dock facilities;
- M. Refuse to comply with any lawful order of the harbormaster.

### **Section 06.33.110. Vehicles.**

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Except when necessary for the use and operation of the boat ramp, it is unlawful for any person to operate off-road vehicles, including “three wheelers,” “four wheelers,” or “ATVs” on the dock or boat ramp, including particularly the fingers and floats thereof. All vehicles will use the dock area for loading and unloading only. Violation of this section is an offense punishable by a civil fine of one hundred dollars (\$100). Notice of this prohibition and the applicable penalty may be posted within the dock area.

### **Section 06.33.120. Reporting violations.**

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

### **Section 06.33.130. Fees.**

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A. Dock Fees. Use of the Municipal Dock and newly constructed sheet pile dock is subject to the following fees:

- 1. Dock facilities use for loading or unloading other than crab pots (crab pots include associated lines, buoys, bait pitchers and sorting tables) will be charged by the lift \$2 each way (across the dock fee): Fee includes machinery and operator(s) required for the task.
  - a. 0-5000 lbs. – \$200.00\*
  - b. 5001-10000 lbs. – \$500.00\*
  - c. Gillnet bags will be charged \$25.00/net
- 2. Cargo, delivered to/from freighters/barges, moving across either dock shall be charged a penny a pound, with a minimum charge of \$10.00;

\*These fees are for commercial users. Personal use items will be charged at 25% of the commercial fees. Commercial users have the option to pay \$2000.00 annual wharfage fee for dock use

A) Any wharfage that amounts to over 5,000,000 lbs per annum shall reference the chart below.

I) 5,000,000 lbs -10,000,000 lbs shall be charged  
\$0.0005 per pound

II) Over 10,000,000 lbs shall be charged \$0.0025 per  
pound

Crab pots, including associated lines; buoys, bait pitchers and sort tables unloading or loading across either dock: \$1.50 per crab pot and. \$0.50 per dungeness, pot one way;

### **City Of False Pass**

3. Ferry docking fee: \$125 for each docking for any vessel in the state Marine Highway System;
4. Fresh water: for long term use, meter hookup \$75, plus \$4.00/thousand gallons; intermittent use, \$25 per fishing season;
5. Miscellaneous: fork lift rental, \$50/hour thereof; van storage, 8 x 20 \$200/year; 8 x 40 \$350/year; skiff storage \$200/year; there shall be a fee of \$0.05 per square foot of space occupied charged to each stored item per month; emergency pumping \$50/hour plus materials; and all cost of professional services as required;
6. Mooring Fees: vessels moored to the Municipal Dock or the sheet pile dock shall be engaged in active loading or uploading materials. All other vessels wishing to moor leisurely will be asked to moor at the harbor. Any vessel remaining at the Municipal Dock or sheet pile dock leisurely will be assessed the following amounts:
7. Owners are required to register their vessel(s) and sign a rental/use agreement to be kept on file in the at the city office for moorage at the boat harbor. Any vessel remaining at the municipal dock or sheet pile dock. These forms can be requested via phone (907-548-2319), fax (907-548-2214) or e-mail (cityoffalsepass@ak.net), vessels may also contact the city office or harbormaster on VHF ch. 6. Overall vessel length is used to determine fees.

#### **FAILURE TO REGISTER WILL RESULT IN \$50.00 FEE FOR NON-COMPLIANCE**

Electrical and/or water hookup will result in an additional \$25.00 hookup fee and an additional \$8.00 fee per day in addition to the rate described below:

Vessels utilizing monthly or annual moorage fees shall be a 10 percent addition of their Monthly/Annual fee, i.e. \$2,000 for water and electrical hookup.

**City Of False Pass**

HARBOR SLIP MOORAGE	DAY RATES	ONE MONTH RENTAL
0-20'	\$1.50 (minimum charge of \$15)	
21-31'	\$26.00	\$450.00
32-46'	\$28.00	\$480.00
47-60'	\$32.00	\$540.00
61-75'	\$40.00	\$630.00
76-90'	\$52.00	\$810.00
91-105'	\$66.00	\$1,020.00
106-125'	\$80.00	\$1,230.00
126-150'	\$94.00	\$1,440.00
151-175'	\$108.00	\$1,650.00
176-200'	\$114.00	\$1,740.00
201-225'	\$121.00	\$1,860.00
226-250'	\$128.00	\$1,980.00
251-275'	\$135.00	\$2,100.00
276-300'	\$150.00	\$2,310.00

Vessels exceeding 300' will be charged \$200.00 per day. - 5

## City Of False Pass

### ANNUAL RATES .

These rates are exclusive to signed agreements filed with the city office. Exclusive moorage means a permanently assigned “slip” for a specific vessel. Moorage is calculated by overall vessel length, including fixed protuberances or length of slip whichever is greater. Six (6) month rental rate is equal to 75% of annual rate.

0-31’	\$20.00
32-46’	\$29.00
47-60’	\$40.00
61-75’	\$60.00
76-90’	\$65.00
91-105’	\$75.00
106-125’	\$85.00
126-150’	\$90.00
151’ +	\$100.00

- B. Boat Ramp Fees. Use of the boat ramp is subject to the following fees:
1. Use of the boat ramp for loading or; unloading a vessel, of any size, shall be subject to charge of \$5.00, which includes one launching and haul out for one vessel
  2. Vessels may obtain annual permits which allow for unlimited haul out or launch capability at the boat ramp. Unless modified by further ordinance, the annual permit fee is \$50.00 regardless of the time of the calendar year in which purchased.
- C. Commercial Users. Use of the dock facility or boat ramp facility by commercial users who conduct for profit business operations from these facilities will be subject to separate fees as set forth in Section 210 of this chapter.
- D. Non-Commercial Users Annual Use Fee. Non-commercial users of the City of False Pass Marine Facilities covered by this ordinance can obtain a Marine Facilities Annual Use Permit, which would permit unlimited use of the dock and boat ramp facilities for moorage and launching subject to the following:
1. Annual Fee of \$100.00.
  2. Receiving and sending freight over the dock (excluding crab pots and related accessories) which, at any one time, does not exceed 5,000 pounds. Any portion exceeding 5,000 pounds to be billed at the rate set forth in Section 130(A) above;
  3. Freighters; state ferries and other users of the marine facilities, which generate revenue to the City of False Pass, will have first priority over the annual use permit holder; otherwise, use of the facilities will be on a first come, first serve basis;
  4. Obtaining a permit under this subsection also allows the permit holder access to take on fresh water and to use the dock space for fishing gear repair.

## City Of False Pass

- E. Boat Haul out Fees Not including Site Preparation & Blocking:  
People using the hydraulic boat trailer to pull their boats out will be charged \$300 round trip or \$150 each way.

### **Section 06.33.140. Payments.**

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All charges shall be paid to the order of the City of False Pass, in advance, at the city building. Any vessel owner who fails to pay the required fees when such fees are due and payable, and for a period of 30 days thereafter, shall be subject to an action by the city for the recovery of such fees and costs of recovery. PLUS INTEREST ON ALL SUMS OR CHARGES DUE AND OWING AT THE STATUTORY RATE OF 10.5 PER ANNUM (ALASKA STATUE 45.45.010(A)).

### **Section 06.33.150. Delinquencies.**

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The harbormaster shall submit a report to the city council at the end of each calendar quarter, and such report shall include the description of the vessel the name and address of the owner, and the type and value of the delinquent fees or charges. The council may refer delinquencies to the city attorney for appropriate action which may include, but not limited to a collection actin on the past due charges and fees. The harbormaster may (impound) any vessel for the failure of the owner to pay any fees or charges as set in this article when said fees remain unpaid for a period of 30 days after due, the city shall have a lien for any unpaid fees or charges under 46 U.S.C § 313412. Should any such fees be unpaid or unsecured for; 30 days after due, the city may file a complaint IN REM in the federal district court in the district in which the vessel may be found. If it appears that such vessel will leave the federal district in which the city is located, the libel IN REM may be filed prior to the expiration of the 30-day period. All liens created shall not be exclusive remedies. A proceeding to foreclose any lien or suit by the city shall not preclude any other remedy, including impoundment at law or-in equity.

### **Section 06.33.160. Nuisances.**

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In the interest of the greatest use of the dock or boat ramp facilities by the general public, derelict, unfit or unseaworthy vessels, or vessels maintained in such manner as to make them liable to sinking or for lack of being pumped or other maintenance, or which are maintained in a manner so as to constitute a fire hazard to the dock facilities or to other vessels and, and sunken boats and boats in imminence of sinking, are declared to be nuisances and subject to abatement and removal from the dock or boat ramp facilities by the city or its agents without liability on the city for any damage done by virtue of the removal.

### **Section 06.33.170. Abatement of nuisances.**

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Any vessel which is a nuisance may be impounded, removed, sold, or otherwise disposed of as provided herein:

- A. Immediately upon impounding or removing any vessel, the city shall cause to be posted in the harbormaster's office, the city clerk's office, and in the post office, notice of such action taken by the city. A copy of the notice shall mailed to the vessel owner at his last known address registered or certified mail and, if the vessel documentation to the collector of customs of the port of documentation, if such reasonably be ascertained.
- B. The owner of any vessel impounded or removed by the city shall be subject to, and liable for all costs incurred by the city by reason of such impounding or removal.

## City Of False Pass

- D. Any vessel impounded or removed shall be held by the city for a period of not less than 30 days, during which time the city shall publish a notice describing the vessel in general terms, the name and/or number if any, the name and address of the owner if known or in not known, the location of vessel, and the intention of the city to sell the same at public auction on a day and at a time certain, not less than 10 days prior to such sale, for cash to the highest bidder. The proceeds of such sale shall be first applied to the costs of sale, then to moorage and service fees accrued, and to a storage fee in the amount of \$10.00 per day in addition to the dry land storage fee and the haul out fee, and the balance, if any, shall be held in trust by the city for the owner of the vessel to claim; and if such balance is not claimed within two years, said balance shall be deposited into the False Pass general fund.
- E. After the sale has been made the city shall make and deliver a bill of sale, without warranty conveying the vessel to the buyer.
- F. If at any public auction there are no bidders for the vessel, the city may destroy, sell at private sale, or otherwise dispose of the vessel. The disposition is to be made without liability to the owner, master, or lien holder of the vessel.

### **Section 06.33.180. Impoundment.**

---

In addition to impoundment to abate nuisance, the harbormaster may impound any vessel:

- A. For failure to comply with registration provisions of this chapter;
- B. If left unattended upon any waterway in or about the dock facility in such a manner as to constitute an obstruction to traffic;
- C. If so disabled as to constitute an obstruction to traffic and the vessel owner is by reason of physical injury or other incapacity unable to provide for its custody or removal;
- D. If moored in a loading area for a period longer than the period posted.

### **Section 06.33.190. Impoundment procedure and disposition.**

---

Any vessel impounded by the harbormaster shall be secured by chaining or otherwise mooring it to a float, or other suitable object or by removing it from the water and placing it in the city or commercial land storage.

### **Section 06.33.200. Penalties.**

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In addition to the provisions for impoundment, civil action or actions in rem, any person who violates any of the provisions of this chapter is guilty of a misdemeanor and if convicted shall be fined not more than \$500 together; with the costs of prosecution, or imprisonment for not more than 30 days, further, any violation of any provision of this chapter may, at the direction of the council result in the violator's loss of, their privilege of using the City dock facilities for a period not to exceed one year.

## City Of False Pass

### **Section 06.33.210. Commercial users**

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The harbormaster is hereby authorized to issue an annual license to any commercial entity that desires to perform long shoring, stevedoring or other for profit ventures on either the dock or the boat ramp facility. Fees for the issuance of this license shall be negotiated annually on a case by case basis, and approved by city council resolution.

- A. Conditions for the issuance of the license include the following;
1. Proof of liability insurance by the licensee naming the City of False Pass and the Aleutians East Borough as an additional named insured, as their interest exist in the boat ramp or dock in an amount of at least \$1,000,000.00;
  2. Workers' compensation insurance covering any employee of licensee who performs services on the dock on boat ramp facilities;
  3. Agreement by the licensee; to collect, report and pay to the city at least quarterly all fees contemplated by this ordinance; and
  4. Execution of an indemnification agreement whereby the licensee agrees to defend indemnify and hold the City of False Pass harmless from any claim arising out of the use or operation of the dock or boat ramp facilities by licensee, its agents, employees or invitees.
- B. Revocation. This license shall be revoked upon a failure of any licensee to maintain in place insurance or comply with any other condition which accompanies the issuance of said license.

### **Section 06.33.220. Annual usage, permits and licensing defined.**

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Any license, term, charge or fee, which is based upon an annualized term, shall be assessed or issued on a calendar year basis only.

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

**CHAPTER 34  
DEPARTMENT OF PUBLIC WORKS**

- Section 06.34.010. Department established.
- Section 06.34.020. Purpose.
- Section 06.34.030. Position of maintenance person created.
- .

## City Of False Pass

### **Section 06.34.010. Department established.**

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There is established a Department of Public Works. Executive and administrative duties are vested in the office of the mayor, who shall hire a maintenance person(s) and such other maintenance personnel as shall be found necessary to properly and safely accomplish the purpose of the Department of Public Works

### **Section 06.34.020. Purpose.**

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The importance of a department of public works is well known to the people of the City of False Pass. It is the desire of the city to protect the lives, health, safety and well being of the people living in or visiting the city. The department of public works shall be responsible for the operation and maintenance of the power plant; water and sewer; airport; landfill and roads; maintenance of city heavy equipment, city owned vehicles and cleanliness of the city dock.

### **Section 06.34.030. Position of maintenance person created.**

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There are created the positions of Public Works personnel and Roads & Grounds personnel for the city, who, under the direction of the mayor shall accomplish those tasks listed in the job description for those positions. They shall be appointed, paid, removed and succeeded in office as other appointed positions of the city. They shall enforce all of the provisions of this title and any other rules and regulations duly adopted hereunder.

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

**CHAPTER 35  
(RESERVED)**

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

**CHAPTER 36  
WATER AND SEWER**

- Section 06.36.010. Service Area.
- Section 06.36.020. Definitions.
- Section 06.36.030. Description of service.
- Section 06.36.040. Service irregularities and limitation of liability.
- Section 06.36.050. Ownership of utility system.
- Section 06.36.060. Resale of utility services.
- Section 06.36.070. Classification of services.
- Section 06.36.080. Customers.
- Section 06.36.090. Main extensions.
- Section 06.36.100. Services.
- Section 06.36.110. Water meters.
- Section 06.36.120. Utility rates.
- Section 06.36.130. Notices.
- Section 06.36.140. Security deposit.
- Section 06.36.150. Billing and payment.
- Section 06.36.160. Administration and enforcement.
- Section 06.36.170. Discontinuance or termination of service.
- Section 06.36.180. Restoration of services.
- Section 06.36.190. Unusual demands.
- Section 06.36.200. Access to property.
- Section 06.36.210. Responsibility for equipment.

## **City Of False Pass**

- Section 06.36.220. Fire hydrants.
- Section 06.36.230. Manholes and main lines.
- Section 06.36.240. Suspension of rules.
- Section 06.36.250. Septic pumps.
- Section 06.36.260. Constitutionality and saving clause.
- Section 06.36.270. Fluoridation of water supply.

Schedule A: Nonrecurring Fees

Schedule B: Service Rates

**City Of False Pass**

**Section 06.36.010. Service area.**

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**City Of False Pass**

**Section 06.36.012. Definitions.**

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ADEC:	The Alaska Department of Environmental Conservation.
APPLICANT:	A person or persons, firm or corporation requesting some service from the utility.
CROSS CONNECTION:	Any physical connection through which a supply of potable water could be contaminated. May include any actual or potential connection between a drinking water system and an unimproved water supply or other source of contamination.
CUSTOMER or USER:	An applicant who has been accepted and who receives utility services from the utility.
CUSTOMER SERVICE LINE:	The customer service line shall be that part of the piping from the main line to the dwelling or point of use for water utilities.
DELINQUENT:	Past due amounts and associated finance and late charges that are not received by the utility within 40 days after the date the bill that is past due was rendered.
DEPOSIT:	Money paid to the utility by a customer and held by the utility for a certain time and later returned to the customer if all the requirements for refund are met.
PAST DUE:	Payment that has not been received by the utility within 25 days from the date the bill is rendered.
POLICY BOARD:	City of False Pass City council.
POTABLE WATER:	Water that meets current standards set by Alaska Department of Environmental Conservation (ADEC) for public drinking water.
SERVICE CONNECTION:	Physically separated customer locations that are connected to the plant by a distribution or collection system.

**Section 06.36.030. Description of service.**

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The City of False Pass, hereinafter referred to as the "utility", shall use its best efforts to provide the following service:

A water system that provides a continuous and sufficient supply of water that meets current ADEC drinking water standards

## City Of False Pass

### **Section 06.36.040. Service irregularities and limitation of liability.**

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- A. Irregularity or Failure of Service: The utility will exercise reasonable diligence to furnish and deliver a continuous supply of potable water to the customer under constant pressure. However, the utility will not be liable for damage resulting from interruptions, shortages, irregularities or failures due to accidents, interferences by third parties, acts of nature, or other conditions beyond the control of the utility. Whenever possible, and whenever time permits, all customers to be potentially affected by an interruption or irregularity in service will be notified prior to shut down by direct notification, through local notice posted in the Post Office, by local radio transmission, or other method commonly used in the community.
- B. Interruptions for Repairs or Modifications: The utility reserves the right to temporarily suspend the delivery of service when necessary for the purpose of making repairs, modifications, inspections or improvements to the system. The utility will make reasonable attempts to provide customer notice through the use of public media, or by direct customer contact. Repair work will be completed expeditiously, and as far possible, the work will be completed at a time of least inconvenience to the customer.
- C. Credit for Interruptions: The utility will provide a prorated credit of flat monthly usage charges or flat minimum charges to metered services, for service interruptions extending longer than 48 hours, provided: the interruption is not caused by customer damage to utility facilities. No credit will be given for metered usage charges
- D. Priority of Service: In the event of an emergency water shortage, the utility will notify customers to curtail water usage. The utility will notify customers of the nature and duration of the required curtailment The utility will place a priority on the availability of water for drinking and sanitation purposes Priority customers are assigned at the discretion of the utility.

### **Section 06.36.050. Ownership of utility system.**

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All utility system components including mains, valves, fittings, equipment, and other appurtenances, except customer service lines are the property of the utility.

### **Section 06.36.060. Resale of utility services.**

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Resale of utility service, by a customer is expressly prohibited except through special contract between the utility and the customer, as described in Section 070 of this chapter.

### **Section 06.36.070. Classification of services.**

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The classes of Service shall be as follows:

- A. Residential Service: Residential services shall consist of all services for domestic purposes supplied to a single family dwelling unit.
- B. School Service: School services shall consist of services provided to the school, its administrative offices, and other facilities owned/operated by the school that are not classified under a different class of service

## City Of False Pass

- D. Commercial Service: Commercial services shall consist of all office commercial or business establishments, multiple family dwelling units, tribal facilities, community facilities, and utility owned buildings. If a customer is located in both a single family dwelling unit and a business establishment, the higher rate shall apply.
- E. Contract Service: Contract services shall consist of those services, for industrial or independent uses under contracts authorized by the utility.

Where the requirement for services is large or unusual, or necessitates special services, equipment, or capacity, the utility reserves the right to require a special contract. The provisions of which are different from and are an exception to the regularly published rates and regulations. Special contracts will only be given to customers in unique circumstances. All similarly situated customers will be offered the same rates and provisions. All special contracts shall be in writing, signed by the applicants, approved by the utility and filed with the Regulatory Commission of Alaska.

