



CODE OF ORDINANCES

CITY OF WHITE MOUNTAIN, ALASKA

NOTE: The ordinances or sections of ordinances provided on these pages are not the official versions and are provided for informational purposes only. While every effort has been made to ensure accuracy of the information presented herein, if the most current version or precise language of an ordinance is required, it is recommended that you contact the municipality from which it came.

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Title I. GENERAL PROVISIONS

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1. Enabling Ordinance
2. City Information
3. Ordinances – Resolutions – Regulations

CHAPTER 1

GENERAL PROVISIONS

Sections:

1. Code cite and designation.
2. Definitions.
3. Grammatical interpretation.
4. Effect of repeal of ordinances.
5. Severability of ordinances and parts of Code.
6. General penalty.
7. Laws of Alaska: Violations.
8. Amendments to Code: Effect of new ordinances.
9. Distribution.
10. Supplements.
11. Time Ordinances take effect.

Section 1. Code cite and designation.

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

Section 2. Definitions.

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

- CITY: The City of White Mountain, Alaska;
CLERK: The city clerk;
CODE: The Code of Ordinances, City of White Mountain, Alaska;
COUNCIL: The City Council of White Mountain, Alaska;
PERSON: A corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person;
STATE: The State of Alaska;
PUBLISH: To post a notice within the City in three locations, one of which shall be the City offices, for a period of not less than five days;
VOTER: A United States citizen who is qualified to vote in State elections, has been a resident of the City of White Mountain for 30 days immediately preceding the election, is registered to vote in State elections, and has not been convicted of a felony involving moral turpitude unless the citizen’s civil rights have been restored.

Section 3. Grammatical interpretation.

1. Tense: Words in the present tense include the past and future tense, and words in the future tense include the present tense.

2. Number: Words in the singular number include the plural, and words in the plural include the singular.
3. Gender: Words of the masculine gender include the feminine and the neuter and when the sense so indicates, words of the neuter gender may refer to any gender.

Section 4. Effect of repeal of ordinances.

Ordinance 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 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 5. Severability of ordinances and parts of Code.

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

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

Section 6. General penalty.

1. 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, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.
2. 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 7. Laws of Alaska: Violations.

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 White Mountain, Alaska, except where the State has exclusive jurisdiction over the offense.

Section 8. Amendments to Code; Effect of new ordinances.

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

2. 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 White Mountain, Alaska, is hereby amended to read as follows:”.
3. If a new chapter or section is to be added to this Code, substantially the following language shall be used:
“The Code of Ordinances of the City of White Mountain, Alaska, is hereby amended by addition of the following chapter (or sections):.
4. The provisions to be repealed must be specifically repealed by section or chapter number.

Section 9. Distribution.

This Code with amendments shall be made available to the public for inspection on request. A reasonable fee for the cost of photocopying all or parts of this Code may be charged to anyone requesting copies. A copy of this Code shall be furnished to the courts as needed or upon the request of the court.

Section 10. Supplements.

Supplements to this Code shall be typed or printed and included within this Code within 60 days after the council passes the ordinance.

Section 11. Time ordinances take effect.

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

CHAPTER 2
CITY INFORMATION

Sections:

1. Name of City and form of government.
2. City limits.
3. City seal described.
4. Use of seal.

Section 1. Name of City and form of government.

1. The City of White Mountain shall continue as a municipal corporation and political subdivision of the State under the name:
"City of White Mountain, Alaska".
2. The government of the City shall be that commonly known and designated as the council-mayor form of government.

Section 2. City limits.

1. The boundaries of the City are as follows:
Beginning at a point about 2,640 feet in a south-easterly direction from a monument on the summit of White Mountain, at Post No. 1, which is located on the bank of the steam-boat channel of Fish River and further marked by two witness posts; thence northerly about 4,000 feet to Post No. 2; thence northwesterly about 3,960 feet to Post No. 3; thence westerly about 7,040 feet to Post No. 4; thence southwesterly about 2,640 feet to Post no. 5; thence southerly about 2,640 feet to Post No. 6; thence easterly about 10,560 feet to Post No. 1, the place of beginning, containing 1,200 acres more or less.
2. The boundaries of the City as above described were the effective city limits as of July 15, 1969, the date of incorporation of the City.
3. The boundaries of the City described in subsection 2-1 above are represented on the map on the following page.

Section 3. City seal.

The City shall have a seal consisting of two concentric circles bearing the words in the outer circle "City of White Mountain, Alaska."

Section 4. Use of seal.

The City seal shall be used to authenticate all acts of the City. The seal shall be kept by the clerk and by him or her affixed to all acts or documents which are required to be authenticated.

CHAPTER 3

ORDINANCES – RESOLUTIONS- REGULATIONS

Sections:

1. Acts of the council.
2. Acts required to be by ordinance.
3. Ordinance procedure.
4. Ordinance form and content.
5. Amendments to Code – Effect of new ordinances – Amendatory language.
6. Supplements or Revisions.
7. Emergency ordinance.
8. Ordinances confined to single subject.
9. Requirements for passage.
10. Signature.
11. Repeal shall not revise any ordinances.
12. Formal acts by resolution.
13. Procedures for resolutions.
14. Requirements for passage of resolutions.
15. Rules and regulations.
16. Codes of regulations.

Section 1. 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 2. Acts required to be by ordinance.

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

1. Establish, alter, or abolish municipal departments;
2. amend or repeal an existing ordinance;
3. fix the compensation of members of the council;
4. provide for the sale of city property;
5. provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
6. provide for levying of taxes;
7. adopt the City budget;
8. make appropriations and supplemental appropriations or transfer appropriations
9. grant, renew, or extend a franchise;
10. regulate the rate charged by a public utility;
11. approve the transfer of a power to a borough;
12. adopt, modify, or repeal the comprehensive plan, zoning, and subdivision ordinances, building or housing code, and the official map;

13. provide for the retention or sale of tax-foreclosed property;
14. 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 3. Ordinance procedure.

1. A proposed ordinance is introduced in writing by the mayor or other council member, or by a committee of council members, at any lawful council meeting.
2. After the ordinance is introduced, the council votes 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, then the council shall publish a summary of the proposed ordinance and notice setting out the time and place for a public hearing on the proposed ordinance. The public hearing on the proposed ordinance shall follow the date the notice was published by at least five days. The public hearing may be held at any lawful council meeting.
3. At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. All persons shall have an opportunity to be heard at the public hearing. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The council shall type or print and make available copies of the adopted ordinance.
4. If the proposed ordinance is amended after the public hearing, 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 4. Ordinance form and content.

1. All ordinances enacted by the council shall be in substantially the following form:
 1. The heading: "City of White Mountain, Alaska";
 2. the "Ordinance Number";
 3. the title, which summarizes the ordinance's provisions and includes any penalty imposed;
 4. the enacting clause which shall read:
"BE IT ORDAINED AND ENACTED BY THE WHITE MOUNTAIN CITY COUNCIL AS FOLLOWS:"
 5. the provisions of the ordinance;
 6. the dates of introduction (first reading) and public hearing;
 7. the date of adoption;
 8. space for the signature of the mayor;
 9. space for the clerk's signature as an attestation to the signature of the mayor.
2. 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 5. Amendments to Code – Effect of new ordinance – Amendatory language.

1. All ordinances passed subsequent to this Code, which amend, repeal or in any way affect this Code, may be provided with numbers in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by commission from reprinted pages affected thereby.
2. Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language:
 “That section ____ of the White Mountain City Code is hereby amended to read as follows:”
 The new provisions shall then be set out in full as desired.
3. In the event of a new section not heretofore existing in the Code is to be added by an ordinance, the following language shall be used:
 “That the White Mountain City Code is hereby amended to add a section, to be numbered _, which said section to read as follows:”
4. 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 6. Supplements or revisions to the White Mountain City Code.

The White Mountain 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 7. Emergency ordinances.

1. To meet a public emergency the council may adopt ordinances effective on adoption. Every emergency ordinance must contain a statement by the council why an emergency exists and a statement of the facts, which describe the emergency. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all member 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.
2. 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.
3. Emergency ordinances are effective for 60 days.

Section 8. Ordinances confined to a 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 shall be expressed in the title.

Section 9. Requirements for passage.

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

Section 10. Signature.

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

Section 11. Repeal shall not revive any ordinances.

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

Section 12. Formal acts by resolution.

1. Formal acts by the council not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:
 1. The heading: "City of White Mountain, Alaska";
 2. the space for a number to be assigned-
"Resolution No. _____";
 3. a short and concise title descriptive of its subject and purpose;
 4. short premises or WHEREAS clause descriptive of its subject and purpose;
 5. the resolving clause:
"BE IT RESOLVED:";
 6. provision for signature by the mayor after the date;
 7. an attestation by the clerk.
2. 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 "A" above.
3. Resolutions shall not be included in the Code, but shall be kept separately by the clerk and available for public inspection.
4. The form appearing at the end of this Chapter illustrates the form set out and is suggested for use by council members.

Section 13. Procedures for resolutions.

1. Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.
2. On any vote to pass the resolution, all persons interested shall be given an opportunity to be heard. After such hearing, the council may finally pass such resolution with or without amendments.
3. After adoption, every resolution shall be posted in full on the City bulletin board and in other places as the council may direct. Every resolution, unless it shall specify a later date, shall become effective following adoption. If the resolution is submitted at

a city election when State law requires, then after a majority of favorable votes of the City voters has been certified by the council, the resolution may be adopted.

Section 14. Requirements for passage of resolutions.

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

Section 15. Rules and regulations.

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

Section 16. Codes of regulations.

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

(Chapter 1,2, Section 4.B)

CITY OF WHITE MOUNTAIN, ALASKA

ORDINANCE NO. _____

AN ORDINANCE _____

BE IT ORDAINED AND ENACTED BY THE WHITE MOUNTAIN CITY COUNCIL AS
FOLLOWS:

Section 1. _____

Section 2. _____

Section 3. _____

DATE INTRODUCED: _____

DATE OF PUBLIC HEARING: _____

PASSED AND APPROVED by the WHITE MOUNTAIN CITY COUNCIL THIS _____
Day of _____, 20____.

MAYOR

ATTEST:

CLERK

(Chapter 1.2, Section 12.D)

CITY OF WHITE MOUNTAIN, ALASKA

RESOLUTION NO. _____

A RESOLUTION _____

WHEREAS, _____

WHEREAS, _____

AND WHEREAS, _____

BE IT RESOLVED: _____

PASSED and APPROVED by the WHITE MOUNTAIN CITY COUNCIL THIS _____
Day of _____, 20____.

MAYOR

ATTEST:

CLERK

Title II. ADMINISTRATION

- Chapter 4. City Council
- 5. Mayor
- 6. City Meetings
- 7. Council Procedures
- 8. City Clerk
- 9. City Treasurer
- 10. City Administrator
- 11. City Attorney
- 12. Police Department
- 13. Fire Department
- 14. Library
- 15. Gym Coordinator
- 16. Landfill Operator
- 17. Community Activities Coordinator
- 18. City of White Mountain Utilities
- 19. Utility Clerk/Alternate Utility Clerk
- 20. Power Plant Operator/Alternate PPO
- 21. Water Plant Operator/Alternate WPO
- 22. Fuel Distributor
- 23. Bulk Fuel Operator
- 24. Line Worker

CHAPTER 4
CITY COUNCIL

Sections:

1. City council – composition.
2. Qualifications of council members.
3. Election of council members – terms.
4. Terms of council members.
5. Oath of office.
6. Compensation of council members.
7. Salaries of elected officers.
8. Conflicts of interest.
9. Prohibitions.
10. Vacancies.
11. Filling a vacancy.

Section 1. City council – composition.

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

Section 2. Qualifications of council members.

1. Council members shall be qualified City voters.
2. A council member who ceases to be eligible to be a City voter immediately forfeits his or her office.
3. A council member must be a resident of the City for thirty (30) days preceding the election and a registered City voter.
4. is not convicted of a felony or of an offense involving a violation of his or her oath of office;
5. is not convicted of a felony or misdemeanor described in AS 15.56 (Election Offenses, Corrupt Practices & Penalties) and two-thirds of the members concur in expelling the person elected;
6. and is convicted of a violation of AS 15.13 (State Election Campaigns).

Section 3. Election of council members – terms.

An election will be held annually on the first Tuesday in October to choose council members according to the schedule provided in Section 4 of this Chapter.

Section 4. Terms of council members.

1. All council members elected subsequent to the adoption of this Code shall be elected to three-year terms.
2. Council members presently serving shall serve as follows:

- a. Seat A: Three year term expiring in 2019.
 - b. Seat B: Three year term expiring in 2019.
 - c. Seat C: Three year term expiring in 2019.
 - d. Seat D: Three year term expiring in 2018.
 - e. Seat E: Three year term expiring in 2018.
 - f. Seat F: Three year term expiring in 2020.
 - g. Seat G: Three year term expiring in 2020.
3. Council members as of the date of adoption of this Code shall serve out their terms notwithstanding subsection “A” above. The new seat designations in subsection “B” above are to be followed henceforth at the times specified in subsection “B” above.
 4. The term of office begins on the first Monday following certification of the council members election. On which day the council shall be sworn in, meet and elect one of their number as mayor.

Section 5. Oath of office.

1. All council members before entering upon the duties of office shall affirm in writing the following oath and affirmation:
 “I, _____, do solemnly swear that I will support the Constitution and laws of the United States and the State of Alaska and the laws and ordinance of the City of White Mountain, Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of _____, so help me, God.”
2. The oath is filed with the clerk.

Section 6: Compensation of council members.

1. Each council member shall receive compensation according to the following schedule:
 - a. Regular Meetings.....\$200.00
 - b. Special Meetings.....\$150.00
 - c. Work Sessions.....\$100.00
2. Compensation is paid only for meetings attended.

Section 7. Salaries of elected officers.

The council may change the compensation of council members at any time by ordinance, except that the salary of the mayor may not be reduced during a term of office. An elected officer may not receive any other compensation for service to the City, except in emergency situations when he performs work for which a regular City employee would be compensated, or when need arises; subject to approval by affirmative vote of three-fourths (3/4) of the council. Per Diem payments or reimbursements for expenses are not considered to be compensation.

Section 8. Conflict of interest.

A member of the governing body shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter; the presiding officer shall rule on a request by a member of the governing body to be excused from a vote; the decision of the

presiding officer on a request by a member of the governing body to be excused from a vote may be overridden by the majority vote of the governing body; and a municipal employee or official, other than a member of the governing body, may not participate in an official action in which the employee or official has a substantial financial interest.

Section 9. Prohibitions.

No person may be appointed to or removed from City office or in any way favored or discriminate against with respect to a City position because of race, color, sex, creed, religion, national origin or, unless otherwise contrary to law, because of political opinions or affiliations. Alaska Statutes 18.80.010-300 is applicable beyond the scope of this ordinance.

Section 10. Vacancies.

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

1. Fails to qualify or take office within thirty (30) days after his or her election or appointment;
2. is physically absent from the City for a ninety (90) day period, unless excused by the council;
3. resigns and his resignation is accepted;
4. is physically or mentally unable to perform the duties of his or her office;
5. is removed from office;
6. misses three (3) consecutive regular meetings;
7. is convicted of a felony or of an offense involving a violation of his or her oath of office;
8. is convicted of a felony or misdemeanor described in AS 15.56 (Election Offenses, Corrupt Practices & Penalties) and two-thirds of the members concur in expelling the person elected;
9. and is convicted of a violation of AS 15.13 (State Election Campaigns).

Section 11. Filling a vacancy.

If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall designate a person to fill the vacant seat. The person appointed serves until the next regular City election and until his or her successor qualifies.

CHAPTER 5

MAYOR

Sections:

1. Mayor as executive.
2. Mayor as chief administrative officer.
3. Qualifications.
4. Compensation of mayor.
5. Oath of office.
6. Mayor's vote.
7. Term of office.
8. Vacancy.
9. Vice-mayor.
10. Acting mayor.
11. Mayor is ex-officio officer.

Section 1. Mayor as executive.

The mayor is the chief executive officer of the City. He or she shall preside at the council meetings, act as ceremonial head of the City, and sign documents on the City's behalf upon council authorization.

Section 2. Mayor as chief administrative officer.

The mayor is the chief administrative officer of the City. The mayor shall carry out the following powers and duties:

1. Appoint City employees and administrative officers, subject to approval by the council. He or she may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his or her department;
2. suspend or remove by written order City employees and administrative officers, subject to approval by the council;
3. supervise enforcement of City law;
4. prepare the annual budget and capital improvement program for the council;
5. execute the budget and capital program as adopted;
6. make monthly financial reports to the council on City finances and operations;
7. report to the council at the end of each fiscal year on the finances and administrative activities of the City;
8. prepare and make available for public distribution an annual report of City affairs;
9. serve as City personnel officer unless the council authorizes him or her to appoint a personnel officer;
10. draft personnel rules for City employees and officers as directed to do so by the council;
11. execute other powers and duties specified in Title 29 of the Alaska Statutes or lawfully prescribed by the council.

Section 3. Qualifications.

1. The mayor shall be qualified City voter.
2. If the mayor ceases to be eligible to be a City voter, he or she immediately forfeits his office.
3. The mayor shall be a resident of the City for one year preceding election.

Section 4. Compensation of mayor.

The mayor of the City shall receive compensation at the rate of \$0.00 per month. The rate of compensation shall not be lowered during the term of office.

Section 5. Oath of office.

1. The mayor before entering upon the duties of office shall affirm in writing an oath of office as provided for council members in Chapter 4, Section 5 of this Code.
2. The oath is filed with the clerk.

Section 6. Mayor's vote.

The mayor is a council member and may vote on all matters. The mayor does not have the veto power.

Section 7. Term of office.

The mayor is elected by and from the council for a term of one (1) year and until a successor is elected and has qualified. The mayor shall be elected and take office immediately at the first council meeting held after certification of the regular election.

Section 8. Vacancy.

A vacancy in the office of mayor is filled by and from the council.

Section 9. Vice-mayor.

There shall be a vice-mayor elected at the same time and the same manner as the mayor. If the office of the mayor becomes vacant or if the existing mayor is disabled unable to act, or absent from the City; the vice-mayor shall serve until the mayor resumes his or her official duties or until a new mayor is qualified.

Section 10. Acting mayor.

If both the mayor and vice-mayor are absent from the City or disabled or unable to act, the council shall select one of their number as acting mayor to perform the duties of mayor until the mayor or vice-mayor, as the case may be, resumes his duties.

Section 11. Mayor is ex-officio officer.

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

CHAPTER 6

COUNCIL MEETINGS

Sections:

1. Meetings public.
2. Regular council meetings.
3. Special and emergency meetings.
4. Notice.
5. Executive session.

Section 1. Meetings public.

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

Section 2. Regular council meetings.

1. The council shall meet at 7:00 p.m. on the third Wednesday of each month. Regular council meetings may be held at other times of the month to ensure that there is a quorum for the meeting. Notice shall always be given of altered meeting times.
2. The usual place of council meetings shall be at the City Hall. 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 to such other place as the council may choose, provided reasonable notice is given.

Section 3. Special and emergency meetings.

1. Special meetings of the council are those meetings, which are called by the mayor or any two members of the council for a time different than that fixed for the regular council meetings. The location of all special meetings shall be the same as that authorized for regular meetings.
2. Advance notice of at least twenty-four hours preceding a special meeting shall be given each council member. The notice shall specify the time, place, and subject matter of the meeting. No business shall be transacted at the meeting, which is not mentioned in the notice. Such notice shall be served personally on each member of the council or left at his or her usual place of business or residence by the clerk or the clerk's designee.
3. In an emergency, a special meeting called on less than twenty-four (24) hours notice is a legal meeting if all members are present or there is a quorum and all absent members have waived in writing the required notice. A waiver may be made either before or after the time of the meeting. The waiver shall be attached to and made a part of the minutes for that meeting.

Section 4. Notice.

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time, and place of the meeting is posted not less than twenty-four (24) hours before the time of the meeting.

Section 5. Executive session.

1. The following subjects may be discussed in an executive session:
 - a. Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the City; and,
 - b. subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion.
2. The following shall be discussed in executive session when the best interests of the City so require:
 - a. Negotiations with labor organizations representing City employees; and,
 - b. discussions of pending or threatened lawsuits in which the City has an interest.
3. If expected subjects are to be discussed at the meeting, the meeting must first be convened as a public meeting, and the question of holding executive session to discuss matters that come within the exceptions contained in subsection "A" and "B" of this section shall be determined by vote of the council. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless pertaining to the main question. No action may be taken at the executive session.

COUNCIL PROCEDURES

Sections:

1. Mayor the presiding officer at council meetings.
2. Meetings – order of business.
3. Minutes.
4. Council rules – speaking – rules of conduct.
5. Motions – second required.
6. Motions – disposition – withdrawal.
7. Motions – reduction to writing.
8. Motions – rescinding vote.
9. Voting – quorum
10. Duties of the clerk at council meetings.

Section 1. Mayor the presiding officer at council meetings.

1. The mayor shall preside at all meetings of the council. He or she shall preserve order among the council members and is responsible for the conduct of all meetings according to the rules of the council. The mayor may at any time make such rules as are considered proper to preserve order among the attending public during sessions of the council.
2. In the temporary absence or disability of the mayor or vice-mayor, any member of the council may call the council to order at any properly called meeting to elect a president pro tempore from its members. The president pro tempore shall exercise all the powers of mayor during such temporary absence or disability of the mayor or vice-mayor.

Section 2. Meetings – order of business.

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

1. Call to order;
2. Roll Call;
3. Minutes of Previous Meeting;
4. Public Participation;
5. Hearings, Ordinances and Resolutions;
6. Reports;
7. Old Business;
8. New Business;
9. Communications and Appearance Requests;
10. Council Comments;
11. Adjournment.

Section 3. Minutes.

Minutes of all regular, special, and emergency meetings shall be taken. All minutes shall be kept in the journal of the proceedings of the council. The minutes are public record and are to be made available to anyone upon request.

Section 4. Council rules – Speaking - Decorum

Decorum: Meetings of the city council shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the council is retained at all times. The presiding member of the council, who shall be the mayor, mayor pro tempore or, in their absence, other member so designated by the council, shall be responsible for maintaining the order and decorum of meetings.

1. Rules of Decorum: While any meeting of the city council is in session, the following rules of order and decorum shall be observed:
 - a. Council Members: The members of the city council shall preserve order and decorum, and a member shall not by conversation or other means delay or interrupt the council proceedings or disturb any other member while speaking. Council members shall also refrain from profanity and insults to fellow council members and members of the public. They will also be sober, not under the influence of drugs or alcohol.
2. City Staff Members: Employees of the city shall observe the same rules of order and decorum as those which apply to the members of council.
3. Persons Addressing the Council: Public oral communications at the city council meetings should not be a substitute for any item that can be handled during the normal working hours of the municipal government. The primary purpose of oral communications is to allow citizens the opportunity to formally communicate with the city council as a whole, for matters that cannot be handled during the regular working hours of the city government. Each person who addresses the council shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the council, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any council meeting shall, at the discretion of the presiding member or a majority of the council, be barred from further audience before the council during that meeting.
4. Members Of the Audience: No person in the audience at a council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any council meeting. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding member or a majority of the council, be barred from further audience before the council during that meeting.

5. Addressing The Council: At the discretion of the council, a person wishing to address the council regarding an item which is on the council meeting agenda shall submit an oral request. He or she may seek recognition by the presiding member of the council during discussion of any such item. Persons wishing to discuss a non-agenda item may seek recognition by the presiding member during the oral communications portion of the meeting. No person shall address the council without first being recognized by the presiding member. The following procedures shall be observed by persons addressing the council:
 - a. Each person shall state his or her name and address; the organization, if any, which he or she represents; and, if during the oral communications portion of the meeting, the subject he or she wishes to discuss.
 - b. During the oral communications portion, any subject which is not deemed relevant by the council shall be concluded.
 - c. Each person shall confine his or her remarks to the council agenda item or approved oral communications subject being discussed.
 - d. Each person shall limit his or her remarks to three (3) minutes, unless further time is granted by the council.
 - e. All remarks shall be addressed to the council as a whole and not to any single member thereof, unless in response to a question from such member.
 - f. No question may be asked of a member of the council or of the city staff without the permission of the presiding member.
 - g. At the conclusion of an open call to the public, individual members of the council may respond up to three (3) minutes (unless further time is granted by the presiding member) to criticism made by those who have addressed the council as a whole, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, individual members of the council shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

6. Enforcement Of Decorum: The rules of decorum set forth above shall be enforced in the following manner:
 - a. Warning: The presiding member shall request that a person who is breaching the rules of decorum be orderly and silent. If, after receiving a warning from the presiding member, a person persists in disturbing the meeting, the presiding member shall order him or her to leave the council meeting.

 - b. Dismissal: If a council member breaches the rules of decorum by attending intoxicated with drugs or alcohol, and/or insults the character of other council members or the public shall be considered dismissed from the meeting and will not receive a stipend for attendance.

- c. Motion To Enforce: If the presiding member of the council fails to enforce the rules set forth above, any member of the council may move to require him or her to do so, and an affirmative vote of a majority of the council shall require him or her to do so. If the presiding member of the council fails to carry out the will of a majority of the council, the majority may designate another member of the council to act as presiding member for the limited purpose of enforcing any rule of this section which it wishes to enforce.
- d. Adjournment: If a meeting of the council is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the meeting may be adjourned or continued by the presiding member or a majority of the council, and any remaining council business may be considered at the next meeting.

Section 5. Motions – second required.

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

Section 6. Motions - disposition - withdrawal.

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

Section 7. Motions – reduction to writing.

Any motion must be reduced to writing if the mayor or presiding officer requires of or if any council member demands.

Section 8. Motions – rescinding vote.

Any previous vote on a motion may be rescinded by vote of the majority of the council.

Section 9. Voting – quorum.