### **Section 06.36.080. Customers.**

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- A. New Customers: A person or organization becomes a customer by first applying for service to the utility. Each applicant for service shall sign an application form provided by the utility, giving the date of application, type or service requested, location of the premises to be served, the date the applicant desires service to begin, the purpose for which the service is to be used and the address to which bills are to be sent. By signing the application, the customer agrees to abide by the rules and regulations of the utility, and to pay the fees established by the utility for the service requested.
- B. Customers Receiving Service at the Time Ordinance Enacted: Customers receiving service at the time the provisions of this code was enacted are not required to submit an application, but will be presumed to accept the rules and regulations of the utility, including the fees established for the service provided, if they remain customers and have not contacted the utility requesting disconnection. Customers who have been disconnected from the system prior to the enactment of the provisions of this code must submit an application as required by Section 080(A) before service can be restored.
- C. Customers Desiring a Change in Service: Customers desiring a material change in the size, type, character, or extent of equipment of operation which would result in a material change in the service provided, shall give the utility notice of such change prior to the change taking place. An amended application must be filed with the utility and any changes to the rate or deposit amount will occur prior to the change in service. All customers desiring a change in the size, location, or the number of services shall fill out an amended application: The request for amended service may be denied if the applicant has an outstanding bill due to the utility.
- D. Customer Complaints: The utility wants to resolve customer complaints as quickly as possible. The utility will respond to the substance of each service complaint or other customer complaint within 10 days of its receipt. If the utility does not resolve a complaint to the customer's satisfaction, the customer may refer the matter to the Regulatory Commission of Alaska, 701. West Eighth Avenue, Suite 300, Anchorage, Alaska 99501. The Commission's telephone number is (907) 276-6222, toll free at 1-800-390- 2782, or TDD (907) 276-4533.

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### **Section 06.36.090. Main extensions.**

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Main extensions, to areas, or houses not currently being served shall be installed only after application to and authorized by the utility. utility main extensions may require advanced payment by the applicant or group of applicants of the cost of the extension before the utility can provide the extension.

### **Section 06.36.100. Services.**

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- A. Customer Service Line: The customer shall own and maintain the customer service line.
- B. Service Installation Charge: At the time the applicant files for service, where no service previously existed, or for a change in service or location, or if the customer applies for a reconnection of an existing service, the applicant shall submit a service connection fee with the application that is based on the actual cost of the installation. In the case of a new service, this fee will include all costs from the main to the dwelling, including the costs of material needed to make the connection at the dwelling, if necessary. The service line may be installed by either the customer or the utility.
- C. Service Installation Procedures: All connections to the utility water system shall be made at the expense of the customer. Costs of the connection and the terms of the work governing the installation, including the use of self help and use of utility equipment, shall be established by the utility. The utility will not accept a service connection installed by a customer unless the connection meets the applicable, installation codes. The utility may require proof of code compliance in either physical inspection by the utility or a written statement from a qualified inspector. The Policy Board reserves the right to bill the customer for additional work and inspections incurred by the utility to verify correct installation, correct inappropriate, deficient, or, inadequate connections.
- D. Service Installation Codes: All individual water connections, repairs, and modifications shall be made only under the terms and conditions of the Uniform Plumbing Code currently in effect within the State of Alaska, as well as any further regulations the utility may require. Any electrical improvements shall be made in accordance with applicable Electrical Codes and Regulations.
- E. Customer Plumbing:
1. The customer's plumbing, which shall include the customer service line from the main to the house and all plumbing, piping, fixtures, and other appurtenances intended to carry water, wastewater, and; drainage, shall comply with the Uniform Plumbing Code (UPC).
  2. Special attention shall be given to the elimination of any possible cross connections. All water users will be required to install and maintain a backflow prevention devise between the water service connection and the first plumbing fixture or drain. The minimum requirement shall be a dual check valve assembly or as required by the UPC.
  3. Customer freeze ups, or other leaks that affect the efficiency of the utility system or the public health, are to be immediately repaired by the customer. The utility reserves the right to make the repairs and bill the customer for repairs and for any excess water usage that might have resulted from the situation, should the customer be unable to make the repairs; or should the customer have abandoned

## City Of False Pass

the service location without proper notification to the utility; or should the customer be away from the service location temporarily. It is the responsibility of the customer to notify the utility immediately of any problem with the customer's plumbing that could have an adverse effect upon the utility's system.

4. It shall be a violation of these rules and regulations for customers to operate, cause, or permit unauthorized operations or appurtenances on the service connections.
5. It shall be a violation of these rules and regulations for any customer to make, or remake a service connection without the prior knowledge and approval of the utility as detailed by this ordinance.
6. It shall be a violation of this ordinance for any individual to take bulk water from the utility without prior arrangements having been made with the utility.

### **Section 06.36.110. Water meters.**

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- A. Meter Requirement: The utility is authorized to require installation of a water meter upon the customer's line and to charge for such service at the established meter rate set out in Schedule B. The utility will provide the meter and the customer must pay the actual cost of installation.
- B. Location of Meters: Meters shall be placed either inside or under a heated building at suitable convenient places approved by the utility. The meter will not be placed where freezing or damage to the meter or its related parts is likely to occur; nor where damage to the meter could result in a loss of water from the system.
- C. Joint Use of Meters: The joining of several customers to take advantage of single minimum charges and/or large quantity rates is prohibited except under special contract, in writing, from the utility.

### **Section 06.36.120. Utility rates.**

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Utility rates to be charged for the various classifications of services are published in a separate Schedule. On a periodic basis, Schedule B will be revised and approved by resolution of the Policy Board.

### **Section 06.36.130. Notices.**

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- A. Notices to Customers: Notice to customers from the utility will normally be in writing and will be mailed or delivered to the customer at the address on file with the utility. Where conditions warrant, and in an emergency, the utility may notify customers by telephone, messenger, or radio.
- B. Notices from Customers: Notices from the customer to the utility may be given in writing, or verbally by the customer or his authorized representative at the utility office. However, notices that result in a change in service or in work being performed by the utility for the customer must be accompanied by the appropriate application required by Section 080(C) or a signed repair order or work order.

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### **Section 06.36.140. Security deposit.**

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- A. Deposit Requirements and Amount: The utility will require a separate deposit for every service connection. The amount of the deposit required is the higher of two month's service charges at the flat rate, or the higher of the metered charges times the estimated average consumption over a two month period at the location. The utility will issue the applicant a written receipt for the deposit and provide the applicant with a copy of this section.
- B. Interest on Deposits: The utility will not pay interest on the deposits totaling less than \$100. The utility will pay interest on deposits of over \$100 at or before the time it is returned. Interest paid under this section shall be at the legal rate of interest at the time the deposit is made. However, if the deposit is placed in an interest earning account, the utility shall pay the interest rate of the interest bearing account.
- C. General Provisions for Refund of the Deposit: The utility will not require a customer to produce a deposit receipt in order to receive a refund of the deposit that is reflected on the utility's books. The utility will refund deposits within 25 days after the earlier of the date the customer completes 12 months of continuous service during which the customer was not past due in payment more than twice, has not been delinquent in the last six months, and is not past due at the end of 12 months; or the customer terminates service. In the case the deposit amount refunded included any interest due will be the amount, which exceeds any balance due the utility.
- D. Adjustment of Deposit Amounts: The utility will institute or adjust a deposit for an established customer who becomes delinquent in payment. The amount of any new deposit required will be consistent with the above provisions. If the account becomes delinquent and it is necessary to discontinue the service, the deposit amount shall be applied to the unpaid balance of the account. Service shall not be restored to the premises until such time as the deposit is replaced, along with all delinquent amounts due, and payment for labor and materials expended by the utility to reconnect service.

### **Section 06.36.150. Billing and payment.**

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- A. Monthly Bills: All bills will be mailed on or before the 15th of each month. The bill will contain a statement of present charges due. All bills are due and payable 25 days from the date the bill was rendered.
- B. Bill Statement: All bills sent to a customer will include the following statement:  
"You should contact; us first if you have a complaint about your water service. If you are not satisfied after contacting us, you may then file a complaint with the Regulatory Commission of Alaska. The Regulatory Commission of Alaska may be contacted toll-free at 1-800-390-2782, or TDD (907) 276-4533."
- C. Delinquent Bills: All bills not paid within 90 days of the bill will be considered delinquent.
- D. Delinquent Notice: At the discretion of the Policy Board, a notice of delinquency shall be mailed to each delinquent account on the date the account becomes delinquent.
- E. Electricity Arrears for non-payment:

### City Of False Pass

1. If a residential customer fails to make current, delinquent payment after 90 days, payment shall be extracted from their electricity prepayment at a rate of 50% of the purchase of that power.

Example (\$100.00 purchase of ampy prepay power shall receive \$50.00 in electricity and \$50.00 towards delinquent utility bill(s).)

- F. Responsibility for Payment Bills: In all cases the person signing the utility application form is responsible for the utility bills regardless of who owns the property served. However, in the case of a multi-family housing or business complexes with more than one unit the utility reserves the right to bill the owner of the facility for all services provided by the utility.

#### **Section 06.36.160. Administration and enforcement.**

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- A. These rules and regulations shall be administered and enforced by the Policy Board, or the person designated by the Policy Board to manage the utility. The Policy Board shall have the authority to establish and regulate rates for the water system for all customers.
- B. The Policy Board may adopt such additional regulations, provisions, and procedures pertaining to water service as the Policy Board deems proper.

#### **Section 06.36.170. Discontinuance or termination of service.**

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- A. Discontinuance by Customer Order: Each customer about to vacate any premises supplied with water service by the utility shall give at least one (1) week written notice of their intentions and state the date the service is to be discontinued. Otherwise, the customer will be responsible for all services supplied to the premises until a written notice is received by the utility. Within one (1) week of the date stated in the notice to discontinue service, a total bill (minus any deposits due to the customer) will be prepared and delivered, which is due payable immediately. The amount of the bill for the current billing period will be determined by prorating the number of days of service received in the given month (including the date of disconnect) divided by the total number of days in the month, times the usual monthly charge for the customer. There will be no charge for disconnection of the utility.
- B. Discontinuance for Non-payment of Bills: A customer's water service may be discontinued if their bill is not paid in accordance with the procedures listed in Section 150 of this chapter.
- C. Discontinuance for Unsafe Customer Facilities:
  1. Unsafe Facilities or Unsanitary Facilities: The utility may discontinue service to any premises without prior notice where plumbing facilities, appliances, or equipment using water or discharging waste water, are dangerous, unsafe, or not in conformance with standard plumbing practices.
  2. Cross Connection: A cross connection, as defined in Section 010 of this chapter, is unlawful. The utility will disconnect and person or premises where a cross connections exists. Service will not be restored until the cross connection is eliminated.

## City Of False Pass

- D. Discontinuance for Water Waste: Where water is wastefully or negligently used on a customer's premises seriously affecting the general service, the utility may discontinue service if such if such conditions are not corrected after notice given by the utility. Allowing water to run continuously rather than providing reasonable and proper insulation is considered wasting water. At the option of the Policy Board, a customer maybe allowed to continue service if a meter is installed at the customer's expense (as provided in section 06.36.110) and the customer pays a rate based on consumption.
- E. Discontinuance for Service Detrimental to Others: The utility may refuse to furnish service, restrict service, or immediately terminate service to any premises where excessive demands by a customer will result, or have resulted, in inadequate service to other customers. The determination of excessive demand may vary depending on current utility water resources and system equipment conditions.
- F. Discontinuance for Fraud or Abuse: The utility will refuse or discontinue service to any customer or premises where it is deemed necessary to protect the utility from fraud or abuse of service. Discontinuance of service for one or both of these causes will be made immediately upon receipt of knowledge by the utility that such condition or conditions exist.
- G. Discontinuance for Unauthorized Turn-on: Where service has been discontinued for any reason and the service is turned on by the customer or another unauthorized person, the service may then be turned-off at the main, without notice to the customer. The charges for shut-off at the main will be, billed at the actual cost for labor and, materials plus 50% billed to the offending customer. The charges for use of service through such illegal connection will be at the regular rate for the period of time as estimated by the Policy Board, that such illegal or unauthorized connection existed, plus all unauthorized usage fees, as defined in Schedule A.
- H. Discontinuance for Non-Compliance: Unless otherwise specified by specific sections of these rules and regulations a customer may have service discontinued for violation of any provision of these rules and regulations Proper notice is specified in Section 06.36.150(E) of these regulations.
- I. Limitations on Reasons for Disconnection: The utility will not disconnect service to a customer in the following circumstances:
1. for delinquency in payment for services rendered to a prior customer at the premises where service is provided; or
  2. if the customer is unable to pay the full delinquent amount due, and is in compliance with a signed, or is in the process of timely negotiating a deferred payment agreement with the utility; or
  3. for non-payment of a bill related to another class of service at a different service location; or
  4. for failure to pay a disputed amount due on a delinquent account if the customer complies with the rules on customer bill disputes and the dispute remains under investigation by the Regulatory Commission of Alaska. However, the utility may proceed to disconnect service in accordance with the above provisions if a customer fails to pay any undisputed amounts.

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### **Section 06.36.180. Restoration of services.**

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- A. Restoration of service following discontinuance by customer order shall not require a reconnection fee if the voluntary discontinuance was for more than sixty (60) days. Restoration of service for any other reason shall require a reconnection fee. Restoration of service following discontinuance for nonpayment of bills shall be made only after payment of current and past due charges, the reconnection fee, and a security deposit as herein provided.
- B. Restoration following discontinuance because of unsafe facilities, water waste, fraud, abuse, or non-compliance with these rules and regulations will be made only after:
- C. the irregularity has been corrected;
- D. any associated charges for disconnection or repairs undertaken by the utility have been paid;
- E. a new application for service has been received with the appropriate deposits; and the utility has received written assurance that the irregularity will not occur again.

The property owner shall provide clear access to property for connection or reconnection of services. The customer is responsible for insuring that services are in good condition prior to restoration of services. The customer shall pay any costs for clearing or thawing a service line prior to reconnection.

### **Section 06.36.190. Unusual demands.**

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Whenever an abnormally large quantity of water is desired for filling a water storage tank, or for any other purpose, arrangements must be made with the utility prior to taking the water. The Policy Board shall have the power to determine what constitutes an abnormally large quantity of water based on normal or average use. Permission to take water in large quantities will be given only if other customers are not unduly inconvenienced and measures have been taken to minimize any such inconvenience. Purchases of large quantities of water, even if to an existing customer, may be billed under a separate category and for a separate amount from the customer's usual rate.

### **Section 06.36.200. Access to property.**

---

All duly appointed employees or agents of the utility shall have free access at all reasonable hours of the day to exterior parts of a customer's building related to utility service (i.e., electric meter, etc.) for the purposes of reading meters, inspecting connections, piping and fixtures, discontinuing service under the provisions of Section 06.36.170, and to determine the manner and extent to which the utility is being used. When it is necessary to enter a customer's building for the same purposes, the customer will be given notice in accordance with Section 06.36.130. The utility does not assume the duty of inspecting the customer's service line, plumbing, or equipment and shall not be responsible for these services.

In the event that a customer refuses to provide access to the utility in a reasonable period of time, the service may be discontinued for non-compliance with these regulations in accordance with Section 06.36.170.

### **Section 06.36.210. Responsibility for equipment.**

**City Of False Pass**

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- A. Responsibility for Customer Equipment: The utility shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's service line, plumbing, or equipment, nor shall the utility be liable for loss or damage due to interruption of service or temporary changes in water pressure.
- B. The customer shall be responsible for the condition of the plumbing system on the premises when water service is turned on. All drain valves should be closed to prevent cross contamination.
- C. The customer shall be responsible for maintaining proper heat within the property to insure that pipes do not freeze-up, causing harm or damage to the utility system. Electrical heat tape shall be energized as necessary to prevent utility lines from freezing. The customer shall pay for all costs associated with keeping service lines from freezing. The utility reserves the right to seek lawful remedy to recover cost for damages and repairs to the utility facilities.

**Section 06.36.220. Fire hydrants.**

---

- A. Operation: No person or persons other than those designated and authorized by the utility shall attempt to draw water from a hydrant belonging to the utility or in any manner damage or tamper with the hydrant. Any violation of this regulation will be penalized according to these regulations. In cases where temporary service has been granted from a fire hydrant, an auxiliary external valve will be used to control the flow of water.
- B. Damage to Fire Hydrants: Any person who damages a fire hydrant shall be responsible for the cost of its complete repair and return to service.

**Section 06.36.230. Manholes and main lines.**

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- A. Operation: No person or persons other than those designated and authorized by the utility shall place any substance including, but not limited to, animal and fish carcasses, refuse or trash, rocks or gravel, or honeybucket wastes in any manhole or main line, or in any manner damage or tamper with the manhole or main line.
- B. Damage to Manholes and Main Lines: Any person who damages a manhole or main line or any of the attachments or appurtenances thereof, shall be responsible for the cost of its complete repair and return to service.

**Section 06.36.240. Suspension of rules.**

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No employee of the utility is authorized to suspend or alter any of the provisions herein without specific approval or direction of the Policy Board, except in cases of emergency involving loss of life or property or which put the water and sewer system operation in jeopardy.

**Section 06.36.250. Septic pumps.**

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Charges for septic tank pump between the hours of 8:00 am and 5:00 pm, Monday through Friday, excluding holidays, shall be \$60 for single-family residential systems.

Commercial or multifamily system shall be \$250 up to 4 hours with an additional \$60 per hour afterwards.

Charges for septic tank pump after hours, holidays, and weekends shall be \$60 for a single-family residential systems.

**City Of False Pass**

Commercial or multifamily systems shall be \$375 up to 4 hours with an additional \$90 per hour afterwards on weekends.

On holidays, commercial or multifamily systems shall be \$500 up to 4 hours with an additional \$120 per hour afterwards.

**Section 06.36.260. Constitutionality and saving clause.**

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If any clause, sentence, paragraph, section or portion of these rules and regulations, for any reason, is judged to be invalid by a court of competent jurisdiction, such judgment shall not affect, imp[air, or invalidate the remainder of this document, but shall be confined in its operation to the clause, sentence, paragraph, or portion of these rules and regulations directly involved in the controversy in which the judgment is rendered.

**Section 06.36.270. Fluoridation of water supply.**

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The chemical known as fluoride shall no longer be applied for water treatment at the False Pass water treatment station.

**Schedule A:  
Nonrecurring Fees**

<b><u>SERVICE</u></b>	<b><u>CHARGE</u></b>
SECURITY DEPOSITS	
Residential Service	\$75 per connection
School Service	\$75 per connection
Commercial Service	\$75 per connection
Contract Service	\$75 per connection
DISCONNECTION	\$25
RECONNECTION	\$25
LATE PAYMENT PENALTY	\$0.875% of Past Due amount
UNAUTHORIZED USAGE FEE	\$300
RETURNED CHECKS / FAILED BANK DRAFT	\$25

**Schedule B:  
Service Rates**

<b><u>SERVICE</u></b>	<b><u>CHARGE</u></b>
Residential Service	\$20 per month
School Service	\$150 per month
Commercial Service	\$38 per month
Industrial Service	\$600 per month

## **City Of False Pass**

### *EXEMPTION FOR SENIOR CITIZENS*

*Subject to the availability of funds in the city's budget, a head of household for the City of False Pass shall not charge Senior Citizens for Water Usage after the head of household has attained the age of sixty-five (65) years. The city council shall determine at the end of each fiscal year the senior citizen Head of Household for this section shall mean the principal wage earner of a place of residence*

### **LIST OF SPECIAL CONTACTS**

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

**CHAPTER 37  
SOLID WASTE DISPOSAL**

- Section 06.37.010. Establishment.
- Section 06.37.020. Definition.
- Section 06.37.030. Mandatory use.
- Section 06.37.040. Rates.
- Section 06.37.050. Waste oil.
- Section 06.37.060. Construction and demolition waste.
- Section 06.37.070. Junk vehicles.
- Section 06.37.080. Senior citizen exemption

## City Of False Pass

### **Section 06.37.010. Establishment.**

---

The False Pass City council hereby establishes a solid waste disposal utility for the use of all residential and commercial establishments within the City of False Pass.

### **Section 06.37.020. Definition.**

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The following words and phrases, as used in this chapter have the following meaning:

- Business: Business means any commercial enterprise, which as a result of the commercial activity generates refuse. It is intended that the volume from a business would not exceed, on average, twice the amount generated by residential households, or would not contain refuse that requires special treatment or separation before burial in the landfill; such as refuse from boats or processors.
- Head of Household: Head of household means the principal wage earner of a place of residence.
- Industrial: Industrial means-a commercial enterprise, which as a result of the commercial activity generates refuse, the volume of which exceeds, on an average, twice the amount, generated by residential households, or that contains refuse that requires special treatment or separation before burial in the landfill. Examples of industrial waste include that from marine vessels, fish processors, and fueling operations.
- Public buildings: Public buildings means those structures owned or operated by the city or non-profit entities that serve the public.
- Residential: Residential means one or more persons inhabiting a particular house, building or part thereof, structure, or place, and for the purposes of this chapter refers to the refuse associated with that habitation.
- Waste oil: Waste oil is exactly what its name implies, any petroleum-based or synthetic that has been used.
- C&D Waste: Construction and Demolition (C&D) debris is waste that is generated during tile construction or demolition of a structure. This typically includes wood, bricks, rubble, dry wall, roofing materials, tiles, insulation, and concrete. This type of material is generally inert.
- Junk Vehicles: Vehicle under 5,000 pounds, discarded by the titled owner, or be three or more years old, have extensive damage be inoperable have a fair market value that is equal to the approximate value of the scrap metal

### **Section 06.37.030. Mandatory use.**

---

Subscription to the solid waste facility is mandatory for all residential and commercial establishments. All garbage and refuse will be bagged and securely tied. No toxic; wastes, flammable materials or other hazardous materials will be accepted. Toxic wastes flammable materials or other hazardous materials will be shipped to an appropriate recycler or other facility for proper disposal.

## City Of False Pass

### **Section 06.37.040. Rates.**

---

Solid waste rates shall be as follows:

Residential and Public Buildings	\$12	per month.
School	\$50	per month.
Business	\$38	per month.
Industrial users will be charged	\$500	per month for every month of operation.
	\$125	per month when not in operation.

These rates will include regular pick up of refuse for residential customers, public buildings, businesses and the school. Industrial customers are responsible for hauling their own refuse during hours set by the city.

### **Section 06.37.050. Waste oil.**

---

The City of False Pass shall accept waste oil under the following conditions:

Report to Harbor Master to obtain a Chlor-Detect test kit (\$20.00 Fee)

- A. This is a 10-15 minute process that will determine if the oil is considered a hazardous waste by EPA standards.
- B. Any oil samples that do not pass the Chlor-Detect test will not be accepted, as it is considered a hazardous waste.

Upon successful test results from Chlor-Detect, used oil will be accepted in an approved container, and shall be burned in our on-site waste oil heater.

Any deviations from this protocol will result in reporting to DEC and EPA, and will carry with it an additional fine of \$300.

### **Section 06.37.060. Construction and demolition waste.**

---

- A. The acceptance of construction & demolition (C&D) waste shall be accepted on a case by case basis as determined by the City of False Pass City council.
- B. Approval and acceptance of C&D waste shall be done by passing a resolution stating such approval.

### **Section 06.37.070. Junk vehicles.**

---

Junk vehicles discarded in the City of False Pass Landfill shall be charged \$200 and;

- A. Vehicles over 5000 pounds will be handled on a case by case situation as determined by the city council
- B. Prior to disposal or recycling, the vehicle must be properly prepared, which means draining all of the fluids and removing any and all batteries. The following chart summarizes how to prepare a vehicle for recycling or disposal

Crankcase Oil	The plug must be removed and all oil drained.
Brake Fluid	The master cylinder reservoir must be empty and at least one brake line disconnected.
Transmission Fluid	Transmissions, transaxles and transfer cases must be drained of all fluids.

## City Of False Pass

Read End Differential      Axle housing must be drained of all oil; cover plates and drain plugs removed.

Fuel Tank                      All gas/fuel must be removed

Radiator                        The lower radiator hose should be disconnected and the radiator drained.

Batteries                        All batteries must be removed.

All fluids and batteries removed from a vehicle must be disposed properly. Lead-acid batteries can be recycled and should not be disposed in the landfill. Fluids should be properly contained and recycled, disposed through a household hazardous waste collection site, or burned as fuel in a properly-designed waste oil burner.

### **Section 06.37.080. Senior citizen exemption.**

---

Subject to the availability of funds in the City's budget, a head of household of the City of False Pass shall not be required-to pay for landfill services provided by the city to his or her principal place of residence after the head of household has attained the age of sixty-five (65) years.

The city council shall determine at the end of each fiscal year the senior citizen heads of households eligible for this program.

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

**CHAPTER 38  
(RESERVED)**

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

**CHAPTER 39  
CITY EQUIPMENT**

- Section 06.39.010. Recognition.
- Section 06.39.020. Use of equipment.
- Section 06.39.030. Rental of equipment.
- Section 06.39.040. Rental rates.
- Section 06.39.050. City clerk.

## City Of False Pass

### **Section 06.39.010. Recognition.**

---

The city council of False Pass recognizes that:

- A. The City of False Pass owns various trucks, loaders, tractors and other equipment; and
- B. that many times city owned equipment is the only equipment available for use on construction projects in False Pass; and
- C. that private contractors, individual citizens, the State of Alaska and the United States government often desire to use city owned equipment for use on construction projects; and
- D. that the cost of operation; and maintenance of equipment in False Pass is high.

### **Section 06.39.020. Use of equipment.**

---

Individuals, contractors, agencies of the State of Alaska or the United States government may make application to the city council of False Pass for use of city equipment. The council shall review their application and mayor may not grant use on such terms, as the council deems fit.

### **Section 06.39.030. Rental of equipment.**

---

Rental agreements for use of city equipment shall be prepared by the city council. The council shall periodically review operation and maintenance costs for city equipment and set hourly, daily and longer term rates for the rental of city owned equipment. Renters shall be responsible for maintenance, fueling, repair and replacement of parts while equipment is under their control. The council may require a city operator to be used on rental equipment.

### **Section 06.39.040. Rental rates.**

---

There shall be a one (1) hour minimum charge for rental of all city owned equipment. If a city operator is required, there will be an additional charge of thirty(\$30) dollars per hour per operator for operating and standby time. Long term rates for city equipment shall be established by negotiation with the city council on a case by case basis.

The rental rates for city equipment will be as follows:

<b><u>Equipment</u></b>	<b><u>Model</u></b>	<b><u>Per Day</u></b>	<b><u>Per Hour</u></b>
Backhoe:	Case 580	\$600	\$100
Bulldozer:	JD550	\$660	\$110
Loader	Cat 980	\$900	\$150
Bobcat	573	\$300	\$50
Dump Truck	Mack 12 yd	\$480	\$80
Compactor		\$600	\$100
Grader		\$600	\$100
Screen Plant		\$300	\$50
Forklift		\$300	\$50

### **Section 06.39.050. City clerk.**

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The city clerk shall keep a file of blank rental agreements; completed and current rental agreements and rental rates.

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

**CHAPTER 40  
CITY PROPERTY: INVENTORY AND FILES**

Section 06.40.010. Inventory; files.

Section 06.40.020. Ancillary files.

Section 06.40.030. Register.

## City Of False Pass

### **Section 06.40.010. Inventory; files.**

---

The Office of the city Clerk shall prepare and maintain files, which contain separate inventories and listings of all real and personal properties, capital improvements and equipment belonging to the city.

At a minimum, these files shall contain:

- A. The date of acquisition of the property, improvement, or equipment;
- B. the condition at time of acquisition;
- C. the original cost whether borne by the city or paid by a donor agency such as PHS, Village Safe Water or another state or federal agency including a budget breakdown by categories of individual costs such as labor, materials, freight, etc.;
- D. costs of subsequent repairs and improvements after acquisition; and
- E. a listing of past, current and future repair, renovation, replacement or improvement needed, and in the case of current or future repair, renovation, replacement or improvement, estimates or quotations of costs.

### **Section 06.40.020. Ancillary files.**

---

The Office of the city Clerk shall maintain ancillary files to the inventories and listings, which shall include all supportive documents such as warranties, maintenance schedules, licenses, insurance coverage etc. These files shall be so maintained that any supportive information concerning a city property may be immediately retrieved. These files shall contain information, price lists, names, addresses and phone numbers about parts and suppliers.

### **Section 06.40.030. Register.**

---

The Office of the city Clerk shall maintain a register, which lists the locations, costs, dates of acquisition, serial numbers, etc. of all non-expendable city properties individually valued at more than \$50 as of the date of acquisition. The city clerk may provide for property control numbers or such other system of labeling city properties, as the council deems appropriate.

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

**CHAPTER 41  
STREET NAMES**

- Section 06.41.010. Purpose and authority.
- Section 06.41.020. Street defined.
- Section 06.41.030. Street name map.
- Section 06.41.040. Street names.
- Section 06.41.050. Renaming streets.

## City Of False Pass

### **Section 06.41.010. Purpose and authority.**

---

- A. The purpose of this chapter is to establish an official method of naming streets within the City of False Pass and to establish an official map showing all official street names.
- B. The city council, acting upon recommendations from the administration and after hearing public testimony, shall establish the official name of a street within the City of False Pass.

### **Section 06.41.020. Street defined.**

---

Street means a way used by the public for traffic or vehicles.

### **Section 06.41.030. Street name map.**

---

- A. The official street name map is enacted by reference and declared to be part of this chapter in its exact form, as it exists on the date that this ordinance is adopted.
- B. The official street name map shall supersede, where applicable, street names shown on previous maps or recorded documents.
- C. Copies of the official street name map shall be made available upon request to any agency and the public upon receipt of payment for reproduction costs, when applicable.

### **Section 06.41.040. Street names.**

---

- A. Official street names shall be established in accordance with the following:
  - 1. A new or changed street name shall not duplicate an existing name. A different suffix (street, avenue, etc.) does not constitute a different name.
  - 2. A new right-of-way created which is a direct extension or has the same alignment as an existing named right-of-way shall bear the existing street name.
  - 3. No Street shall have a name sounding similar to or identical with any other named street.
  - 4. Street names containing a directional connotation, such as Northalder Avenue or Eastwind Street are to be avoided.
- B. The city council, after consideration of all factors and public testimony, may allow exceptions to the foregoing upon finding that the public interest is not harmed.

### **Section 06.41.050. Renaming streets.**

---

- A. The city council shall conduct a public hearing prior to taking any official actions on any street name change.
- B. Due deference will be given to local or historic acceptance of existing street names to the extent possible.
- C. Street(s) renamed shall become official upon adoption of an amending ordinance stating the revised name and noting such change on the official street name map.

**City Of False Pass**

**TITLE 6  
PUBLIC FACILITIES AND EQUIPMENT**

**CHAPTER 42  
(RESERVED)**

**CHAPTER 43  
(RESERVED)**

**CHAPTER 44  
(RESERVED)**

**CHAPTER 45  
(RESERVED)**

**CHAPTER 46  
(RESERVED)**

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

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<b>CHAPTER 47</b>	<b>INTOXICATING LIQUORS OR BEVERAGES</b>
<b>CHAPTER 35</b>	<b>PLANNING COMMISSION</b>
<b>CHAPTER 48</b>	<b>DISASTER RESPONSE PLAN</b>
<b>CHAPTER 49</b>	<b>ANIMAL CONTROL</b>
<b>CHAPTER 50</b>	<b>(RESERVED)</b>
<b>CHAPTER 51</b>	<b>(RESERVED)</b>
<b>CHAPTER 52</b>	<b>OFFENSES BY OR AGAINST MINORS</b>
<b>CHAPTER 53</b>	<b>(RESERVED)</b>
<b>CHAPTER 54</b>	<b>LITTER; SANITATION MEASURES</b>
<b>CHAPTER 55</b>	<b>(RESERVED)</b>
<b>CHAPTER 56</b>	<b>OFFENSES AGAINST PROPERTY</b>
<b>CHAPTER 57</b>	<b>OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT</b>
<b>CHAPTER 58</b>	<b>OFFENSES AGAINST PUBLIC PEACE</b>
<b>CHAPTER 59</b>	<b>(RESERVED)</b>
<b>CHAPTER 60</b>	<b>(RESERVED)</b>
<b>CHAPTER 61</b>	<b>MOTOR VEHICLES</b>
<b>CHAPTER 62</b>	<b>CONTROL OF FIREARMS DEADLY WEAPONS, EXPLOSIVES. FIREWORKS</b>
<b>CHAPTER 63</b>	<b>(RESERVED)</b>
<b>CHAPTER 64</b>	<b>(RESERVED)</b>
<b>CHAPTER 65</b>	<b>(RESERVED)</b>

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 47  
INTOXICATING LIQUORS OR BEVERAGES**

- Section 07.47.010. Historical data.
- Section 07.47.020. Findings.
- Section 07.47.030. Definitions.
- Section 07.47.040. Prohibitions: sale.
- Section 07.47.050. Prohibitions: public consumption.
- Section 07.47.060. Prohibitions: furnishing alcoholic beverages to intoxicated persons.
- Section 07.47.070. Prohibitions: public intoxication.
- Section 07.47.080. Prohibitions: furnishing alcoholic beverages to minors.
- Section 07.47.090. Arrest or citation of violators.
- Section 07.47.100. Penalties: seizures forfeitures.
- Section 07.47.110. Penalties: fines; community service.

## City Of False Pass

### **Section 07.47.010. Historical data.**

---

An alcohol local option-election was held under Alaska Statute Title 4, on October 2, 2001, at which 34 voted yes and 6 no, to prohibit the sale of alcoholic beverages except by licensed package liquor store in the City of False Pass, Alaska. This election was certified on October 5, 2001, and in accordance with that local option election the City of False Pass enacts this ordinance governing the ban of sale of alcohol except by licensed package store. The fines and penalties imposed for violation of this provision shall remain in effect until they are repealed by a duly held and certified alcohol local option election under Alaska Statute Title 4.

### **Section 07.47.020. Findings.**

---

The council finds that:

The abuse of alcohol seriously interferes with the rights and privileges of community residents. The public health, safety, and welfare suffer when alcohol abuse is not controlled. There is a strong correlation between alcohol consumption and poor health, fetal damage, suicide, domestic violence, and crime.

Strict regulation of alcohol is an effective tool for controlling the abuse of alcohol in the City of False Pass because the city is small, isolated, and lacks extensively developed law enforcement or health care facilities .

### **Section 07.47.030. Definitions.**

---

Alcoholic Beverage : Alcoholic beverage means spirituous, vinous, malt or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage by the person who possesses or attempts to possess it and that contains alcohol in any amount if the liquid is produced privately, or that contains one-half of one percent or more of alcohol by volume, if the liquid is produced commercially.

### **Section 07.47.040. Prohibitions: sale.**

---

It is unlawful to sell alcoholic beverages except through a licensed package store within the jurisdictional boundaries of the City of False Pass.

### **Section 07.47.050. 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.

### **Section 07.47.060. Prohibitions: furnishing alcoholic beverages to intoxicated persons.**

---

A person may not furnish alcoholic beverages to a person who reasonably appears to be intoxicated.

## City Of False Pass

### **Section 07.47.070. Prohibitions: public intoxication.**

---

A person who is under the influence of alcohol may not loiter upon public streets, alleys, parks, or public school property, or in any public school building or city meeting or recreation facility, or at any place where school related functions are taking place; in or about any business establishment, if the owner or person in charge of the business establishment has asked the person to leave; or 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 normal occupants.

### **Section 07.47.080. 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.

### **Section 07.47.090. Arrest or citation of violators.**

---

- A. When a peace officer stops or contacts a person concerning a violation of Sections 07.47.050 through 07.47.070, the peace officer may, in the officer's discretion, arrest the person as provided in A.S. 12.25.010 through 12.25.160 or issue a citation to the person as provided in A.S. 12.25.180 through 12.25.220. When issuing a citation, the officer shall write on the citation the amount of bail established for the violation by the Alaska Supreme Court pursuant to A.S. 04.16.205(c) and/or the local fining authority. A violation of Section 07.47.080 shall be dealt with as provided by the State of Alaska. The officer may seize such evidence as is appropriate to support the charge.
- B. A person cited pursuant to subsection (A) of this section may, within 30 days after the date the citation is issued:
- C. 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
- D. Perform community work in lieu of payment of the fine or a portion of the fine pursuant to subsection (c) of this section.
- E. Community work is performed at the direction of the local fining authority. Under state law, 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:
- F. A form, prescribed by the Alaska Court System indicating completion of the community work; and
- G. A copy of the citation, indicating that the right to an appearance is waived, and 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 are forfeited.

## City Of False Pass

- H. When bail has been forfeited or proof of performance of community work under this section has been filed with the court, a judgment is 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.
- I. If the person does not pay the bail amount stated on the citation, or fails to provide proof of performance of community work as specified in this section to the court, the citation becomes a summons.
- J. Violation of Sections 07.47.050 through 07.47.070 is not considered a criminal offense, nor is a fine imposed for violation considered criminal punishment. A person cited for a violation does not have a right to a jury trial or court-appointed counsel.

### **Section 07.47.100. Penalties: seizures forfeitures.**

---

- A. Alcoholic beverages sold or offered for sale in violation of Section 07.47.040, aircraft, vehicles, or vessels used to facilitate the sale in violation of Section 07.47.040, may be subject to forfeiture.
- B. Alcoholic beverages possessed, carried, or transported in violation of Sections 07.47.040 through 07.47.080 and seized as evidence are subject to forfeiture.
- C. Property subject to forfeiture under this section may be seized as provided by A.S. 04.16.220(c) through (h). Property forfeited under this section shall be placed in the custody of the False Pass Department of Public Safety 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.

### **Section 07.47.110. Penalties: fines; community service.**

---

- A. A person convicted of violating any ordinance contained in Sections 07.47.50 through 07.47.70 shall be fined an amount not to exceed \$200.00, plus the surcharge imposed under AS 12.55.039.
- B. An unlicensed person selling hard liquor or wine or malt beverages in City of False Pass commits a Class "C" felony and can be sentenced up to five years in jail and/or fined up to \$50,000.
- C. A person selling liquor to a minor (someone under 21 years of age), commits a Class "C" Felony and can be sentenced up to five years in jail and/or fined up to \$50,000.
- D. When a peace officer stops or contacts a person suspected of a violation of this ordinance, the peace officer may issue a citation to the person. The maximum bail amount that can be forfeited without a court appearance is \$1,000. The issuing officer must write the amount of bail on the citation. The person may within 30 days of the date of citation either:
- E. Mail or personally deliver to the clerk of the court in which the citation is filed the amount of bail shown on the citation and a copy of the citation showing 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

## **City Of False Pass**

- F. Enter a plea of no contest, forfeit the alcoholic beverages seized and perform, community work instead of paying the fine or a portion of the fine, as provided in Section 07.47.090.

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 48  
DISASTER RESPONSE PLAN**

Section 07.48.010 Disaster response plan.

## City Of False Pass

### **Section 07.01.010. Disaster response plan.**

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- A. A Community wide disaster is defined as: any occurrence or imminent threat of widespread or severe damage, injury, loss of life or property resulting from a natural or a man made cause: fire, flood, earthquake, landslide, mudslide, avalanche, wind-driven water, weather condition, tsunami, volcanic activity, epidemic, air contamination, blight, infestation, explosion, riot or shortage of food, water, fuel or clothing.
- B. In the event of a community wide disaster, the principal executive officer (mayor) of the city shall declare the imminence or occurrence of a disaster.
- C. As per Ordinance 99-06, August 19, 1999 the City of False Pass shall follow and abide by the Disaster Response Plan as Published June 1999 by Ogden Environmental, copies of which shall be at all times available at the city Office, the VPSO Office and the Maintenance Person. Copies shall be made available upon request. A standard copy fee may be exacted.

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 49  
ANIMAL CONTROL**

- Section 07.49.010. Coverage.
- Section 07.49.015 VPSO Role in Animal Control
- Section 07.49.020. Registration required.
- Section 07.49.030. Loose ownerless dogs and cats.
- Section 07.49.040. Loose owned dogs and cats.
- Section 07.49.050. Rabies vaccination.
- Section 07.49.060. Rabid dogs, cats or other animals.
- Section 07.49.070. Rabies; loose dogs and cats under emergency situations.
- Section 07.49.080. Disposal of dogs and cats.
- Section 07.49.090. Rat control; ownership or breeding of rats prohibited.
- Section 07.49.100. Penalties.

## City Of False Pass

### **Section 07.49.010. Coverage.**

Every person who owns, keeps custody of, or claims possession of a dog, cat or other animal is subject to the provisions of this chapter. Such a person is an "owner" for the purposes of this chapter.

### **Section 07.49.015 VPSO ROLE IN ANIMAL CONTROL**

The VPSO is authorized, and has the responsibility to provide animal control functions, including but not limited to vaccinations, investigations, and euthanization of Problem Animals (Problem Animals: If it is a wildlife emergency, i.e bear or wolf in town, destroying property or endangering person(s)). The VPSO is authorized to use firearms during the function(s) of animal control if it is required.