1. Four council members constitute a quorum. Four affirmative or “YES” votes are required for passage of an ordinance, resolution, or motion.
2. The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All council members present shall vote unless the council, for special reasons, permits a member to abstain.
3. The mayor or presiding officer shall declare all votes and the result.
4. Every member who is present when a question is put, when not disqualified by personal interest, shall vote, unless the council for special reason excuses the person from voting. Applications to be so excused must be made before the vote and shall be decided without debate.

Section 10. Duties of the clerk at council meetings.

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

CHAPTER 8

CITY CLERK/ALTERNATE CITY CLERK

Sections:

1. Appointment – term.
2. Clerk.
3. Additional duties of the clerk.
4. Acting clerk.
5. Clerk’s rate of pay.

Section 1. Appointment – term.

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

Section 2. Clerk/Alternate Clerk.

1. The clerk shall:
 - a. Give notice of the time and place of council meetings to the council and to the public;
 - b. attend council meetings and keep the journal;
 - c. arrange publication of notices, ordinances, and resolutions;
 - d. maintain and make available for public inspection an indexed file including the city ordinances, resolutions rules, regulations and codes;
 - e. attest deeds and other documents;
 - f. perform other duties specified in this Code or prescribed by the mayor or council.
2. The council may combine the office of clerk with that of treasurer.

Section 3. Additional duties of the clerk.

The clerk shall:

1. Record and certify all actions of the council;
2. have the power to administer all oaths required by law;
3. be custodian of the City seal and the official records of the City;
4. give to the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements;
5. be the City election registrar and shall be responsible for the calling and supervision of all City elections.
6. Management of the City Office,
7. Day to day administrative supervision of projects and such personnel and managerial duties as delegated by the Mayor,
8. Give notice of the time and place of meetings to the City Council and to the public,
9. Attend meetings of the City Council and keep the journal,

10. Arrange publication notices, ordinances, and resolutions,
11. Maintain and make available for public inspection as indexed file containing city ordinances, resolutions, rules, regulations and codes, attest deeds and other documents; perform other duties specified in Title 29 or prescribe by the Mayor or City Council,
12. Calculate employee wages from timecards and prepare checks. Prepare withholding, unemployment and other tax reports,
13. Reconcile bank statements,
14. Prepare grant progress and other reports,
15. Prepare financial reports and present to the City Council,
16. Contact and deal with State, Federal, non-profit agencies to ensure sufficient provision of services to citizens,
17. Make application for grants and State and Federal funding available,
18. Route mail received by the City and insure the City Council and Mayor are aware of filing and other deadlines,
19. Performs other duties as assigned.

Section 4. Acting clerk.

In case of the temporary absence of the clerk, the council may appoint an acting clerk who is to have all the powers and obligations of the clerk.

Section 5. Clerk's rate of pay.

The City Council set a starting pay rate of \$18.00 per hour.

CHAPTER 9
CITY TREASURER

Sections:

1. Appointment.,
2. Duties.

Section 1. Appointment.

The treasurer shall be appointed by the council. He or she shall hold office at the pleasure of the council.

Section 2. Duties.

The treasurer shall:

1. Be the custodian of all City funds;
2. be responsible for all matters pertaining to the maintenance of all accounts of the City, and the maintenance and care of all property used by the City;
3. assist the mayor and council in compiling the annual budget of the City based upon detailed department estimates and work programs;
4. prepare and submit to the mayor or council such financial reports and other data as may be required;
5. prescribe and control such procedures as are necessary to protect City funds and property;
6. perform such other duties as the mayor or council may require; and,
7. give bond to the City in a sum, which the council directs.

CHAPTER 10

CITY ADMINISTRATOR

Sections:

1. Appointment.
2. Duties.
3. Personnel officer.
4. Other powers and duties.
5. Temporary Administrator.

Section 1. Appointment.

The mayor subject to approval by the council may appoint an Administrator to act on his behalf as the Chief Administrative Officer.

Section 2. Duties.

At the discretion of the mayor, the powers and duties of the City Administrator may be:

1. Supervise enforcement of City laws.
2. Prepare the annual budget and capital improvement program for the council.
3. Execute the budget and capital program as adopted.
4. Make monthly financial reports to the council on City finances and operations.
5. Report to the council at the end of each fiscal year on the finances and administrative activities of the City.

Section 3. Personnel officer.

The Administrator may serve as City Personnel Officer.

Section 4. Other powers and duties.

He shall execute other powers and duties specified and lawfully prescribed.

Section 5. Temporary Administrator.

In the absence or disability of the Administrator, the mayor may appoint a temporary Administrator. If the office becomes vacant, the mayor may appoint a new Administrator.

CHAPTER 11
CITY ATTORNEY

Sections:

1. City attorney.
2. Duties of City Attorney.

Section 1. City attorney.

There may be a City attorney who may be appointed by the mayor, subject approval by the council. The City attorney shall hold office at the pleasure of the council.

Section 2. Duties of City attorney.

The City attorney may:

1. Be charged with the performance of all legal services of the City, including those of legal advisor to the council, the mayor, and to all departments and offices of the city;
2. take the necessary steps to arrange for the prosecution of violations of the City ordinances upon the request of the council;
3. represent the City in all matters, civil, and criminal, in which the City is interested;
4. draft any ordinance when required by the council or mayor;
5. perform such other duties as may be required by the council or the ordinances of the City;
6. attend meetings of the council;
7. report to the council promptly all suits brought against the City;
8. call to the attention of the council and the mayor all matters of law affecting the City;
9. render all opinions in writing, as far as is practicable; and
10. maintain a record of all opinions rendered and turn such record over to his or her successor in office

CHAPTER 12
PUBLIC SAFETY

Sections:

1. Creation.
2. Appointment of village public safety officer.
3. Powers and duties of the village public safety officer.
4. Village public safety officer.
5. Rules and regulations.
6. Conduct of members.
7. Custody of stolen property.
8. Village public safety officer – regular and special.

Section 1. Creation.

There may be a village public safety officer for the City. The VPSO is the head of the public safety.

Section 2. Appointment of village public safety officer.

The VPSO is appointed by Kawerak, and overseen by the council and serves at its pleasure.

Section 3. Powers and duties of the village public safety officer.

It is the duty of the department of apprehend, arrest, and bring to justice all violators of 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 or 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 offices of policemen.

Section 4. Village Public Safety Officer.

The VPSO is the commanding officer within City limits. His or her duties shall include, but are not necessarily limited to, the following:

1. Be responsible for the enforcement of the law and order;
2. direct the police work of the City;
3. be responsible for the maintenance and care of all property used by the department;
4. maintain and staff the City jail or other holding facilities and be responsible for the prisoners; and,
5. perform such other duties as may be required by the mayor or the council.

Section 5. Rules and regulations

1. The VPSO is responsible for prescribing the rules and regulations for the conduct of members of the department. The council shall approve any rules and regulations before they become effective. Once effective, the rules and regulations are binding on all department employees or officers.
2. The rules and regulations for the conduct of members of the department shall include a list of maximum punishments for minor disciplinary infractions such as tardiness, discourtesy, and failure to wear proper uniform. For minor infractions, the VPSO may suspend any employee of the department for a reasonable period of time whenever in his or her judgment such action is for the benefit of the department. Any such suspension is subject to review by the council.
3. The rules and regulations adopted for the department may include, in addition to those concerning the conduct of its members, uniforms and equipment to be worn or carried; hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the department.

Section 6. Conduct of members.

It shall be the duty of every member of the department to conduct himself or herself in a proper and law abiding manner and to avoid the use of unnecessary force in carrying out his or her duties. Each member of the department shall obey the orders and directions of the VPSO or those acting under his or her authority and command.

Section 7. Custody of stolen property.

1. The VPSO shall have custody of all lost, stolen, abandoned, or otherwise unclaimed property which comes into the possession of the department, except vehicles which are otherwise proved for by State law.
2. Under direction of the council and after consulting with the VPSO, the mayor shall establish rules and regulations for the storage of unclaimed property, including schedules for charges and fees for storage.

Section 8. Policemen – regular and special.

1. The number of regular and special policemen shall be determined by and each policeman shall be appointed by the council, except as the council may delegate this power to the VPSO.
2. Special policemen shall have the powers vested in the regular city policemen. Such special policemen shall however, serve on a temporary basis and only when specifically required by the VPSO, and they shall function only under the direction of the VPSO. They shall assist the VPSO whenever called upon and whenever so called shall be compensated for services rendered as determined by the police chief, unless otherwise provided by ordinance.

CHAPTER 13

FIRE DEPARTMENT

Sections:

1. Creation.
2. Appointment of fire chief.
3. Responsibility of department.
4. Fire chief.
5. Rules and regulations.
6. Conduct of members.
7. Volunteer fire department.
8. Equipment.
9. Definitions.

Section 1. Creation.

There may be a fire department for the City. The fire chief is the head of the volunteer fire department.

Section 2. Appointment of fire chief.

The fire chief is appointed by the volunteer fire department members.

Section 3. Responsibility of department.

It is the duty of the fire department to extinguish fires; rescue persons endangered by fire; resuscitate and administer first aid to persons injured in or about burning structures or elsewhere in case of an emergency; promote fire protection; and unless otherwise provided, enforce all ordinances relating to fires, fire prevention and safety of persons threatened by fire.

Section 4. Fire chief.

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

1. Determine the organization of the fire department and provide for its staffing.
2. establish and enforce rules and regulations for the conduct of members of the department;
3. train and drill the members of the department, including periodic fire drills as deemed necessary;
4. maintain possession and custody of all fire equipment, buildings, and all other property of the department;
5. 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 city manager or council;

6. provide suitable arrangements and equipment for reporting fires and other emergencies and for notifying all member of the department to assure prompt response to such incidents;
7. assign equipment or manpower in response to calls for outside aid where mutual aid agreements are in force and in other cases only when the absence of such equipment will not jeopardize protection in the city;
8. supervise fire inspection;
9. recommend to the mayor or council needed fire fighting equipment;
10. prepare and submit, upon request a tentative budget for the department to the mayor or council;
11. 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;
12. perform such other duties as may be required by the mayor or council.

Section 5. Rules and regulations.

1. The fire chief is responsible for prescribing the rules and regulations for the conduct of members of the fire department. The council shall approve any rules or regulations before they become effective. Once effective, the rules and regulations are binding on all department employees or officers.
2. The rules and regulations adopted for the department may include, in addition to those concerning the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations, and shall all other similar matters necessary or desirable for the better efficiency of the department.
3. The rules and regulations shall include a boundary description of the area served by the department.

Section 6. 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. No members of the department shall be or become intoxicated while performing his or her job responsibilities.

Section 7. Volunteer fire department.

1. Volunteer firemen shall be appointed by the council unless this power to appoint, suspend, or remove is delegated to the fire chief. The volunteer fire department shall be organized by the fire chief and all volunteer firemen are subject to his or her command and authority.
2. Members of the volunteer fire department may organize into a voluntary association by electing their own officers and by adopting by-laws and constitution.
3. The functions and duties of the officer for the volunteer fire department shall not interfere with those of the fire department. The voluntary association shall in no way limit the power of the fire chief. All property used by the volunteer fire department is and remains

the property of the city and all expenses of the volunteer fire department shall be paid according to the approved manner as provided in this Chapter.

4. From time to time in such amounts as the council deems advisable, payments may be made to the volunteer fire department for the purpose of giving that association funds with which to reimburse members for clothing damage while attending fires and for such other purposes in keeping with its functions.
5. Members of the volunteer fire department may be paid an expense allowance for volunteer fire, ambulance, and other emergency work as provided by the council by resolution from time to time.

Section 8. Equipment.

1. No person shall use any fire apparatus or other equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the fire department or the volunteer fire department.
2. No person shall enter any place where fire apparatus or other equipment is housed or handle fire apparatus or other equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

Section 9. Definitions.

For purposes of the Chapter, “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 to be included.

CHAPTER 14

LIBRARY

Sections:

1. Establishment of Library.
2. Librarian.
3. Library Board.
4. Librarian's rate of Pay.

Section 1. Establishment of library.

Depending on funding, there is hereby established a community library, available to residents of the City of White Mountain and all other persons who desire its use.

Section 2. Librarian.

There shall be a librarian, appointed by and responsible to the City Council. The librarian shall be responsible for operation of the library, cataloging of materials by subject matter, ordering of materials, checking in and out of books, return of overdue books, accounting for of funds appropriated and other library matters. The librarian shall make regulations, subject to Council approval, for the operation of the library.

Section 3. Library Board.

The City Council shall be the library board to govern generally the operation of the library.

Section 4. Librarian's rate of pay.

The City Council set a starting pay rate of \$15.00 per hour.

CHAPTER 15

GYM COORDINATOR

Sections:

1. Appointment – term.
2. Gym Coordinator.
3. Gym Coordinator’s rate of pay.

Section 1. Appointment – term.

The gym coordinator shall be appointed by the council. He or she shall hold office at the pleasure of the council, and depending on funding.

Section 2. Gym Coordinator.

1. Must be able to work with minimum supervision.
2. Must be dependable.
3. Must be self-motivated.
4. Supervise all scheduled gym times for all age groups.
5. Take responsibility for the use of all facilities and materials.
6. Make sure all kids are out of the gym by the end of their gym time, or make sure any student is with a chaperone.
7. Follow the gym list provided, no exceptions.
8. Clean up after gym time is over.
9. Report any physical injuries or assaults to the VPSO, or Clinic if needed.
Perform other duties as assigned.

Section 3. Gym Coordinator’s rate of pay.

The City Council set the rate of pay at \$18.00 per hour.

CHAPTER 16

LANDFILL OPERATOR

Sections:

1. Appointment – term.
2. Landfill Operator.
3. Additional duties.
4. Landfill Operator’s rate of pay.

Section 1. Appointment – term.

The landfill operator shall be appointed by the council. He or she shall hold office at the pleasure of the council, and depending on funding.

Section 2. Landfill Operator.

Minimum qualifications include possession of high school diploma or equivalent. Possession of Landfill Operations certifications or obtain within probationary period. Four (4) years preferred, two (2) years minimum equipment operator experience. Four (4) years preferred, two (2) years minimum of supervisory experience. Thorough knowledge of the hazards and safety precautions associated with Laborers, Skilled Laborers, Heavy Equipment Operators, Mechanics, and maintenance tasks and operations. Knowledge of safety procedures including safety training as required.

Section 3. Additional Duties.

This field operation position is responsible for overseeing the daily landfill activity and operations personnel under general direction of the Mayor and/or City Council to ensure the efficient and effective operation of the landfill.

1. Oversees all daily activities of landfill operations.
2. Oversees and directs Laborer, Skilled Laborer, Equipment Operators, Mechanics and Temporary Workers.
3. Order materials and supplies.
4. Maintain required data and prepare reports either directly or through direction of staff. Examples are leachate reports, landfill inspection reports and “as built” drawings.
5. Perform duties of Mechanic or Operator.
6. Second on call for after hour operational emergencies.
7. Assists in the preparation of personnel performance evaluations.
8. Perform related work as required.

Section 4. Landfill Operator’s rate of pay.

The City Council set the landfill operator’s starting rate of pay at \$30.00 per hour, upon completion of c operator training will increase to \$35.00 per hour.

CHAPTER 17

COMMUNITY ACTIVITIES COORDINATOR

Sections:

1. Appointment – term.
2. Community Activities Coordinator.
3. Additional duties.
4. Community Activities Coordinator’s rate of pay.

Section 1. Appointment – term.

The community activities coordinator shall be appointed by the council. He or she shall hold office at the pleasure of the council, and depending on funding.

Section 2. Community Activities Coordinator.

High School Graduate, or General Education Diploma equivalent. Ability to type and experience with computers on a minimal basis. Experience in dealing with the public. Ability to supervise and work cooperatively with others. Demonstrated ability to administratively manage and supervise projects. Ability to follow budgets. Ability to work with a minimum of supervision and carry out delegated duties.

Section 3. Additional Duties.

Under the immediate supervision of the Mayor and under the direction of the City Council, the Community Activities Coordinator shall carry out all duties as directed. These duties include:

1. Coordinate the annual Easter activities which include but not limited to: ordering supplies and prizes, hiding eggs, clean-up afterwards.
2. Coordinate the annual 4th of July activities, which include but not limited to: ordering supplies and prizes, create/follow game schedules, hand out prizes, hire cooks for picnic, clean-up afterwards.
3. Coordinate the annual potlucks, which include ordering and handing out food items, set-up and clean-up potluck area.
4. Coordinate the annual Alaani Games which include but not limited to: ordering prizes and supplies, hire assistants to follow game schedules, etc.
5. Other community activities as assigned.

Section 4. Community Activities Coordinator’s rate of pay.

The City Council set the community activities coordinator starting rate of pay at \$25.00 per hour.

CHAPTER 18

CITY OF WHITE MOUNTAIN UTILITIES

Sections:

1. General Provisions.
2. General Definitions.
3. Application for Service.
4. Ownership of Utilities.
5. Landlord Service Agreement.
6. Right of Way.
7. Right of Access.
8. Inspections.
9. Rates.
10. Deposits.
11. Billing and Payment Procedures.
12. Deferred Payment Plan.
13. Procedure for Customer Complaints.
14. Service Connection and Disconnection.
15. Disconnection of Service.
16. Theft of Services.
17. Electric Utility Services.
18. Service Conditions and Requirements.
19. Meter Installations.
20. Meter Testing and Adjustments.
21. Line Extension.
22. Temporary Service.
23. Service Conditions and Requirements-Consumer/Owner.
24. Service Conditions and Requirements-Utility.
25. Outage Calls.
26. Meter Readings.
27. Electric Rate Schedule.
28. Special Provisions.
29. Water Utility Services.
30. Facility Description.
31. Service Conditions and Requirements.
32. Consumer Responsibilities.
33. Classification of Services.
34. Access.
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Section 1. General Provisions.

1. *Purpose.* In accordance with the Utility's objective of providing the best possible utility services at the lowest possible cost consistent with sound business principles, it is the intent and purpose of the Operating Rules and Regulations to insure that all consumers of the Utility receive uniform and equitable consideration, as outlined by the Regulatory Commission of Alaska's statutes and regulations. This document sets out a series of general rules and conditions of services governing the operation of all utilities owed by the Utility.
2. *Scope.* These Operating Rules and Regulations are part of all written agreements or contracts for delivery of utility service. They are equally binding on the Utility and its consumers.
3. *Copies of Rules & Regulations Available to Consumers.* Copies of these Operating Rules and Regulations and copies of the rate schedules shall be available for inspection or distribution at the City of White Mountain Utilities office during normal business hours.
4. *Revision.* These Operating Rules and Regulations may be revised, amended or otherwise changed at any time by action of the City Council of White Mountain and subject to approval by the Regulatory Commission of Alaska.
5. *Conflict.* In case of conflict between any provision of the rate schedules and these Operating Rules and Regulations, the provision of the duly filed rate schedule shall apply.
6. *Available Service.*
 - a. Service shall be used by a consumer only for the purpose specified in the service agreement and at the applicable utility rate schedule, and the consumer shall not re-meter, sell, or permit others to use such service.
 - b. It shall be the responsibility of the consumer to take all reasonable and proper precautions to prevent damage to the Utility's property on his premises. If the

Utility's property is damaged because of the consumer's negligence, the Utility may collect from the consumer the cost of repairs or replacement.

Section 2. General Definitions.

1. *ACCESSIBLE* means capable of being reached quickly and easily.
2. *APPLICANT* means any natural person or corporation, Limited Liability Company, partnership, limited partnership, or any other legal entity, their heirs, successors or assign, whether acting as principal, agent, broker, or lessor who applies for utility services or for an extension of utility services.
3. *CONSUMER* means any natural person or corporation, Limited Liability Company, partnership, limited partnership, or any other legal entity contracting for or receiving utility services from Utility. In the case of rental properties, the consumer is also deemed to include both the owner of record of the subject property and the applicant for utility services.
4. *COST* means the total cost to the Utility for all labor, materials, overhead, and all other direct and indirect costs incidental to furnishing utility service.
5. *DELINQUENT BILL* means a bill not paid within fifty five (55) days from initial postmark.
6. *PAST DUE BILL* means a bill not paid within fifty five (55) days from initial postmark.
7. *PROPER NOTICE* means a written notice mailed to the last known address on the Utility records 15 days prior to the date of the service disconnection, and attempted personal contact 3 working days prior to said disconnection.
8. *RCA* means Regulatory Commission of Alaska.
9. *UTILITY* means City of White Mountain Utilities.

Section 3. Application for Service.

1. Any person desiring to be served by any Utility service shall make an application in writing. The application is available at the Utilities Office and can be submitted in person, by mail, or by e-mail to the Utility Clerk. The application must be signed by the applicant or by the applicant's duly-authorized agent.
2. The minimum term for which service will be rendered is one (1) month or thirty (30) days. Any consumer taking service for less than this minimum term will be billed for not less than the minimum monthly charge specified under the applicable rate schedule.
3. The Utility reserves the right to refuse to provide utility service(s) to an applicant where the applicant has not made arrangements to assure payment, followed applicable health and safety codes, and/or, where it is not feasible, economically or technically, for the Utility to provide a particulate utility service.
 - i. The Utility will refuse service for any consumer owing the Utility for services with a delinquent account until the past balance is paid or a satisfactory plan

which must provide payment of the past due bill within a ninety (90) day period.

Section 4. Ownership of Utilities.

1. Electric

- a. *Utility Ownership:* The Utility owns all electric lines located on the subject property to the point of delivery at the weatherhead. The Utility owns all meters used for billing purposes.
- b. *Consumer Ownership:* The owner shall own all electric lines after the point of delivery.

2. Water

- a. *Utility Ownership:* The Utility owns all water distribution lines, main lines, and facilities to the point of delivery, which is defined as where the water service connection connects at the valves to the house inside the connection box.
- b. *Consumer Ownership:* The owner owns all water lines and facilities after the point of delivery, which is on the consumer's side of the valve connections in the connection box.

3. Wastewater/Sewer

- a. *Utility Ownership:* The Utility owns all wastewater/sewer collection lines and facilities from the valves in the connection box to the main wastewater collection line and all points downstream.
- b. *Consumer Ownership:* The owner owns all wastewater service lines and facilities located on consumer's side of the valves in the connection box.

4. Landfill

- a. *City of White Mountain Ownership:* The City of White Mountain owns the White Mountain landfill, located one-quarter of a mile east of White Mountain.
- b. *Consumer Ownership:* The owner owns all waste located on the property and it is the owner's responsibility to properly dispose of waste.

Section 5. Landlord Service Agreement.

The Utility will provide the following service where tenant's service reverts back to a landlord when a tenant moves out. The Utility will provide service according to the following conditions and responsibilities:

1. The landlord shall supply Utility with his and all tenant's current mailing address and phone numbers and his contact party. The landlord shall be responsible for keeping this information current.

2. The landlord may request to establish a deposit for an estimated thirty (30) days usage and a service name change fee for each service location and utility service under this agreement.
3. If the tenant does not pay his utility billings in a current manner, the tenant and landlord will be notified by a proper written notice and if payment is not received within twelve (12) working days, the service will automatically revert to the landlord's name.
4. Service name change charges shall be deducted from landlord's deposit for all services transferred back into the landlord's name.
5. The landlord shall pay for any utility billings in his name in a current manner and maintain his deposit requirements, if still required.
6. Tenant's notice to Utility for disconnection shall be in writing and delivered a minimum of three (3) working days prior to the actual disconnection or service name change date.
7. This agreement may be terminated by Utility for the following reasons:
 - a. Change of landlord or owner.
 - b. Violation of Chapter 1.13

Section 6. Right of Way.

In the case of private property, the consumer or prospective consumer must furnish accessory easement and right-of-way to enable the Utility to supply the service required to that consumer. Right-of-way, easement, and permits across and along public property easements are to be suitable for service installation.

Section 7. Right of Access.

The consumer shall provide Utility access to the consumer's premises at all reasonable times for the purpose of meter reading, inspection, testing, repairing, and removing or exchanging any and all service equipment which is the property of the Utility. The consumer shall also provide access for conducting quality control testing for the Utility's water and wastewater systems. Where Utility property or equipment is located in secure area, the consumer shall supply the Utility with keys to the locks or other independent access to that secure area. Where right-of-access is refused or severely impaired, the Utility shall reserve the right to discontinue service after proper notice is given.

Section 8. Inspections.

The Utility shall have a reasonable right, but shall not be obligated to inspect any installation before utility service is connected or at any later time and reserve the right to reject or discontinue service to an installation not in accord with adopted RCA's for minimum electric standards, but such inspection, rejection or discontinuance shall not render the Utility liable or responsible for any loss or damage resulting from defects in the installation wiring or appliances, or from violations of the Utility's rules, or from accidents which may occur upon the consumer's premises.

Section 9. Rates.

1. All rates, changes, and fees for utility services shall be established by the White Mountain City Council by ordinance.
2. New consumers will be assigned to a utility rate schedule based upon information presented in the application for utility service extension and upon the best professional judgement of the Utility Clerk.

Section 10. Deposits.

1. The Utility may require from any consumer, or prospective consumer, a cash deposit intended to guarantee payment of bills. Such deposit shall not exceed twice the consumer's estimated average monthly bill. Consumer, or prospective consumers, whose credit rating has been established satisfactorily by their record of payment will not be required to make a cash deposit.
2. On every deposit accepted under these rules, the Utility will issue a receipt showing the date received and amount deposited.
3. The Utility may apply the consumer's deposit as payment towards all delinquent amounts due and owing the Utility. If the consumer shall fail to restore any such deposit upon twenty-five (25) days' notice, the Utility may discontinue service.
4. The Utility shall refund the deposit within thirty (30) days to any consumer whose credit rating has been satisfactorily established by any of the following:
 - a. Provision of a letter or other written verification from the utility which last provided comparable service to the applicant stating that the applicant was not past due in payment for the last twelve (12) consecutive months of service at the prior location.
 - b. A payment history with the Utility of not more than two (2) past due payments in the prior twelve (12) months billing.
 - c. Termination of service with the Utility to the extent the amount held exceeds any balance due to Utility.

Section 11. Billing and Payment Procedures.

1. Bills shall be deemed rendered and other noticed duly given, when delivered to the consumer in person or when deposited in the United States Postal Service and directed to the consumer at their last known mailing address furnished to the Utility. Bills will be sent on a monthly basis, mailed no later than the 10th day of the month, and are due and payable 25 days after the date rendered.
2. All bills will be considered Past Due if the consumer fails to make payment within twenty-five (25) days from date rendered. All bills will be considered Delinquent if not

paid within fifty (50) days from the date rendered and subjects the consumer to disconnection of service. The Utility may, at its own discretion, make contracts for payment of delinquencies. Reconnection of delinquent accounts may be made by payment of all amounts in arrears, the reconnect fee, plus a deposit of an estimated average of two (2) months future use.

3. Any bill classified as Past Due will be charged 1.5% interest per month.
4. All payments received may be applied in the following order:
 - a. Late charges due, beginning with the oldest late charge first;
 - b. Interest charges, if applicable;
 - c. Any charges due, other than costs of utility services rendered;
 - d. Costs of utility services rendered, beginning with the service fees due from the oldest delinquent bill.
5. Responsibility of Payment
 - a. Failure to receive a bill or notice thereof does not excuse a consumer from paying the bill within the prescribed time for payment. Consumers are liable for payment for all services delivered to consumer's premises or otherwise rendered until the consumer provides the Utility with written notice that the service is no longer desired.
 - b. Regardless of who occupies any premises, residence, or other structure, and regardless of who receives the benefit of the utility service, the real property owner is liable for all utility charges for service to the property, including without limitation monthly charges, connect and disconnect fees, other charges, penalties, and interest.
6. If a check is returned by a financial institution due to insufficient funds or other causes, the account of the consumer shall be charged for the amount of the check plus a \$25.00 charge for the NSF check(s), and any amount for the financial institution's service charge. The consumer shall be notified to request that the check be made "good" within five (5) working days upon receipt of the notice.
 - a. Should a consumer's check be returned to the Utility for any reason more than two (2) times, the Utility shall not accept any further checks from the same consumer. Payments for future bills can be made by cash, cashier's check, money order, or debit/credit card.
7. Irrespective of whether a bill is based on the Utility's reading or any estimate of consumption, the Utility shall have the right to discontinue service for non-payment thereof as provided elsewhere in these operation rules and regulations.
8. A consumer with a delinquent account, and whom the City of White Mountain employs shall have an amount deducted from his/her paycheck, to be applied to their consumer account. This amount will be determined by the employee's gross pay and/or by the employee. If the employee is dismissed from City services, his/her entire paycheck shall be applied to their delinquent account.

At the discretion of the City Council, consumer with an inactive delinquent account can have the interest charges forgiven, leaving charges for actual utility services on the account. If the consumer would like to get reconnected with services, the consumer must fill out a Promissory Note that states the amount to be paid toward the delinquent account each month, in addition to new service charges. If the consumer fails to make a monthly payment on time, the consumer shall be disconnected from services without notice.

Section 12. Deferred Payment Plan.

For a residential consumer who demonstrates that economic hardship, to be determined by the City Council, that prevents payment in full of delinquent account, the Utility may not refuse to restore or continue service unless the consumer refuses or agrees to or comply with a deferred payment plan meeting the requirements:

1. The consumer makes arrangements with the Utility to pay the delinquent account and completes a Promissory Note, which will allow said utility service to continue unless consumer defaults on the deferred payment agreement.
2. The consumer agrees to pay one-third, or less at the option of the Utility, of the outstanding bill at the time the parties enter into the deferred payment agreement.
3. The consumer agrees to pay all future bills for utility service in accordance to the effective billing and collection tariffs.

The consumer agrees to pay the remaining outstanding balance in installments over a period of ninety (90) days.

Section 13. Procedure for Customer Complaints.

1. *Complaints.* All complaints concerning delivery of utility services, billing, or payments are to be delivered in writing to the Utility Office either in person, by mail, by facsimile, or e-mail. All complaints will be answered as expediently as possible.
2. *Appeals.* If the dispute is not settled or consumer is not satisfied with the answer, the consumer can appeal the decision in writing to the City Council and the appeal will be addressed at the next regularly scheduled City Council meeting. If consumer is not satisfied with the City Council's decision, the consumer may elect to present the dispute in written form to the Regulatory Commission of Alaska's Consumer Protection & Information Section.

Section 14. Service Connection and Disconnection.

1. Consumer requested service connections and disconnections are normally made during regular work hours, Monday – Friday, excluding holidays.
2. If a consumer requests connection or disconnection after regular working hours, the consumer shall pay the actual costs for labor and overhead.

3. Consumers are expected to request service connections or disconnections as far in advance as possible, or a minimum, three (3) days.

All requests to the Utility shall be made at the Utility Office in person and/or in writing and no telephone communication shall be considered as proper notice. The Utility will not be responsible for error, delay, or expense resulting from telephone procedure, but the Utility shall exercise diligence in carrying out communications from the consumer.

Section 15. Disconnection of Service.

1. The Utility may commence disconnection procedures for the following reasons without advance written notice:
 - a. An immediate hazard exists that threatens the safety, health or premises of the consumer, general population or Utility's personnel or facilities.
 - b. Utility has evidence of meter or service tampering or fraud by the consumer.
 - c. A consumer fails to comply with curtailment request during emergency, due to a supply shortage.
2. Utility may commence disconnection procedures after proper notice is given for the following reasons:
 - a. Failure of the consumer to pay a delinquent account within fifty (50) days after the initial rendering of bill, unless a deferred payment agreement is entered into via a Promissory Note.
 - b. Consumer violation of any effective provision of Utility's rules and regulations or breach of deferred payment agreement.
3. The discontinuance of service for any of these causes does not release the consumer from his obligation to pay for utility service(s) received or charges specified in any existing agreement.
4. Whenever service has been disconnected for fraudulent use, non-payment or non-compliance with the rules and regulations, a \$25.00 fee will be charged for reconnection.
5. Until the past balance has been paid, or satisfactory plans which must provide payment of the past due bill within a ninety (90) day period have been agreed upon, the Utility will refuse service at a service location to any delinquent consumer owing the Utility for that class of service at that service location.
6. The Utility may retire electric primary, secondary or service lines which no longer service an active consumer.
 - a. Notice shall be delivered to the proper owner of the property in regards to the proposed removal. If the owner wishes to have the lines remain intact, the owner can request the Utility to keep lines intact for future use.

Any consumer who is delinquent for two (2) months or more shall be disconnected from services.

Section 16. Theft of Services.

1. General Penalties.

- a. Every act prohibited by these ordinances is unlawful. Violation of the provisions of these ordinances shall be punishable by a fine of not more than \$1,000 per day of occurrence or not more than 90 days imprisonment, or both.
- b. The fines may be imposed only if copies of the ordinance are made available to the public at no more than cost.
- c. Each act of violation, and every day upon which such violation occurs, constitutes a separate offense. The City Council may establish a schedule of fine amounts for each offense.
- d. Any person, who connects, interferes, alters, damages any of the facilities of the Utility shall be responsible for the cost of its complete repair and return to service. This is in addition to fines outlines in the Schedule of Fines.
- e. Any person, who takes service from the Utility or taps a line used for the transmission of services, shall be billed for the service used. This is in addition to fines outlined in the Schedule of Fines.
- f. The Utility, or a representative of the Utility, may institute a civil action against a person who violates this ordinance.

2. Offenses Relating To Utility Services. It shall be unlawful for any person:

- a. Other than an authorized employee of the Utility, to turn on or turn off any Utility service or water main.
- b. To connect to, interfere with, alter or damage the distribution system of any utility or other facilities of the Utility used in connection with rendering services; or to permit connection to, interfere with or alteration by any other person except an authorized agent or employee of the Utility.
- c. To damage the installation of the line or interrupt the transmission of the service through it or damage the protective wrapping of any distribution line.
- d. To interfere with the use of a utility line, or obstructs or postpones the transmission of service over a distribution line.
- e. Without the permission of the Utility, take service from the Utility or tap a line used for the transmission of services or procure or advise this be done.

3. Schedule of Fines

- a. Unauthorized action on any Utility distribution systems - **\$50 up to \$1,000**
- b. Unauthorized connection to, or interference with, or alteration of, or damage of any Utility facilities - **\$50 up to \$1,000**
- c. Damage to installation of the line, or interruption of the transmission of the services, or damage to the protective wrapping of any distribution line - **\$50 up to \$1,000**

Take service from, or tap a line used for transmission of services, or procure or advise such to be done - **\$50 up to \$1,000**

Section 17. Electric Utility Services-Service Conditions and Requirements.

1. *Availability.* Except as otherwise provided in this document, electric service is contingent upon the availability of system capacity and location of primary lines or facilities relative to the subject property.
2. *Point of Delivery.* In the interest of safety and utility economics, the point of delivery is that point on the consumer's building or premises where the Utility designates the location of electric meters. The Utility shall install all wiring up to the point of delivery of the weatherhead leading to the meter. Weatherhead, masts, and electrical wiring within the weatherhead and past the point of delivery are the consumer's responsibility. When services require current transformers for metering, it shall be the responsibility of the consumer to supply and install such apparatus.

Electric service is consistent with RCA standards but the voltage, phase and capacity of the Utility's facilities vary in different locations. As protection against the purchase of improper lamps, appliances, motors and other equipment, consumers are advised to ascertain the type of service available at their point of delivery.

Section 18. Meter Installations.

1. It is preferable for socket-type meters be installed on the outside of buildings or service structures. Exceptions to this practice must be approved by the Utility.
2. Meters shall not be installed in places difficult to access, such as over open pits, behind boilers or where conditions exist that would adversely affect such devices. It shall be the consumer's responsibility to maintain a clear space of at least thirty inches in front of the meter.
3. Meters shall be installed at a height of approximately five feet above the platform or permanent ground level. In cases where unusual conditions exist, the Utility shall be consulted prior to the installation.
4. New service entrance locations shall be approved by the Utility prior to installation. A representative of the Utility will designate the meter location.

All meters will be sealed by the Utility. The breaking of seals by unauthorized persons, tampering with meters or meter wiring is prohibited.

Section 19. Meter Testing and Adjustments.

1. In order to ensure accuracy, the Utility will, at its own expense, make periodic inspections and meter tests.
2. A consumer may request the Utility to make a special meter test.

- a. If the meter is tested and found to have over- or under-registration by more than 2%, adjustments will be made to billing. If the beginning date of error is known, the Utility will base the amount of the adjustment on the period since the meter was last tested, not to exceed six months, or the period during which the most recent customer received service through the meter, whichever period is less.

When a meter fails to register for any period for reasons beyond the reasonable control of the Utility, the Utility may estimate the charge for service during such period. Such estimate shall be based upon the available data.

Section 20. Line Extension.

1. The Utility provides one span of secondary line to an existing pole as a standard and at no cost to the consumer.
2. Service requests beyond temporary service standards or beyond the standard line extension policy may be accomplished by a special contract that meets 3 AAC 52.455 requirements and is approved in advance by the RCA. The customer will be billed for the new service line extension and costs incurred for the installation, not limited to but shall include cost of labor and materials, which may include utility pole, power lines, and any additional installation equipment required for the connection.

Section 21. Temporary Service.

1. For non-permanent use, temporary service at secondary voltage will be provided for a period of time less than twelve (12) months.
2. Applicants for temporary electric service are required to install a temporary meter base with main breaker which may be located on a customer-owned pole or on an existing building. This installation shall be electrically safe and in conformance with the provisions of the National Electric Code. The Utility will provide standard design drawings on application.
3. The applicant may be required to pay a minimum deposit according to Chapter 1.11. Deposits will be refunded when the final bill has been paid.

For temporary service beyond sixty feet, the applicant shall pay in advance the cost of labor, overhead and materials required to extend service to the temporary service. The applicant shall also pay the cost of rewiring the temporary service.

Section 22. Service Conditions and Requirements-Consumer/Owner

1. The consumer shall install, own, and maintain all wiring and equipment on the owner's side of the point of delivery, including inside wiring and appliances, service entrance, the meter base and socket, mast, and grounding.
 - a. In addition, it shall be the consumer's responsibility to provide suitable protective equipment such as fuses, circuit breakers, relays, and groundings adequate to protect his equipment. If three phase equipment is used, it shall be the consumer's

responsibility to protect it against phase failure, as well as under or over voltage conditions.

2. The Utility will take all reasonable precautions to prevent phase failure or voltage variation, but cannot guarantee that such conditions may not occur due to circumstances beyond its control.
3. All electric wiring on consumer's premises must conform to the Utility's requirements and accepted modern standards as exemplified by the requirements of the National Electric Safety Code and the National Electric Code.
4. The Utility reserves the right to refuse service or discontinue service to consumer equipment or wiring when it is in a hazardous condition or not in conformity with lawful codes and regulations.
5. In the event the consumer desires to change his load materially, he shall notify the Utility sufficiently in advance so it may, if economically feasible, provide the facilities required. In the event that the consumer fails to notify the Utility and, as a result, the Utility's equipment is damaged, the consumer shall be liable for the cost of such damage.
6. When a change of occupancy or of legal responsibility takes place on any premises being served by the Utility, notice of such change shall be given within a reasonable time prior to such change. The outgoing consumer will be held responsible for all service supplied until such notice existing condition at any time of the day or night.

Section 23. Service Conditions and Requirements-Utility.

1. *Responsibility and ownership.* All meters are the property of the Utility and Utility will furnish the meter and connect its distribution lines at the consumer's meter base or at the point of service disconnect. The wiring equipment, meter base, mast, grounding, fuse box or breaker box, service switch stand-pipe, and appurtenance shall be furnished by the owner.
2. *Right to Refuse Service.* The Utility reserves the right to refuse to provide electric service until equipment installed and arrangements have been made to assure payment for service installation costs.
3. *Current/Voltage.* The Utility provides 60-cycle alternating current, either 120/240 volt single-phase or 120/208 volt three-phase grounded wye. Other standard voltages may be made available with prior approval by the Utility. Voltage, frequency, and wave form are regulated to conform to the standard practices of the industry.
4. *Inspection.* The Utility shall have the right, but shall not be obligated to, inspect the consumer's wiring or equipment before or during the time service is supplied. However, inspection or lack of inspection shall not be constructed as placing upon the Utility any responsibility for the condition or maintenance of the consumer's wiring, current-consuming devices, or other equipment.

Section 24. Outage Calls.

1. The Utility will, as soon as service interruptions are known be responsible for promptly making repairs to the Utility equipment which impairs service to its consumers or results in a hazardous condition. When it is necessary for the Utility to make repairs, the Utility may, without incurring any liability thereof, suspend service for such periods as may be reasonably necessary and in such manner as to minimize the inconvenience to consumers.
2. When trouble calls are made at a consumer's request and it is determined that the cause is due to failure of consumer-owned equipment or wiring, a charge of not less than actual labor and overhead costs will be billed to the consumer.

Section 25. Meter Readings.

1. The Utility will read electric meters monthly at approximately the same time each month. It is preferred for electric meters to be read on the last day of each calendar month. The consumption of service indicated by the meter shall be the basis for computing bills for electric service and shall be accepted conclusively as correct by the consumer and the Utility, except where the meter is found to be registering inaccurately or has ceased to register.
2. If for any reason, a reading cannot be obtained for a particular billing period, billings shall be based upon an estimate determined from historical data and adjusted, if necessary, in the following billing period.

Section 26. Electric Rate Schedule.

NEW SERVICE (Where new service lines need to be installed, from existing pole)

- | | | |
|----|-------------------------------------|---------|
| A. | Electric Service Connection | \$25.00 |
| B. | Consumer Deposit (See Chapter 1.11) | \$ |

NEW SERVICE WITH EXTENTION

- A. Electric Service Connection – Actual cost of labor and materials for any service connection that requires an extension past one length of service.

NEW TEMPORARY SERVICE

- | | | |
|----|------------------------------------|---------|
| A. | Electric Service Connection | \$25.00 |
| B. | Electric Service Disconnection | \$25.00 |
| C. | Minimum Deposit (See Chapter 1.11) | \$ |

NEW CONSUMER – Property Owner (Where service lines already exist to the house or building)

- | | | |
|----|-------------------------------------|---------|
| A. | Reconnect Fee/Service Name Change | \$25.00 |
| B. | Consumer Deposit (See Chapter 1.11) | \$ |

CONSUMERS WHO ARE RENTING PROPERTY

- | | | |
|----|-------------------------------------|---------|
| A. | Connection/Service Name Change | \$25.00 |
| B. | Consumer Deposit (See Chapter 1.11) | \$ |

DELINQUENT ACCOUNTS

- A. Customers failing to pay bills when due shall be disconnected in accordance with the tariffed rules of the Utility.
- B. Reconnection may be made as follows:
 - 1. Payment of all amounts in arrears.
 - 2. Reconnect Fee \$25.00
 - 3. Prepay in cash an estimated average of two (2) months utility bills as a prepaid deposit to guarantee utility bills.

SCHEDULE A
SINGLE PHASE ELECTRICAL SERVICE

APPLICABLE TO

Residential dwellings and commercial buildings

CHARACTER OF SERVICE

Via standard overhead service, continuous 60 cycle 120/208 volt single phase.

RATE

Utility Rate, per kWh	\$00.55
Minimum Charge	\$10.00

Section 27. Special Provisions.

In the event that Utility operation escalates, said increase will be added to the regular monthly utility bill as a surcharge. Said surcharge will be approved by the City Council and by APUC.

1. *COMMUNITY FACILITIES*. Means a water and sewer facility, public outdoor lighting, charitable educational facility, or community building whose operations are not paid by the State, Federal Government or private commercial interest. Total kWh eligible for assistance sold to Community Facilities is calculated in the aggregate for each community served by the electric utility, for actual consumption of not more than 700 kWh per month for each resident of the community.
2. *OPERATIONS PAID FOR BY THE STATE, FEDERAL GOVERNMENT OR PRIVATE COMMERCIAL INTEREST*. Actual consumption of not more than 700 kWh per month sold to each customer.
3. *BERING STRAITS SCHOOL DISTRICT*. Bering Straits School District agrees to furnish all necessary right-of-ways necessary to enable the Utility to supply voltage electricity and maintenance or operation required on the voltage distribution system.
4. Utility shall maintain and operate all high voltage cables, switches and transformers and the Bering Straits School District shall be responsible for all the secondary voltage electrical installations, cable and apparatus from the secondary buildings at each transformer location, as well as maintaining a balanced load system.

Section 28. Water Utility Services-Facility Description.

The Utility water system shall be considered as made up of two parts: the Utility system and the Consumer system.

1. The Utility system consists of the source of facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the Utility, up to the point where the consumer's system begins. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system. The distribution system shall include the network of conduits used for the delivery of water from the source to the consumer's system.

The consumer's system includes those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to point of use.

Section 29. Service Conditions and Requirements.

Water utility services are subject to the following conditions and requirements:

1. *Availability.* Except as otherwise provided in this Chapter, water service is contingent upon the availability of system capacity and location of main distribution lines or facilities relative to any property to be served.
2. *Point of delivery.* The point of delivery is where the consumer's service line connects at the valves inside the water service connection box. Unless authorized by the Utility in writing, water supplies from one water service connection may not be used to provide or deliver water to another person or subject property otherwise eligible to receive water service.
3. *Service connection procedures.* The Utility will provide materials for the installation of service lines from the main line to the point of delivery at the property line including the connection box. The owner shall install and maintain the service line from the connection box to the point of use. Any work at the point of delivery must be inspected by the Utility prior to activating and burying the connection to the Utility's water delivery system.

Section 30. Consumer Responsibilities.

1. *Responsibility and Ownership.* The owner shall retain ownership of and be responsible for maintenance of the water service line on consumer's side of the valves in the connection box.

- a. The consumer shall be responsible for maintaining proper heat with the property to insure that pipes do not freeze-up.
- b. The consumer shall be responsible for installing, maintaining, and replacing, if needed, a circulation pump and/or heat trace/tape on the water lines to help avoid freezing. The consumer is also responsible for turning off their circulating pump and/or heat trace/tape during warm months to avoid a fire hazard.
- c. The consumer shall be responsible for all condition of the plumbing system on the property when service is turned on. The Utility shall not be liable for any loss or damage 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.

2. *Consumer Freeze-up or Leaks.* Consumer freeze-ups or 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 consumer for repairs any for any excess water usage that might that resulted from the situation, should the customer be unable to make the repairs; or should the consumer have abandoned 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 consumer to notify the Utility immediately of any problem with the customer's plumbing that could have an adverse effect upon the Utility's system.

3. *Compliance with Utility Specifications.* The consumer shall comply with all applicable standard specifications of the Utility. The Utility reserves the right to refuse or to disconnect service whenever the Utility receives notice or has reasonable cause to believe that the consumer's service is in hazardous condition or does not conform with the Utility Guidelines and/or any other applicable laws or regulations.

Section 31. Classification of Services.

1. *Residential.* Residential service shall consist of all services for domestic purposes supplied to a single family dwelling unit.
2. *Commercial.* Commercial services shall consist of all office, commercial or business establishments, tribal facilities, community facilities, and Utility owned buildings.
3. *School.* School service shall consist of services provided to the school, its administrative office, and other facilities owned/operated by the school that are not classified under a different class of service.

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 an exception to the regularly published utility 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, and approved by the City Council.

Section 32. Access.

By accepting water service, the consumer agrees to allow the Utility's designated representative to enter upon the consumer's premises at all reasonable hours for the purposes of service inspection and/or to set up devices as are necessary to control, sample, monitor, or measure water flow.

Section 33. Maintenance and Use Requirements.

1. *Service line.* The consumer's service line located between the key box and the subject property of the consumer shall be kept in repair by the owner or occupant of the subject property, who shall be responsible for all damages other than those caused by acts of the

Utility. In the case of a frozen water service, the consumer shall be responsible for thawing the service line from the connection box to the building, unless the freezing condition can be demonstrated to have been the result of the Utility's negligence.

- a. If the consumer is unable to thaw out his own service line, the Utility may be hired to complete the job and the consumer will be invoices for any labor and materials used to thaw out the line.

2. *Electrical grounding systems.* The Utility will not be liable for the adequacy of any electrical grounding electrodes for electrical circuits and devices as may be attached by the owner to the owner's service pipe and plumbing system. This method of grounding involves an element of danger, and the Utility will not be liable for the safety of any person who makes contact with the owner's service pipe and plumbing system that is used as an electrical grounding system. The Utility reserves the right to make any structural or material changes it so desires in the installation of the Utility 's water mains and water service connections without regard to the effect the changes may have on the overall adequacy of an electrical grounding system utilizing the owner's service pipe and plumbing system.

3. *Connections and alterations.* Approval from the Utility shall be required to make any connections to or alterations in any conduit, pipe, or other fitting connecting directly to the key box, or to turn water service off or on at the key box.

Section 34. Service Irregularities and Limitation of Liability.

1. *Irregularity or Failure of Service.* The Utility will exercise reasonable diligence to furnish and deliver adequate water service. However, the utility will not be liable for damage resulting from interruptions, shortages, irregularities or failures due to accidents, interference 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 notices posted around the community, or other method commonly used in the community.

2. *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 consumer notice through the use of public media, posting notices around the community or by direct consumer contact. Repair work will be completed expeditiously, and as far as possible, the work will be completed at a time of least inconvenience to the customer.

Section 35. Special Provisions.

Fire Hydrant Use. It shall be unlawful for anyone except Utility or White Mountain Volunteer Fire Department firemen personnel to operate any Utility fire hydrant to attempt to draw water from it or any manner damage or tamper with it.

Section 36. Cross-Connection Control.

The purpose of this subsection is to:

1. Protect the public potable water supply of the Utility from the possibility of contamination or pollution by isolating within the consumer's internal distribution system(s) or the consumer's private water system(s) such contaminants or pollutants that could backflow into the public water system; and,
 2. Promote the elimination or control of existing cross connections, actual or potential, between the consumer's in-plant potable water system(s) and nonpotable water systems, plumbing fixtures, and industrial piping systems; and,
 3. Provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.
1. *Responsibilities.* The Utility desires to protect the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the WPO, an approved backflow-prevention assembly is required (at the consumer's water service connection or within the consumer's private water system) for the safety of the water system, the Utility Clerk shall give notice in writing to consumer to install such an approved backflow-prevention assembly(s) at specific location(s) on the consumer's premises. The consumer shall immediately install such approved assembly(s) at their own expense. The failure, refusal, or inability on the part of the consumer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.
 2. *Water Supply Protection.* No water service connection to any premises shall be installed unless the water supply is protected as required by state laws and regulations and this Chapter. Service of water to any subject property shall be discontinued by the Utility if a backflow prevention assembly required by this chapter is not installed, tested, and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the subject property. Service will not be restored until such conditions or defects are corrected.
 3. *Right to inspect.* The consumer's system shall be open for inspection at all reasonable times to authorized representatives of the Utility to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When it becomes known that such a condition exists, the Utility shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the consumer has corrected the condition(s) in conformance with the Chapter relating to plumbing and water supplies and the regulations adopted pursuant thereto.
 4. *When a Backflow Prevention Assembly is Required.* Wherever the following conditions exist, an approved backflow-prevention assembly shall be installed on each service line

to a consumer's water system at or near the property line or immediately inside the structure being served; but, in all cases, before the first branch line leading off the service line:

- a. In the case of subject property having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not accepted as an additional source by the Utility, the public water system shall be protected against backflow from the subject property by installing an approved backflow-prevention assembly in the service line appropriate to the degree of hazard.
 - b. In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.
 - c. In the case of premises having (1) internal cross connections that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, rendering it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the subject property by installing an approved backflow-prevention assembly in the service line.
5. *Type of Assembly Required.* The type of protective assembly required under subsections 3.10(a), (b), and (c) shall depend upon the degree of hazard that exists as follows:
- a. In the case of any premises where there is an auxiliary water supply as stated in subsection 5(a) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly.
 - b. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.
 - c. In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, slaughter houses, chemical manufacturing plants, clinics, and plating plants.