### **Section 07.49.020. Registration required.**

All dogs and cats six (6) months of age or older shall be registered with the City of False Pass. There shall be a registration fee of ten (\$10) dollars for male and spayed female dogs and cats, and fifty (\$50) dollars for unspayed female dogs and cats. A tag issued by the city, to be worn on the collar of registered dogs and cats shall be proof of registration. Registration tags shall expire on June 30 of each calendar year, and must be renewed by July 31 of that year.

### **Section 07.49.030. Loose ownerless dogs and cats.**

Any loose dogs or cats posing a threat to a person or property within the City of False Pass or any loose unattended and unidentifiable dog or cat will be considered wild, abandoned or ownerless and will be subject to disposal without notification of the owner.

### **Section 07.49.040. Loose Owned Dogs and Cats.**

Owners of loose dogs and cats shall accept responsibility for the behavior and safety of their pets. In the case of dogs or cats that disturb or become a nuisance to city residents: After the first incident, the complainant shall inform the owner and request relief from the problem behavior. If the behavior continues, the complainant will inform the VPSO, VPO, or city official who shall give the owner written notice and warning. The notice shall state the date, time, nature of the disturbance, and give the owner a reasonable time from receipt in which to alleviate the problem. If after a reasonable time the problem continues, the owner will be considered in violation of this section. The complaint will be given by the VPSO, VPO, or city official to the fining authority where at their discretion the owner will be fined as outlined in Section 07.49.090, or the animal disposed of.

### **Section 07.49.050. Rabies vaccination.**

All dogs and cats six (6) months of age or older shall be vaccinated against rabies. Owners are responsible for making certain their dogs and cats are vaccinated against rabies at the times vaccination is available in False Pass. Owners are responsible for furnishing proof of vaccination of their dogs and cats.

### **Section 07.49.060. Rabid dogs, cats or other animals.**

Any dog, cat or other animal believed to be sick with rabies shall be observed for fourteen (14) days and shot if found to be sick with rabies. If the animal in question has bitten anyone, the Community Health Aide and the Mayor shall be notified immediately.

# City Of False Pass

## City Of False Pass

### **Section 07.49.070. Rabies; loose dogs and cats under emergency situations.**

---

If loose unattended dogs and cats, or periodic outbreaks of rabies among the fox population near False Pass, or outbreaks of parvovirus cause hazards to public health and safety the council may declare an emergency. During such emergency, all loose and unattended dogs and cats whether ownership is known or not will be disposed of without individual notice. Notice of such emergency shall however be given by publishing notice and by radio if possible. During such emergency, it is the duty of all owners to confine their dogs and cats.

### **Section 07.49.080. Disposal of dogs and cats.**

---

The City of False Pass disclaims any responsibility for disposal of dogs and cats belonging to owners in violation of any provisions of this Chapter.

### **Section 07.49.090. Rat control; ownership or breeding of rats prohibited.**

---

It shall be unlawful for any person to import, buy, sell or breed any member of the genus Rattus within the City of False Pass, except in accordance with the terms of a written permit approved by the city council. An exception is made for the retention of no more than one rat per household, which may be kept as a pet, for which a permit is not required.

### **Section 07.49.100. Penalties.**

---

Any owner violating the provisions of this Chapter shall, upon conviction thereof, be fined not to exceed the sum of three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority.

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 50  
(RESERVED)**

**CHAPTER 51  
(RESERVED)**

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 52  
OFFENSES BY OR AGAINST MINORS**

- Section 07.52.010. Selling tobacco to children.
- Section 07.52.020. Selling intoxicating liquor to minors.
- Section 07.52.030. Penalties.

## City Of False Pass

### **Section 07.52.010. Selling tobacco to children.**

---

It is unlawful in the city for any person, firm, or corporation to sell, exchange, or give any cigarettes, cigars, or tobacco in any form to any child under the age of 19 (nineteen) years.

### **Section 07.52.020. Selling intoxicating liquor to minors.**

---

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

### **Section 07.52.030. Penalties.**

---

Failure to comply with a provision of this Chapter is a violation as defined in Section 01.01.060 Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of Section 07.50.010 shall be fined not to exceed the sum of three hundred dollars (\$300). Person, persons, companies, firms, corporations or other entity(ies) furnishing alcoholic beverages of any sort to a person under the age of twenty one (21) shall be liable to up to 5 years in jail and/or a fine of up to \$50,000 as prescribed in Alaska Statutes, Title 4. Such sentence shall be set at the discretion of the sentencing authority.

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 53  
(RESERVED)**

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 54  
LITTER; SANITATION MEASURES**

- Section 07.54.010. Litter unlawful.
- Section 07.54.020. Notice to abate; removal by city.
- Section 07.54.030. Polluting water.
- Section 07.54.040. Water and sewer.
- Section 07.54.050. Authorized dump area.
- Section 07.54.060. Penalty.

## City Of False Pass

### **Section 07.54.010. Litter unlawful.**

---

It is unlawful for any person to do any of the following within the city limits or those areas outside of the city limits that are owned, operated and/or regulated by the city.

- A. Cause or allow litter to be collected, deposited or to remain in any place under his control;
- B. Throw or deposit litter in or upon any street or public place except in public receptacles, in private receptacles for disposal, or in disposal areas designated by the city;
- C. Drive or move any vehicle which is carelessly loaded, or not constructed to prevent its load, or litter on it, from falling upon any street, alley or public place; and
- D. Throw or deposit litter on any private property, whether owned by that person or not;

### **Section 07.54.020. Notice to abate; removal by city.**

---

The VPSO or Mayor is authorized and empowered to notify the owner or occupier of any property to properly dispose of litter located on the property, which is or may become offensive, noxious or dangerous to the public health, safety or welfare. The notice shall be by personal service or if that is not possible by certified mail, postage prepaid, addressed to the owner or occupier at his last known address. Upon the failure, neglect or refusal of any owner or occupier so notified to properly dispose of litter within five days after the date of notice or in the event the notice is returned to the city because of inability to make delivery, the city clerk is authorized and empowered to pay for disposing of such litter or to order its disposal by the municipality.

Litter or other garbage dropped on the city dock by visiting vessels and not placed in city-furnished containers, shall be removed by the offending vessel fined not to exceed \$300 per occurrence. Failure to pay the fine shall constitute a lien on the vessel and any or all of its property located within the City of False Pass. Such lien shall remain in effect until the fine and all accrued interest has been paid. When the city has affected the removal of such litter or has paid for its removal, a fine not to exceed \$300, plus accrued interest at the rate of eight (8) percent per year from the date of completion of the work shall be charged to the owner or occupier of the property.

### **Section 07.54.030. Polluting water.**

---

It is unlawful for any person to throw, empty out or deposit in any creek, ditch or near any inhabited place, any foul or filthy substance or allow the same to stand on his premises or to seep into the premises of another.

### **Section 07.54.040. Water and sewer.**

---

It shall be unlawful for any person, company or organization to deposit, dump, or in any manner dispose of human waste, offal, or excrement within the city limits except as provided in Chapter 36: Water and Sewer System of this code.

### **Section 07.54.050. Authorized dump area.**

---

For the purposes of this chapter, the authorized disposal area shall be the dump area commonly used for dumping as designated by the city council.

## City Of False Pass

### **Section 07.54.060. Penalty.**

---

Failure to comply with a provision of this chapter is a violation as defined in Section 01.01.060. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred (\$300) dollars. Such fine shall be set at the discretion of the fining authority.

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 55  
(RESERVED)**

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 56  
OFFENSES AGAINST PROPERTY**

Section 07.56.010. Tampering with sewer and water system.

Section 07.56.020. Injury to public library books or property.

Section 07.56.030. Injury to roads and other utilities.

Section 07.56.040. Injury to public property or equipment.

Section 07.56.050. Penalty.

## City Of False Pass

### **Section 07.56.010. Tampering with sewer and water system.**

---

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

### **Section 07.56.020. Injury to public library books or property.**

---

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

### **Section 07.56.030. Injury to roads and other utilities.**

---

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

### **Section 07.56.040. Injury to public property or equipment.**

---

It is unlawful for any person to willfully, maliciously or wantonly injure, destroy or tamper with any public property or equipment whether within or outside of the city limits of False Pass.

### **Section 07.56.050. Penalty.**

---

Failure to comply with a provision of this chapter is a violation as defined in Section 01.01.060. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred (\$300) dollars. Such fine shall be set at the discretion of the fining authority.

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 57  
OFFENSES BY OR AGAINST PUBLIC  
OFFICERS AND GOVERNMENT**

- Section 07.57.010. Interference with city officers.
- Section 07.57.020. Falsely assuming to be an officer.
- Section 07.57.030. Resisting arrest.
- Section 07.57.040. Penalty.

## City Of False Pass

### **Section 07.57.010. Interference with city officers.**

---

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

### **Section 07.57.020. Falsely assuming to be an officer.**

---

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

### **Section 07.57.030. Resisting arrest.**

---

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

### **Section 07.57.040. Penalty.**

---

Failure to comply with a provision of this chapter is a violation as defined in Section 01.01.060. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred (\$300) dollars. Such fine shall be set at the discretion of the fining authority.

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 58  
OFFENSES AGAINST PUBLIC PEACE**

Section 07.58.010. Disturbance of peace.

Section 07.58.00. Disturbing congregations or other assemblies.

Section 07.58.00. Blasphemous or obscene language.

Section 07.58.00. Penalty.

## City Of False Pass

### **Section 07.58.010. Disturbance of peace.**

---

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

### **Section 07.58.020. Disturbing congregations or other assemblies.**

---

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

### **Section 07.58.030. Blasphemous or obscene language.**

---

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

### **Section 07.58.040. Penalty.**

---

Failure to comply with a provision of this chapter is a violation as defined in Section 01.01.060. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred (\$300) dollars. Such fine shall be set at the discretion of the fining authority.

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 59  
(RESERVED)**

**CHAPTER 60  
(RESERVED)**

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 61  
MOTOR VEHICLES**

- Section 07.61.010. Definitions.
- Section 07.61.020. Coverage.
- Section 07.61.030. Excessive speed.
- Section 07.61.040. Unsafe operation.
- Section 07.61.050. Influence of intoxicating liquor or beverage.
- Section 07.61.060. Required equipment; snowmachines.
- Section 07.61.070. Required equipment; all land based vehicles.
- Section 07.61.080. Reporting accidents.
- Section 07.61.090. Operation of ATV's and snowmachines by youths 12 years of age to 16 years of age.
- Section 07.61.100. Penalties.

## City Of False Pass

### **Section 07.61.010. Definitions.**

---

**Street** Street means a way used by the public for traffic of vehicles.

**Vehicle** Vehicle includes 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 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.

### **Section 07.61.020. Coverage.**

---

This chapter is effective within the city limits of False Pass including all roads and trails over which the city exercises control, whether within or outside of the city limits of False Pass.

### **Section 07.61.030. Excessive speed.**

---

The speed limit within the residential area of the city of False Pass shall be 20 (twenty) MPH. It shall be unlawful for any motor vehicle, including motor scooters, motorcycles, motor driven bicycles, snowmachines, three wheelers, snowplanes, wheel and tracked vehicles, and including boats and other waterbased craft to exceed the posted speed limit. A snowmachine (snow-go, etc.) is considered a motor vehicle. Regardless of any posted limit, it is also unlawful to drive a land-based vehicle at a speed greater than is reasonable under the existing road or weather conditions.

### **Section 07.61.040. Unsafe operation.**

---

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

### **Section 07.61.050. Influence of intoxicating liquor or beverage.**

---

No driver of any vehicle, be it water or landbased, shall be under the influence of intoxicating liquor or beverage, drugs or narcotics, including prescription or non-prescription drugs that may impair their ability to drive.

### **Section 07.61.060. Required equipment; snowmachines.**

---

No person shall drive or operate a snowmachine unless the snowmachine is equipped with the following:

- A. At least one headlamp, with or without non-multiple beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions, and where such headlamps shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver; and
- B. a throttle in operating condition which, when released by hand, will return the engine speed to idle; and

## City Of False Pass

- D. standard mufflers for production models in operating condition which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for the operating of the vehicle, and no person shall use a muffler cut-out, by-pass, or similar device on said vehicles; and
- E. brakes adequate to control movement of and to stop and to hold the vehicle under normal conditions of operation.

### **Section 07.61.070. Required equipment; all land based vehicles.**

---

- A. It shall be unlawful to operate any vehicle without operating lights, both front and back.
- B. Vehicles must be muffled. It shall be unlawful to operate any vehicle without a muffler.
- C. It shall be unlawful to operate any vehicle without a throttle in operating condition which when released by hand or foot will return the engine speed to idle.
- D. It shall be unlawful to operate any vehicle without brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation.
- E. It shall be unlawful for any person under the age of eighteen (18) to operate or be a passenger on: motorcycles; snowmachines; ATV's; and three wheelers if not wearing a properly fitted helmet.
- F. Helmets shall be optional for passengers over age 18 when riding with parent or legal guardian.

### **Section 07.61.080. Reporting accidents.**

---

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

### **Section 07.61.090. Operation of ATV's and snowmachines by youths 12 years of age to 16 years of age.**

---

It shall be illegal for anyone under the age of 16 years to operate an ATV or snowmachine in the City of False Pass except that youths 12 years to 16 years of age may operate an ATV or snowmachine under the following conditions:

- A. A signed parent permission form shall be on file at the city Office for each youth operator;
- B. Youths under 12 must be accompanied by a Parent or Legal Guardian.

### **Section 07.61.100. Penalties.**

---

Failure to comply with a provision of this chapter is a violation as defined in Section 01.01.060. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred (\$300) dollars. Such fine shall be set at the discretion of the fining authority.

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 62  
CONTROL OF FIREARMS DEADLY WEAPONS, EXPLOSIVES, FIREWORKS**

- Section 07.62.010. Definitions.
- Section 07.62.020. Enforcement within the city.
- Section 07.62.030. Carrying concealed weapons.
- Section 07.62.040. Carrying loaded firearms.
- Section 07.62.050. Discharging firearms.
- Section 07.62.060. Explosives.
- Section 07.62.070. Exclusions.
- Section 07.62.080. Penalty.

## City Of False Pass

### **Section 07.62.010. Definitions.**

---

Dangerous weapon: Dangerous weapon means any firearm, air gun, pellet gun, or anything designed for and capable of causing death or serious physical injury, including but not restricted to a knife, an axe, a club, metal knuckles, or an explosive.

### **Section 07.62.020. Enforcement within the city.**

---

This chapter shall be enforced within that part of the city encompassed by the following description:

From the South end of the airport runway to and including the new city dock; from the ordinary low water mark at the beach West to and including the dump road and the dump.

### **Section 07.62.030. Carrying concealed weapons.**

---

It is unlawful for any person to carry any firearm or any dangerous weapon of any kind in a concealed manner within the area of enforcement. This provision does not apply to weapons that are covered for protection during transport to or from hunting, subsistence or other food gathering activity.

### **Section 07.62.040. Carrying loaded firearms.**

---

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

### **Section 07.62.050. Discharging firearms.**

---

It is unlawful for any person to fire or discharge any pistol, gun, rifle, air rifle, pellet gun, BB gun, or any other firearm within the area of enforcement except for shotguns used for subsistence purposes.

### **Section 07.62.060. Explosives.**

---

It is unlawful for any person to detonate an explosive device within the area of enforcement 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 07.62.070. Exclusions.**

---

- A. Sections 07.62.030 – 040 of this ordinance do not apply to any duly authorized city, state, or federal law enforcement officer in the performance of official duties.
- B. Section 07.62.050 of this ordinance does not apply to duly authorized city, state, or federal law enforcement officers under the following circumstances:
  - 1. When the use of the firearm is necessary to protect himself a prisoner, another officer or a citizen from a dangerous and felonious assault; or
  - 2. When the use of a firearm is necessary to prevent a person who has committed a felony from escaping; or

## City Of False Pass

3. When the use of a firearm is necessary to dispose of loose dogs as otherwise defined in this code.
- C. Under no circumstances shall an officer fire upon any person who is attempting to escape arrest on a misdemeanor or lesser charge.
- D. Section 07.62.050 of this ordinance does not apply:
  1. To a person who is firing a firearm in justifiable defense of himself or of others or of property or otherwise in accordance with law;
  2. To a person who is sighting in firearms at a time and location approved by the council;
  3. At such times as designated by the council such as New Year's Eve.

### **Section 07.62.080. Penalty.**

---

Failure to comply with a provision of this chapter is a violation as defined in Section 01.01.060. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred (\$300) dollars. Such fine shall be set at the discretion of the fining authority.

**City Of False Pass**

**TITLE 7  
GENERAL WELFARE**

**CHAPTER 63  
(RESERVED)**

**CHAPTER 64  
(RESERVED)**

**CHAPTER 65  
(RESERVED)**

**TITLE 8  
ELECTIONS**

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<b>CHAPTER 66</b> .....	<b>CITY ELECTIONS</b>
<b>CHAPTER 67</b> .....	<b>ELECTION EQUIPMENT</b>
<b>CHAPTER 68</b> .....	<b>ELECTION PROCEDURES</b>
<b>CHAPTER 69</b> .....	<b>ABSENTEE VOTING</b>
<b>CHAPTER 70</b> .....	<b>REVIEW OF ELECTION PROCEDURES</b>
<b>CHAPTER 71</b> .....	<b>CONTEST OF ELECTION</b>
<b>CHAPTER 72</b> .....	<b>(RESERVED)</b>
<b>CHAPTER 73</b> .....	<b>(RESERVED)</b>

**City Of False Pass**

**TITLE 8  
ELECTIONS**

**CHAPTER 66  
CITY ELECTIONS**

- Section 08.66.010. Administration.
- Section 08.66.020. Voter qualifications.
- Section 08.66.030. Residence criteria.
- Section 08.66.040. General elections.
- Section 08.66.050. Special elections.
- Section 08.66.060. Election notices.
- Section 08.66.070. Simple Majority of votes cast required.
- Section 08.66.080. Tie votes.
- Section 08.66.090. Qualifications for city council.
- Section 08.66.100. Filing for office.
- Section 08.66.110. Withdrawal; written notice.
- Section 08.66.120. Publishing names.
- Section 08.66.130. Election judges.

## City Of False Pass

### **Section 08.66.010. Administration.**

---

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

### **Section 08.66.020. Voter qualifications.**

---

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

- A. Is a United States citizen who is qualified to vote in state elections;
- B. Has been a resident of False Pass for the thirty (30) days immediately preceding the election;
- C. Is registered to vote in state elections; and
- D. Is not disqualified under Article V of the constitution of the State of Alaska, which provides that;
- E. "No. person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

### **Section 08.66.030. Residence criteria.**

---

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

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

## City Of False Pass

- F. A person loses their residence in the city if they vote 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 they again qualifies under this chapter.
- G. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- H. The address of a voter as it appears on his 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 supervisor of elections setting out his new voting residence.

### **Section 08.66.040. General elections.**

---

The regular general election for council members and other elected city officials shall be held each year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in 3 public places for 30 days preceding the date of election.

### **Section 08.66.050. Special elections.**

---

- A. If a petition submitted by voters for an initiative, referendum or recall election is certified sufficient by the city clerk and submitted to the city council, the council shall resolve that a special election be held on the question no less than 45 days nor more than 75 days following submission of the petition to the council.
- B. If a special election is required by act of the city council, the city-council shall resolve that a special election on the question proposed by the council's ordinance or resolution be held no less than 20 days nor more than 75 days following the council's action.
- C. If the regular general election held each year on the first Tuesday of October occurs within seventy-five (75) days of the date of submission of a petition by voters for an initiative, referendum or recall election, or if the regular general election occurs within seventy-five (75) days of council action which requires election then no special election may be scheduled and the question or proposition shall be placed on the regular election ballot.
- D. Notice of a special election shall be posted in at least three (3) public places for at least twenty (20) days preceding the date of election.

### **Section 08.66.060. Election notices.**

---

- A. Election notices shall be prepared and posted in three public places by the city clerk for at least 30 days preceding the date of the general election and for at least 20 days preceding the date of a special election, and shall contain the following, as is appropriate:
  - 1. Whether the election is general, special or runoff;
  - 2. Date of the election;
  - 3. Location of the city polling place(s);
  - 4. Time the polling place(s) will open and close;
  - 5. Offices to be filled;

## City Of False Pass

6. A statement describing voter qualifications;
  7. Time for filing declarations of candidacy and nominating petitions;
  8. A statement of any questions or propositions to be placed on the ballot.
- B. A sample election notice that may be used is shown at the end of this chapter.