- d. In the case of any premises where there are "uncontrolled" cross connections, either actual or potential, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly at the service connection.
 - e. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly on each service to the premises.
 - f. In the case of any premises where, in the opinion of the Utility representative, an undue health threat is posed because of the presence of extremely toxic substances, the Utility representative may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Utility representative and is dependent on the degree of hazard.
6. *Approved Backflow Prevention Assembly.* Any backflow-prevention assembly required herein shall be a model and size approved by the Utility. The term approved backflow prevention assembly shall mean an assembly that has been manufactured in full conformance with the current standards established by the Foundation for Cross-Connection Control and Hydraulic Research (FCCCHR) of the University of Southern California.
- a. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with current AWWA standards and FCCCHR specifications.
 - b. Backflow preventers that have been fully tested and have been granted a certificate of approval by an approved laboratory may be used without further testing or qualifications.
7. *Duty of Consumer.* It shall be the duty of the consumer at any premises where backflow-prevention assemblies are installed to have certified inspections and operational tests made at least once per calendar year. In those instances where the WPO deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, Utility's personnel, or by a certified tester approved by the Utility Clerk. It shall be the duty of the Utility Clerk to see that these tests are made in a timely manner. The consumer shall notify the Utility Clerk in advance when the tests are to be undertaken so that the Utility may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the consumer whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and made available to the Utility Clerk.
8. *Exclusions.* All presently installed backflow prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described

herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 8, be excluded from the requirements of these rules so long as the Utility reasonably believes that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the Utility finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow-prevention assembly meeting the requirements of this section.

Section 37. Inspections.

In order to assure compliance with Utility health and safety standards, all applications for shall be reviewed by the Water Plant Operator to ensure that all plumbing is installed in a manner as to prevent the possibility of pollution of the Utility's water supply. Upon giving proper notice, and in compliance with applicable state and federal law, the WPO may inspect any building or premise in the Utility to ensure that all plumbing has been installed so as to prevent the possibility of pollution of the Utility's water supply. Utility water service shall be immediately disconnected from any structure or subject property whose plumbing system has been installed in a manner that the WPO reasonably believes could cause pollution to the Utility's water supply. The service shall remain disconnected until the plumbing problem has been corrected.

Section 38. Water Rate Schedule.

Residential, Community Facility & Commercial Facility	\$69.00/month
School Water Fee	\$3,916.66/month
Water Connection Turn On/Off Fee	\$25.00

Section 39. Wastewater/Sewer Utility Service-Service Conditions and Requirements-General

1. *Availability.* Any person who has a wastewater main line within three hundred (300) feet of the person's property is required to make application to the Utility for wastewater service. Wastewater service will be approved provided that the service does not require the extension of any main line and that no portion of the wastewater service line passes through lands, buildings, or parts of buildings for which there is no dedicated utility easement. Extended service connections to properties not located within three hundred (300) feet of an existing wastewater main line may be permitted at the option of the Utility.
2. *Service connection procedure.* All wastewater/sewer service lines shall be installed by the consumer to the Utility's main collection line. The Utility will inspect all subsurface installation work from the point of connection to the Utility's main line to the building.
3. *Extended service connections.* In cases where main lines have not been installed within three hundred (300) feet of the subject property, a potential consumer may be eligible for an extended service connection by signing an extended service connection agreement and agreeing to the following terms and conditions:

- a. *Location and charges.* A standard connection shall be installed by the consumer at a point on the sewer main designated by the Utility. The customer shall pay standard connection charges as provided in the fee and rate ordinance.
 - b. *Expense.* The service line shall be extended by the consumer at the consumer's own expense.
 - c. *Maintenance.* Ownership and responsibilities will be according to the extended service agreement as approved by the Utility.
 - d. *Future connection.* At such time as mains are extended or installed to a point within three hundred (300) feet of the property being served by an extended service connection, the property owner must connect to the extended main and pay the time and materials costs and charges for continuation of service.
4. *Right to modify.* The Utility has a right to modify, subtract, or add to the service conditions and requirements as deemed appropriate to prevent pollution, to prevent undue health hazards, and to protect the wastewater collection and treatment system.

Section 40. Service Conditions and Requirements-Consumer/Owner

1. *Responsibility and ownership.* The consumer shall be responsible for the operation and maintenance of all wastewater service lines and facilities which are located on the subject property and/or which are required to be maintained under any extended service agreement.
2. *Compliance with Utility specifications.* The consumer shall comply with all applicable standard specifications of the Utility. Specifications are available at the Utility Office.
3. *Access.* By accepting wastewater service, the consumer agrees to allow a Utility representative, to enter upon the subject property at all reasonable hours, for the purposes of service inspection and/or to set up devices as are necessary to control, sample, monitor, or measure effluent.

If the consumer fails to comply with the service conditions and requirements of this Chapter, the Utility may refuse to provide service to the consumer or may discontinue service.

Section 41. Service Conditions and Requirements-Utility.

1. *Responsibility and ownership.* The Utility will maintain and keep its main lines and service lines outside the subject property line free from freezing and blockage; provided, however, that the Utility shall not be responsible for negligence of third persons or forces beyond its control resulting in any interruption of service or damage to a consumer's real or personal property.
2. *Refusal of service.* The Utility reserves the right to refuse to provide wastewater service until equipment is installed, arrangements made to assure payment for service installation costs, and until the subject property passes any inspection required by this Chapter.

Section 42. Prohibited Discharge/Conduct.

1. *Unlawful discharges.* It shall be unlawful for any person to discharge or cause to be discharged any of the following described water or wastes into the Utility's wastewater disposal system or into any abandoned or unapproved wastewater disposal system.

- a. *Surface waters.* Any surface runoff, storm water, groundwater, or cooling water.
- b. *Industrial waters.* Any industrial process water that does not meet the requirements and limitations set forth in this Chapter.
- c. *Temperature.* Any surface runoff, storm water, groundwater, cooling water, industrial process water, or water over 140°F.
- d. *Obstructing materials.* Any water or waste containing visible fat, oil, or grease, or any water or waste containing: ashes, cinders, sand, mud, metal, glass, rags, plastics, wood, lime, slurry, lime residues, chemical residues, paint or ink residues, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow in wastewater main or service lines or causing other interference with the proper operation of the Utility's wastewater disposal system.
- e. *Explosive materials.* Any gasoline, benzene, naphtha, fuel oil, motor oil, mineral spirits, commercial solvent or other flammable or explosive liquid, whether a solid or a gas.
- f. *Corrosive materials.* Any water or wastes having a pH lower than 6.5 or higher than 8.5, or having any corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Utility.
- g. *Toxic or hazardous materials.* Any waters, wastes, or other substances may be discharged in concentrations or quantities that are considered toxic. At any time, at the discretion of the Utility, any discharge suspected of containing toxicity shall be analyzed using the "48-Hour Acute Toxicity" test with *Ceriodaphnia dubia* test organisms. The Acute Toxicity test shall be done in accordance with EPA's "Methods for Measuring Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms, 5th Edition", or most current edition. Oxidants, such as chlorine from drinking water, may interfere with the toxicity tests and must be removed by the testing laboratory in accordance with the above methods, prior to conducting the Acute Toxicity test. For any discharge that is found to be toxic as defined by the Utility's Standard Discharge Limitations, the Utility may require the customer, at the customer's expense, to evaluate the source of toxicity and eliminate the source from their discharge.
- h. *Radioactive materials.* Any waters containing quantities of radioactive substances in excess of presently existing or subsequently acceptable limits for drinking water.
- i. *Noxious or malodorous materials.* Any noxious or malodorous liquids, gases, or solids which, either singly or by interactions with other wastes, are sufficient to create a public nuisance, or hazard to life or health, that will pass through or

of safety and sanitation, the community will continue to be able to make use of the landfill on an unrestricted basis. The landfill is available for community use 24-hours a day, seven days a week.

Section 45. Definitions.

1. *ANIMAL WASTES* are any part of an animal, including carcass, hide, etc., and waste left by an animal such as fecal matter.
2. *BACK-HAUL FREIGHT* means waste material exported out of the village on a carrier (plane or barge) returning to its home or hub port.
3. *BURNABLE WASTE* means paper, untreated cardboard and fabric, and wood.
4. *COMMERCIAL USER* is any governmental agency, school, business, or other non-residential entity.
5. *SMALL COMMERCIAL USER* is a commercial user who dumps 6 cubic yards or less of non-compacted waste per week.
6. *LARGE COMMERCIAL USER* is a commercial user who dumps 7-25 cubic yards of non-compacted waste or 4-16 cubic yards of compacted waste per week, and includes the school.
7. *CONSTRUCTION DEBRIS* includes discarded pipe, demolition or construction waste, and burned building remains.
8. *COVER MATERIAL* is soil or gravel applied over trash. Cover material serves to reduce spread of disease, keep animals out of trash, and reduce nuisance conditions.
9. *E-WASTE* includes electronics such as computers, television sets, etc.
10. *EXCESSIVE USE* of the landfill is any dumping of over 25 cubic yards per week of un-compacted waste or 13 cubic yards of compacted waste, and includes all contractors.
11. *FINAL COVER* is soil or gravel applied over trash to a depth of one (1) foot.
12. *HAZARDOUS WASTES* include lead-acid batteries, transformers with PCBs, asbestos, and any material or substance categorized as hazardous wastes under Alaska or federal law.
13. *HONEY BUCKET WASTES* are sewage wastes.
14. *ISWMP* is the Integrated Solid Waste Management Plan. The ISWMP was created by a community group that includes members of the IRA, City, and general public who came together to collaborate on a working plan to guide our community's solid waste future.
15. *IGAP* is the Indian General Assistance Plan program that works with the IRA under a grant on environmental matters.
16. *INTERMEDIATE COVER* is soil or gravel applied over trash to a depth of six (6) inches.

17. *JUNK VEHICLES* are discarded ATVs, snowmobiles, bicycles, automobiles and trucks, etc. Junk vehicles are disposed in the salvage yard.
18. *MULTI-FAMILY RESIDENTIAL* units are housing units in which living spaces are physically separated by a common wall, floor, or other non-passable object to create more than one residence within the same building. Some examples are duplexes and apartment buildings.
19. *NON-BURNABLE WASTE* includes all waste that does not meet the definitions described under either 'burnable' or hazardous' waste.
20. *RECYCLING CENTER* is the area designated for collection and preparation for back haul of recyclable wastes.
21. *RECYCLABLE WASTES* are aluminum cans and other materials, which can be recycled depending on market value and recovery costs, including transportation, storage, and collection costs.
22. *SALVAGE YARD* is the portion of the Solid Waste Disposal Site where salvage is permitted. ATVs, snowmobiles, bicycles, and other vehicles are disposed in the salvage yard.
23. *SANITARY LANDFILL* is the portion of the Solid Waste Disposal Site where trash is regularly covered with soil.
24. *WHITE GOODS* are appliances such as washers, dryers, dishwashers, etc.

Section 46. Waste Disposal.

1. Honey bucket (HB) waste will be disposed in the HB/sludge disposal cell, which is a part of the Solid Waste Disposal Site. A sign indicating the location of the HB/sludge disposal cell will be maintained at the disposal site. Honey bucket waste or sludge waste will not be disposed in the sanitary landfill portion of the Solid Waste Disposal Site nor anywhere else but within the HB/sludge disposal cell.
2. Trash (or refuse) will be disposed of in the sanitary landfill portion of the Solid Waste Disposal Site. A sign indicating where to dispose trash within or adjacent to landfill will be maintained.
3. Intermediate cover will be applied as needed during the months allowed. The cover operation involves waste consolidation, compaction, and application of cover. Refuse will be consolidated and compacted but no cover applied during winter.
4. In the fall after heavy rains, or in the late spring after breakup, when and if quagmire conditions prohibit the use of heavy equipment, trash consolidation, compaction and cover operations will be postponed until such time as the cover operation may be practically accomplished.
5. Final cover will be applied over the last layer of trash. Final cover closes out that section of the sanitary landfill.

6. Refrigerator, freezer, and washing machine doors and coolant will be removed before disposal to avoid tragedy or environmental pollution. Coolant will be removed by trained personnel, as they are available to the City or IGAP.

Animal wastes will be disposed within a designated area. They will not be dumped in the sanitary landfill portion of the dump. Fecal matter may be disposed within the Honey Bucket disposal cell.

Section 47. Hazardous Waste Disposal.

1. Hazardous waste will not be disposed in the Solid Waste Disposal Site. In the event that such hazardous waste appear in White Mountain, any work needed will be contracted for assistance in determining a safe method of disposal. Commercial users will work with the City and IGAP to contract for the shipment of such materials to an appropriate facility at the user's expense.
2. Household hazardous waste will be disposed of with other refuse within the sanitary landfill part of the Solid Waste Disposal Site. Because separation and storage of household hazardous wastes may create more problems than it solves, federal regulations provide that household hazardous waste may be disposed with other trash or refuse. Some exceptions, listed below, will be collected at the recycling center and prepared by IGAP personnel for back haul out of White Mountain. These items should not be disposed in the sanitary landfill.
3. Exceptions are:
 - a. Paint
 - b. Household batteries
 - c. Antifreeze
 - d. Prescription medications
 - e. Compact Fluorescent and regular Fluorescent light bulbs
 - f. E-waste
4. Lead-acid batteries will not be disposed in the White Mountain Solid Waste Disposal Site. Batteries will be stored and shipped to a battery recycle or some responsible party who will properly dispose of the batteries. Users will place batteries in the marked receptacles outside the City Shop. The City will work with IGAP personnel to ship out the containers as feasible.
 1. Batteries will not be broken or cracked to drain the acid. Mishandling in the course of such practice may be dangerous. In the event that a battery is accidentally broken or cracked, IGAP personnel should be contacted for assistance in the safest method of collection.

Section 48. Waste Recovery/Salvage.

1. Aluminum can recycling will be done if it is economically feasible. The City will work with the IGAP program to continue their recycling efforts.
2. It will be the task of the IGAP personnel to delegate the management and labor of the aluminum can recycle effort. Community service workers may aide in this process.
3. Junk vehicles with some salvage value will be disposed in the salvage yard. Persons may recover parts and materials from the salvage yard. Salvage of parts from vehicles is allowed within the designated salvage area.
4. Most waste oil will be burned. Some will be used for the burn box at the landfill. Otherwise, the recovery of heat from waste oil will be done when and where it is economically feasible. Private and commercial parties will be responsible for waste oil storage.
5. Waste oil will not be improperly disposed. The owner of waste oil or contaminated fuel (waste fuel or gasoline) from car(s), ATV(s), snowmobile(s), boat(s), generator(s), or other equipment will not improperly dispose waste oil or fuel by disposing waste oil or fuel on the ground, on the beach, in the river, or at the Solid Waste Disposal Site. Waste oil or fuel may be burned to assist burn barrel incineration (according to incineration provisions of Chapter 51.01.060).
6. Homebuyers and businesses are responsible for proper storage of waste oil. Homeowners may burn waste oil in burn barrels at a designated area located within the dump site only.
7. Salvage Restricted: No salvage will be allowed in the sanitary landfill portion of the Solid Waste Disposal Site. A sign to this effect will be posted at the Solid Waste Disposal Site. Salvage may take place in the salvage area only.

Recycling Center: A designated area will be created in conjunction with IGAP personnel for the collection and preparation for shipment of recyclable goods.

Section 49. Incineration.

1. Residents will be allowed to use burn barrels to reduce trash volume. Burn barrel rules are as follows:
 - a. Burn barrels will not be located within 30 feet of any building.
 - b. Burn barrels will not be located within 200 feet of any bulk fuel storage tank;
 - c. The use of burn barrels will not be allowed during high winds (gusting 20 mph).
 - d. Users are encouraged to separate burnable and non-burnable waste. Only burnable waste should be incinerated, either in private burn barrels or the city incinerator, in order to protect citizens from harmful chemicals being released into the air.
 - e. Screen covers should be utilized by burn barrel users.
2. The VPSO will use burn barrels to incinerate carcasses of dogs killed because of rabies.
3. Untended Open Burning will not be allowed at the Solid Waste Disposal Site. Open burning may cause fires around the Solid Waste Disposal Site. Burnable waste is to be placed

in the City incinerator. The landfill maintenance personnel will fire the incinerator at least once per week, or as needed. Only landfill personnel are authorized to fire the incinerator.

Section 50. Clean Up.

1. Annual City Clean-Up will be declared annually in the spring, after snow melts. Residents will be encouraged to pick up trash, which has accumulated around town. The City may provide trash bags and provide collection of full trash bags. The City will work with the IRA and IGAP in this endeavor.
2. Solid Waste Disposal Site Cleanup will be done annually. In the spring, uncovered refuse which has accumulated over the winter will be consolidated, compacted, and covered. At the same time cover material will be stockpiled.
3. Litter around the access to the Solid Waste Disposal Site, the salvage yard, and the construction wastes disposal area will be picked up from time to time as is required. Community service workers may be asked to do this chore.
4. Litter collection will not be done within the sanitary landfill area; it is dangerous and it is a liability to the City.

Section 51. Budget.

The City will adopt a budget for Solid Waste Disposal Site maintenance to meet obligations of the community. Solid Waste Fees are collected by the Utility and transferred to the City of White Mountain on a quarterly basis to cover the costs of maintaining the landfill and paying for the landfill operator's salary.

Section 52. Fee Schedule.

A Solid Waste Disposal Site maintenance fee will be charged monthly, or as determined by the City Council. For those who have electric, sewer, and/or water, the fee will be included in the monthly utility bill sent out by the Utility. Others will be mailed separately from the City of White Mountain.

Residential	\$5.00/month
Small Commercial Unit	\$25.00/month
Large Commercial Unit	\$300.00/month
Excess Use	To be negotiated with City Council, prior to use, determined by the volume, type, and amount of waste. The City Council will assess a fee according to said waste.

Excess Users shall execute an agreement for use with the City Council before they start dumping waste in the landfill, which shall include requirements for Large Commercial users and Contractors to abide by the ISWMP.

CHAPTER 19

UTILITY CLERK/ALTERNATE UTILITY CLERK

Sections:

1. Appointment – term.
2. Utility Clerk/Alternate Utility Clerk.
3. Additional Duties of the Utility Clerk.
4. Acting Clerk.
5. Utility Clerk's pay.

Section 1. Appointment – term.

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

Section 2. Utility Clerk/Alternate Utility Clerk.

The utility clerk shall be:

1. High School Graduate
2. General knowledge of financial, bookkeeping, and office procedures required.
3. Ability to type and experience with computers preferred.
4. Experience in dealing with the public.
5. Ability to supervise and work cooperatively with others.
6. Demonstrated ability to administratively manage and supervise project.
7. Ability to draft and prepare correspondence with State, Federal, non-profit agencies.
8. Ability to deal with State, Federal, non-profit agencies.
9. Ability to prepare and follow budgets.
10. Ability to work with a minimum of supervision and carry out delegated personnel and managerial duties.

Section 3. Additional duties of the utility clerk.

The utility clerk shall:

1. Manage and operate all public utilities;
2. Appoint, hire, promote, layoff, suspend, demote or remove all employees of the White Mountain Utilities with approval of the Council;
3. Day-to-day administrative supervision of projects and such personnel and managerial duties as delegated by the Mayor;
4. Attend meetings of the City Council;
5. Arrange public notices, when needed;
6. Maintain and make available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations and codes for the Utilities;
7. Perform other duties specified in Title 20 or prescribed by the Mayor or City Council;
8. Calculate employee wages from timecards and prepare checks;
9. Prepare withholding, unemployment and other tax reports;

10. Shall reconcile bank statements;
11. Prepare an annual budget and capital improvement program for review by the Council;
12. Administer the budget and capital improvement program as enacted by the Council;
13. Prepare and submit to the Council at the end of each month a report on the finances and administrative activities of the public utilities;
14. Prepare and submit to the Council, and other necessary agencies, at the end of each fiscal year a report on the finances and administrative activities of the public utilities; and prepare and make available for public distribution an annual report on public utilities affairs;
15. Enforce the ordinances, permits, regulations pertaining to the policies and practices of the public utilities following State and Federal guidelines;
16. Prepare grant progress and other reports;
17. Prepare financial reports and present to the City Council;
18. Contact and deal with State, Federal, non-profit agencies to ensure sufficient provisions of services to citizens;
19. Route mail received by the Utility and insure the City Council and Mayor are aware of filing and other deadlines;
20. Office Management; and
21. Performs other duties as assigned.
22. The Utilities Manager shall serve at the pleasure of the City Council.

Section 4. Acting clerk.

In case of the temporary absence of the clerk, the council may appoint an acting clerk who is to have all the powers and obligations of the clerk.

Section 5. Clerk's pay.

The City Council set a starting pay rate of \$18.00 per hour.

CHAPTER 20

POWER PLANT OPERATOR

Sections:

1. Appointment – term.
2. Power Plant Operator/Alternate Power Plant Operator.
3. Duties of the Power Plant Operator.
4. Power Plant Operator’s pay.

Section 1. Appointment – term.

The power plant operator shall be appointed by the council. He or she shall hold office at the pleasure of the council.

Section 2. Power Plant Operator/Alternate Power Plant Operator

The power plant operator shall be:

1. High School Graduate
2. Ability to perform assigned duties with a minimum of supervision and work cooperatively with others.
3. Must be willing to attend courses at appropriate training centers, for approximately eight weeks online, and two weeks in person, for Power Plant Operator certification.
4. Under the immediate supervision of the Utility Clerk.

Section 3. Duties of the Power Plant Operator/Alternate Power Plant Operator

The daily duties of the power plant operator consist of:

- Monitoring control boards.
- Monitors gauges to determine the effect of generator load on related equipment.
- Records the total engine hours, engine coolant temperature, engine oil pressure, engine oil level, and other information in accordance with the power plant log sheets.
- Records malfunctions of equipment, instruments, or controls, and reports to the Utility Clerk any repairs and parts needed.
- Remain on-call on days assigned to attend to the power plant should any outage or incident occur.

The daily duties of the Power Plant Operator/Alternate Power Plant Operator are subject to the daily rate of pay as described in Section 5. Power Plant Operator/Alternate Power Plant Operator’s Pay.

Section 4. Additional duties of the Power Plant Operator/Alternate Power Plant Operator

Other duties of the Power Plant Operator/Alternate Power Plant Operator consist of routine maintenance which includes but is not limited to:

- Changing lubricant, fuel filters, air filters, and gaskets.
- Monitors glycol levels, and bleeds the system when necessary.
- Transfers fuel from the Bulk Fuel Storage Facility to the Power Plant.
- Performs part replacement and engine repair with or without the assistance of a qualified diesel mechanic.

These other duties are subject to the hourly rate of pay as described in Section 5. Power Plant Operator/Alternate Power Plant Operator's Pay.

Section 5. Power Plant Operator/Alternate Power Plant Operator's Pay.

The council set the Power Plant Operator/Alternate Power Plant Operator's rate of pay at \$100.00 per day before certification, \$150.00 per day after certification. The hourly rate for the Power Plant Operator/Alternate Power Plant Operator is \$35.00 per hour.

CHAPTER 21

WATER PLANT OPERATOR/ALTERNTATE WATER PLANT OPERATOR

Sections:

1. Appointment – term.
2. Water Plant Operator/Alternate Water Plant Operator.
3. Duties of the Water Plant Operator.
4. Water Plant Operator's pay.

Section 1. Appointment – term.

The water plant operator shall be appointed by the council. He or she shall hold office at the pleasure of the council.

Section 2. Water Plant Operator/Alternate Water Plant Operator.

1. High School Graduate or G.E.D.
2. Ability to perform assigned duties with a minimum of supervision and work cooperatively with others.
3. Must be willing to attend training sessions to obtain necessary State certification for Small Treated Water Systems, and attend annual training or take online eLearning courses to keep certification current.
4. Under the immediate supervision of the Utility Clerk.

Section 3. Duties of the Water Plant Operator/Alternate Water Plant Operator

The daily duties of the Water Plant Operator/Alternate Water Plant Operator consist of:

- Monitoring the performance of all equipment, gauges and charts in the Water Treatment Plant and Lift Station.
- Records statistical data concerning plant operations.
- Fill out daily operations and maintenance log.
- Remain on-call and respond to any freeze-ups and breaks in the water and sewer line.

The daily duties of the Water Plant Operator/Alternate Water Plant Operator are subject to the daily rate of pay as described in Section 5. Power Plant Operator/Alternate Power Plant Operator's Pay.

Section 4. Additional Duties of the Power Plant Operator/Alternate Power Plant Operator

Other duties of the Water Plant Operator/Alternate Water Plant Operator consist of routine maintenance which includes but is not limited to:

- Maintain, operate, replace, and repair equipment when necessary.
- Alleviate and repair any freeze-ups or breaks in the water and sewer line.
- Operates, maintains, and repair malfunctions at the Water Treatment Plant.
- Operates and maintains sewage pump stations.
- Cleans wet wells and operates pumps and valves to control and adjust flow and treatment process.
- Operates emergency generator monthly.
- Inspects the sprinkler system at the clinic monthly.

These other duties are subject to the hourly rate of pay as described in Section 5. Water Plant Operator/Alternate Water Plant Operator's Pay.

Section 5. Water Plant Operator's Pay.

The council set the Water Plant Operator/Alternate Water Plant Operator's rate of pay at \$100.00 per day before certification, \$150.00 per day after certification. The hourly rate of the Water Plant Operator/Alternate Water Plant Operator's rate of pay is \$35.00 per hour.