---

### **Section 08.66.070. Simple majority of votes cast required.**

That candidate receiving the greatest number of the votes cast for his or her respective office shall be the winner.

---

### **Section 08.66.080. Tie votes.**

In the event of a tie vote, and after a recount of ballots that confirms the tie vote the council shall in its first meeting after the election call in the candidates receiving the tie votes and have the candidates draw straws or flip a coin to determine the winner. Those candidates wishing to withdraw may do so by submitting in writing a declination of candidacy to the council at this meeting.

---

### **Section 08.66.090. Qualifications for city council.**

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

- A. A United States citizen who is qualified to vote in state elections;
- B. A resident of the city for 6 months immediately preceding the election or date of appointment for which candidacy is declared;
- C. Registered to vote in state elections;
- D. Not disqualified under Article V of the Constitution of the State of Alaska, which provides that:
- E. "No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

---

### **Section 08.66.100. Filing for office.**

- A. A person who wishes to become a candidate for an elective off shall complete and file a declaration of candidacy or submit a nominating petition with the city clerk. This shall be tiled no later than 10 working days before the election. A nominating petition must carry the signatures of at least 10 registered voters.
- B. A person filing for a city council seat must meet the qualifications of Section 08.66.010.
- C. The forms appearing at the end of this chapter illustrate the forms to be used for the declaration of candidacy and nominating petition.

## City Of False Pass

### **Section 08.66.110. Withdrawal; written notice.**

---

Any candidate who had complied with the provisions of this chapter may withdraw their candidacy no later than the last day for filing a declaration of candidacy (10 days before the election) by filing a written notice of withdrawal with the city clerk.

### **Section 08.66.120. Publishing names.**

---

The city clerk shall cause the names to be posted in three (3) public places five (5) days next preceding the day of election, the names of all candidates who have declared ad been nominated and designated the office for which such person have declared and been nominated.

### **Section 08.66.130. Election judges.**

---

- A. The council shall annually choose three (3) city voters as judges to be the election board at each polling place and select one of the judges to chair of the board. The judges shall not be council members or candidates for office. If an appointed judge fails to appear and subscribe to the oath on election day or becomes incapacitated during the time if the election or the counting of the ballots, the city clerk shall appoint a qualified voter to fill the vacancy.
- B. The city clerk shall give the following oath to all election judges on or before election day:
- “I, \_\_\_\_\_ do solemnly swear that I will honestly, faithfully and promptly perform the duties of election judge to be the best of my ability and that I am familiar with the city's ordinances.”
- C. Pay of the election judges shall be determined by the city council.

**City Of False Pass**

DECLARATION OF CANDIDACY

I, \_\_\_\_\_ declare that I am a United States citizen qualified to vote in State of Alaska elections and registered to vote therein and I have been or will have been by the date of the election for which I am filing this declaration a resident of the City of False Pass for at least three years. I am not disqualified as a voter under Article V of the Alaska Constitution, which provides in Section 2 that:

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

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**City Of False Pass**

NOMINATING PETITION

THE UNDERSIGNED AS QUALIFIED VOTERS IN THE CITY OF FALSE PASS, ALASKA,  
DO HEREBY PETITION THE SUPERVISOR OF ELECTIONS TO PLACE THE  
NAME OF \_\_\_\_\_ ON THE BALLOT  
FOR THE \_\_\_\_\_ ELECTION FOR THE OFFICE OF \_  
FOR A TERM OF \_\_\_\_\_ YEARS.

WE UNDERSTAND THAT THE CANDIDATE, WHOSE ADDRESS IS \_\_\_\_\_  
\_\_\_\_\_ ALASKA, IS A QUALIFIED VOTER RESIDENT  
OF FALSE PASS FOR ONE YEAR PRECEDING THE DATE OF ELECTION AND HAS  
AGREED TO SERVE IF ELECTED.

	<u>NAME</u>	<u>ADDRESS</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

Received: \_\_\_\_\_  
(Date)

ATTEST: \_\_\_\_\_  
(City Clerk)

**City Of False Pass**

**TITLE 8  
ELECTIONS**

**CHAPTER 67  
ELECTION EQUIPMENT**

- Section 08.67.010. Election booths.
- Section 08.67.020. Furnishing instruction cards.
- Section 08.67.030. Ballots; printing; sample ballots.
- Section 08.67.040. Ballots; form.
- Section 08.67.050. Other materials.

## City Of False Pass

### **Section 08.67.010. Election booths.**

---

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

### **Section 08.67.020. Furnishing instruction cards.**

---

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

### **Section 08.67.030. Ballots; printing; sample ballots.**

---

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

### **Section 08.67.040. Ballots; form.**

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- A. The ballots shall state at the top whether the election is a regular or special election
- B. The ballots shall include instructions on how to mark the ballots.
- C. The ballots will be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The clerk shall assure that there are one-third more ballots printed and numbered than there are registered voters in False Pass, in order to provide replacement ballots for ballots that may be spoiled by voters and for those persons who cast questioned ballots because their names do not appear on the Master Voter Registration List.
- D. A ballot shall show the list of candidates and issues to be decided at the election.
- E. Before the list of candidates there shall be placed the words "vote for not more than three," or "vote for not more than one", or such oth`er number as are to be elected.

## City Of False Pass

- F. Under the title of each office and before the printed names of the candidates, there shall be printed "Vote for one" or such other number as are to be elected to that office. The ballots shall list the office for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office listed in a random order and by a blank line or lines for write-in candidates. In regular and special elections the number of blank lines provided for each office shall be equal to the number of persons who are to be elected to the office.
- G. The names of the candidates will be printed in capital letters the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side will be printed.
- H. The names of candidates shall be printed as they appear upon the declarations of candidacy or nominating petitions filed with the city clerk, except that any honorary or assumed title or prefix shall be omitted.
- I. Following the names of the offices and candidates there shall be placed on the ballot in the form prescribed by law all propositions and questions to be voted upon if any. Provision shall be made for marking the propositions or questions "Yes" or "No".
- J. Somewhere on the ballots, so as to be clearly visible, will be printed the words:
  - 1. "OFFICIAL BALLOT":
  - 2. The date of the election; and
  - 3. An example of the signature of the clerk who had the ballots printed.
- K. The sample ballot appearing at the end of this chapter illustrates the ballot format.

### **Section 08.67.050. Other materials.**

---

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

- A. An updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;
- B. A Blank Register in which the voters may print and sign their names and print their residence addresses, and in which the election official may note the number of the ballot issued to the voter;
- C. Tally sheets;
- D. A form for the Report of Preliminary Election Results;
- E. Envelopes bearing the Oath and Affidavit of Eligibility of questioned ballots;
- F. Two large envelopes for each polling place, one marked "Spoiled Ballots" and the other marked "Questioned Ballots";
- G. Copies of the Notice of Election and the city's elections ordinance.

**City Of False Pass**

**CITY OF FALSE PASS, ALASKA  
GENERAL ELECTION BALLOT**

**INSTRUCTIONS**

Mark only by use of "X" marks. Place marks in squares at the left of the candidates' names or propositions you wish to vote for.

DO NOT vote for more than one person for each office. 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 your ballot is marked incorrectly or if you wish to change your vote, return your ballot to the election judge who will issue you a new ballot.

**VOTE FOR NOT MORE THAN FOUR**

**CITY COUNCIL MEMBER SEAT A  
(VOTE FOR ONE)**

<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

**CITY COUNCIL MEMBER SEAT B  
(VOTE FOR ONE)**

<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

**CITY COUNCIL MEMBER SEAT C  
(VOTE FOR ONE)**

<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

**CITY COUNCIL MEMBER SEAT D  
(VOTE FOR ONE)**

<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

**City Of False Pass**

**TITLE 8  
ELECTIONS**

**CHAPTER 68  
ELECTION PROCEDURES**

- Section 08.68.010. Time for opening and closing polls and location.
- Section 08.68.020. Distribution of ballots.
- Section 08.68.030. Distribution of other election materials.
- Section 08.68.040. Preparation of ballot box
- Section 08.68.050. Voting; general procedure.
- Section 08.68.060. Voting; spoiled ballots.
- Section 08.68.070. Voting; questioned ballots.
- Section 08.68.080. Assisting voter by judge
- Section 08.68.090. Prohibitions.
- Section 08.68.100 Administration of oaths.
- Section 08.68.110 Majority decision of election board.
- Section 08.68.120 Ballots; counting and tallying.
- Section 08.68.130 Rules for counting ballots.
- Section 08.68.140 Report of election results.
- Section 08.68.150 Posting certificate of preliminary election results.

## City Of False Pass

### **Section 08.68.010. Time for opening and closing polls and location.**

---

- A. On the day of any election, the election board shall open the polls for voting at eight in the morning, shall close the polls for voting at eight o'clock in the evening'; and shall keep the polls open during the time between these hours. The election board-members shall report to the polling place at 7:30 in the morning on an Election Day;
- B. Fifteen minutes before the closing of the polls, an election judge shall announce to all persons present the time remaining before the polls close. A judge shall announce the time when the polls close. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and-waiting to vote when the polls are announced closed.
- C. The normal voting place shall be the city offices. If for some reason beyond the control of the council this location is unusable, the council may by resolution designate a different location. Such location shall be included in all notices of election.
- D. Election precincts for city elections shall be the same as those established for state elections, except that all areas of state election precincts outside the city limits are excluded. Currently the City of False Pass is entirely within the False Pass election precinct.

### **Section 08.68.020. Distribution of ballots.**

---

- A. Before the polls open on Election Day, the election supervisor shall deliver the ballots and sample ballots prepared pursuant to Chapter 67 to an election board member at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election board to which the package is delivered and given to the election supervisor. No ballots shall be taken from the polling place before the closing of the polls.
- B. The election supervisor shall keep the following records:
- C. The number of ballots delivered to the polling place;
- D. The time the ballots are delivered;
- E. The name of the person to whom the ballots are delivered; and
- F. The receipt given for the ballots by the-election board.
- G. When the ballots are returned, the election supervisor shall record the following:
- H. The number of the ballots returned;
- I. The time when the ballots are returned;
- J. The name of the person returning the ballots; and
- K. The condition of the ballots

## City Of False Pass

### **Section 08.68.030. Distribution of other election materials.**

---

- A. On election day, the election supervisor shall also furnish the election board judges at each polling place with voting booths and ballot box (with lock or sealing materials); and the following materials: the updated Master Voter Registration List; a Blank Register; envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots; an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots; copies of the Notice of Election, city's elections ordinances; a sufficient number of Instruction Sheets; and a sufficient supply of pens, pencils, and envelopes.
- B. The election supervisor shall supply the election board chairperson with tally sheets and forms for the Report of Preliminary Election Results.

### **Section 08.68.040. Preparation of ballot box**

---

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

### **Section 08.68.050. 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 they are qualified to vote. If any judge or clerk does not know the voter 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, the judge shall immediately question the voter.
- B. If the voter is not questioned the judge or clerk shall give the voter a single ballot and note its number in the register next to the voter's name. The voter shall then retire alone to a voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for that purpose. The voter 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, who shall, without unfolding the ballot or allowing any person to see how it is marked, remove the number stub and return the ballot to the voter if the ballot bears the same number as the ballot given to the voter by the judges and clerks. The voter shall then himself in the presence of the election judge deposit the ballot in the ballot box unless the voter requests the election judge to deposit the ballot on his behalf. Separate ballot boxes may be used for separate ballots.
- C. If a voter is questioned, the voter may cast a questioned ballot pursuant to Section 08.68.070.

## City Of False Pass

### **Section 08.68.060. 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, the voter shall return it to an election official, concealing from view the manner in which it is marked, and request a new ballot. The election official shall write the words "Spoiled Ballot" on the outside of the folded ballot, record its number and place it in an envelope with other spoiled ballots for return to the election supervisor. The judge or clerk shall then issue a new ballot to the voter. A voter may request replacement of a spoiled ballot no more than three (3) times.

### **Section 08.68.070. Voting; questioned ballots.**

---

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

### **Section 08.68.080. Assisting voter by judge**

---

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

## City Of False Pass

### **Section 08.68.090. Prohibitions.**

---

- A. Prohibiting the leaving of the polling place with ballot.  
No voter may leave the polling place with the official ballot that was received to mark.
- B. Prohibiting the exhibition of marked ballots.  
No voter may exhibit his ballot to an election official or any other person so as to enable any person to ascertain how the voter marked his ballot.
- C. Prohibiting the identification of ballots.  
No, election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked his ballot, or allow the same to be done by another person.
- D. Prohibiting the count of exhibited ballots.  
No election official may allow a ballot, which the official knows to have been unlawfully exhibited by the voter to be placed in the ballot box: A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed
- E. Prohibition of political discussion by election board.  
During the hours that the polls are open, no judge or clerk may discuss any political party, candidate or issue while on duty.
- F. Prohibition of political persuasion near election polls.  
During the hours that polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. The election judges shall post warning notices of the required distance in the form and manner prescribed by the supervisor of elections.

### **Section 08.68.100 Administration of oaths.**

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

### **Section 08.68.110 Majority decision of election board.**

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

### **Section 08.68.120 Ballots; counting and tallying.**

---

- A. Immediately after the polls close and the last vote has been cast the election judges will open the boxes containing the ballots and count the ballots. Ballots may not be counted before 8:00 P.M. on the day of the election. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from: the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in' any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate arid' for or against each proposition or question. The ballots shall be inspected

## City Of False Pass

- for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete
- B. The election board shall account for all ballots by completing a ballot statement containing:
1. The number of ballots received;
  2. The number of ballots voted;
  3. The number of ballots Spoiled;
  4. The number of ballots unused.
- C. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. If any discrepancies in numbers of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplained error. If a discrepancy is determined to exist between the ballots received and those accounted for it shall be explained in detail on the ballot statement and the explanation signed by the election judges.
- D. The forms at the end of this chapter illustrate Tally Sheets and Ballot Statement forms that maybe used.

### **Section 08.68.130 Rules for counting ballots.**

---

- A. The election board shall count ballots according to the following rules.
1. A voter may mark his ballot only by the use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate or propositions the voter: desires to designate.
  2. A failure to properly mark a ballot as to one or more candidates or propositions does not 'itself invalidate the entire ballot.
  3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
  4. If a voter marks more names than there are persons to elect to the office, the votes for candidates for the office shall not be counted.
  5. The mark specified in subsection A of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.
  6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.
  7. An erasure or correction invalidates only that section of the ballot in which it appears.
  8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was marked for the purpose of identifying the ballot.

## City Of False Pass

9. Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the judges the voter intended to vote for the person whose name was written in as a write-in vote.
  10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter.
- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
  - C. The chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark' any choice with respect to a particular office or proposition) stated 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 portion of the ballot to which the objection applies.
  - E. All defective ballots and all ballots objected to should be sealed in a single envelope marked "Defective Ballots," which shall be delivered to the election supervisor.

### **Section 08.68.140 Report of election results.**

---

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

## City Of False Pass

### **Section 08.68.150 Posting certificate of preliminary election results.**

---

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

**City Of False Pass**

**CITY OF FALSE PASS, ALASKA  
OATH AND AFFIDAVIT OF ELIGIBILITY**

I, \_\_\_\_\_, DO HEREBY DECLARE THAT I AM A  
RESIDENT OF THE CITY OF FALSE PASS, 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 False Pass**

**TALLY SHEET**

**CITY OF FALSE PASS, ALASKA**

\_\_\_\_\_  
(DATE OF ELECTION)

\_\_\_\_\_  
(DATE & TIME OF VOTE COUNT)

Candidate	Seat A	Seat B	Seat C	Seat D	Seat E	Seat F	Seat G	TOTAL
1.	_____	_____	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____	_____	_____	_____
Write – In								
1.	_____	_____	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____	_____	_____	_____

Propositions                      Yes                      No

**City Of False Pass**

**CITY OF FALSE PASS, ALASKA  
REPORT OF PRELIMINARY ELECTION RESULTS**

**The tally below is a true and accurate record of all regular votes cast in the  
General Election held in the City of False Pass, Alaska  
On October \_\_\_\_\_, 20\_\_\_\_\_**

**PART I:**

**ELECTIVE OFFICES**

**OFFICE: CITY COUNCIL SEAT A**

<b>CANDIDATE</b>	<b>VOTE</b>
1. _____	
1. _____	
1. _____	
1. _____	_____

**OFFICE: CITY COUNCIL SEAT B**

<b>CANDIDATE</b>	<b>VOTE</b>
1. _____	_____
1. _____	_____
1. _____	_____
1. _____	_____

**OFFICE: CITY COUNCIL SEAT C**

<b>CANDIDATE</b>	<b>VOTE</b>
1. _____	
1. _____	
1. _____	
1. _____	_____

**OFFICE: CITY COUNCIL SEAT D**

<b>CANDIDATE</b>	<b>VOTE</b>
1. _____	_____
1. _____	_____
1. _____	_____
1. _____	_____

City Of False Pass

CITY OF FALSE PASS, ALASKA
REPORT OF PRELIMINARY ELECTION RESULTS

The tally below is a true and accurate record of all regular votes cast in the
General Election held in the City of False Pass, Alaska
On October \_\_\_\_, 20\_\_

PART II
BALLOT PROPOSITIONS AND QUESTIONS

Proposition \_\_\_\_\_: For \_\_\_\_\_ Against \_\_\_\_\_
Proposition \_\_\_\_\_: For \_\_\_\_\_ Against \_\_\_\_\_
Proposition \_\_\_\_\_: For \_\_\_\_\_ Against \_\_\_\_\_
Question \_\_\_\_\_: For \_\_\_\_\_ Against \_\_\_\_\_
Question \_\_\_\_\_: For \_\_\_\_\_ Against \_\_\_\_\_
Question \_\_\_\_\_: For \_\_\_\_\_ Against \_\_\_\_\_

PART III
ACCOUNTING OF BALLOTS

Total Ballots Received from Election Supervisor: \_\_\_\_
Regular Ballots Cast: \_\_\_\_ Total Questioned
Ballots Cast: \_\_\_\_
Total Ballots Returned to Clerk: \_\_\_\_
The tally of votes was completed between the hours of \_\_\_\_ p.m. and \_\_\_\_ p.m., 20\_\_

\_\_\_\_\_, Election Chairman
\_\_\_\_\_, Election Judge
\_\_\_\_\_, Election Judge

ATTEST:
\_\_\_\_\_, City Clerk

**City Of False Pass**

**TITLE 8  
ELECTIONS**

**CHAPTER 69  
ABSENTEE VOTING**

- Section 08.69.010. Absentee voting; eligible persons.
- Section 08.69.020. Absentee ballots; application; filing.
- Section 08.69.030. Ballot and envelope form.
- Section 08.69.040. Absentee voting procedures.
- Section 08.69.050. Absentee ballots; delivery.
- Section 08.69.060. Absentee voting at clerk's office; absentee voter's ballot.
- Section 08.69.070. Absentee ballots; executing outside city.
- Section 08.69.080. Voting at the polls; absentee voters; surrender of materials.
- Section 08.69.090. Retention of absentee ballots; delivery.
- Section 08.69.100. Liberal construction.

## City Of False Pass

### **Section 08.69.010. Absentee voting; eligible persons.**

---

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

### **Section 08.69.020. Absentee ballots; application; filing.**

---

- A. A person who seeks to vote by absentee ballot may file either in person or by making written application to the city clerk.
- B. Written application must be received by the city clerk no more than twenty days, nor less than three days before a city election. An application made in person must be filed with the city clerk not more than twenty days before the city election, and no later than noon on the day before a city election.
- C. The application must be signed by the applicant, show his/her place of residence, and if to be mailed, his/her mailing address.
- D. No absentee voter's ballot shall be mailed to any address in the city. Any voter present in the city who requires an absentee ballot shall personally obtain the ballot from the city clerk.
- E. Nothing in this section is intended to limit the city clerk in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the city clerk's office for an absent voter's ballot. The city clerk may deliver an absentee ballot to a disabled person living within the city at any time until the polls close on Election Day.
- F. The form appearing at the end of this chapter illustrates this application.