CHAPTER 22

BULK FUEL OPERATOR

Sections:

1. Appointment – term.
2. Bulk Fuel Operator
3. Duties of the Bulk Fuel Operator
4. Power Bulk Operator's pay.

Section 1. Appointment – term.

The bulk fuel operator shall be appointed by the council. He or she shall hold office at the pleasure of the council.

Section 2. Bulk Fuel Operator.

1. High School Graduate or G.E.D.
2. Ability to perform assigned duties with a minimum of supervision.
3. Demonstrated ability to administratively manage and supervise projects.
4. Ability to plan and direct activities of bulk fuel facility operations.
5. Must be willing to attend courses at appropriate training centers, and successfully complete courses attended, to obtain Operator certification.

Section 3. Duties of the Bulk Fuel Operator.

Under the immediate supervision of the Utility Clerk and under the direction of the City Council, the Bulk Fuel Operator shall ensure the Bulk Fuel Facility is maintained according to guidelines outlined in the Business Plan, the Operations and Maintenance Manual, all manufacturer's recommendations for maintenance, and all State and Federal laws and regulations governing operation. This includes, but is not limited to: repairing and/or replacing pumps, valves and gauges, grounds and fence maintenance, repairing steps, landing and dispenser enclosures as needed, and other minor repairs as necessary. Shall inspect the storage tanks for water and remove water from the storage tanks on a regular basis, particularly before and after the annual fuel deliveries. Shall inspect the containment area for spills or leaks, and drain any water collected in the containment area. On a monthly basis, the Operator shall measure the fuel in the City-owned storage tanks, and provide the measurements to the Utility Clerk. On an annual basis, the Operator shall perform pressure tests on all storage tanks, take fuel measurements, inspect tanks for water and supervise the City's fuel delivery. Shall become familiar with, implement, and update the Spill Response Plan as necessary. Shall ensure the reliability of required spill response equipment, maintain proper records and conduct periodic spill drills. As well as distributes fuel to City-owned facilities, which includes the City Offices, Water Treatment Plant, Clinic and other City-owned facilities. Maintains adequate fuel supplies at those locations. Accurately records the amount of fuel delivered to each facility. Maintains the fuel storage tanks. Performs other duties as assigned.

Section 4. Bulk Fuel Operator's Pay.

The council set the bulk fuel operator's rate of pay at \$20.00 per hour.

CHAPTER 23

FUEL DISTRIBUTOR

Sections:

1. Appointment – term.
2. Fuel Distributor
3. Duties of the Fuel Distributor
4. Fuel Distributor’s pay.

Section 1. Appointment – term.

The bulk fuel distributor shall be appointed by the council. He or she shall hold office at the pleasure of the council.

Section 2. Fuel Distributor.

1. High School Graduate or G.E.D.
2. Ability to perform assigned duties with a minimum of supervision and work cooperatively with others.
3. Ability to prepare accurate fuel delivery reports.

Section 3. Duties of the Fuel Distributor.

Under the supervision of the Utility Clerk, the Fuel Distributor distributes fuel to City-owned facilities, which includes the City Offices, Water Treatment Plant, Clinic and other City-owned facilities. Maintains adequate fuel supplies at those locations. Accurately records the amount of fuel delivered to each facility. Maintains the fuel storage tanks. Performs other duties as assigned.

Section 4. Fuel Distributor’s Pay.

The council set the fuel distributor’s rate of pay at \$20.00 per hour.

CHAPTER 24

LINE WORKER

Sections:

1. Appointment – term.
2. Line Worker.
3. Additional Duties of the Line Worker.
4. Line Worker’s pay.

Section 1. Appointment – term.

The line worker shall be appointed by the council. He or she shall hold office at the pleasure of the council.

Section 2. Fuel Distributor.

1. High School Graduate or G.E.D.
2. Ability to perform assigned duties with a minimum of supervision and work cooperatively with others.
3. General working knowledge of electrical distribution systems preferred.

Section 3. Additional Duties of the Fuel Distributor.

Under the immediate supervision of the Utility Clerk, the Line Worker installs, maintains, or repairs the lines used in electrical power distribution systems. Identifies defective devices, voltage regulators, transformers, and switches. Inspect and test power lines and auxiliary equipment. Installs and removes meters from customers' homes or place of business. Turns current on/off by connecting/disconnecting service drops. Operates heavy equipment when installing and repairing poles and lines. If necessary, climbs and performs work on utility poles by use of climbing hooks and belts. Performs other duties as assigned.

Section 4. Fuel Distributor's Pay.

The council set the fuel distributor's rate of pay at \$250.00 per monthly fee, with an additional \$20.00 per hour for hours worked.

Title III. CITY PERSONNEL.

- Chapter 25. Responsibility of officers and employees
- 26. Personnel Rules and Policy
- 27. Salary Schedule
- 28. (RESERVED)
- 29. (RESERVED)

CHAPTER 25

RESPONSIBILITY OF OFFICERS AND EMPLOYEES

Sections:

1. Conduct in office – investigations – oath – records – reports.

Section 1. Conduct in office – investigations – oath – records – reports.

1. The council, the mayor, or any person or committee authorized by either of term, shall have power to inquire into the conduct of any office, department, officer, or employee of the City and 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 ground for the immediate discharge of any officer or employee of the City.
2. All officers of the City shall, before entering upon the duties of 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 proved in Chapter 4, section 5 of this Code.
3. All records and accounts of every office and department of the City shall be open to inspection by any person, except that records and documents the disclosure of which would tend to defeat the lawful purpose for which they were intended may be withheld from inspection. Such records as are required by State law or City ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the preservation of all public records under his or her jurisdiction and shall provide all public records under his or her jurisdiction and shall provide a system of filing. No public records, reports, correspondence, or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the city clerk.
4. Every department head shall make monthly report to the council of the activities of the department for the preceding month and present a calendar of upcoming 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 admit a written report and calendar to the mayor in advance of the council meetings.

CHAPTER 26

PERSONNEL RULES AND POLICY

Sections:

1. Coverage.
2. Severability.
3. Penalty.
4. Policies.
5. General Provisions.

6. Employment limitations, prohibitions, and penalties.
7. Recruitment and hiring of personnel.
8. Classification.
9. Pay plan.
10. Regular work week.
11. Holidays.
12. Probationary Period.
13. Performance Evaluations.
14. Resignation, suspensions, demotions, dismissals, and layoff.
15. Dismissal and disciplinary actions.
16. Grievance and grievance procedure.
17. Appeals.
18. Personal Leave.
19. Miscellaneous Leave.
20. Travel Regulations.
21. Travel for Employee Convenience.
22. Interruption of Travel.
23. Use of personal owned transportation.
24. Unused Tickets.
25. Special conveyance.
26. Reporting on-the-job accidents.
27. Per Diem.
28. Trip Reports.

Section 1. Coverage.

All offices and positions of the City shall be allocated to either the Classified Service or the Exempt Service.

1. The exempt service shall include all elected officials and members of citizen's boards and commissions, employees and firms covered by contracts, part-time employees, temporary employees, and all other personnel appointed to serve without compensation.
2. The classified service shall include all other regular full-time positions in the positions in the City, which are not placed in the exempt category. Unless specifically designated otherwise, personnel policies apply only to employees of the Classified Service.

Section 2. Severability.

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

Section 3. Penalty.

Violations of the sections herein enumerated shall be punishable as specified in the White Mountain Code of Ordinances.

Section 4. Policies.

1. *Authority.* These personnel policies and principles are established under the authority granted by AS 29.20.410.
2. *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.
3. *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 or manager 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.
4. *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 will be employed, and that an effective career service will be encouraged, developed, and maintained. The merit principle of employment includes the following:
 1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;
 2. No person may be appointed to or removed from city office or employment 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.
 3. Retention of employees with permanent status based on the adequacy of their performance, reasonable efforts of temporary duration for correction of inadequate performance, separation for cause.
 4. Selection and retention of an employee's position secure from political influences.
5. *Employment Preference.* The city shall foster and promote the welfare of the wage earners of the city 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 led by the city or any of its subdivisions or departments for construction, repair, preliminary survey, engineering studies, consulting, maintenance work or any other retention of services necessary to complete any given project, at least ninety-five percent resident shall be employed where they are available and qualified. If ten or fewer persons are employed under the contract, then at least ninety percent residents shall be employed 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 residents hire.

Section 5. General Provisions.

1. *Adoption and Amendment.* The Council shall adopt a system of personnel administration through written personnel policies. These policies shall be adopted as an ordinance of the city. Such policies may be amended from time to time by the Council, through resolution. Personnel policies shall comply with Alaska law and create a personnel structure that facilitates efficient administration of city services, and when practicable, effective liability protection through risk pool coverage or insurance. To further these ends, any city employee or resident may request that an adoption or amendment be included on the agenda for any regular meeting of the Council.
2. *Personnel Officer.* The mayor of the city is the chief administrative officer and personnel officer. As chief administrative officer he shall appoint, suspend, or remove city employees with the confirmation of the city council. The mayor as chief administrative officer shall ensure that these policies are enforced. The mayor may delegate personnel responsibilities and duties concerning personnel to subordinates for effective management with the understanding that this is not a delegation of ultimate responsibility for management.
3. Personnel Files:
 - *Central Personnel Files.* The city clerk and utility clerk shall provide and maintain central files for records for 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.
 - *Accounting Personnel Files.* The city clerk and utility clerk shall also provide and maintain personnel files for accounting purposed for each employee of the municipality. Such files shall include the employee's federal W-4, W-2, and I-9 forms and all records having to do with an employee's salary or compensation, and all other records necessary for accounting purposes.
 - *Personnel Files – Confidentiality.* All information in the personnel records of city employees and not otherwise protected under confidential laws showing salary or compensation, job description, education and training background, and previous work experience shall be open for public inspection. Access to all other information in an employee's file shall be available only on a need-to-know basis and limited to the mayor as personnel officer or his designee and the employee or the employee's authorized representative.

Section 6. Employment limitations, prohibitions, and penalties.

1. *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 city 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.
2. *No Advantage in a Position.* No person may give, render, pay, offer, solicit, or accept money, service, or other valuable things in connection with any appointment, promotion, or advantage in a position unless authorized by the city council.
3. *No Political Party Assessments.* No person may require any assessment, subscription, contribution, or service for any political party from an employee.
4. *No Political Party Endorsement.* No person may seek or attempt to use any political party endorsement in connection with any appointment or promotion.
5. *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.
6. *Outside Employment.* Outside employment by city staff must be reported to the mayor and city council and may, in certain cases, be prohibited.
7. *Nepotism.* No persons may be employed in a position supervised by a family member. If an employee and his supervisor should marry, they shall elect which employee may continue with the department and which employee shall terminate or transfer. "Family member" means spouse, father, mother, brother, sister or child. The council may, by resolution, provide an exception on a case-by-case basis.

Section 7. Recruitment and hiring of personnel.

1. *Merit Principles Apply.* All appointments and promotions of 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 perform the duties of the position for which the examination is held.
2. *Employment of Council Members.* Elected officials may be hired by the city for temporary and permanent employment. Elected officials will be considered based on merit with all other job applicants. As well as circumstantial need, such as if the position is necessary for the City to function and there are no other applicants.
3. *Posting of Job Openings.* Notice of all job openings with the city shall include the job title, duties, minimum qualifications, rate 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-week notice is not required for temporary positions that need to be immediately filled. Notice for such temporary positions shall, however, be posted in three places and include the job title, duties, minimum qualifications, rate of pay, and end of recruitment period.

4. *Filing Application.* 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 filed in addition to the application form.
5. *Filling of Positions.*
 - a. The city council shall make all appointments to permanent full-time, permanent part-time, and long-term temporary city positions. Appointments will be made based on qualifications, education, experience, and merit. The mayor or his/her designee with the knowledge of the city council shall make short-term temporary appointments and appointments in emergency situations. All qualification must be verified. Other qualifications being equal, preference may be given to a city employee seeking a promotion or transfer in the city. Preference shall be given to year-round residents.
 - b. *Information to New Hires.* The city clerk shall in writing advise all new appointees of their job title, job description, pay, benefits, personnel policies, the date of the employee's probationary period, and all other pertinent employment information. [The employee shall acknowledge in writing that they have received this information.]
 - c. *Oath of Office.* All appointed officers before entering upon the duties of office shall affirm in writing the following oath and affirmation, which shall be filed with the city clerk:
"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 Municipality of _____, Alaska, and that I will honestly, faithfully and impartially discharge my duties as _____ to the best of my ability."
6. *Promotion.* Vacancies shall be filled by promotion whenever practical; however, filling 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 salary. The employee's anniversary date and original hire date, 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.
7. *Probationary Period.*
 - a. *Purpose.* The probationary period is an integral part of the selection process and shall be used 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.
 - b. *Duration.* 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 work site.
 - c. *Completion of Probationary Period.* The probationary period is a time of learning and orientation. 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, 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 from his/her appointment. The city clerk shall give notice to supervisors of the expiration of employee's probationary periods and provide to supervisors 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 his/her 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.

- d. *Dismissal during Probationary Period.* 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 she/he 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.

Section 8. Classification.

The Council shall develop and review from time to time a classification plan of positions. The classification plan shall set forth for each position a title, a statement of duties, authority and responsibility and the qualifications that are necessary or desirable for the satisfactory performance of the duties of the position.

1. *Classification of Employees.* City employees are classified into the following categories:
 - a. *Permanent full-time.* These employees may 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 in nature. Some salaried positions that are on call twenty-four (24) hours per day (such as the water plant operator) are included among permanent full-time employees. The city council shall appoint to these positions.
 - b. *Permanent 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 city council shall appoint to these positions.

- c. *Long term temporary.* 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 of more than five months duration. These jobs may recur yearly and are typically associated with special projects. The city council shall appoint to these positions.
- d. *Alternate part time.* On-call hours may vary. Alternate employees are not eligible to receive City of White Mountain permanent employee benefits.
- e. *Short term temporary.* 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. Those jobs are normally of less than two weeks duration. Typically, these jobs openings occur because of leave, termination, or resignation of permanent employee, or because of emergency or special conditions. The mayor or his/her designee with knowledge of the city council shall appoint to these positions. "Casual labor" falls under this category, which are employees hired for a variety of tasks that do not require long-term employment.

Section 9. Pay plan.

The Council shall develop and review from time to time a uniform and equitable pay plan consisting of minimum, intermediate and maximum rates of pay for each position.

1. *Amount.* Employees of the city shall be paid according to a rate established by the City Council based on the position and type of employment. 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 she/he has been appointed. Pay shall be only for hours worked according to an employee's time sheet as approved by his/her supervisor. Following a positive evaluation and with approval of the City Council, employees shall be eligible to receive a raise up to 3%. The maximum amount which an employee may be paid is subject to budget constraints.
2. *Overtime.* It is the policy of the city that work hours and workdays be so scheduled that overtime is not 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.
3. *Pay Days.* All City employees, staff, and council members shall be paid biweekly. Exceptions to the pay period are to be reviewed by the City Council and to be considered only for special circumstances or projects. Employees are required to submit their timesheet at the end of the workday for every pay period.

Completed timesheets are only accepted after the work hours are carried out and logged upon completion. Timesheets and paychecks are processed the following workday or week. Upon which the employee paychecks will be ready for pickup.

4. *Transfer.* 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 his/her anniversary date shall remain unchanged. This will apply if any special knowledge of the position is not required.
5. *Payroll Deductions.* 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 utility bills) owed to the city. Failure to pay toward obligations owed to the city for two consecutive pay days in city employment is grounds for dismissal from city service.
6. *Termination or Resignation.* 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 within three (3) working days after the last day of work.
7. *Education and Experience.* The City Council shall consider education and experience for the rate which employees shall be paid if the education and

Associate's Degree, or equivalent college credits; 2-3 years prior experience.	5% additional starting pay	Ex. Starting pay: \$20 5% increase: \$21
Bachelor's Degree or equivalent college credits; 4-5 years prior experience.	10% additional starting pay	Ex. Starting pay: \$20 10% increase: \$22
Master's Degree or equivalent college credits; 6 years prior experience.	15% additional starting pay	Ex. Starting pay: \$20 15% increase: \$23

experience are relevant to the job. Education and experience shall be applied to the starting rate of pay upon hiring. The rate increases shall be as follows:

8. *Cost of Living Adjustment.* The City Council shall examine the budget annually and consider the addition of a COLA to each employee's rate of pay. The COLA shall be based on what is determined by the Social Security Administration. Should the budget allow, the City Council shall add COLA to the payroll.

Section 10. Regular work week.

The regular work week for City employees shall be thirty-five (40) hours per week for the City Clerk and thirty (40) hours per week for the Utility Clerk.

Section 11. Holidays.

All full time employees shall have days off with pay on customary legal holidays. These days are:

1. The first (1st) January, known as NEW YEARS DAY!
2. The third (3rd) Monday in January, known as MARTIN LUTHER KINGS BIRTHDAY.
3. The third (3rd) Monday in February, known as PRESIDENT's DAY.
4. The last Monday in March, known as SEWARD's DAY.
5. The last Monday in May, known as MEMORIAL DAY.
6. The 4th of July, known as INDEPENDENCE DAY.
7. The first Monday in September, known as LABOR DAY.
8. The 18th of October, known as ALASKA DAY.
9. The 11th of November, known as VETERAN's DAY.
10. The fourth (4th) Thursday in November, known as THANKSGIVING DAY, as well as the Friday immediately following THANKSGIVING DAY.
11. The twenty fifth (25th) of December, known as CHRISTMAS DAY.
12. Employees shall be given a paid holiday for their BIRTHDAY.
13. Every day designated by public proclamation by the United States or the Governor of the State of Alaska as a legal holiday.
14. If any of the designated holidays fall on a Sunday, the following Monday shall be observed as the holiday. If any of the holidays fall on a Saturday, the proceeding Friday shall be observed as the legal holiday. If any employee's regular day off falls on the holiday, the day immediately preceding or following day off shall be considered the employee's holiday.
15. *Holidays falling during vacations.* If holiday falls within a vacation period, it is not counted as part of the vacation allowance.
16. *Holiday pay.* Employees required to work on a holiday shall be paid time and one half (1 ½ times their regular rate of pay) for all hours worked on a scheduled holiday and double time for overtime hours worked on a holiday (two times their regular rate of pay) and any hours worked on listed holidays shall be taken off the following workday(s).
17. If any of the designated holidays fall on a Sunday, the following Monday shall be observed as the holiday. If any of the holidays fall on a Saturday, the preceding Friday shall be observed as the legal holiday. If an employee's regular day off falls on the holiday, the immediately preceding or following the day off shall be considered the employee's holiday. If a holiday falls within a vacation period, it is not counted as part of the vacation allowance.

Section 12. Probationary period.

1. All appointments and promotions in the Classified Service shall be probationary for three (3) months. During this period, the employee may be terminated at the discretion of the Council.

2. Any employee dismissed under this section shall not have the right to appeal or to have a hearing on the dismissal or reinstatement except on grounds that dismissal was due to discrimination on the basis of race, religion, sex or political affiliation.

Section 13. Performance Evaluations.

This section applies to permanent full time and permanent part time positions.

- a. Municipal Clerk's duties. 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 supervisors performance evaluation forms for their use.
- b. Supervisor's Duties. 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. Certain circumstances may require semi-annual 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.
 - a. All employees shall receive a written performance evaluation at the end of their probationary period and thereafter annually at the end of the fiscal year. 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.
 - b. Employees shall be rated on their performance evaluations according to the following criteria:
 1. *Outstanding*. Distinguished performance. The employee consistently exceeds performance standards.
 2. *Excellent*. Above average performance. The employee consistently achieves and frequently exceeds performance standards.
 3. *Acceptable*. Adequate performance. The employee usually achieves performance standards; may occasionally exceed, or occasionally fail to achieve standards.
 4. *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:
 - a. Upon the recommendation of the supervisor and at the discretion of the city council an employee who receives an outstanding or excellent rating on his/her performance evaluation may be granted a salary increase to the next step in the salary schedule adopted by the city council.

- b. An employee who receives an unacceptable performance evaluation has, after 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 performed 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 that two month is grounds for dismissal from city service.
- c. After the employee evaluations are conducted by the supervisors and prior to being given to employees, the city council will make the final approval of the employee evaluations.

Section 14. Resignation, suspensions, demotions, dismissals, and layoff.

The Council may suspend an employee without pay for up to thirty (30) days for disciplinary purposes. The Council may demote or dismiss an employee whose work is unsatisfactory. Written notice of the action shall be served upon the employee before it shall become effective.

1. *Resignation.* To resign from city employment in good standing an employee must submit a resignation at least two (2) weeks prior to resigning in writing to the mayor stating the effective date of the resignation and reasons for leaving. Failure to give proper notice of resignation shall result in loss of all accrued leave and benefits, except benefits vested by the city's payment of employer taxes. Upon approval of the mayor an employee may withdraw his resignation at any time for which notice of 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.
 - a. No form of resignation filed without a 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.
 - b. Failure by an employee to comply with proper notice of resignation may be considered cause for denying the employee future employment with the city.
 - c. Unauthorized absence from work for a period of two successive working days may be considered by the supervisor and/or mayor as a resignation resulting in loss of all accrued leave and benefits and cause for denying the employee future employment with the city.
2. *Suspension.* 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 accrual of benefits for the purpose 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. Such a suspension shall be made only in the case in which the charges against the employee are of such a nature that the interest of the city would be seriously prejudiced by the employee continuing in 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. *Layoff.* Nothing in these Personnel Policies guarantees employment. Budget constraints, natural disasters, mechanical failures, or other conditions may require the deletion of positions or layoff of employees either temporarily or permanently.

a. 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 on the services of the employee.

b. If circumstances allow, permanent employees shall be given two (2) week notice of layoff. All employees shall be given as much notice of layoff as circumstances allow.

c. No permanent 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 of this upon hire. Such employees are deemed to have constructive notice of this information through these Personnel Policies.

Section 15. Dismissal and disciplinary actions.

1. *Dismissal.* Negligence, carelessness or unsafe operation of equipment or machinery at any time by any employee that endangers or injures himself/herself or others is immediate cause for dismissal without right of appeal. Special projects may have special rules, and grounds for dismissal beyond grounds listed in these policies. Such grounds for dismissal shall be posted and by that posting employees are deemed to have knowledge of these special rules and grounds for dismissal.

a. *Dismissal during probationary period and of short-term temporary employees.* Personnel rule section 5, subsection F, item 4 applies, "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 indicated that the employee is unable to perform the duties of the position satisfactory 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 dismissal and shall not have the right to appeal. A permanent employee dismissed during the probationary period from a position to which he/she has been promoted or transferred shall be reinstated to the position to which he/she has been promoted 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 by certified mail, return receipt requested. This section also applies to short-term temporary employees.

b. *Dismissal of permanent or long-term temporary employees.* A permanent or long-term temporary employee may be dismissed by the mayor for just cause, including but not limited to chronic lateness or absenteeism, non-performance of assigned duties, unapproved absence from work for two consecutive days, consistent inability to work with fellow employees, or violation of the

personnel or administrative policies or ordinances of the city. An employee who is being dismissed for cause shall be provided with a statement in writing, setting forth reasons for dismissal. 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. A permanent or long-term temporary employee is dismissed for cause may appeal to the city council as provided for in these personnel policies. Special projects may have special grounds for dismissal which will be posted and may not be appealed.

2. The following is a general listing of reasons that constitute grounds for dismissal of city employees. The list is not all-inclusive and complements other grounds listed in these personnel policies. Infractions not listed may be of such a severe nature that they also would justify dismissal. The steps of 'Disciplinary Action' listed in section 9, subsection B of these personnel policies will be followed.

a. Incompetence:

- i. Lack of basic knowledge, skills, or physical ability needed to accomplish work the employee was hired to do.
- ii. Inability to understand and/or follow instructions.
- iii. Failure to produce an acceptable amount of work in relation to fellow employees in like classification.

b. Unsatisfactory Performance of Duties:

- i. Slovenly work.
- ii. Flagrant damage to tools or equipment.
- iii. Failure to produce an acceptable amount of work in relation to fellow employees in like classification.
- iv. Disregard for established safety regulations and procedures.

c. Unexcused Absenteeism:

- i. Absence from work without prior approval.
- ii. Arriving or returning late for work or leaving early from work.

d. Drunkenness:

- i. Reporting to work under the influence of alcohol or drugs.
- ii. Use of alcohol beverages or drugs at work.

e. Dishonesty:

- i. Any act relating to employment that would signify an employee's word or intentions are not trustworthy.
- ii. 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.
- iii. Taking city property or money or converting it to an employee's use.
- iv. Falsification of time records or approval of time records known to be wrong.

f. Gross Disobedience:

- i. Failure to follow a supervisor's orders without reasonable explanation of actions.

- ii. Refusal to obey such rules and regulations fostered by the state and the city as standard policy.
 - g. Abandonment of Duties: Being absent without approval or authority and not promptly notifying employer of supportable reasons for the absence.
 - h. Unsafe Operation: Negligence, carelessness, or unsafe operation of equipment or machinery at any time by any employee that endangers or injures himself/herself or others.
- 3. *Notice*. 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 work site 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.
- 4. *Disciplinary Actions*:
 - a. It is the responsibility of the mayor and supervisors with knowledge 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, his or her 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 his/her behavior cannot be tolerated.
 - b. Procedures of Progressive Discipline:
 - i. *Verbal Warning*: Verbal warnings are given for minor infractions. The employee is given warning in private explaining what he/she did wrong and what must be done as a corrective measure. A written record 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 repeat of the behavior that required verbal warning, more severe action may be taken.
 - ii. *Written Warning*: A written warning is more severe than a verbal warning. It is used for more serious offenses that call for more than a verbal warning. Written warning is also to be issued if there is a repeat 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.
 - iii. *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 his/her 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 personnel delivery of a letter of suspension, notice shall be given by certified mail, return receipt requested sent to his/her last known mailing address.

- iv. *Dismissal*: Dismissal from city service is the most severe disciplinary action. An employee may be dismissed by the mayor 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 his/her designee. Hearing shall be before a neutral party, which may be the mayor or a committee of the city council, or a designee, whichever best represents a neutral party. The employee may ask questions of any witness and may otherwise confront the evidence presented against him or her. Following the hearing the mayor or his/her designee shall prepare written findings, detailing any disciplinary action and the reasons for the action. The written decision 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 his/her last known mailing address. 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 forced against him/her which she/he believes to be unwarranted unfair or unjust. An appeal shall be treated as a grievance and shall be handled in accordance with the grievance procedure of section 10 of these personnel policies.

Section 16. Grievance and grievance procedure.

1. *Grievance Policy*: It is the policy of the city insofar as possible to prevent the occurrence of grievances and to deal promptly with those that occur. All grievances must be in writings. When any employee grievance comes to the attention of a supervisor or the mayor, he or she shall discuss all relevant circumstances with the employee, and his/her representative if he/she so desires, consider and examine the cause 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 satisfactory at this level, the grievance may be carried to city council as provided in this section.
2. *Grievance Procedure*: Every employee shall have the right to grieve any action which he/she believes to be unwarranted, unfair, or unjust, providing, the alleged grievance shall be handled in accordance with the following procedures.

- a. The employee shall first discuss with his or her supervisor (or attempt to discuss) his/her grievance. Should this fail to dissolve the grievance, the employee should confer with the mayor. If this fails to dissolve the grievance, the employee may contact any member of the city council and request a preliminary investigation to determine the validity of the grievance.
- b. 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.
- c. If in the opinion of the two investigating council members the grievance is of a critical nature needing immediate resolution the mayor shall call a special meeting of the city council to hear the grievance. If the grievance is not of a critical nature needing immediate resolution it shall be heard at the next regular meeting of the city council. The grievant shall be given notice in writing of the date, time, and place of the council meeting. Notice for a special meeting shall be at least 24 hours.
- d. 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 dissolved 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. An individual who is the subject of an executive session has the right to request the issue be heard in open meeting. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary of 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 the city council feel proper. The city council's decision shall be final.

Section 17. Appeals.

A regular, classified employee who is dismissed may appeal such action in writing to the City Council within thirty (30) days after such action is taken. Said appeal shall be heard in executive session with the employee present.

Section 18. Personal leave.

1. Permanent employees are entitled to personal leave with pay.
 - a. Personal leave accrues to an employee during a probationary period until the employee has transferred or been promoted from a position in which he/she obtains permanent status to a position. On the first day of the month following the date of

- successful completion of the probationary period an employee may begin to use personal leave.
2. Personal leave is accrued at the following rates:
 - a. For the first two years of city employment permanent employees shall accrue personal leave at the rate of one half-day work day per pay period. That is, thirteen days per year.
 - b. Employees with three to four years of service shall accrue $\frac{3}{4}$ work day hour per pay period. That is nineteen and a half days per year.
 - c. Employees with five and more year of service shall accrue one full day per pay period. That is 26 days per year.
 3. Days of 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 hour workday accrues a six hour leave day; and an employee who customarily works a four hour workday accrues a four hour leave day etc.
 - a. Personal leave and scheduling. Personal leave may be used for vacation time, sickness, etc. Personal leave is the employee's to use as he/she 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 of leave is to begin. Shorter notice than one week may be allowed in special circumstances. The mayor shall make all efforts to assure that permanent employees are able to schedule and take accrued leave. Employees shall make all efforts to request and take accrued leave at such times as to least impact city operation and provisions of services to citizens.
 4. Personal leave for medical cause.
 - a. When the mayor or his/her 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 his/her leave request to the mayor or his/her designee as expeditiously as possible but no later than one half hour after the time the employee was to have reported to his/her worksite. In case where an employee requests personal leave for more than three 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.
 5. Personal leave may be granted for illness within the employee's immediate family which requires the attendance of the employee.
 6. Personal leave may be granted in cases in which a death has occurred in the family of the employee.
 7. Approval of personal leave for bonafide medical cause shall not be withheld.
 8. Maximum accrual. Permanent employees are allowed to carry over thirty days of unused personal leave from one calendar year to the next. An employee's unused personal leave in excess of thirty days at the close of business on December 31 of any calendar year shall be canceled and void.
 9. Payment of personal leave upon separation. An employee who separates from the city service for whatever reason shall be paid the value of all unused personal leave to the employee's credit upon the date of separation unless otherwise provided for in these personnel policies.

Payment shall be made within one working day after the employee's last day of work. Payment shall be less any obligation owed the city and appropriate tax deductions.

Permanent employees may, with the mayor's recommendation and the city council's approval, be paid for unused leave up to a maximum of five (5) days rather than take personal leave.

Section 19. Miscellaneous leave.

1. *Application.* The provisions of this section apply to all permanent employees of the city whose customary work week is five days per week.

2. *Court leave.*

- a. A permanent employee who is called to serve as a juror or is subpoenaed as a witness shall be entitled to court leave.
- b. 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.
- c. A permanent employee shall receive his/her regular salary while on court leave, but any compensation for services shall be turned over to the city in return.

3. *Election leave.*

- a. A permanent 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.
- b. Election leave shall be supported by written documentation such as a letter of appointment, compensation for services, per diem and travel.
- c. A permanent employee shall receive his/her regular salary while on election leave, but any compensation for services shall be turned over to the city in return.

4. *Military leave.*

- a. Permanent employees are permitted fifteen calendar days of military leave each calendar year. Permanent city employee 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 salary. Permanent 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 an employee's personal leave accrual.
- b. Permanent employees 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 the reemployment benefits of the Universal Military Service Act.

5. *Maternity/paternity leave.* A permanent employee who has been employed for not less than ten months is entitled to take a total of twelve weeks leave of immediately preceding and following the birth or adoption of an employee's infant child. This leave shall be charged first to Personal Leave, then personal leave, and then to leave without pay. Paternity leave may be granted to the legally recognized father of a newborn child. The city is not responsible for providing working conditions or hours for a pregnant employee which are different than her working conditions or hours prior to her pregnancy.

6. *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 two weeks in duration. An employee who has not accrued sufficient personal leave in order to be

away from his/her 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 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 days after the requested ending day of the leave, or absence from work without approval of the requested leave is grounds for dismissal as provided for in these personnel policies. Permanent part-time, temporary long-term and temporary 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 the cases of illness those employees who do not accrue leave are required to follow the procedures of section 11, subsection E and request leave without pay for medical cause.

7. *Funeral/bereavement leave* - should a death occur in an employee's immediate family, emergency leave will be granted to the employee, not to exceed five (5) days. Immediate family is defined as: mother, father, sister, brother, spouse, son, daughter, grandparent, grandchild, or foster child. If a close relationship other than an immediate family member is known to exist, bereavement leave may be granted. All employees will be permitted funeral leave, up to one full day, for all local funerals. Personal Leave may be used for funeral/bereavement leave.
8. *Additional leave/leave without pay* - employees who desire additional Personal Leave over and above the earned Personal Leave may be granted by the mayor, but such leave shall be leave without pay. Upon application and under extenuating circumstances, additional leave may be granted by the mayor and council. A physician's certificate may be required to support the additional leave request.
9. *Subsistence leave* - a full time employee may be granted 5 days paid leave. This will be approved by the city council prior to leave and will only be during regular work days and will be lost at the end of the fiscal year.
10. *Emergency leave* - In case of emergency due to medical, family or travel, an employee may request a payroll advance for hours worked a day before or day of travel.

Section 20. Travel regulations.

1. *Travel*: An employee's time spent at official conferences, meetings, or training sessions on the employee's customary work day shall be considered time worked and paid as the employee's customary work day. Reimbursements for travel outside the municipality shall be determined by the following guidelines:
 - a. An employee with approval of the mayor or manager may receive an advance for travel expenses. An elected official or designated representative of the municipality, 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.
 - b. All official travel shall be approved in advance by the city council.
 - c. An official, an employee, a designated representative, consultant or anyone else traveling at municipal expense is required to report to the city council on

her/his travel at the next regular meeting of the city council following the traveler's return. If a traveler is called away from the municipality, or a consultant for example has returned to her/his him or office outside the municipality, he/she with the mayor or manager'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.

- d. *Travel for an individual's convenience:* If any individual travels on official business by an indirect route for his/her own convenience, any extra expenses caused by this indirect route shall be borne by him/her and reimbursement for expenses shall be based only on such charges as would have been incurred by traveling the normal route. Any additional time away from duty that may be required for such travel shall be charged to personal leave or to leave without pay.
- e. *Use of privately owned transportation:* 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. Any additional time away from duty that may be required for such travel shall be charged to Personal Leave or to leave without pay.
- f. *Unused tickets:* 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.

Special conveyance: Hiring a boat, automobile, taxicab, aircraft or other public conveyance will be allowed if the use of such conveyance is authorized by the mayor or manager in advance and is deemed advantageous to the municipality and better enables an individual on municipal business to carry out official business.

Section 21. Travel for employee convenience.

If an employee travels on official business by an indirect route for his own convenience, any extra expenses shall be borne by him and reimbursement for expenses shall be based only on such charges as would have been incurred in traveling a usually traveled route. Any additional time away from duty that may be required for such indirect travel shall be charged to annual leave or to leave without pay.

Section 22. Interruption of travel.

Where there is an interruption of travel for the personal convenience of the employee, the per diem allowed shall not exceed that which would have been incurred in uninterrupted travel. The employee shall request permission from the council for interrupted travel before travel status begins.

Section 23. Unused tickets.

When an employee's journey is terminated short of the destination specified on the ticket, the employee shall turn in the unused portion of the ticket with the travel voucher.

Section 24. Special conveyance.

The hire of boat, automobile, taxicab, aircraft or other public conveyance will be allowed if the use of such conveyance is authorized by the City Council in advance and is deemed advantageous to the City and better enables the employee to carry out the official business. All requests for reimbursement for such travel shall be accompanied by receipts.

Section 25. Reporting on-the-job accidents.

1. All on-the-job accidents involving bodily injuries or death must be reported immediately to the proper authority. In the case of accidents involving bodily injuries, and if possible, the employee(s) will assist the injured, and then call the health aides and police immediately. In the case of accidents involving death, the employees must secure the accident area and call the police or Alaska State Troopers immediately.

- a. In cases involving vehicular accidents (heavy equipment, trucks, cars, four-wheelers, snow-machines, etc.) where there are damages to vehicles and/or property and no bodily injuries or death are involved, the employee(s) must immediately report the accident to proper authorities. The city administration and finance department must also be given notice of the accident for insurance purposes.
- b. Accidents caused by employee(s) involving damage to property, whether owned by the city or not, must be reported immediately to the city administration and finance department for insurance purposes.
- c. All employees must take precautionary measures to avoid bodily injury or death while assisting the proper authorities in the scene of the accident.

Section 26. Per Diem.

1. *Per Diem*: Per diem is a guaranteed daily flat rate of payment to an individual on travel status for the municipality using United States Federal Per Diem Rates for Alaska.
 - a. Per diem begins when an individual leaves the municipality 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 municipality. 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 municipality must overnight elsewhere than his/her home. Any person on travel status for the municipality shall forfeit per diem for any period(s) of time he/she because her/his 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.
2. *Calculation of Per Diem*: For purposes of calculating per diem, the day is divided into four (4) equal quarters and ends 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 full days per diem for the first day on travel status ending 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 municipality upon completion of official business. For example, an employee boards a plane and leaves the municipality at 10:00 a.m. on Tuesday, and arrives at the destination at 2:45 p.m. The employee attends a training session from 8:00 a.m. until 4:30 p.m. Wednesday and Thursday and on Friday the employee attends the training from 8:00 a.m. until its conclusion at noon. The next scheduled flight back to the municipality leaves Friday evening at 5:00 p.m. with one scheduled stop over that would have the employee home by Saturday at 11:15 a.m. The employee decides to interrupt travel for his/her own convenience on Friday and arrives back in the municipality at 2:30 p.m. on Monday.

The employee receives:

A full day's per diem for Tuesday (10:00 a.m. till midnight)

A full day's per diem for Wednesday (12:01 a.m. till midnight)

A full day's per diem for Thursday (12:01 a.m. till midnight)

A full day's per diem for Friday (12:01 a.m. till midnight)

One half day per diem for Saturday 12:01 a.m. till 6:00 a.m. = $\frac{1}{4}$, 6:01 a.m. till 11:15 a.m. = $\frac{1}{4}$.

11:15 a.m. is the time the employee could have returned home.

In this instance the employee is paid for his/her customary workdays on Tuesday, Wednesday, Thursday, and Friday. The employee is on leave on Monday until the employee returns to his/her work site since the employee is traveling at his/her convenience at this time. The employee should have requested leave from the mayor or manager and approval of the interruption of travel for personal convenience before starting on the trip.

Section 27. Trip Reports

If any City employee, Council member or person representing the City attends training and/or conferences they are required to provide a written or verbal trip report during the next available regular City Council meeting.

CHAPTER 27
(RESERVED)

CHAPTER 28

(RESERVED)

Title IV. REVENUE AND FINANCE

- CHAPTER 29. Assets – Disbursements
- 30. Budget Form and Scope
- 31. Budget Procedures
- 32. Sales Tax
- 33. (RESERVED)

CHAPTER 29

ASSETS – DISBURSEMENTS

Sections:

1. Treasury.
2. Accounting.
3. Checks.
4. Insufficient funds in bank account.

Section 1. Treasury.

1. The treasurer shall be responsible for the collection, custody and disbursement of all moneys from whatever source.
2. Operating cash shall be kept in one financial institution to be designated by resolution.
3. The treasurer shall invest city money upon directive of the council in any of the following types of investments:
 - a. Bonds, notes or other obligations; and,
 - b. certificates of deposit or saving accounts of any bank.

Section 2. Accounting.

1. All accounting functions for all city departments and offices are the responsibility of the treasurer.
2. The treasurer shall provide on a monthly basis to the council the following statements:
 - a. Summary statement of cash receipts and disbursements.
 - b. reconciliation statement – banks- investments- funds, and
 - c. statement of expenditures compared with appropriations.

Section 3. Checks.

1. All checks drawn on the treasury of the City shall be signed by two of seven persons authorized by the council. All checks prior to issuance shall be approved to be within budget allowances by the council.

Section 4. Insufficient funds in bank account.

No city check may be written at any time when funds are insufficient. Willful violation of this provision and conviction shall result in a fine of not more than three hundred (\$300.00) dollars. Such fine shall be set at the discretion of the fining authority

CHAPTER 30

BUDGET FORM AND SCOPE

Sections:

1. Scope of budget.
2. Anticipated revenues.
3. Anticipated revenues compared with other years.
4. Proposed expenditures.
5. Proposed expenditures compared with other years.

6. Budget summary.

Section 1. Scope of budget.

1. The budget shall be complete financial plan for the operation of the City, showing dollar reserves, anticipated revenues, and proposed expenditures.
2. The budget shall include a comparative statement of actual expenditures and actual revenues for the preceding fiscal year.
3. Proposed expenditures shall not exceed anticipated revenues and reserves.

Section 2. Anticipated revenues.

Anticipated revenues shall be composed of “taxes”, “licenses and permits”, “intergovernmental revenue”, “charges for services”, “fines and forfeitures”, “miscellaneous revenue”, “cash reserves”, and others as needed for proper accounting purposes.

Section 3. Anticipated revenues compared with other years.

In the parallel column opposite the items of anticipated revenues there shall be placed the amount of each such item actually received in the preceding fiscal year and the budget for current fiscal year.

Section 4. Proposed expenditures.

Proposed expenditures shall be itemized. Separate provisions shall be included in the budget for at least:

1. Interest, amortization of principal, and redemption charges on the public debt for which the faith and credit of the City is pledged;
2. administration, operation, and maintenance of each office, department, or agency of the City;
3. the council’s budgetary reserve; and
4. expenditures proposed for capital projects, including provision for down payments on capital projects.

Section 5. Proposed expenditures compared with other years.

In a parallel column opposite the several items of proposed expenditures, there shall be placed the amount of each such item actually spent in the preceding fiscal year and the budget for the current fiscal year.

Section 6. Budget summary.

At the head of the budget there shall appear a summary of the budget, which need not be itemized. Principle sources of anticipated revenues and kinds of expenditures by department

shall be stated in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

CHAPTER 31

BUDGET PROCEDURES

Sections:

1. Budget public record.
2. Publication of notice of public hearing.
3. Public hearing on budget.
4. Further consideration of budget.
5. Adoption of budget – vote required.

6. Effective date of budget – certification.

Section 1. Budget public record.

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

Section 2. Publication of notice of public hearing.

The council shall determine the place and time of the public hearing on the budget and shall post such notice in three public places in the City at least two weeks prior to the hearing. The council shall include in the notice a summary of the budget and capital improvements program and a statement setting out the time and place for a public hearing.

Section 3. 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 4. 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 5. Adoption of budget – vote required.

The budget shall be adopted by majority vote of the council preferably by April 1, but no later than June 30.

Section 6. Effective date of budget certification.

Upon adoption of a budget, 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 the clerk and filed in the office of the clerk. The certified budget shall be available to all person in the City.

CHAPTER 32

SALES TAX

Sections:

1. Historical data.
2. Sales tax schedule.
3. Definitions.
4. Taxable sales.
5. Exempt sales.
6. Rules and regulations.

7. Returns due.
8. Returns confidential.
9. Records.
10. Interest for deficient payment.
11. Negligent disregard.
12. Fraud.
13. Severability.
14. Penalty.
15. Failure to collect.

Section 1. Historical data.

The City Council of White Mountain recognizes the existence or happening of the following events and/or facts.

1. That in accordance with the provisions of AS 29.10.022, an election for the incorporation of a fourth class city, known as White Mountain, Alaska, was held on June 24, 1969 and that a majority of the votes were cast for incorporation. The votes was 17 for and 1 against.
2. That on the same date, June 24, 1969, a majority of the votes were cast for enactment of a 1% sales tax. The vote was 12 for and 6 against.
3. That White Mountain was incorporated with authority to enact a one percent (1%) sales tax.
4. On September 27, 2022, the City Council unanimously voted to raise the sales tax from 1% to 3%. As well as set a rate for heavy equipment rentals, lodging, and fuel purchased directly from the City to 10%. *This change will not be in effect until it has been ratified by the voters.*

Section 2. Sales tax schedule.

There shall be levied and collected a sales tax equal to the sum of one percent (1%) on the selling price of all sales, services, and rentals made in the City of White Mountain when the sales amount to one dollar (\$1.00) or more.

For Example:

If the sale is less than \$1.00, then there is no sales tax.

If the sale is \$1.00, then the sales tax is \$0.01.

The following will apply after it is ratified by the voters in the city election in the fall of 2023:

Furthermore, all sales are subject to a three percent (3%) sales tax exemption status, and the following items:

Heavy Equipment: There shall be levied and imposed upon the lease or rental of all equipment owned by the City a ten percent (10%) sales tax.

Fuel: There shall be levied and imposed upon the sale of fuel directly from the City of White Mountain a ten percent (10%) sales tax.

Lodging: There shall be levied and imposed upon the use and privilege of renting any lodging located within the City a ten percent (10%) sales tax.

Section 3. Definitions.

When not clearly indicated the following words or phrase shall have the following meaning:

1. The term “sales” includes installment and credit sales and every transaction conditional or otherwise, for the consideration constituting.
2. The term “wholesale” means a person doing a regular wholesale or job doing business, recognized by the public or trade as such, and selling to retailers, jobbers, dealers, or other wholesalers for the purpose of resale.
3. The term “retailer” or “vendor” means a person doing a retailing business, known to the public and trade as such, and selling to the user or consumer for purpose other than resale.
4. The term “taxpayer” means any person obligated to account to the City for taxes collected or to be collected under the terms of this ordinance.
5. Sales to and purchase of tangible personal property by a person engaged in the manufacturing business where article, commodity or substance will be used in the manufacture of, or processing of manufactured products shall be deemed wholesale and exempt from taxation.
6. The term “price” is the amount of money that a buyer pays to a seller for a product or service.
7. The term, “remote seller model” is generally a seller that does not have a physical presence in the state but who sells products or services for delivery into that state. Remote sellers and their sale of products for delivery into a state that meet or exceed the threshold for a state, are required to register to collect and remit sales tax for that state.

Section 4. Taxable sales.

There is hereby levied and there shall be collected and a tax in the amount stated in Section 2 hereof as follows:

1. All sales, rents and services and purchase of property at retail, including but not limited to the following:
 - a. All retail sales.
 - b. Upon telephone service for local exchanges, service receipts.
 - c. For gas and oil for commercial or domestic use.
 - d. For water or ice furnished and sold for commercial or domestic use.
 - e. Gross receipts derived from rents paid to boat owners for hunting and/or sporting expeditions.
 - f. Gross receipts derived from rents paid to hotels, motels, lodges, and rooming houses.

- g. For service furnished and sold for domestic or commercial use by laundries and cleaners, carpenters, and decorators, scavengers, taxies and vehicle rentals, repairmen, machinists and mechanics, plumbers, barbershops, contractors, and photographic processes.
- h. All gross receipts received by places of entertainment or amusement and devises of amusement provided that entertainment of non-profit services or fraternal from taxation.
- i. Gross receipts received by a person who ones or operates coffee shops, restaurants, café and catering services including board.
- j. For lighterage service furnished and sold for domestic and commercial use.

Section 5. Exempt sales.

The following classes of sales, rents, and services are hereby declared exempt from taxation under this Chapter.

- 1. Wholesales.
- 2. Sales of gold to any banking house.
- 3. Services rendered by any banking house.
- 4. All sales and services to and from the United States Government, State of Alaska, its departments and institutions, and political subdivisions thereof, all sales and services to and from the City of White Mountain, Alaska, provided that persons serving under the governments shall not be exempt from taxation merely because they are in it.
- 5. Gross receipts or purchase price paid for sale of real property by owner/seller not usually engaged in real estate business.
- 6. Incidental sales made by a person not ordinarily engaged in retail business.
- 7. Gross receipts or purchase price paid to rents pursuant to a written lease should said lease provide for a rental period in excess of thirty days. All other gross receipts shall be taxable.
- 8. Resident elders (55 and over) as well as those with medical disabilities shall be exempt from paying a sales tax.

Section 6. Rules and regulations.

The clerk or his designee shall have authority to make rules and regulations implementing this Chapter, provided that the rules and regulations shall be approved by the City Council before adoption.

Section 7. Returns due.

All returns payable as tax shall become due on or before the 15th day of the month next following the month when tax is due.

Section 8. Returns confidential.

It shall be unlawful for any employee or officer of the City of White Mountain to divulge any information classified here as confidential, except information for tax returns filed under the provisions of this Chapter or except in accordance with proper judicial order.

Section 9. Records.

It shall be the duty of every person, other than wholesale to keep and preserve suitable records of all sales made by him necessary to determine the amount of tax for the collection, and to preserve such records for three years. Such records shall be open for examination by the clerk or his duly authorized agent.

Section 10. Interest for deficient payment.

If the amount paid is less than the amount due, the difference, together with the interest at one percent (1%) per month from the time the return is due shall be paid within ten days after a notice or demand be the clerk.

Section 11. Negligent disregard.

If any part of the deficiency is due to negligent disregard to the rules and regulations, but without intent to defraud or intent to evade the tax, there shall be added ten percent (10%) of the amount of the deficiency and payable within ten days of notice or demand by the clerk.

Section 12. Fraud.

If any part of the deficiency is due to fraud or intent to evade the tax, then there shall be added twenty-five percent (25%) of the total amount of the deficiency, and in such case the whole amount of tax unpaid.

Section 13. Severability.

If any section, subsection, clause, sentence or phrase of this ordinance is held to be invalid, the decision shall not affect the validity of the meaning of the remaining portion of this ordinance.

Section 14. Penalty.

Person, persons, companies, firms, partnership, corporation or any other entity violating the provisions of this ordinance shall, upon conviction thereof, be fined not to exceed the sum of three hundred (\$300.00) dollars. Such fine shall be set at the discretion of the fining authority.

Section 15. Failure to collect.

Any person, firm, organization, co-partnership, and any other business taxable under State or Federal law who willingly or intentionally fails or neglects or refuses to collect the sales tax described by this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined in accordance with State law, Alaska Statutes 29.48.200.

Section 16. Remote Seller Code

The remote seller code, due to its size will be attached as an appendix in hard copy.

CHAPTER 33
SALES MADE BY REMOTE SELLERS

Sections

1. Scope

2. Adoption of Alaska Remote Seller Sales Tax Code

3. Delegation of authority

Section 1 – Scope

This chapter applies only to sales made by remote sellers as defined herein.

Section 2 – Adoption of Alaska Remote Seller Sales Tax Code

The City adopts by reference the February 24, 2021 edition of the Alaska Remote Seller Sales Tax Code (the “Uniform Code”), and as it may be amended, from time to time, by the Alaska Remote Seller Sales Tax Commission (the “Commission”) including all definitions set forth therein.

Section 3 – Delegation of Authority

The City hereby delegates to the Commission the authority to administer and collect tax on remote sales made by remote sellers including remote seller sales tax registration, exemption certification, collection, remittance, and audit authority. This delegation of authority does not include administration of applications for certificates of exemption which shall be administered by the city as provided in Chapter 33.

Title V. ACQUISITION AND DISPOSAL OF CITY PROPERTY.

- Chapter 34. Real Property Acquisition
- 35. Eminent Domain – Adverse Possession
- 36. Real Property Sales by the City.
- 37. Lease of City lands.
- 38. Disposition of City-owned Personal Property
- 39. (RESERVED)
- 40. (RESERVED)
- 41. (RESERVED)
- 42. (RESERVED)

43. (RESERVED)

CHAPTER 34

REAL PROPERTY ACQUISITION

Sections:

1. Acquisition and ownership.
2. Real property defined.
3. Procedural requirements.
4. Ownership.
5. Rights and powers of City.