### **Section 08.69.030. Ballot and envelope form.**

---

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

### **Section 08.69.040. Absentee voting procedures.**

---

- A. The clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with Section 08.67.040, together with a ballot envelope and a prepaid return envelope.
- B. The Clerk shall not issue an absentee ballot sooner than 10 days before the election.
- C. Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the clerk shall enter in the blank register the following information: 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. Before the opening of the polls on Election Day the clerk shall deliver to the election judges a list of the voters who have requested to vote absentee.

## City Of False Pass

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

### **Section 08.69.050. Absentee ballots; delivery.**

---

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

### **Section 08.69.060. Absentee voting at clerk's office; absentee voter's ballot.**

---

Any voter issued an absentee ballot may, at any time prior to the day of the election for which it is issued, appear at the office of the city clerk, and there cast a ballot in the following manner: The voter first shall show the city clerk that his ballot has not been marked, then shall secretly mark the ballot in the presence of the clerk, in a manner, which permits the clerk to be certain that the voter personally marked the ballot, but which does; not permit the clerk to see how the voter voted. The voter shall fold the ballot and place it in thy ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the back of the return envelope, and deliver it, properly sealed, to the city clerk. The city clerk shall certify to the affidavit printed on the return envelope, write or stamp the clerk's name across its seal, and retain the envelope in the clerk's custody to be delivered to the council for canvassing.

### **Section 08.69.070. Absentee ballots; executing outside city.**

---

Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear before any person authorized by law to administer oaths, and in the presence of such officer cast their ballot in the same manner as they would cast it in the office of the city clerk under Section 08.69.060 of this chapter. After writing or stamping the officer's name across the seal of the return envelope, the officer shall return it to the voter who shall return it to the city clerk.

## City Of False Pass

### **Section 08.69.080. Voting at the polls; absentee voters; surrender of materials.**

---

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

### **Section 08.69.090. Retention of absentee ballots; delivery.**

---

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

### **Section 08.69.100. Liberal construction.**

---

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

**City Of False Pass**

**CITY OF FALSE PASS, ALASKA  
APPLICATION FOR ABSENTEE BALLOT:**

I, \_\_\_\_\_ A QUALIFIED VOTER AND RESIDENT OF  
THE CITY OF FALSE PASS, ALASKA DO HEREBY MAKE APPLICATION FOR AN  
ABSENTEE BALLOT FOR THE OCTOBER 20\_\_\_\_ GENERAL CITY ELECTION TO BE  
HELD OCTOBER 20\_\_\_\_\_.

MAILING ADDRESS: \_\_\_\_\_  
(PO Box Number or Street)

RESIDENCE ADDRESS: \_\_\_\_\_  
(IF DIFFERENT FROM MAILING 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 False Pass.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

PLEASE MAIL THIS APPLICATION TO:

CITY CLERK  
CITY OF FALSE PASS  
PO Box 50  
FALSE PASS, ALASKA 99583

**City Of False Pass**

STATE OF ALASKA

CHAPTER 69, SECTION 3

)ss.

ABSENTEE BALLOT RETURN ENVELOPE UNITED STATES OF AMERICA)3

I \_\_\_\_\_state that: I am a resident of and a registered voter in the City of False Pass, Alaska, and I hereby enclose my ballot.

\_\_\_\_\_  
(Signature of Voter)

\_\_\_\_\_  
(Residence address within City)

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

\_\_\_\_\_  
(Official's Signature)

\_\_\_\_\_  
(Title of Officer)

(SEAL)

NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the city clerk of the City of False Pass, you must immediately return it by mail, postage prepaid, to Office of the City Clerk, City of False Pass, False Pass, Alaska 99659.

MARKED BALLOT ENCLOSED, TO BE OPENED ONLY BY ELECTION REVIEW COMMITTEE

**City Of False Pass**

**TITLE 8  
ELECTIONS**

**CHAPTER 70  
REVIEW OF ELECTION PROCEDURES**

- Section 08.70.010. Election review committee; meeting.
- Section 08.70.020. Review to be public.
- Section 08.70.030. Procedure for questioned ballot review.
- Section 08.70.040. Questioned ballots; subpoenas.
- Section 08.70.050. Absentee ballots.
- Section 08.70.060. Counting absentee and questioned ballots.
- Section 08.70.070. Defective ballots.
- Section 08.70.080. Certifying results.
- Section 08.70.090. Contest of election.
- Section 08.70.100. Certificate of election.
- Section 08.70.110. Retention of election records.

## City Of False Pass

### **Section 08.70.010. Election review committee; meeting.**

---

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

### **Section 08.70.020. Review to be public.**

---

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

### **Section 08.70.030. Procedure for questioned ballot review.**

---

- A. The election supervisor shall contact the State Division of Elections and the local voter registrars by the Thursday following the election and determine if persons casting questioned ballots because of failure of their names to appear on the Master Voter Registration List were in fact registered to vote in state elections. The election supervisor shall record the names of these questioned voters in fact registered to vote and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots according to the procedures in section 08.70.030(B)(4).
- B. The council meeting as the election review committee shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the council may request the assistance of the clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the council's decision. If the council determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the council upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials
  - 1. A questioned ballot may not be counted if:
    - a. The voter has failed to properly execute the certificate;
    - b. An official authorized by law to attest the certificate failed to execute the certificate;
    - c. The voter did not enclose the marked ballot inside the small envelope.

## City Of False Pass

2. Any person present at the questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the back of the large envelope if the person has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The election review committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in Section 08.70.030(A)(1) of this subsection.
3. If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of challenge. The envelope shall be labeled "rejected questioned ballots" and shall be placed in the office safe.
4. If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and mixed with other small envelopes containing questioned ballots.

### **Section 08.70.040. Questioned ballots; subpoenas.**

---

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

### **Section 08.70.050. Absentee ballots.**

---

- C. The council shall examine each absentee ballot return envelope. Upon the councils satisfaction that:
  - A. The voter is registered to vote;
  - B. A resident of False Pass;
  - C. Did so certify and cast his ballot before a person authorized by law to administer oaths, which person did so sign and seal; and
  - D. The ballot was cast before the close of the polls in False Pass; the return envelope shall be opened and the blank envelope containing the absentee ballot shall be placed in a ballot box and mixed with other small envelopes containing the previously reviewed questioned ballots.
- E. If the council determines that a voter-voting absentee was not in fact a qualified voter or did not follow absentee voting procedures the council by majority vote may refuse to accept and count the absentee ballot. The return envelope shall not be opened but rather the reasons for rejection shall be noted on the envelope. The election supervisor shall place all such rejected absentee ballots in an envelope marked "rejected absentee ballots" to be saved with other election materials. The election supervisor shall notify the voter in writing why his absentee ballot was rejected.

## City Of False Pass

### **Section 08.70.060. Counting absentee and questioned ballots.**

---

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. If council determines for whom the voter intended to 'vote and that the ballot should be counted, the ballot shall be placed in the ballot box along with absentee and questioned ballots.

### **Section 08.70.070. Defective ballots.**

---

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

### **Section 08.70.080. Certifying results.**

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If no contest of election is begun under the provisions of Chapter 71 of this Code and after all absentee, defective and questioned ballots are counted or rejected the council shall:

- A. Certify a report that shows:
  1. The total number of ballots cast in the election;
  2. The names of the persons voted for (including write-ins) and the propositions voted upon;
  3. The offices voted for;
  4. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
  5. The disposition of all absentee, questioned, and defective ballots; and
  6. Any other matters, which the council deems necessary to preserve a complete record of the election.
- B. Record the results of the election in the minutes of the meeting;
- C. Authorize the results to be certified;
- D. Publicly declare the results of the election.

### **Section 08.70.090. Contest of election.**

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If a contest of election is declared and resolved, the procedures of Section 08.70.080(A-D) shall be followed at a special meeting held on the first Monday after resolution of the contest.

### **Section 08.70.100. Certificate of election.**

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

## City Of False Pass

### **Section 08.70.110. Retention of election records.**

---

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

**City Of False Pass**

**CITY OF FALSE PASS, ALASKA  
REPORT OF ELECTION RESULTS  
CERTIFICATE OF ELECTION**

**The tally below is a true and accurate record of all regular votes cast in the 20\_\_\_\_ General Election held in the City of False Pass, AK on\_\_\_\_\_, 20\_\_\_\_\_**

**PART I: ELECTIVE OFFICES**

**OFFICE: CITY COUNCIL SEAT A**

**OFFICE: CITY COUNCIL SEAT B**

<b>CANDIDATE</b>	<b>VOTE</b>
1. _____	
1. _____	
1. _____	
1. _____	_____

<b>CANDIDATE</b>	<b>VOTE</b>
1. _____	_____
1. _____	_____
1. _____	_____
1. _____	_____

**OFFICE: CITY COUNCIL SEAT C**

**OFFICE: CITY COUNCIL SEAT D**

<b>CANDIDATE</b>	<b>VOTE</b>
1. _____	
1. _____	
1. _____	
1. _____	_____

<b>CANDIDATE</b>	<b>VOTE</b>
1. _____	_____
1. _____	_____
1. _____	_____
1. _____	_____

**City Of False Pass**

**CITY OF FALSE PASS, ALASKA  
REPORT OF ELECTION RESULTS  
CERTIFICATE OF ELECTION**

**PART I: ELECTIVE OFFICES**

THIS IS TO CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_ was elected to the office of \_\_\_\_\_ of the  
City of False Pass, Alaska, as confirmed by the City council of the City of False Pass upon  
completion of the final canvass of ballots on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DATED at False Pass, Alaska this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

City Of False Pass

CITY OF FALSE PASS, ALASKA
REPORT OF ELECTION RESULTS
CERTIFICATE OF ELECTION

PART II
BALLOT PROPOSITIONS AND QUESTIONS

Proposition \_\_\_\_\_ : For \_\_\_\_\_ Against \_\_\_\_\_
Proposition \_\_\_\_\_ : For \_\_\_\_\_ Against \_\_\_\_\_
Proposition \_\_\_\_\_ : For \_\_\_\_\_ Against \_\_\_\_\_
Question \_\_\_\_\_ : For \_\_\_\_\_ Against \_\_\_\_\_
Question \_\_\_\_\_ : For \_\_\_\_\_ Against \_\_\_\_\_
Question \_\_\_\_\_ : For \_\_\_\_\_ Against \_\_\_\_\_

PART III:
ACCOUNTING OF BALLOTS

Total Ballots Cast: \_\_\_\_\_ Total Regular Ballots Cast: \_\_\_\_\_

Total Questioned Ballots Cast: \_\_\_\_\_
Disposition: \_\_\_\_\_
Accepted: \_\_\_\_\_
Rejected: \_\_\_\_\_

Total Absentee Ballots Cast: \_\_\_\_\_
Disposition: \_\_\_\_\_
Accepted: \_\_\_\_\_
Rejected: \_\_\_\_\_

Total Defective Ballots Cast: \_\_\_\_\_
Disposition: \_\_\_\_\_
Accepted: \_\_\_\_\_
Rejected: \_\_\_\_\_

The canvass of the election was completed, between the hours of \_\_\_\_\_ and \_\_\_\_\_ on,
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**City Of False Pass**

**CITY OF FALSE PASS, ALASKA  
REPORT OF ELECTION RESULTS  
CERTIFICATE OF ELECTION**

**BALLOT PROPOSITION**

THIS IS TO CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_, the ballot proposition relating to \_\_\_\_\_ a true and correct copy of  
which is attached hereto, was approved by the voters of the City of False Pass as confirmed by  
the City council of the City of False Pass upon completion of the final canvass of ballots on the  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

DATED at False Pass, Alaska this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

[City Seal]

**City Of False Pass**

**TITLE 8  
ELECTIONS**

**CHAPTER 71  
CONTEST OF ELECTION**

- Section 08.71.010. Contest of election; contestant.
- Section 08.71.020. Contest of election; council.
- Section 08.71.030. Ballot recount.
- Section 08.71.040. Prohibited practices alleged.
- Section 08.71.050. Sustained charges; recount.
- Section 08.71.060. Recount expenses; appeal.

## City Of False Pass

### **Section 08.71.010. Contest of election; contestant.**

---

- A. Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.
- B. Any qualified voter who believes that prohibited practices occurred at an election may contest the election by:
  - 1. Filing a written affidavit with the city clerk specifying with particularity the provisions of the law, which they believe were violated, and the specific acts they believe to be misconduct;
  - 2. This affidavit must be filed with the city clerk before or during the first review of the ballots on the Friday following the election. The city clerk shall acknowledge the date and times the affidavit is received on its face and make a photocopy of the affidavit, which shall be given the contestant.
  - 3. The sample affidavit at the end of this Chapter shows the form this affidavit should take.

### **Section 08.71.020. Contest of election; council.**

---

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

### **Section 08.71.030. Ballot recount.**

---

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

### **Section 08.71.040. Prohibited practices alleged.**

---

When the contestant alleges prohibited practices the council shall direct the city clerk to produce the original register books for the election.

### **Section 08.71.050. Sustained charges; recount.**

---

If the charges alleged by the contestant are upheld, the election review committee shall make a recount. The council shall then certify the correct election returns as provided in Chapter 70.

### **Section 08.71.060. Recount expenses; appeal.**

---

- A. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contested is more than two percent.
- B. A person may appeal the decision of the council in Section 08.71.020 to the Superior Court, however no person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the City, has exhausted his administrative remedies before the City council and has commenced, within 10 days after the council has finally declared the election results, an action in the Superior Court in Anchorage. If no such action is commenced within the 10 day period, the election and election results shall be conclusive, final, and valid in all respects.

**City Of False Pass**

**AFFIDAVIT OF ELECTION CONTEST**

The undersigned believes that prohibited practices occurred at the \_\_\_\_\_  
municipal election here on \_\_\_\_\_, 20\_\_ at False Pass, Alaska. The  
undersigned states that the following laws were violated.

---

---

---

---

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

---

---

---

---

\_\_\_\_\_  
Signature of Person Contesting

Received Date & Time: \_\_\_\_\_

City Clerk: \_\_\_\_\_

[City Seal]

**City Of False Pass**

**TITLE 8**

**CHAPTER 72  
(RESERVED)**

**CHAPTER 73  
(RESERVED)**

**City Of False Pass**

**TITLE 9  
POLICIES AND PROCEDURES**

---

<b>CHAPTER 74</b> .....	<b>RESPONSIBILITIES OF OFFICERS AND EMPLOYEES</b>
<b>CHAPTER 75</b> .....	<b>PERSONNEL POLICES</b>

**City Of False Pass**

**TITLE 9  
POLICIES AND PROCEDURES**

**CHAPTER 74  
RESPONSIBILITIES OF OFFICERS  
AND EMPLOYEES**

- Section 09.74.010. Conduct in office; investigations.
- Section 09.74.020. Oath.
- Section 09.74.030. Delivery of office.
- Section 09.74.040. Reports.
- Section 09.74.050. Resignation
- Section 09.74.060. Conflict of interest.

## City Of False Pass

### **Section 09.74.010. Conduct in office; investigations.**

---

The council, the mayor, or any persons or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, officer, or employee of the city and to make investigations in municipal affairs and compel the production of books, papers, and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee according to the personnel policies of the city.

### **Section 09.74.020. Oath.**

---

All elected officials and permanent employees of the city shall before entering upon the duties of the office, individually take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his or her office and trust, which oath shall be filed with the clerk. The oath is provided in Section 02.05.030 this Code.

### **Section 09.74.030. Delivery of office.**

---

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

### **Section 09.74.040. Reports.**

---

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

### **Section 09.74.050. Resignation**

---

Resignations of city officers and appointed officials shall be made in writing and filed with the clerk, who shall immediately notify the mayor and council. Appointed employees shall follow the procedures of Chapter 75, Personnel Policies for resignation.

### **Section 09.74.060. Conflict of interest.**

---

- A. Prohibitions.
1. No elected official, appointed city officer, or city employee shall use his office or official position for the primary purpose of obtaining financial gain for themselves or their spouse, child, mother, father or business with which the official or employee is associated or owns stock.
  2. No elected official (except in the case of a council member where the presiding officer or council rule otherwise as provided in Subsection C of this section), appointed city officer, or city employee shall participate in any official action in which they have 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.

## City Of False Pass

3. No elected official, appointed city officer, or city employee may accept from any other elected official, appointed city officer, or city employee, or any other person, money, gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from accepting any award or bonus authorized by the council to be given for meritorious service.
  4. No elected official, appointed city officer, 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.
- B. Financial Interests Which May Be Conflicts of Interest.
1. 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:
  2. 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.
  3. He or she (or a member of his or her immediate family) is party to or beneficiary of a contract for a sum of \$1,000 or more that will be affected by the vote or action.
  4. 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 \$1,000 or more that will be affected by the vote or action.
  5. 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 \$1,000 or more with the city that will be affected by his or her vote or action.
- C. Conflicts of Interest and Disclosure; City council Members.
1. Each 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.
  2. 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

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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.

3. 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.
  4. 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 09.74.060(C)(2) above.
  5. 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.
  6. 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.
- D. Conflicts of Interest and Disclosure: City Officers and Employees.
1. 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.

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2. Any resident of the city who thinks that a city officer or employee may have an undisclosed conflict of interest may request a confidential meeting with the mayor (or, in the event that a claimed potential conflict of interest involves the mayor, any other 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.

### E. Violations

1. Any council member, city officer, or city employee who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be suspended from the councilor from his or her city office or employment. Such suspensions shall be for a period up of ninety days, and shall be made upon a two-thirds majority vote of the council. Any council member, officer, or employee who is suspended for this reason more than once in any twelve month period may be discharged from the council or from his or her office or job. Such discharge shall be made upon a two-thirds majority vote of the council.
2. Any person who willfully violates any provision of Section 09.74.060(A) shall be guilty of an infraction
3. Any city-council member or appointed city officer who willfully violates any provision of Section 09.74.060(A). shall be deemed to have violated his or her oath of office and shall be subject to immediate discharge from the council or from office by two-thirds vote of the council. Any willful violation of any provision of Section 09.74.060(B) by any city employee shall be cause for immediate dismissal from employment.
4. No council member may vote on any question of his or her own suspension or discharge.

**City Of False Pass**

**TITLE 9  
POLICIES AND PROCEDURES**

**CHAPTER 75  
PERSONNEL POLICES**

- Section 09.75.010. Policies.
- Section 09.75.020. General provisions.
- Section 09.75.030. Employment limitations, prohibitions, penalties.
- Section 09.75.040. Classification, compensation, salary schedules.
- Section 09.75.050. Recruitment and hiring of personnel.
- Section 09.75.060. Workweek, pay, classification of employees.
- Section 09.75.070. Performance evaluation.
- Section 09.75.080. Resignation, suspension, layoff.
- Section 09.75.090. Dismissal disciplinary actions.
- Section 09.75.100. Grievance and grievance procedure.
- Section 09.75.110. Leave.
- Section 09.75.120. Other leave.
- Section 09.75.130. Legal holidays.
- Section 09.75.140. Travel, per diem, subsistence.

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### Section 09.75.010. Policies.

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- A. Authority:  
The following Personnel Policies and principles are established under the authority granted by A.S. 29.20.410.
- B. Application:  
These policies shall apply to all employees of the city and to the delegate agencies of the city which do not issue their own, approved personnel policies.
- C. Federal and State Law:  
It is the intent of these policies to comply with all federal, state and local laws applicable to the city or its operations. If these approved policies conflict with any rules, regulations or conditions prescribed by any funding source or regulatory body, those regulatory specifications shall prevail. The mayor and city council determine which regulatory specifications shall prevail and will determine which federal, state or local regulations apply to programs. All applicable federal, state or local laws presently in force or as passed or amended in the future that regulate wages, labor, working conditions, etc. are hereby incorporated into these policies.
- D. Purpose:  
It is the purpose of these policies to establish a system of personnel administration based upon the merit principle and adapted to the requirements of the city to the end that persons best qualified to perform the functions of the city will be employed, and that an effective career service will be encouraged, developed and maintained. The merit principle of employment includes the following:
- E. Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment.
- F. No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position because of race, religion, color or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, parenthood or unless otherwise contrary to law because of political opinions or affiliations when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.
- G. Regular integrated salary programs based on the nature of the work performed.
- H. Retention of employees with regular status on the basis of the adequacy of their performance, reasonable efforts of temporary duration for correction or inadequate performance, and separation for cause.
- I. Selection and retention employee's position secure political influences.