6. Dedication by plat.
7. Industrial sites.
8. Federal and State aid.
9. Real property as security.

Section 1. Acquisition and ownership.

The City may acquire, own, and hold real property inside or outside the City boundaries by purchase, gift devise, grant dedication, exchange, redemption, purchase of equity of redemption, condemnation or declaration of taking, annexation, or by any other lawful means or conveyances.

Section 2. Real property defined.

As used in this Chapter, “real property” includes any estate inland, easement, right-of-way, lease, permit, license, franchise, future interest, building, fixture, or any other right, title, or interest in land or a building.

Section 3. Procedural requirements.

1. The City may acquire, own, and hold real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property plat dedication, lease, tax deed, will, or any other lawful means of conveyance or grant. Real property shall be held in the name of “City of White Mountain”.
2. Any instrument requiring execution by the City shall be signed by the mayor and attested by the clerk. The form of any conveyance may be approved by the city attorney.
3. Upon a specific resolution of the council, the mayor may act on its behalf in the acquisition of real property or interest in real property when that property to be acquired is for a valuable consideration or as part of a program of grant acreage. The resolution shall set forth the terms, conditions and manner of acquisition.
4. No council approval is necessary to acquire any easement, right-of-way, permit, license, or other interest in real property if necessary for a utility or public improvement where the utility or public improvement has been authorized and approved by the council.
5. Prior to approval, the mayor is to furnish the council with an abstract of title, an appraisal of the real property, and a review of any problem in acquisition, but the failure to furnish the council any such materials shall not affect the validity of any acquisition or purchase of real property by the City.
6. Unless otherwise provided by the council, the City shall purchase marketable title in real property. Unless otherwise provided by ordinance or resolution, or upon council approval of a purchase, the mayor is authorized to obtain title insurance, to execute any instruments, and to take all steps necessary to complete and close the purchase and acquisition or purchase of real property by the City.

Section 4. Ownership.

1. The City may acquire and hold real property as sole owner or as tenant in common or other lawful tenancy, with any person or government body for any public purpose. The City may hold real property in trust for any public purpose.
2. The council may approve and authorize the purchase of real property by contract or sale, deed of trust, or mortgage.

Section 5. Rights and powers of City.

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

Section 6. Dedication by plat.

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

Section 7. Industrial sites.

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

Section 8. Federal and State aid.

The City may apply for, contract with, and do all things necessary to cooperate with the United States Government and the State for the acquisition, holding, improvement, or development of real property inside and outside the City boundaries.

Section 9. Real Property as security.

The council may pledge, mortgage, or otherwise secure real property of the City for the payment of City bonded or other indebtedness when required, as authorized by law.

CHAPTER 35

EMINENT DOMAIN AND ADVERSE POSSESSION

Sections:

1. Eminent domain.
2. Ordinance and vote required.
3. Adverse possession.

Section 1. Eminent domain.

The City may exercise the powers of eminent domain and declaration of taking in the performance of an authorized power or function of the City in accordance with AS 09.55.240 through 09.55.460. Prior approval from the Department of Community and Regional Affairs is required, as provided in AS 29.73.020.

Section 2. Ordinance and vote required.

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

Section 3. Adverse possession.

The City cannot be divested of title to real property by adverse possession.

CHAPTER 36

REAL PROPERTY SALES BY CITY

Sections:

1. Power to dispose of real property.
2. Sales or disposal.
3. Rights and powers.
4. Property exchanges.
5. Grants for Federal and State programs.

6. Beneficial new industries.
7. Change of use.
8. Utilities.
9. Release of easements.
10. Public sale requirements.
11. Sale procedure – land value under \$25,000.
12. Sale procedure – land value over \$25,000 or more.
13. Preference rights.
14. Future interests and after-acquired title.
15. Minimum acceptable offer.
16. Exceptions to minimum acceptable offer.
17. Conditions of sale.
18. Council action.
19. Purchase agreement.
20. Employment of broker.
21. Reservation of easement and right-of-way.
22. Mayor's regulations.
23. Tax foreclosure land.
24. Public use requirement.
25. Termination of repurchase right.
26. Repurchase by former record owners.

Section 1. Power to dispose of real property.

The City may sell, convey, exchange, transfer, donate, dedicate, direct, or assign to use, or otherwise dispose of City-owned property, by any lawful means or conveyances.

Section 2. Sale or disposal.

1. The City may sell or dispose of real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease tax deed, will, or any other lawful method or mode of conveyance or grant.
2. Any instrument requiring execution by the City shall be signed by the mayor and attested by the clerk. The form of any instrument may be approved by the City Attorney.

Section 3. Rights and powers.

1. The City shall have and may exercise all rights and powers in the sale and disposal of real property as if the City were a private person.
2. The City may sell or dispose of any real property, including property acquired or held for or devoted to a public use, when in the judgment of the council it is no longer required for municipal purpose.

Section 4. Property exchanges.

The council may approve after public notice the conveyance and exchange of a parcel of city property for an equivalent parcel of property owned by another person subject to such conditions as the council may impose on the exchange, whenever in the judgment of the council it is advantageous to the City to make the property exchanges.

Section 5. Grants for Federal and State programs.

The council may grant or devote real property no longer held for public purpose to the United States, the State, a political subdivision, or an agency of any of these governments, for a consideration agreed upon between the City and the grantee without a public sale if the grant or devotion is advantageous to the City. Any approval of a Federal or State program providing for the participation or cooperation of the City by grant or devotion of the real property is a sale of that real property for the consideration stated in the program.

Section 6. Beneficial new industries.

1. The City may sell, lease, or dispose of sites acquired for new industries benefiting the City, upon the terms and conditions as the council considers advantageous to the City, to a person who agrees to install, maintain, and operate a beneficial new industry.
2. The requirements of AS 29.48.260 (c) must be followed in any action by the city relating to beneficial new industries.

Section 7. Change of use.

Real property acquired or purchased for one city purpose may be appropriated, transferred, assigned, or directed without public sale to another city purpose, whenever the council determines that the purpose for which the property was acquired or purchased no longer exists, or the property is no longer used or useful for the property to another city purpose, and the disposition may be made to another purpose with or without legal consideration for the disposition.

Section 8. Utilities.

The City may sell, convey, or otherwise dispose of real property no longer used or useful in the operation of a city owned utility. Real property no longer needed for the purpose for which the real property was acquired or purchased, or utility property no longer used or useful in the operation of the city-owned utility, is no longer property, owned, held for or devoted to public use, and thus may be sold or disposed of as provided in this Title if the council determines the real property is not useful to the City for any other purpose.

Section 9. Release of easements.

The mayor with council approval may at any time, subject to the provisions of Sections 11 and 12 of this Chapter, convey quitclaim, release, cancel or otherwise relinquish any real property easement, right-of-way, permit, or license the City may have or hold for the purpose of

installing, constructing, or maintaining a public improvement, whenever the interest no longer used or useful for that purpose.

Section 10. Public sale requirements.

Unless otherwise provided in this Chapter, real property no longer used or useful for a public use or purpose shall be sold to the highest responsible bidder at a public sale. Public sale shall not be required where the real property of the City is subject to any term or condition restricting or limiting the ability of the City to obtain the fair market value of the property.

Section 11. Sale procedure – Land value under \$25,000.

Real property of the City valued under twenty-five thousand dollars, except as provided otherwise in this Chapter, and except land acquired by tax foreclosure, shall be sold or otherwise permanently disposed of as provided below.

1. An estimated value of the property shall be made, by a qualified appraiser or the assessor.
2. The parcels of land to be sold shall be reviewed by the planning commission, if one exists, which shall make recommendations to the mayor concerning desirable uses of the property, including, projected need, if any, of the land for present or future recreational or other public use. However, review and recommendation by the planning commission is not required if special circumstances warrant, as determined by the council, or if such planning commission review and recommendation has been made within six months prior to submission to the council.

Section 12. Sale procedure – Land value \$25,000 or more.

Sale or other permanent disposition of land valued at twenty-five thousand dollars or more shall be in the manner prescribed in Section 11 of this Chapter with two exceptions as provided below.

1. Council action under Section 11, subsection “8”, shall be made by ordinance instead of by resolution.
2. No disposition of land valued at twenty-five thousand dollars 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.

Thirty-days notice shall be given of the election; the notice shall state the time of the election; the place of voting; a description of the property to be sold, leased, or disposed of; a brief statement of the terms and conditions of the sale; the consideration, if any; and the title and date of passage of the ordinance. Notice shall be given by posting a copy of the notice in at least three public places in the City at least 30 days before the election.

Section 13. Preference rights.

Upon recommendation of the mayor, the council may authorize the granting of preference rights for exercise at any specific sale. A preference right, if authorized, shall entitle a bona-fide occupant of a sale parcel to purchase the parcel by meeting the bid offered for a sale parcel which is subject to a preference right, the preference right holder may elect to purchase the parcel at its listed appraised value. For any specific sale, the council may prescribe additional terms and conditions regarding the exercise of preference rights.

Section 14. Future interests and after-acquired title.

Upon recommendation of the mayor, the council may authorize the sale of after-acquired title or future interests in real property to which the City is or may in the future become entitled. In exercising this power, the council resolution must contain a specific disclaimer of any warranty of title.

Section 15. Minimum acceptable offer.

The minimum acceptable offer for any land sold or leased under the provisions of Section 11 and 12 of this Chapter shall be the appraised value determined under Section 11, subsection 1, of this Chapter. If there are no acceptable offers, the mayor may negotiate for the sale or lease of the land, but the council must, by resolution, approve the terms and price of any such negotiated sale or lease before such sale or lease shall be binding upon the City.

Section 16. Exceptions to minimum acceptable offer.

1. Exceptions to the requirement for a minimum acceptable offer of market value may be made as provided below:
 1. The council finds that a particular disposition will be in the public interest, as a public interest is defined below in this Section.
 2. The real property was acquired under a tax foreclosure, in which case the council, by resolution, may reduce the minimum acceptable offer to an amount not less than the sum of all back taxes, penalties, and interest due or which would have been due if the property had remained in private ownership up to the date of the sale, plus all costs of foreclosure, sale, and development incurred by the City.
2. Public interest for the purposes of subsection “a. (1)” of this section shall include a public or quasi-public purpose and use and shall also include exchanges of property to facilitate the solution of problems involving the boundary lines of public property. Public interest shall not include a purpose to return property to private ownership, or to return property to the tax rolls, or to make property available for a desirable private enterprise or development, or other similar purposes.
3. Upon a council determination of a public interest, a negotiated bid may be accepted by the council by resolution in lieu of public bidding.

Section 17. Conditions of sale.

1. The council shall set forth the terms and conditions of the public sale in the resolution or ordinance authorizing the sale of real property. The council may reserve the right to reject any and all bids received at the public sale, if highest bid is below the fair market value and cost of the sale or if it is not made by a responsible bidder. The resolution or ordinance shall provide if the sale is for cash or cash deposit and purchase agreement.
2. The mayor shall prescribe the form of the purchase agreement. The council shall approve all public sales of real property and shall approve any purchase agreement prior to its execution by the City. The approval of any public sale by the council authorizes the mayor to take all steps and execute all instruments to complete and close the sale. The mayor or his designee shall conduct the sale and shall give to the buyer a receipt of all moneys received by the City. A purchaser at a public sale who fails to make such other cash payments within the times required by the resolution or ordinance shall forfeit any cash deposit paid to the City.

Section 18. Council action.

No action of the council to dispose of any city interest in property dedicated to public use shall be final until the resolution or ordinance to do so has been on file in the office of the clerk for 30 days. Prior to any council action on the sale of real property the mayor shall make his or her recommendation to the council as to any change of use or merits of the sale or disposition of the real property.

Section 19. Purchase agreement.

A purchaser of real property from the City may purchase the real property by purchase agreement if provided in the resolution or ordinance for the sale. Unless otherwise provided in the resolution or ordinance for the sale, a purchase agreement shall be in the form of a deed of trust. The purchase agreement shall be executed by the mayor and attested by the clerk, and may be approved as to form by the city attorney.

Section 20. Employment of broker.

The City may employ a broker for the sale of real property and may pay the broker a commission for the sale. The employment shall be in the resolution for the sale of the real property and any contract of employment shall be first approved by the council unless the council authorizes the mayor to execute the contract without the approval.

Section 21. Reservation of easements and right-of-way.

The City may reserve any easement and right-of-way to be used for public improvements and purposes before selling or disposing of city owned real property. The council may make such restrictions, limitations, reservations, reversions, or other covenants the council may find advantageous to the City even if the fair market value of the property is affected. The effect of these reservations may be considered in determining the fair market value of the property.

Section 22. Mayor's regulations.

The mayor may provide by regulation for the procedures and forms as to applications, surveys, appraisals, auction, bidding, form of substance of purchase agreement, or any other matter involving the sale or disposition of City property not consistent with to implement the intent and purpose of this Chapter. The absence of a regulation or an inconsistent resolution shall not invalidate any public sale procedure, or conveyance executed or to be executed by the City, where the requirements of this Chapter have been otherwise satisfied.

Section 23. Tax foreclosure land.

Real property acquired by tax foreclosure may be disposed of in the same manner as other real property of the City except as provided in Sections 24,25, and 26 of this Chapter.

Section 24. Public use requirement.

Any real property acquired by tax foreclosure may be devoted to public use by the City after review and recommendation by the planning commission, if one exists, and approval of the council by resolution declaring such real property devoted to public use or declaring that such real property is reserved for a projected City requirement, and stating such use or requirement.

Section 25. Termination of repurchase right.

Where the property was acquired by tax foreclosure, the right of repurchase of the record owner at the time of foreclosure shall be terminated upon passage of a resolution in accordance with Section 24 of this Chapter except that such termination shall not be effective until notice and passage of the time specified in Section 26 of this Chapter has occurred. Sale, lease, or any other alienation of tax title property shall terminate the right of repurchase, provided that the requirements of Section 26 of this Chapter have been met.

Section 26. Repurchase by former record owners.

The former record owner shall have such rights of repurchase are provided by statutes. Notice of intended sale, devotion to public use, reservation for future City requirement, other permanent disposition, or lease shall be given to those who were record owners at the time to tax foreclosure by registered or certified mail sent to the address of the record owner as such address appeared on the tax roll at the time of foreclosure. Such notice shall be given not less than 20 days before the intended sale, contract of sale, devotion or reservation for public use, other disposition, or lease is made and shall advise the record owner of the right to repurchase as authorized statute.

CHAPTER 37

LEASE OF CITY LANDS

Sections:

1. Property available for leasing.
2. Term of lease.
3. Appraisals.
4. Lease auction.
5. Lease procedures.
6. Fair rental value.
7. Adjustment of rental.
8. Transfer of lessee's interest.
9. Renewal of lease.
10. Improvements and chattels.
11. Inspection of leased premises.
12. Easements and right-of-way.
13. Condemnation of premises- Lease termination.
14. Lease rental credit.
15. Conditional lease.
16. Council regulations.

Section 1. Property available for leasing.

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

Section 2. Term of lease.

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

Section 3. Appraisals.

1. No property shall be leased or a renewal lease issued unless the property to be leased has been appraised by the City within one year prior to the date contemplated for the beginning of the lease.
2. No appraisal is required if the fair rental value of the property does not exceed two hundred and fifty dollars per year and the term of the lease is one year or less, or if

the property has been assessed by a tax assessor during the year in which the property is to be leased.

3. An independent appraisal shall not be required unless directed by the council, or otherwise required by this Chapter.

Section 4. Lease auction.

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

Section 5. Lease procedures.

The provisions of Section 11 and 12 of Chapter 32 of this Code on the method of disposition of City-owned property shall apply to all leases of City land authorized by this Chapter.

Section 6. Fair rental value.

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

Section 7. Adjustment of rental.

A lease having a term of more than two years shall provide for adjustment of rentals at specified intervals during the term of lease and the intervals shall be every two years unless the lease provides for a longer interval, not to exceed six years. This section shall fully set forth in the lease.

Section 8. Transfer of lessee's interest.

A lessee may sublease or assign the lease only upon approval of the transfer by the City in writing.

Section 9. Renewal of lease.

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

Section 10. Improvements and chattels.

1. The lease shall provide the terms, conditions, and limitations of the removal or reversion of the improvements or chattels upon the lease premises after termination of the lease. The retiring lessee may, with the consent of the mayor, sell the improvements to the succeeding lessee. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice to the lessee, be sold at public sale to be provided by regulations of the mayor.
2. Proceeds of the sale shall be first applied to the City's costs and expenses of maintaining, removing, and selling the improvements and chattels and to rentals for the period of non-removal. The City may bid at the sale and may be credited with the value of the City's costs, expenses, and rentals due resulting from the non-removal of the improvements or chattels. The City shall have all other rights, both legal and equitable, any other purchaser would have or acquired by reason of the sale.

Section 11. Inspection of leased premises.

The lessee shall allow an authorized representative of the City to enter the leased premises for inspection at any reasonable time.

Section 12. Easements and right-of-way.

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

Section 13. Condemnation of premises- Lease termination.

Upon condemnation of the premises or any part of the premises, including inverse condemnation, by any agency of the State, Borough, or Federal government, the lease shall terminate without any liability to the City. The City shall not be liable in damages or pay any compensation to the lessee as a result of the condemnation terminating the lease.

Section 14. Lease rental credit.

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

Section 15. Conditional lease.

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

Section 16. Council regulations.

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

CHAPTER 38

DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

Sections:

1. Personal property disposition by value.

2. Sales of surplus or obsolete goods.
3. Surplus stock.
4. Declaration of obsolescence.

Section 1. Personal property disposition by value.

1. 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 council. The council shall take into consideration the value of the article, the reason for disposal, and the general preference of disposal by competitive bid.
2. Personal property valued at more than one thousand dollars, but less than twenty-five thousand dollars, shall be disposed of in the manner provided for land valued under twenty-five thousand dollars as provided in Chapter 32 of this Code.
3. Personal property valued at more than twenty-five thousand dollars shall be disposed of in the manner provided for land valued over twenty-five thousand dollars as provided in Chapter 32 of this Code.

Section 2. Sale of surplus or obsolete goods.

The council may sell the following without giving an opportunity for competitive bidding:

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

Section 3. Surplus stock.

1. All agencies shall submit to the Council, at such times and in such form as may be prescribed, reports showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.
2. The Council shall have the authority to transfer surplus stock to other agencies and provide for proper fiscal transfer of such.
3. The Council shall have the authority to sell all supplies or equipment, which have become unsuitable for public use, or to exchange the supplies or equipment.
4. Sales of surplus City supplies or equipment appraised at over one thousand dollars under this section shall be made to the highest responsible bidder.
5. The mayor, or a person chosen by the council to act on the City's behalf, shall conduct the sale and issue the certificates of sale to the purchaser of surplus City supplies or equipment.

Section 4. 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.

CHAPTER 39

(RESERVED)

CHAPTER 40
(RESERVED)

CHAPTER 41
(RESERVED)

CHAPTER 42
(RESERVED)

CHAPTER 43

(RESERVED)

Title VI. GENERAL WELFARE

Chapter	44.	Animal Control
	45.	Curfew
	46.	Motor Vehicle
	47.	Airstrip

48. Intoxicating Liquor or Beverages
49. Offenses against Public Peace
50. Control of Firearms, Deadly Weapon, and Explosives
51. Offenses Against Property
52. Offenses By or Against Public Officers and Government
53. Litter-Sanitation Measures
54. Miscellaneous Provisions
55. Solid Waste
56. (RESERVED)
57. (RESERVED)
58. (RESERVED)
59. (RESERVED)
60. (RESERVED)
61. (RESERVED)
62. (RESERVED)
63. (RESERVED)

CHAPTER 44

ANIMAL CONTROL

Sections:

- 1) Coverage.
- 2) Keeping dogs confined.
- 3) Rabies vaccination.
- 4) Unattended animals prohibited.
- 5) Rabid dogs and/or cats.
- 6) Disclaimer of liability.
- 7) Licensing and registration.
- 8) Prohibited areas.
- 9) Objectionable animals.
- 10) Interference with enforcement officer.
- 11) Impounding.
- 12) Surrender of unwanted animals.
- 13) Adoption of unclaimed, surrendered or abandoned animals.
- 14) Immediate destruction.
- 15) Parvovirus vaccination.
- 16) Biting dogs-Rabies control.
- 17) Sanitary enclosures and sanitary exercise.
- 18) Humane animal care.
- 19) Cruelty to animals.
- 20) Protective custody.
- 21) Trapping.
- 22) Fees.
- 23) Penalties.

Section 1. Coverage.

Every person who owns keeps custody of or claims possession of a dog and/or cat is subject to the provisions of this ordinance. Such person is an “owner” for the purpose of this ordinance.

Section 2. Keeping dogs confined.

All dogs and/or cats three (3) months of age or older shall be securely confined so as not to pose a threat to life or property within the City.

Section 3. Rabies vaccination.

All dogs and/or cats three (3) months of age or older are required to have been vaccinated against rabies within one year of their reaching six (6) months of age. Owners are responsible for making certain their dogs and/or cats have been vaccinated against rabies at the times vaccination is available in White Mountain. Owners are responsible for furnishing proof of vaccination of their dogs and/or cats.

Section 4. Unattended animals prohibited.

1. Any loose dogs and/or cats posing a threat to a person or property within the City of White Mountain or any loose, unattended, and unidentifiable dog and/or cats will be considered wild, abandoned, or ownerless and will be subject to disposal without notification of the owner.
2. In the case of a loose, unattended dog and/or cats, where ownership can be determined, the owner should be informed in writing of the dog's and/or cats' condition so that the owner may secure the dog in proper fashion.
3. If the dog and/or cats is still not secured in proper fashion, after its owner has been notified twice in writing of its loose, unattended condition, then the dog and/or cats will be subject to disposal.

Section 5. Rabid dogs and/or cats.

Any dog believed to be sick with rabies shall be observed for ten (10) days and shot if found to be sick with rabies. If the dog in question has bitten anyone, the Community Health Aide and the VPSO shall be notified immediately.

Section 6. Disclaimer of Liability.

The City of White Mountain disclaims any liability or responsibility for the disposal of dogs and/or cats belonging to owners in violation of this Chapter.

Section 7. Licensing and registration.

1. Every dog and cat residing within the City of White Mountain must be annually licensed and registered with the City of White Mountain. Licenses shall expire December 31st of each calendar year and renewal of an expired license shall be due January 1st of each calendar year. All licensable animals must be licensed within ten days of bringing the animal into the city or within one hundred eighty days of the animal's birth.
2. No license may be issued unless the owner or keeper of the animal provides proof that the animal has been properly immunized against rabies and parvovirus.
3. Upon application with proof of vaccination for rabies and parvovirus and payment of fees, the city clerk will register the dog or cat and issue a license tag valid for the calendar year in which the license is issued. License tags must be attached to the collar of all dogs and cats and visible.
4. A kennel owner may obtain an annual kennel license for one hundred dollars for a kennel of seven to ten dogs, or one hundred fifty for a kennel of eleven or more dogs.

Section 8. Prohibited areas.

1. The owner of any animal shall not permit the animal to be present outdoors, whether at large or restrained, within the boundaries of:
 - a) school grounds or property,
 - b) any local playgrounds or play areas,
 - c) community events, such as July 4th, etc.,
 - d) public facilities, such as the City Office, store, or post office.
2. The owner of any animal shall not be allowed to tie their pet to telephone poles, under meter boxes, or areas that can reach public road systems and private property.

Section 9. Objectionable animals.

1. The owner of any animal, not limited to dogs or cats, shall not:
 - a) harbor, keep or permit the animal to disturb another person by frequent or prolonged noise, including but not limited to, barking, howling, or other sounds common to its species; or
 - b) permit the animal to frequently or habitually growl, snap at, jump towards, bark aggressively at, or otherwise menace, injure or frighten persons within the city limits.
2. Upon the complaint of a person documenting the time(s), date(s) and nature of the objectionable action, the enforcement officer will investigate the complaint and, if warranted, issue notice to the owner of the animal of the nature of the complaint and provide written warning to the owner that subsequent complaints may result in the issuance of citations.
3. All written warnings issued under subsection “b” of this section shall be in writing and shall contain:
 - a) information identifying the offending animal;
 - b) a description of behavior in violation of this chapter;
 - c) a copy of this section;
 - d) the nature and times of the behavior as identified and/or reported;
 - e) potential methods of curtailing animal noise; and
 - f) the amount of time allowed complying with the notice, which shall be ten days or less.
4. If the owner fails to comply with any warning issued pursuant to subsection (3) of this section, and enforcement officer may:
 - a) issue the owner a citation for violation of this section; and
 - b) on a second or subsequent offense, impound the animal.

Section 10. Interference with enforcement officer.

1. No person may interfere or obstruct an enforcement officer in the discharge of their duties. No person may release or attempt to release from the possession of an enforcement officer or from city animal control an animal impounded under this chapter.
2. For purposes of discharging the duties imposed by this chapter and to enforce its provisions, the enforcement officer is empowered to enter onto private property on which an animal is located and to require the owner of any animal to provide proof of license and vaccinations upon probable cause. Enforcement officers are empowered to gather

evidence, document incidents, issue citations, and fully enforce the provisions of the City of White Mountain Code of Ordinances.

Section 11. Impounding.

1. Any at large animal, objectionable animal or endangered animal may be impounded and taken to animal control for confinement.
2. The owner of an impounded animal shall have a maximum of five days to reclaim the animal. If the animal is unlicensed the owner will be required to show proof of licensing before any animal will be released. If the animal is not reclaimed within five days, the animal will be forfeited and deemed eligible for adoption if suitable for adoption, based on the discretion of the enforcement officer.
3. Unadoptable and unclaimed animals shall be humanely destroyed under the direction of the enforcement officer after ten days of impoundment unless circumstances dictate earlier destruction. The enforcement officer shall have the authority to delay the destruction of an animal.