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### J. Employment Preference:

The city shall foster and promote the welfare of the wage earners of the city. improve their working conditions and advance their opportunities for profitable employment. The city shall aid and assist resident workers to obtain, safeguard and protect their rightful preference to be employed in industries in the city. In the performance of contracts let by the city or any or its subdivisions or departments for construction, repair, preliminary surveys, engineering studies, consulting, maintenance work or any other retention of services necessary to complete any given project, at least 95 per cent of those employed shall be residents where they are available and qualified. If 10 or fewer persons are employed under the contract then at least 90 per cent of those employed shall be residents where they are available and qualified. In all cases of hire or letting of contracts by the city, its subdivisions or departments, employment preference shall be given to residents of the city. When the city council assembled finds as a matter of fact that there are not sufficient residents of the city available and qualified for employment preference. the city council shall so resolve and by this resolution approve non-city resident hire.

### Section 09.75.020. General provisions.

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#### A. Adoption and Amendment:

These policies shall be adopted as an ordinance of the city. The city council recognizes that amendment of these policies may from time to time be necessary. To that end these policies may be amended at any time following normal procedures for amending city ordinances. The city council recognizes that these personnel policies are by no means all inclusive and that they are intended to promote better working conditions for city employees, better utilization of city resources and better city operations. To further these ends any city employee or resident may request the city clerk or mayor to include personnel policies or their amendment on the agenda for any regular city council meeting.

#### B. Personnel Officer:

The mayor of the city is the Personnel Officer. As chief administrative officer of the city mayor shall appoint, suspend, remove city employees with the confirmation of the city council. The mayor as the executive officer of the city shall ensure that these policies are enforced. The mayor may delegate personnel responsibilities and duties concerned with personnel to subordinates for effective management but this is not a delegation or ultimate responsibility for management.

#### C. Personnel Files:

##### 1. Central Personnel Files

The city clerk shall provide and maintain central files for records of the personnel and work histories of each employee of the city. Such records shall include the employee's original application, reports on the employee's work performance, disciplinary actions, commendations, and any other records relating to the employee's service to the city.

##### 2. Accounting Personnel Files:

The city clerk shall also provide and maintain personnel files for accounting purposes for each employee of the city. Such files shall include the employee's W-4 and W-2 forms and all records having to do with an employee's salary or compensation, and all other records necessary for accounting purposes.

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3. Personnel Files – Confidentiality:  
All information in the personnel records of city employees showing salary or compensation, job description, education and training background, and previous work experience shall be open public inspection. Access to all other information in an employee's file shall be limited to the mayor or the mayor's designee as personnel officer and the employee or the employee's authorized representative.
- D. Equal Employment Opportunity Officer:  
The mayor shall appoint a person on the staff to be the Equal Employment Opportunity Officer. The officer's duties will be spelled out in all state, federal or local laws dealing with Equal Employment Opportunity.

### **Section 09.75.030. Employment limitations, prohibitions, penalties.**

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- A. No Political Consideration for Employment:  
Employment with the city will not be offered as a consideration or reward for public office, nor may any person, as an employee, engage in partisan political activity. In certain instances, the council may grant a waiver to city employee(s) to engage in political activity if the political activity is determined beneficial to the city's goals and objectives.
- B. No Advantage in a Position:  
No person may give, render, pay, offer, solicit, or accept any money, service, or other valuable things in connection with any appointment, promotion, or advantage in a position unless authorized by the city council.
- C. No Political Party Assessments:  
No person may require any assessment, subscription, contribution, or service for any political party from an employee.
- D. No Political Party Endorsement:  
No person may seek or attempt to use any political party endorsement in connection with any appointment or promotion.
- E. Equal Opportunity in All Personnel Management Actions:  
All training, development, assignment, promotion, and other actions must be taken without regard to race, religion, color or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, sex, physical handicaps, or any other factor irrelevant to the quality of performances or the qualifications for a position.
- F. Outside Employment:  
Outside employment by city staff is not allowed without notice to the mayor and city council and approval by the city council. Outside Employment without approval is grounds for dismissal of an employee.

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### **Section 09.75.040. Classification, compensation, salary schedules.**

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- A. Position Roster:  
The city clerk shall keep a roster of all positions within the city. The roster will spell out the organizational structure of the city.
- B. Job Classification:  
The city council shall adopt a Job Classification System by resolution and may amend such system by resolution. The Classification System shall include job descriptions defining each position in writing and assigning a pay grade to each position. The existence of a job description does not obligate the city to fill the position.
- C. Changes in Duties and Responsibilities:  
The mayor or an employee's supervisor shall recommend a redefinition of a job description to the city council whenever a significant change is made in a position involving the addition, the taking away or substantial modification or existing duties and responsibilities.
- D. Temporary Service Outside of Classification:  
An employee may be required to assume the duties, responsibilities and workload or another employee or supervisor because of resignation, termination or extended leave. Any service performed outside the employee's required duties in such a manner shall be recorded and filed in the employee's central personnel file. If such temporary assignment is to be regular and continuous in character for a period of one (1) month or longer, the city council may authorize temporary additional compensation which amount shall be determined in direct proportion to the additional duties, responsibilities and workload.
- E. Compensation Plan, Salary Schedules, Pay Grades, Merit System Plan:  
Following recommendations from the mayor and city staff, the city council shall adopt a compensation plan by resolution including salary schedules and pay grades, and may include a merit system plan, and such plan may be amended by resolution.

### **Section 09.75.050. Recruitment and hiring of personnel.**

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- A. Merit Principles Apply:  
All appointments and promotions or city employees are made based on merit and fitness for the position. When required by law or by the city council an applicant for a city position shall show merit and fitness for the position through proof of qualifications and/or by passing written, oral or other examinations designed to evaluate the ability of the applicant to discharge the position for which the examination is held.
- B. Employment of council Members:  
Elected officials may be hired by the city for employment. Elected officials will be considered on the basis of merit with all other job applicants. city employees elected or appointed to a seat on the city council may continue in their employment, subject to the approval of the council, and the provisions of Section 09.74.060 of this Code of Ordinances.

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- D. **Posting of Job Openings:**  
Notice of all job openings with the city shall be posted in at least three public places within the city. Notice shall include the job title, duties, minimum qualifications, and raise of pay and end of recruitment period. Notice shall be posted for at least two weeks (14 days) from the date of posting to the ending date of the recruitment period. Two weeks' notice is not required for temporary positions that need to be immediately filled. Notice for such temporary positions, however, shall be posted in three places and include the job title, duties, minimum qualifications, rate or pay and end of recruitment period.
- E. **Filing Applications:**  
Applications for city positions shall be made on forms provided by the city clerk and must be filed with the city clerk on or prior to the closing date specified in the announcement. A resume may be substituted for or filed in addition to the application form
- F. **Filling of Positions:**  
The mayor, subject to the approval of the city council, shall make all appointments to permanent full-time, permanent part-time and long term temporary city positions. The city council shall approve appointments to the office of city clerk, city treasurer, city attorney, and police chief. Appointments will be made on the basis of qualifications, education, experience and merit. The mayor, or the mayor's designee with the knowledge of the city council, shall make short-term temporary appointments and appointments in emergency situations. All qualifications must be verified. Other qualifications being equal, preference in employment shall be given to a city employee seeking a promotion or transfer, then to year round city residents, then to other city residents and then to other state residents. The mayor, when recruiting for capital projects within the city, may hire an assistant supervisor / timekeeper whenever a project supervisor is hired from outside the city. The assistant supervisor / timekeeper will, upon delegation by the mayor, assist the supervisor in the hiring of those workers required to construct the capital project.
- G. **Information to New Hires:**  
The city clerk shall in writing advise all new appointees to city positions of their job title, job description, pay, benefits, personnel policies, the date of the employee's probationary period and all other pertinent employment information.
- H. **Oath of Office:**  
All permanent employees before entering upon the duties of office shall affirm in writing the following oath and affirmation:  
  
"I \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the State of Alaska, and the laws and ordinance of the City of False Pass, Alaska, and that I will honestly, faithfully and impartially discharge my duties as \_\_\_\_\_ to the best of my ability.  
  
The oath is filed with the city clerk.
- I. **Promotion:**  
Vacancies shall be filled by promotion whenever practicable; however, filling of a vacancy by promotion shall be done on an open, competitive basis. Promotion is the filling of a vacancy by the advancement of an employee from a position having a lower

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salary. The employee's anniversary date and original date of hire shall remain unchanged. An employee who is promoted shall receive a probationary appointment. The employee's former position will be held open by temporary appointment until such time as the employee completes the probationary period.

### J. Probationary Period:

1. The probationary period is an integral part of the selection process and shall be utilized for observing an employee's work, for securing the most effective adjustment of the employee to the position, and for rejecting any employee whose performance does not meet the required work standards.
2. Every original appointment and every promotional appointment of permanent employees is subject to a probationary period of three months from the date of appointment. Appointment for this section is defined as the date an employee first enters upon a job at the worksite.
3. An objective appraisal of employee performance shall be conducted at the end of the probationary period. It shall be the responsibility of the employee's supervisor or the mayor (if he/she is the supervisor) or the mayor's designee to provide a written evaluation and recommendation to the city council whether the employee shall become a permanent employee with employee benefits, whether the probationary period shall be extended, or whether the employee shall be dismissed. The city clerk shall give notice to supervisors of the expiration of employees' probationary periods and provide to supervisor's performance evaluation forms for their use. If a performance evaluation is not completed by an employee's supervisor within 30 days after an employee has completed their probationary period the employee automatically becomes a permanent (either full time or part time) employee as of the date of the expiration of his/her initial probationary period.
4. The mayor with confirmation by the city council may dismiss a probationary employee at any time during the probationary period if in the mayor's opinion the working test indicates that the employee is unable to perform the duties of the position satisfactorily or that his/her habits and dependability do not merit continuance in the position. The employee so dismissed shall be notified in writing of the reasons for the dismissal. A permanent employee dismissed during the probationary period from a position to which he/she has been promoted or transferred and in which he/she is serving a probationary period shall be reinstated to the position from which he/she was promoted or transferred unless he/she is dismissed from city service for reasons as provided in these policies other than performing adequately at the new position. Dismissal is effective upon the employee's receipt of notice of dismissal in writing, or if the employee is unavailable, upon posting of a letter of dismissal by certified mail, return receipt requested.

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### **Section 09.75.060. Workweek, pay, classification of employees.**

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#### A. Work Week:

The normal workweek for city employees is the hours and days contained in an individual employee's job description. These hours and days shall be flexible and may be modified by the mayor and city council as circumstances and finances dictate in order to promote efficient city operation and provision of services to citizens.

1. Pay:
2. Employees of the city shall be paid according to the schedules established by the city council, Any wage or salary so established Employees or the city shall be paid according to the schedules established by the city council, Any wage or salary so established is the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official city business. Unless approved by the city council no employee shall receive pay from the city in addition to the salary authorized for the position to which the employee has been appointed. Pay shall be only for hours actually worked according to an employee's time sheet as approved by the appropriate supervisor
3. It is the policy of the city that work hours and workdays be so scheduled that overtime not be paid. However, if circumstances do not permit such flexible scheduling, employees shall be compensated for hours worked beyond eight hours in a day and forty hours in a week at one and one half times their regular rate of pay. State and federal fair labor standards apply.
4. Employees shall be paid bi-weekly, every other Friday. In special circumstances or for special projects the city council may direct different pay periods.
5. An employee transferred from one position to another where both positions have the same rate of pay shall be appointed to the same rate of pay held prior to transfer and the employee anniversary date shall remain unchanged. This will apply if any special knowledge of the position is not required.
6. A regular employee may receive a payroll advance during a payroll period but before payday upon approval of three city council members. A payroll advance will be for no more than the compensation owed for hours already worked. An advance shall be deducted from the employee's pay on payday.
7. Payroll deductions as required by law will be withheld from each employee's paycheck. Any other payroll deductions must be authorized by the employee in writing. Employees are urged to authorize deductions from paychecks to pay personal obligations (like water and sewer bills) owed the city. Failure to pay toward obligations owed the city for two successive paydays in city employment is grounds for dismissal from city service.
8. Upon termination or resignation. An employee shall receive payment for all accrued wages, salaries or other compensation for labor or services less any personal obligations owed the city by the first following payday.

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- C. Classification of Employees: city employees are classified into the following categories:
1. Regular Fulltime:  
These employees accrue leave and receive paid holidays and other city employment benefits. Their workweek is five or more hours per day, at least five days per week. Their jobs are of a continuous twelve months a year nature. Some salaried positions that are on call twenty-four (24) hours per day (such as the water and sewer operator) are included among regular full time employees. The mayor shall appoint to these positions.
  2. Regular Part-time:  
These employees accrue leave and receive paid holidays and other city employment benefits if their normal work week is at least five days per week. Their jobs are of a continuous twelve months a year nature but the hours worked are normally less than five hours per day and/or five days per week. The mayor shall appoint to these positions.
  3. Long Term Non-Regular:  
These employees accrue no leave and receive no paid holidays or other city employment benefits beyond any benefits that may be due them because of employer taxes paid by the city. Their workweek may be up to forty hours per week. These jobs are normally seasonal in nature and are of more than two weeks duration though normally not or more than five months duration. These jobs may recur yearly and are typically associated with special projects. The mayor shall appoint to these positions.
  4. Short Term Non-Regular:  
These employees accrue no leave and receive no paid holidays or other city employment benefits beyond any benefits that may be due them because of employer taxes paid by the city. Their workweek may be up to forty hours per week. These jobs are normally of less than two weeks duration. Typically these jobs openings occur because of leave, termination or resignation of a regular employee, or because of emergency or special conditions. The mayor or his/her designee shall appoint to these positions.

### **Section 09.75.070. Performance evaluation.**

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- A. Performance Evaluations:
1. This section applies to regular full time and regular part time positions.
  2. It shall be the responsibility of the city clerk to give notice to employee's supervisors and the mayor of the dates performance evaluations for employees are due. The city clerk shall provide, to supervisors, performance evaluation forms for their use.

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### B. Supervisor's Duties:

1. A performance evaluation report shall be required from an employee's immediate supervisor annually from the date of hire, promotion, or demotion of the employee. A performance evaluation shall also be rendered upon the completion of the three-month probationary period. A final performance evaluation shall be prepared within five working days of an employee's final day of work regardless of the reasons why an employee leaves city service.
2. Certain circumstances may require semiannual or other periodic evaluations in order to provide better management of personnel who need more supervision or training. Meritorious performance by an employee may also warrant additional evaluation.

### C. Performance Evaluation Record:

1. All employees shall receive a written performance evaluation at the end of their probationary period and thereafter annually on the date the employee was appointed to regular status.
2. In addition to rating the employee in terms of actual performance, the supervisor will include specific suggestions for improvements and thoroughly discuss each evaluation with the employee. Each Performance Evaluation Record is filed in the employee's personnel file.
3. Employees shall be rated on their performance evaluations according to the following criteria:
4. Outstanding: distinguished performance. Employee consistently exceeds performance standards.
5. Excellent: above average performance. The employee consistently achieves and frequently exceeds performance standards.
6. Acceptable: adequate performance. The employee usually achieves performance standards; may occasionally exceed or occasionally fail to achieve standards.
7. Unacceptable: below average performance. The employee frequently does not achieve satisfactory performance standards. Improvement is necessary in order to achieve satisfactory performance.

### D. Effect of Performance Evaluation:

1. Subject to availability of funds in the city's budget, upon the recommendation of the supervisor and at the discretion of the city council an employee who receives an outstanding or excellent rating on the employee performance evaluation may be granted a salary increase to the next step in the salary schedule adopted by the city council.

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2. An employee who receives an unacceptable performance evaluation has altered consultation with his/her supervisor one month to correct his/her performance to acceptable levels. At the end of this month the supervisor shall prepare a performance evaluation rating the employee's performance. Failure of an employee to improve performance to acceptable levels after one month is grounds for dismissal from city service. If an employee achieves an acceptable rating on his/her performance evaluation after one month, he or she will be retained in city service and a performance evaluation performed after two additional months. An unacceptable performance evaluation after those two months is grounds for dismissal from city service.

### **Section 09.75.080. Resignation, suspension, layoff.**

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#### A. Resignation:

1. To resign from city employment in good standing an employee must submit a resignation in writing to the mayor stating the effective date or the resignation and reasons for leaving at least two (2) weeks prior to resignation. Failure to give proper notice of resignation may result in loss of all accrued leave. Upon approval of the mayor, an employee may withdraw his resignation at any time prior to the effective date of resignation. Upon approval of the city council, the requirement or proper notice may be waived when provision can be made for a capable successor to an employee in the period, of time for which notice or resignation is given. The city council may also waive proper notice in cases where there are extenuating circumstances such as medical reasons, or family obligations.
2. No form of resignation filed without date or with a future date, and that is not intended to be a bonafide and voluntary resignation to be acted upon at the time of filing, shall be accepted by the mayor as a resignation.
3. Failure by an employee to comply with proper notice of resignation may be considered cause for denying the employee future employment by the city.
4. Unauthorized absence from work for a period of two consecutive working days may be considered by the supervisor and/or mayor as a resignation without proper notice resulting in loss of all accrued leave and cause for denying the employee future employment by the city.

#### B. Suspension:

1. In addition to reasons for suspension of an employee from work as otherwise provided for in these Personnel Policies the mayor may in cases in which signed charges in writing have been filed against an employee, suspend the employee with or without pay and with or without accrual or benefits for the purposes of conducting an investigation into the validity of the charges. The employee shall be notified in writing of his/her suspension and its expected duration which may be indefinite or until the charges are resolved. Knowledge of the suspension shall be given to the city council.

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2. Such a suspension shall be made only in the cases in which tile charges against the employee are of such a nature that the interests of the city would be seriously prejudiced by continuing the employee on active duty status while the investigation is conducted. If the charges are found valid, the mayor or his designee shall take such steps, including dismissal or other disciplinary action as he/she with city council approval deems appropriate.
  3. In all cases in which charges have been filed against an employee the investigation shall begin immediately.
- C. Layoff:
1. Nothing in these Personnel Policies guarantees employment. Budget constraints, natural disasters, mechanical failures or other conditions may require the deletion of positions or layoff or employees either temporarily or regularly.
  2. The mayor or her/his designee may layoff an employee if the employee's position is temporary: if there is a shortage of work or funds: or for other reasons which do not reflect discredit the services of the employee.
  3. If circumstances allow, regular employees shall be given two (2) weeks' notice of layoff. All employees shall be given as much notice of layoff as circumstances allow.
  4. No regular employee shall be laid off while there are probationary or temporary employees serving in the same job class. Probationary and temporary employees shall be first laid off and are to be notified or this upon hire. Such employees are deemed to have constructive notice of this information through these Personnel Policies.

### **Section 09.75.090. Dismissal disciplinary actions.**

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- A. Dismissal:  
The following is a general listing of reasons which constitute Grounds for Dismissal of city employees. This list is not all-inclusive and complements other Grounds for Dismissal listed in these Personnel Policies. Infractions not listed may be of such a severe nature that they also would warrant dismissal. The steps of Procedures of Progressive Discipline listed in Section 09.75.090(C) of these Personnel Policies will be followed. Special projects may have special rules and Grounds for Dismissal, which shall be posted. By that posting, employees are deemed to have knowledge of these special rules and Grounds for Dismissal.
1. Incompetence:
    - a. Lack of basic knowledge, skills or physical ability needed to accomplish work the employee was hired to do.
    - b. Inability to understand and/or follow instructions.
    - c. Continual difficulty in learning and implementing new methods and procedures related to assigned duties.

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2. Unsatisfactory Performance of Duties:
  - a. Slovenly work.
  - b. Flagrant damage to tools or equipment used.
  - c. Failure to produce an acceptable amount of work in relation to fellow employees in like classification.
  - d. Disregard for established safety regulations and procedures.
3. Unexcused Absenteeism:
  - a. Absence from work without prior approval.
  - b. Arriving or returning late for work or leaving early from work.
4. Drunkenness:
  - a. Reporting to work under the influence of alcohol or drugs.
  - b. Use of alcoholic beverages or drugs at work.
5. Dishonesty:
  - a. Any act relating to employment that would signify an employee's word or intentions are not trustworthy.
  - b. Being convicted of a felony or misdemeanor committed on or off duty, which would limit the ability to maintain a working relationship of mutual trust in a particular position.
  - c. Taking city property or money or converting it to an employee's use.
  - d. Falsification of time records or approval of time records known to be wrong.
6. Gross Disobedience:
  - a. Failure to follow a supervisor's orders without reasonable explanation of actions.
  - b. Refusal to obey such rules and regulations fostered by the state and the city as standard policy.
7. Abandonment of Duties:
  - a. Absenting oneself without approval or authority and failure to promptly notify employer of supportable reasons therefore.
8. Unsafe Operation:
  - a. Negligence, carelessness or unsafe operation of equipment or machinery at any time by any employee that endangers or injures himself/herself or others.
9. Notice:
  - a. In all cases in which an employee is dismissed from city service, written notice of dismissal with the cause explained shall be served upon the employee. If the employee is unavailable because of absence from the city or worksite the employee is deemed to have notice of dismissal upon posting of a letter of dismissal by certified mail, return receipt requested to her/his last known mailing address.

## City Of False Pass

### B. Disciplinary Actions:

It is the responsibility of the mayor and supervisors to maintain efficiency, cooperation, and safe and proper work conduct among employees while protecting the rights of all employees and promoting efficient city operation and provision of services to citizens. If a situation requiring discipline occurs the mayor, or the mayor's designee, or the immediate supervisor shall immediately gather all essential facts about the situation in writing including, the employee's version and decide what, if any, disciplinary action is needed. If in the opinion of the mayor disciplinary action of a less severe nature than dismissal as provided for elsewhere in this section is required the Procedures of Progressive Discipline shall be followed. The appropriate discipline is the least severe penalty that is at the same time severe enough to convince the erring employee that the behavior cannot be tolerated.

#### 1. Verbal Warning:

Verbal warnings are given for minor infractions. The employee is given a verbal warning in private, explaining what the employee did wrong and what must be done as a corrective measure. A record in writing is placed: in the employee's central personnel file. This record may be removed from the file after six months by the mayor, if the employee's behavior improves. The employee is advised at the time of verbal warning that if there is a repetition of the behavior that required verbal warning, more severe action may be taken. The mayor or supervisor shall give verbal warning.

#### 2. Written Warning:

A written warning is more severe than a verbal warning. It is used for more serious offenses by an employee that calls for more than a verbal warning. Written warning is also to be issued if there is a repetition of an infraction for which verbal warning was given within three months of the date of verbal warning. A copy of the written warning is placed in an employee's central personnel file and becomes part of the file. The mayor or supervisor shall give written warnings.

#### 3. Suspension:

Suspension is a very severe penalty. An employee may be suspended without pay and without accrual of benefits for one to thirty days. Suspension is used only when a major infraction has occurred or repeated warnings have not succeeded in bringing about changes in; an employee's conduct. Repetition of an incident that required written warning within three months of the date of written warning is cause for suspension. The mayor or the mayor's designee after a private interview with the employee shall personally deliver a letter of suspension to the employee. The letter shall state the reasons for suspension and the dates on which suspension begins and ends. A copy of the letter shall be placed in the employee's central personnel file. If an employee is unavailable for personal delivery of a letter of suspension notice shall be given by certified mail, return receipt requested sent to the last known mailing address of the employee.

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4. **Dismissal:**

Dismissal from city service is the most severe of disciplinary actions. The mayor may dismiss an employee for reasons listed elsewhere in these policies. An employee may also be dismissed if within a six-month period after completion of suspension a disciplinary action becomes necessary. Before dismissal, the employee shall be given an opportunity for hearing before the mayor or the mayor's designee. The employee may ask questions of any witnesses and may otherwise confront the evidence presented against the employee. Following the hearing, the mayor or the mayor's designee shall prepare written findings detailing any disciplinary action and the reasons therefore. The decision in writing shall then be personally delivered to the employee. If the employee is unavailable for personal delivery, the decision shall be sent by certified mail, return receipt requested, to the last known mailing address on file. A copy of the decision shall be placed in the employee's central personnel file.
5. **Appeal**

Every employee shall have the right to appeal any disciplinary action enforced against the employee which the employee believes to be unwarranted unfair or unjust. An appeal shall be treated as a grievance and shall be handled in accordance with the Grievance Policy and Procedure or Section 09.75.100 of these Personnel Policies.

## City Of False Pass

### Section 09.75.100. Grievance and grievance procedure.

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A. Grievance Policy:

It is the policy of the city insofar as possible to prevent the occurrence of grievances and to deal promptly with those, which occurs. When any employee grievance comes to the attention of a supervisor or the mayor, the supervisor or the mayor shall discuss all relevant circumstances with the employee, and the employee's representative if the employee so desires, consider and examine the causes of the grievance, and attempt to resolve it to the extent that the mayor or supervisor has authority to do so. If the grievance is not dealt with satisfactorily at this level, the grievance may be carried to the city council as provided in this section.

B. Grievance Procedure:

Every employee shall have the right to grieve any action, which the employee believes to be unwarranted, unfair, or unjust. PROVIDING the alleged grievance shall be handled in accordance with the following procedures:

1. The employee shall first discuss with his supervisor (or attempt to discuss) their grievance. Should this fail to resolve the grievance, the employee should confer with the, mayor. If this fails to resolve the grievance, the employee may contact any city council member and request a preliminary investigation to determine the validity of the grievance.
2. The city council member contacted by an employee shall contact the mayor. The mayor shall appoint another city council member to: investigate the alleged grievance along with the first contacted member.
3. If in the opinion or the two investigating council members the grievance is of a critical nature needing immediate resolution they shall contact the mayor who shall call a special city council meeting to hear .the grievance. If the grievance is not of a critical nature needing immediate resolution it shall be heard at the next regular city council meeting. The grievance shall be given notice in writing or the date, time and place of the council meeting. Notice for a special meeting shall be at least 24 hours.
4. The city council meeting, as the Grievance Committee, shall request the aggrieved party and all others concerned to appear before them for their investigations. Notice shall have been given these persons. If the aggrieved party, having been given notice, fails to appear before the city council, the grievance is deemed to be resolved and the aggrieved party does not have standing to appear before the city council on the same incident again. If the nature of the grievance is such that its discussion may tend to prejudice the reputation and character of any person a city council member may move and the city council after convening as a public meeting may vote to hold an executive session. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session. After the reconvening of the public meeting if an executive session is held, or at the meeting after all testimony has been heard and evidence examined, the city council shall make such resolution of the grievance as they feel proper. The city council's decision shall be final.

## City Of False Pass

### Section 09.75.110. Personal leave.

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- A. Coverage:
1. Regular employees whose customary work week is five (5) days per week are entitled to Personal Leave with pay. No other employees accrue personal leave.
  2. No personal leave accrues to an employee during a probationary period unless the employee has transferred or been promoted from a position in which the employee had regular status to a position in which the employee is serving a new probationary period. On the first day of the month following the date of successful completion of the probationary period an employee begins to accrue leave.
- B. Accrual Rates:
1. Personal leave and sick leave are the only leaves accrued by city employees.
    - a. For the first three years of city employment, regular employees shall accrue personal leave at the rate of one and one quarter ( $1 \frac{1}{4}$ ) days per calendar month worked. That is (15) fifteen days per year.
    - b. Employees with three or more years of service shall accrue personal leave at the rate of one and three quarters ( $1 \frac{3}{4}$ ) days per calendar month worked. That is twenty-one (21) days per year.
- C. Personal Leave Defined:  
Personal leave days accrued by employees are equal to employee's normal workdays. That is, an employee who customarily works a six (6) hour workday accrues a six (6) hour leave day; an employee who customarily works a four (4) hour workday accrues a four (4) hour leave day: etc.
- D. Personal Leave and Scheduling:  
Personal Leave may be used for vacation time, sickness, subsistence activities, etc. personal leave is the employee's to use as they sees fit or circumstances dictate, and scheduling and efficient city operation allow. An employee must in writing request personal leave from the mayor and have it approved by the mayor at least one week before the date leave is to begin. Shorter notice than one week may be allowed in special circumstances. The mayor shall make all efforts to assure that regular employees are able to schedule and take accrued leave. Employees shall make all efforts to request and take accrued leave at such time as to least impact city operation and provision of services to citizens.
- E. Personal Leave for Medical Cause:
1. When the Mayor or the mayor's designee is satisfied that an employee is absent from work for valid medical cause, personal leave may be granted. An employee who is unable to attend work because of sickness or other medical cause and who has not requested personal leave in advance shall communicate the employee's leave request to the Mayor or the mayor's designee as expeditiously as possible but no later than one half ( $\frac{1}{2}$ ) day after time the employee was to have reported to the worksite. In cases where an employee requests personal leave for more than three (3) days for medical cause or sickness the employee may be required to furnish documentation of cause from a physician, dentist, health aide or other medical professional.

## City Of False Pass

2. Personal leave may be granted for illness within the employee's immediate family, which requires the attendance of the employee.
  3. Personal leave may be granted in cases in which a death has occurred in the family of the employee.
  4. Approval of personal leave for bonafide medical cause shall not be withheld.
- F. **Maximum Accrual:**  
Regular employees are allowed to carry over up to thirty (30) days of unused personal leave from one calendar year to the next. An employee's unused personal leave in excess of thirty (30) days at the close of business on December 31 of any calendar year may be cashed in. It is the responsibility of the employee to request leave cash-in. Leave in excess of thirty (30) days not cashed in shall be cancelled and voided
- G. **Payment of Personal Leave Upon Separation:**  
An employee who separates from city service for whatever reason shall be paid the value of all personal leave to the employee's credit upon the date of separation unless otherwise provided for in these Personnel Policies. Payment shall be made by the first following payday after the employee's last day of work. Payment shall be less any obligations owed the city and appropriate payroll tax deductions.

### **Section 09.75.120. Other leave.**

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- A. **Application:**  
The provisions of this section apply to all permanent employees of the city whose customary workweek is five (5) days per week.
- B. **Sick Leave**
1. Sick Leave is accrued at the following rates:
    - a. For the first three (3) years of city employment, regular employees shall accrue sick leave at the rate of one and one quarter (1 ¼) days per calendar month worked. That is fifteen (15) days per year.
    - b. Employees with three (3) or more years of service shall accrue sick leave at the rate of one and three quarters (1 ¾) days per calendar month worked. That is, twenty-one (21) days per year.
- C. **Sick Leave Defined:**  
Sick leave accrued by employees are equal to employee's normal workdays. That is, an employee who customarily works a four (4) hour workday accrues a four (4) hour leave day; an employee who customarily works a six (6) hour workday accrues a six-hour leave day; etc.
- D. **Court Leave:**  
A regular employee who is called to serve as a juror or it subpoenaed as a witness shall be entitled to court leave. Court leave shall be supported by written documents such as a subpoena, court's statement of attendance and compensation for services, per diem and travel. A regular employee shall receive the regular salary while on court leave, but any compensation for services shall be turned over to the city in return.

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- E. **Election Leave:**  
A regular employee who is appointed to serve as an election judge or otherwise assist in an election or whose attendance is requested or required at training for elections is entitled to election leave. Election leave shall be supported by written documentation such as a letter of appointment, or statement of compensation for services per diem and travel. A permanent employee shall receive the regular salary while on election leave, but any compensation for services shall be turned over to the city in return.
- F. **Military Leave:**
1. Regular city employees are permitted fifteen (15) calendar day's military leave each calendar year. Regular city employees at their option may keep all pay given them by the military or may turn their military pay over to the city and receive their regular pay. Regular employees may also at their option take personal leave instead of military leave for military service and receive both their regular salary as well as their military salary for this period of time. Normally military leave is in addition to personal leave and will not subtract from an employee's personal leave accrual. An employee continues to accrue personal leave while on military leave.
  2. A regular employee shall be entitled to a military leave of absence without pay to serve on active duty in the Armed Forces of the United States and shall be entitled to reemployment benefits of the Universal Military Service Act.
- G. **Maternity Leave:**  
A regular employee who has been employed for not less than ten (10) months is entitled to take a total of nine (9) weeks leave of absence immediately preceding and following the birth or adoption of an employee's infant child. This leave shall be charged first to personal leave then to leave without pay. An employee who fails to return to work within the prescribed time limit shall be presumed to have resigned unless the employee has applied for and been granted leave without pay for an additional time.
- H. **Leave Without Pay:**  
Leave without pay is approved absence from work. Except as otherwise provided for in these Personnel Policies, leave without pay will normally not exceed four months in duration. An employee who has not accrued sufficient personal leave in order to be away from the job on approved personal leave with pay may in writing request from the Mayor a period of leave without pay. The request should list the beginning and ending dates of the leave without pay and the circumstances that require such status and should be submitted to and approved by the mayor at least one week before the date leave is to begin. Shorter notice than one (1) week may be allowed in special circumstances. An employee accrues no personal leave or other benefits while on leave without pay status. Failure to return from leave without pay within two (2) days after the requested ending date of the leave, or absence from work without approval of the requested leave is grounds for dismissal as provided in these Personnel Policies. Permanent part time, temporary long term and short term employees who do not earn and accrue Personal Leave are required to request leave without pay if they expect to be absent from work. Unapproved absence from work by these employees is grounds for dismissal. In cases of illness those employees who do not accrue leave are required to follow the procedures of Section 09.75.110(E) and request leave without pay for medical cause.

## City Of False Pass

- I. **Subsistence Leave Without Pay:**  
Subsistence leave without pay shall be requested at least 2 (two) weeks in advance. Normally, subsistence leave will not exceed 2 (two) months in duration. Leave may be extended upon written request.
- J. **Temperature Days:**  
On days when the temperature exceeds 80<sup>0</sup> F, the remainder of the day will be time off with pay for all non-essential employees on work status that day. When the temperature drops below -40<sup>0</sup> F, all non-essential personnel on work status that day will receive the day off with pay.

### **Section 09.75.130. Legal holidays.**

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Regular employees, who customarily work less than five (5) days per week, probationary, long-term temporary and short-term temporary employees do not receive paid holidays.

A. **Legal Holidays:**

The following are legal holidays for which regular employees who customarily work at least five (5) days per week receive a paid day off and which days the city offices will be closed:

New Year's Day	-	January 1
President's Day	-	The third Monday in February
Memorial Day	-	The last Monday in May
Independence Day	-	July 4
Labor Day	-	The first Monday in September
Veterans Day	-	November 11
Thanksgiving Day	-	The fourth Thursday in November
Christmas Day	-	December 25
Seward's Day	-	March 25
Martin Luther King Jr. Day	-	The third Monday in January
Alaska Day	-	October 18

Every day designated by public proclamation by the President of the United States or the Governor of the State of Alaska or the mayor and city council.

B. **Observance**

When any of the holidays listed in Section 09.75.130(A) falls on a Saturday the preceding Friday shall be observed as the holiday. When any of the holidays falls on a Sunday the following Monday shall be observed as the holiday. Regular employees shall receive full pay for the holiday according to the customary daily hours they work. Regular employees may be required to work on paid holidays when the natures of their duties or other conditions require. A regular employee required to work on a holiday shall receive another day off within thirty (30) days thereafter.

C. **Work Status:**

To be eligible for holiday leave with pay, the employee shall be in work or approved personal leave status the day preceding and the day following the holiday.

## City Of False Pass

### Section 09.75.140. Travel, per diem, subsistence.

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#### A. Travel:

Employees' time spent at official conferences, meetings or training sessions on the employee's customary workday shall be considered time worked and paid as the employee's customary workday. Reimbursements for travel outside the city shall be determined by the following guidelines:

1. All official travel shall be approved in advance by the city council. An employee with approval of the mayor may receive an advance for travel expenses. An elected official or designated representative of the city, with approval of the city council may receive an advance for travel expenses. Any advance received for travel expenses shall not exceed the expected per diem for the travel.
2. An official, an employee, a designated representative, consultant or anyone else travelling at city expense, is required to report to the city council of the travel at the next regular city council meeting following the travelers return. If a traveler is called away from the city, or a consultant for example has returned to their home or office outside the city, they, with the mayor's approval may submit a written report to the city council in lieu of personal appearance. Failure to report to the city council by an individual upon return from travel is cause to deny further travel for that individual, or if the individual represents a group within the city is cause to deny further travel for that group.
3. If any individual travels on official business by an indirect route for their own convenience, any extra expenses caused by this indirect route, shall be borne by the individual and reimbursement for expenses shall be based only on such charges as would have been incurred in travelling a usually traveled route. In the case of an employee any additional time away from duty that may be required for such indirect travel shall be charged to personal leave or to leave without pay.
4. When there is an interruption of travel for official business for the personal convenience of an individual, the per diem allowed shall not exceed that which would have been incurred by uninterrupted travel.
5. Where privately owned transportation is used for the convenience of any individual, reimbursement for transportation expenses shall be limited to what the lowest available fare would cost by common air carrier. In the case of an employee's additional time away from duty that may be required for such travel shall be charged to annual leave or leave without pay.
6. When an individual's travel is terminated short of the destination specified on the ticket, the individual shall turn in the unused portion of the ticket with the travel voucher
7. The hire of boat, automobile, taxicab, aircraft or other public conveyance will be allowed if the use of such conveyance is authorized by the mayor in advance and is deemed advantageous to the city and better enables the individual on city business to carry out official business.

## City Of False Pass

- B. **Per Diem:**  
Per Diem is a guaranteed daily flat rate of payment to an individual on travel status for the City. Per Diem begins when an individual leaves the City for the purpose of travel on official business and ends upon the completion of official business at the time an individual could return to the City. The per diem rate shall be established by the City council by resolution. Per Diem is paid when an individual who is on travel status for the City must overnight elsewhere than the person's home. Any person on travel status for the City shall forfeit per diem for any period(s) of time the person, because of their own delinquency, fails to attend to official business at such time as business could be conducted. Any such person shall be liable for repayment of per diem advances and/or airfares.
- C. **Calculation of Per Diem:**
- D. For purposes of calculating per diem, the day is divided into four (4) equal quarters and ends at 12:00 midnight. These quarters are 12:01 a.m. to 6:00 a.m.; 6:01 a.m. to 12:00 noon; 12:01 p.m. To 6:00 p.m.; 6:01 p.m. to 12:00 midnight. An individual on travel status is paid a full day's per diem for the first day on travel status ending at midnight and either a full day's per diem or a pro rata by quarters per diem for succeeding days travel until the time the individual could return to the City upon completion of official business. For example: an employee boards a plane and leaves the City at 10:00 a.m. On Tuesday, arrives Anchorage at 12:00 a.m. On Wednesday the employee attends a training session from 8:00 a.m. till 4:30 p.m. On Thursday the employee attends the second day of training from 8:00 a.m. till 4:30 p.m. On Friday the employee attends the training from 8:00 a.m., until its conclusion at noon. There is a plane that leaves Anchorage on Friday at 5:00 p.m. Arrives False Pass at 6:00 p.m. The employee decides to go shopping in Anchorage on Friday and spend the weekend with his/her relation in Anchorage and arrives back in the City at 2:30 p.m. on Monday.
1. The employee receives:
    - a. A full day's per diem for Tuesday (10:00 a.m. till midnight);
    - b. a full day's per diem for Wednesday (12:01 a.m. till midnight);
    - c. a full day's per diem for Thursday (12:01 a.m. till midnight);
    - d. a 3/4-day's per diem for Friday (12:01 a.m. till 6:00 PM);
  2. 6:00 p.m. is the time the employee could have returned home.
  3. In this instance the employee is paid for a customary workdays for Tuesday, Wednesday, Thursday, Friday. The employee should report on the trip to the city council at the next regular city council meeting after their return.
- E. **Subsistence:**  
Subsistence may be paid instead of per diem when it is advantageous to the City and will not affect the well being of an individual on official business for the City. Subsistence may also be paid with the prior approval of the Mayor when actual costs as proved by receipts are higher than the per diem rate. Subsistence is the actual cost of lodging and meals, as proved by receipts, incurred by an individual on official business for the City.

## **City Of False Pass**

**F. Meal Allowance:**

In cases where an individual is on travel status for the City and is able to conduct City business and return the same day without the necessity of an overnight stay, reasonable meal allowances may be paid by the City as established by the City council by resolution or as proved by receipt. An individual on travel status from 6:00 a.m. through 10:00 a.m. may be allowed a breakfast allowance. An individual on travel status from 10:01 a.m. through 2:00 p.m. may be allowed a lunch allowance. An individual on travel status from 4:01 p.m. through 9:00 p.m. may be allowed a supper allowance.