Section 12. Reclamation of impounded animals-fees.

1. Upon providing proof of licensing as required by CWMO Section 11, an impounded animal may be released upon payment of the following fees:
 - a) owners of animals will be charged an impound fee of fifty dollars for the first offense, seventy-five dollars for the second offense, and one hundred dollars for the third offense, within each twenty-four month period beginning on the date of the first offense or each subsequent offense. The tally of the number of impoundings shall be based on the greater of the incidences the specific animal was impounded or the cumulative number of impounding incidences for every animal belonging to the impounded animal's owner during the period.
 - b) for each day the animal is held with the enforcement officer, an additional thirty-dollar kenneling fee will apply, with a maximum of three hundred dollars for each ten-day period. This fee shall apply the day the animal is impounded as well as the day it is released.
2. In addition to payment of the fees set forth in subsection (12) of this section, an owner whose animal is taken into protective custody and for which a finding of cruel or inhumane treatment is made under CWMO Section

Section 13. Surrender of unwanted animals.

1. The owner of an unwanted animal may surrender an animal for immediate adoption by bringing the animal to the city animal control officer and upon payment of forty dollars; provided, that:
 - a) the animal is more than ten weeks old;
 - b) the owner presents proof of all current vaccinations; and
 - c) the owner provides an affidavit that the animal is not aggressive and has not harmed a person or another animal prior to being surrendered.

Section 14. Adoption of unclaimed, surrendered or abandoned animals.

1. A person adoption an impounded animal shall have the adopted animal neutered or spayed unless the animal is already neutered or spayed. The adoptive owner shall pay the city one hundred dollars for any unneutered male or unsprayed female animal. If the animal is already neutered or spayed, the adoption fee is fifty dollars. Upon showing proof the animal has been spayed or neutered within three months of the adoption date, fifty dollars of the adoption fee will be refunded to the owner of the adopted animal.
2. The fee for persons living twenty or more miles outside of city boundaries will be waived.

Section 15. Immediate destruction.

1. If after diligent effort the enforcement officer is unable to capture an unattended or at large animal, whether licensed or unlicensed, the enforcement officer may immediately destroy the animal. If an animal so destroyed is found to be licensed, the owner shall be notified promptly.
2. The enforcement officer is authorized to destroy summarily any dog loose and at large in the city if the dog does not carry and exhibit a current license tag or other immediately recognizable evidence of rabies immunization.
3. The enforcement officer is authorized to destroy summarily any dog loose and at large in the city if the dog shows signs of aggression toward the enforcement officer or other persons sufficient to place a reasonable apprehension of bodily injury.
4. The enforcement officer is authorized to destroy summarily any animal that, based on the judgment of the enforcement officer, is vicious or may pose an immediate danger to persons, property or other animals.
5. Any person wishing to have an animal(s) destroyed by the enforcement officer may do so upon payment of one hundred dollars per animal to the city clerk, accompanied by a signed affidavit stating that the animal to be destroyed has not bitten a human or another animal within ten days of the date of surrender.
6. When no additional facilities exist for the confining of more animals, unclaimed animals shall be humanely destroyed under the direction of the enforcement officer based upon whichever animal has been confined at the municipal shelter for the longest period of time. Destruction shall occur notwithstanding the provisions of CWMO Section 11.

Section 16. Parvovirus vaccination.

1. No person shall import or assist the import of any dog into the city unless and until said dog has been immunized against Parvovirus at least seven days prior to entry of said dog into the city.
2. Proof of immunization shall be submitted to the city clerk in the form of a signed certification by a licensed veterinarian, or such other similar form of proof acceptable to the city clerk.
3. Dogs imported into the city without proof of immunization shall be seized and quarantined at the expense of the owner or claimant, and may be destroyed twenty-four

hours after seizure unless the owner or claimant removes said dog from the greater WMO area or produces proof of immunization within said twenty-four hour period.

Section 17. Biting dogs-Rabies control.

1. Every animal which bites a person or attacks another animal shall be promptly reported to the VPSO. Every animal which bites a person and for which the owner does not have a current rabies vaccination certificate shall, upon capture, be quarantined for a period of ten days.
2. The owner, upon demand by an enforcement officer, shall surrender any animal which has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine. The expense of such quarantine shall be borne by the owner. Such animal may be reclaimed by the owner if adjudged free of rabies, except if the animal is a vicious animal.
3. No quarantined animal shall be released to an owner if the animal requires a license and is unlicensed.
4. When the report of an enforcement officer gives a positive diagnosis of rabies, the mayor may declare an area-wide quarantine. No animal shall be permitted to be in the streets during such period of quarantine. In addition, no animal may be brought or taken from the city during such period of quarantine.
5. No person shall kill or cause to be killed any rabid animal or any animal suspected of having been exposed to rabies except when an animal under quarantine has been diagnosed as being rabid after which that animal shall be humanely destroyed.

Section 18. Sanitary enclosures and sanitary exercise.

1. It is unlawful for any person to own any animal unless all structures, pens and yards, and areas in which the animal is kept, are maintained in a sanitary condition. A sanitary condition exists where responsible, humane animal care is practiced, including the regular, frequent removal of animal wastes, such wastes are removed and disposed of in a manner that prevents the spread of pests and disease, odors arising from pet wastes are controlled and the structures, pens and yards are maintained in a manner that does not constitute a nuisance.
2. It is unlawful for any person to exercise their animal on the property of another unless the permission of the property owner is first obtained and any animal wastes generated while using such property are disposed of by the owner of the animal as they are generated. Responsible pet care shall be practiced to include the disposal of animal wastes in a manner that prevents the spread of pests and disease, odors arising from pet wastes are controlled and the use of the property of another does not constitute a nuisance.

Section 19. Humane animal care.

1. Any person who owns or keeps an animal shall provide humane animal care to any animal that person owns or keeps.
2. For purposes of this section, providing humane animal care includes, but is not limited to:

- a) sufficient wholesome and nutritious food at least once daily which will keep the animal in healthy physical condition;
- b) adequate shelter which provides adequate air and ventilation and which prevents the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions and dirty, wet and uncomfortable conditions which may endanger the health or welfare of the animal;
- c) veterinary care when needed to treat the animal for sickness or disease or to prevent suffering of the animal; and
- d) sufficient exercise as needed.

Section 20. Cruelty to animals.

It is unlawful for any person to:

- 1. intentionally injure or kill any animal unless done humanely and in conformity with applicable law or unless the act is necessary to defend a person or an animal from attack;
- 2. intentionally or recklessly wound, injure, torment, poison, provoke, abuse or unnecessarily overwork an animal;
- 3. fail to provide humane animal care to or abandon an owned or kept animal;
- 4. throw or deposit any poisonous substance on any exposed public or private place where it may endanger any animal; or
- 5. intentionally harass or torture an animal or encourage an animal to fight with another animal for sport, training or entertainment.
- 6. This section shall apply to all domestic or wild animals, the general definitions of this chapter notwithstanding.

Section 21. Protective custody.

- 1. An animal may be taken into protective custody by the city if the enforcement officer makes a determination that an animal is either not being humanely cared for by the owner or is being cruelly treated by any person. Before taking an animal into protective custody, the enforcement officer must make a written finding supporting the reasons for the protective custody and provide this information to the owner of the animal if the owner can be found. If the owner of the animal cannot be identified or located, the enforcement officer shall post the written finding at city hall at least ten days prior to the destruction of the animal unless the animal, for humane reasons, is to be earlier destroyed. An animal in protective custody shall be maintained in protective custody until it is reclaimed by its owner or for a minimum of five days, after which time the animal may be humanely destroyed or adopted unless, for humane reasons, the animal should be earlier destroyed.
- 2. All animals taken into protective custody shall be examined by a licensed veterinarian to assess the animal's physical condition. When, in the judgment of the enforcement officer and/or a licensed veterinarian, an animal should be destroyed for humane or health reasons, such animal may not be reclaimed. The enforcement officer shall make a written decision specifying the reasons for decision to destroy an animal under this section and shall forward that decision to the owner of the animal.
- 3. Before an owner may reclaim an animal taken into protective custody, the enforcement officer may require the owner first to agree upon conditions in a written release order as

well as to payment of all fees and costs required under this chapter. It is unlawful for an owner to fail to comply with a written release order.

4. If an owner refuses to reclaim an animal taken into protective custody, the animal is subject to humane destruction by the enforcement officer in accord with CWMO Section 11.
5. Owners aggrieved by any action of the enforcement officer under this section may appeal those decisions to the city clerk on a form provided by the city within five working days after the animal has been taken into protective custody or the owner was provided notice of any action via first-class mail or in person, whichever is later. This right to review does not prevent the running of any time for action imposed by this chapter. If the city clerk finds that the action was not in accordance with the code, the city clerk shall order the return of the animal to its owner and/or modify the terms of a release order, or, if the animal has been disposed of, award the owner compensation in the amount of fair market value of the animal at the time the animal was taken into protective custody.
6. The owner of the animal may contest the findings of the enforcement officer to the city clerk within three working days of receipt of the findings. The city clerk will provide the final findings within three working days to the owner and the animal control officer.

Section 22. Trapping.

1. Except as provided by this chapter it is unlawful to attempt to capture any fur-bearing land animal, the taking of which is regulated by the state of Alaska Department of Fish and Game with any type of trap that physically harms the animal, including, but not limited to, steel jaw traps, snares and spring traps, within the following areas inside municipal boundaries.

Section 23. Fees.

1. License and registration Fees: \$25.00 per unaltered dog or cat, \$15.00 for altered dog or cat.
2. Impound Fees: First offense-\$50.00. Second offense-\$75.00. Third or more offense-\$100.00. Plus a daily fee of \$30.00 per day for impounded pets.
3. Citation Fees: First offense-\$25.00. Second offense-\$50.00. Third or more offense-\$100.00.
4. Unlicensed Animal Fee-\$50.00.

Section 24. Penalties.

Any owner violating the provisions of this Chapter, shall upon conviction thereof, be fined not to exceed the sum of three hundred (300.00) dollars. Such fine shall be set at the discretion of the fining authority.

CHAPTER 45

CURFEW

Sections:

1. Curfew effective.
2. Area of curfew.
3. Curfew hours.
4. Vacations and holidays.
5. Exceptions.
6. Parental responsibility.
7. Enforcement.
8. Penalty.

Section 1. Curfew effective.

Curfew shall be in effect during the months when school is in session.

Section 2. Area of curfew.

The curfew is in effect within the city limits of White Mountain.

Section 3. Curfew hours.

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

2. Summertime, spring break and no-school-day curfew hours are 12:00 A.M., Monday through Sunday.

Section 4. Exceptions.

The curfew hours established by this ordinance may be suspended or altered by the mayor to permit minors to attend or participate in school, group-sponsored or community activities, or to permit individual minors at evening employment to remain at their places of employment for not more than one hour after the usual curfew. Summertime hours for subsistence activities, as well as spring/winter breaks have special exception to school-age children.

Section 6. Parental responsibility.

It is unlawful for any parent or other adult person having the custody of a minor to allow the minor on the public streets or in any other public place in the City during the prohibited hours described in this Chapter unless the minor is accompanied by a parent or an adult person charged with control of the minor. The presence of a minor on a public street or place as described above

in violation of this Chapter shall be primary evidence of the guilt of the parent or other adult person having custody or control of the minor.

Section 7. Enforcement.

City and State peace officers shall enforce the provisions of this Chapter according to State law.

Section 8. Penalty.

1. Curfew infractions shall be punished according to the following schedule:
 - a. First violation.....Two (2) hours of community service.
 - b. Second violation.....Four (4) hours of community service.
 - c. Third violation.....\$50.00
 - d. Fourth violation or more.....\$100.00
2. If a violation by a minor occurs which is more than three months in time from another violation, then the violation is considered a first violation.
3. The amount of the penalty assessed for a violation of this Chapter by minors may be paid off by working for the City or other court-approved activities according to the juvenile laws of the State.

CHAPTER 46

MOTOR VEHICLES

Sections:

1. Violation of Statute or Regulation.
2. Definitions.
3. Speed limits.
4. Unsafe operation.
5. Influence of intoxicating liquor or beverage.
6. Required equipment – Snowmachines
7. Required equipment – All land based vehicles.
8. Reporting of accidents.
9. Penalty.

Section 1. Violation of Statute or Regulation.

1. The provisions of Alaska Statutes, Title 29, as amended and all regulations promulgated thereunder by the Commissioner of Public Safety are hereby incorporated by reference into this section.
2. A person who violates a provision of (A) may receive a penalty not to exceed three hundred (\$300.00) dollars. Such penalty shall be set at the discretion of the fining authority.

Section 2. Definitions.

1. "Street" means a way used by the public for traffic of vehicles.
2. "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 3. Speed limits.

It shall be unlawful for any motor vehicle, including motor scooters, motorcycles, motor driven bicycles, snowmobiles, three wheelers, snow planes, wheel and tracked vehicles, and including boats and other water based crafts, to travel at a speed exceeding 15 M.P.H. (miles per hour) within the City limits of White Mountain. A snowmachine (sno-go, etc.) is considered a motor vehicle. Regardless of the 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 4. 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 5. Influence of intoxicating liquor or beverage.

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

Section 6. Required equipment – Snowmachines.

No person shall drive or operate a snowmachine unless the snowmachine is equipped with the following:

1. 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;
2. a throttle in operating condition which, when released by the hand, will return the engine speed to idle;
3. 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;
4. brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation.

Section 7. Required equipment – All land based vehicles.

1. It shall be unlawful to operate any vehicle without operating lights, either front or back.
2. Vehicles must be muffled. It shall be unlawful to operate any vehicle without a muffler.
3. It shall be unlawful to operate any vehicle without a throttle in operating condition which, when released by the hand or foot, will return the engine speed to idle.
4. 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.
5. It shall be unlawful for any child(ren) younger than ten (10) years of age to operate any type of vehicle within city limits.
6. It shall be unlawful for any child(ren) younger than eighteen (18) years of age to not use a helmet while operating any type of vehicle.
7. It shall be unlawful for any child(ren) to operate a vehicle with more than one passenger.

Section 8. Reporting of accidents.

The operator of a snow vehicle involved in an accident resulting in injury to or death of a person, or property damage other than to his or her snow vehicle, the estimated amount of which is

\$100.00 or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest State Trooper or City Police officer.

Section 9. _____ Penalty.

Any person who violates this Chapter is subject to a fine of not more than three hundred (\$300.00) dollars for each offense, except that for violation of a posted speed limit, the fine shall not exceed that as may otherwise be provided in this Code for violations thereof.

CHAPTER 47

AIRSTRIP

Sections:

1. Airstrip included.
2. Inclusion of Chapter 42.
3. Obstructing airports and runways.
4. Enforcement and penalties.

Section 1. Airstrip included.

This Chapter shall be in effect for the roads leading to and from the airstrip, for the runway at the airstrip and for the airstrip itself.

Section 2. Inclusion of Chapter 42.

All provisions of Chapter 42: Motor Vehicles. “Code of Ordinances, City of White Mountain, Alaska,” are hereby incorporated into this Chapter.

Section 3. Obstructing airports and runways.

1. No person may place an object on the surface of a public or private airport, which because of its nature or location might cause injury or damage to an aircraft or person riding in the aircraft.
2. No person may dig a hole or make any kind of excavation, or drive a sled, tractor, truck or any kind of vehicle upon the surface of an airport, which might make ruts, or tracks, or add to an accumulation of tracks so as to cause sufficient roughness of the surface to endanger aircraft using the airport.
3. All acts prohibited in (A) and (B) of this section also apply in their entirety to any temporary airport or runway, which has been marked out on the frozen surface of a stream or lake for the use of aircraft.

Section 4. Enforcement and penalties.

1. Federal, State and municipal law enforcement officers may enforce the provisions of this Chapter and rules and regulations issued under this Chapter.
2. A person, who violates this Chapter, or any of the rules or regulations issued under this Chapter, is punishable, upon conviction for each offense by a fine not more than three hundred (\$300.00) dollars. Such fine shall be set at the discretion of the fining authority.

CHAPTER 48

INTOXICATING LIQUORS OR BEVERAGES

Sections:

1. Furnishing liquor unlawful.
2. Furnishing liquor to minor unlawful.
3. Consumption in public place unlawful.
4. Intoxicated in public unlawful.
5. Allowing intoxicated persons to loiter unlawful.
6. Open container unlawful.
7. Definitions.
8. Penalty.

Section 1. Furnishing liquor unlawful.

It shall be unlawful for any person to motivate or induce another person to furnish him or her with any intoxicating liquor or beverage.

Section 2. Furnishing liquor to minors unlawful.

It shall be unlawful for any person, persons, or corporations to sell, barter, give or deliver to any person under the age of twenty-one (21) years, any intoxicating liquor or beverage.

Section 3. Consumption I public place unlawful.

It shall be unlawful for any person to consume any intoxicating liquor or beverage on or along any public street, walkway, cemetery, airport, school yard, in any public building or any building held open for use by the public.

Section 4. Intoxicated in public unlawful.

It shall be unlawful for any person under the influence of alcohol to visit or loiter in any public places named in Section 3.

Section 5. Allowing intoxicated persons to loiter unlawful.

It shall be unlawful for any proprietor or manager of any public building or any building held open for use by the public to knowingly permit persons under the influence of intoxicating liquor or beverages to frequent or loiter on the premises.

Section 6. Open Container unlawful.

It shall be unlawful for any person in the City of White Mountain, Alaska, to carry, conceal, or transport any open bottle of intoxicating liquor or beverage. Such open bottle being defined as a bottle or can which has a broken seal or which is in some other way obviously open, on any

person in a public place or in any snowmobile, truck, three wheeler, automobile, boat or any other vehicle used for transport of persons.

Section 7. Definitions.

“Intoxicating liquor or beverage” includes Whiskey, Brandy, Rum, Gin, Scotch, Bourbon, Rye, Wine, Ale, Porter, Beer, and all other spirits, malt and other fermented or distilled beverages intended for human consumption containing more than one percent (1%) alcohol by volume.

Section 8. Penalty.

Person, persons, companies, firms, corporations or other entities violating the provisions of this ordinance shall upon conviction thereof, be fined not to exceed the sum of three hundred (\$300.00) dollars. Such fine shall be set at the discretion of the fining authority.

CHAPTER 49

OFFENSES AGAINST PUBLIC PEACE

Sections:

1. Disturbance of peace.
2. Disturbing congregations or other assemblies.
3. Blasphemous or obscene language.
4. Loitering.
5. Vagrancy.
6. Penalty.

Section 1. 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 2. 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 person.

Section 3. 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 4. Loitering.

It is unlawful for any person to loiter. For purposes of this section, loitering is defined as wandering, loafing, standing or remaining idle either alone or in a group in a public place in such a manner as to:

1. Cause danger of breach of peace, which will clearly cause an immediate, actual, physically violent reaction from any person; or
2. obstruct, molest or interfere with any person lawfully in any public place.

Section 5. Vagrancy.

It is unlawful for any person to be at large, in a state of vagrancy. For the purpose of this ordinance the following persons are vagrants:

1. All common prostitutes and keepers of bawdy houses or houses for the resort of common prostitutes.
2. All habitual drunkards, gamesters or other disorderly persons.

3. All persons wandering about and lodging in barns, out-buildings, tents, wagons or other vehicles, and having visible calling of business to maintain themselves.
4. All persons begging in public places, or from house to house, or inducing children or others to do so.
5. All persons representing themselves as collectors of money for charitable institutions under any false or fraudulent pretenses.
6. All persons playing or betting in any street or public or open place at any game, or pretended game of chance, or at or with any table or other instrument of gaming.

Section 6. Penalty.

Any person violating any provisions of this Chapter shall upon conviction thereof, be fined not to exceed the sum of three hundred (\$300.00) dollars. Such fine shall be set at the discretion of the fining authority.

CHAPTER 50

CONTROL OF FIREARMS, DEADLY WEAPONS AND EXPLOSIVES

Sections:

1. Definitions.
2. Discharging firearms.
3. Explosives.
4. Exclusions.
5. Penalty.

Section 1. Definitions.

“Dangerous weapon” means any firearm, air gun, pellet gun, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knife, or any explosive.

Section 2. Discharging firearms.

It is unlawful for any person to fire or discharge any pistol, gun, rifle, air rifle, or any other firearm within the City limits.

Section 3. Explosives.

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

Section 4. Exclusions.

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

- b. sighting in firearms at a location approved by the council; and
- c. who is engaged in subsistence activities.
- d. Any member of the VFD for conducting New Year's fireworks for community viewing.

Section 5. Penalty.

Any person violating the provisions of this Chapter shall upon conviction thereof, be fined not to exceed the sum of three hundred (\$300.00) dollars. Such fine shall be set at the discretion of the fining authority.

CHAPTER 51

OFFENSES AGAINST PROPERTY

Sections:

1. Tampering with sewer and water systems.
2. Injury to public library books or property.
3. Injury to roads and other utilities.
4. Penalty.

Section 1. Tampering with sewer and water systems.

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

Section 2. 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 3. Injury to roads and other utilities.

It is unlawful for any person to maliciously injure, remove or destroy any portion of any public building, or willfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric light, telegraph or 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 of the 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 is so doing.

Section 4. Penalty.

Any person violating the provisions of this Chapter shall upon conviction thereof be fined not to exceed the sum of three hundred (\$300.00) dollars. Such fine shall be set at the discretion of the fining authority.

CHAPTER 52

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

1. Interference with City officers.
2. Falsely assuming to be an officer.
3. Resisting arrest.
4. Penalty.

Section 1. Interference with City officers.

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

Section 2. 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 aid or assist him in any manner.

Section 3. 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 4. Penalty.

Any person violating the provisions of this Chapter shall upon conviction thereof be fined not to exceed the sum of three hundred (\$300.00) dollars. Such fine shall be set at the discretion of the fining authority.

CHAPTER 53

LITTER – SANITATION MEASURES

Sections:

1. Litter unlawful.
2. Notice to abate – Removal by City.
3. Polluting water.
4. Authorized dump area.
5. Penalty.

Section 1. Litter unlawful.

It is unlawful for any person to do any of the following:

1. Cause or allow litter to be collected, deposited, or to remain in any place under his control.
2. 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.
3. 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.
4. Throw or deposit litter on any private property, whether owned by the person or not.

Section 2. Notice to abate-Removal by City.

1. The Chief of Police 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 certified mail, postage prepaid, addressed to the owner or occupier at his last known address.
2. 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 the notice, in the event the same is returned to the City because of inability to make delivery, the city clerk is authorized and empowered to pay for the disposing of such litter or to order its disposal by the City.
3. When the municipality has effected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent (6%) per year from the date of the completion of the work shall be charged to the owner or occupier of the property.

Section 3. Polluting water.

It is unlawful for any person to throw, empty out or deposit in any ditch or near any inhabited place, the suds of filthy water resulting from the washing of clothes, slops from the kitchens, honey buckets or other foul or filthy matter or allow the same to stand on his own premises or to seep into the premises of another.

Section 4. Authorized dump areas.

For the purpose of this Chapter, the authorized dump area shall be the dump area commonly used for dumping, located approximately one-quarter mile east of the City of White Mountain.

Section 5. _____ Penalty.

Any person violating the provisions of this Chapter shall upon conviction thereof, be fined not to exceed the sum of three hundred (\$300.00) dollars. Such fine shall be set at the discretion of the fining authority.

CHAPTER 54

MISCELLANEOUS PROVISIONS

Sections:

1. Penalties.
2. Adulterated fuel sale.
3. Assisting I arrest, failure.
4. Fireworks.
5. Hotel register – required entries.
6. Indecent exposure.
7. Damaging property of City.
8. Defrauding restaurant, coffee shop, lunch counter, hotel or lodging place owner or proprietor.
9. Devices. Possession of air guns and similar devices.

Section 1. Penalties.

Violations of provisions of this Chapter shall be deemed civil violations and shall subject the violator to a civil penalty payable to the City of up to three hundred (\$300.00) dollars, unless otherwise indicated.

Section 2. Adulterated fuel sales.

No person shall mix any inferior substance, inferior grade or quality of fuel with a superior grade or quality, and sell the same as of the superior quality.

Section 3. Assisting in arrest – failure.

No person shall fail to assist any peace officer to make a lawful arrest when requested by such peace officer so to do.

Section 4. Fireworks.

1. No person shall sell or offer for sale within the City any dangerous fireworks. No person shall sell or offer for sale within the City any salable fireworks without first obtaining a permit from the City to do so.
2. No person shall explode or cause to be exploded within the City any dangerous fireworks. No person shall explode or cause to be exploded within the City any salable fireworks without first obtaining a permit from the City Council to do so.
3. “Dangerous fireworks” and Salable fireworks” as used in this ordinance are defined as they are defined in AS 18.72.050 or as otherwise defined in the Fires Safety Code of the Stat adopted and administered by the Division of Fire Prevention of the Department of Public Safety.

Section 5. Hotel register –Required entries.

All persons engaged in the business of conducting a hotel or lodging house within the City shall procure and keep a register in which shall be enrolled the name and place of residence of each person lodging at such hotel or lodging house.

Section 6. Indecent exposure.

No person shall expose the private parts of his person in a public place, or in a place where there are present other persons who are annoyed or offended thereby.

Section 7. Damaging property of City.

No person shall intentionally, recklessly or negligently damage or destroy, or cause to be damaged or destroyed, any property owned or controlled by the City.

Section 8. Defrauding restaurant, coffee shop, lunch counter, hotel or lodging place owner or proprietor.

No person shall procure any food, drink, or lodging from any restaurant, coffee shop, lunch counter, hotel or lodging place within the City, with intent to defraud the owner or proprietor thereof of the cost of such food, drink or lodging.

Section 9. Devices. Possession of air guns and similar devices.

1. Prohibitions: No person shall have in his physical possession, nor shall he discharge an air gun, bow and arrow, or slingshot within the City.
2. Definitions: As used in this section.
 - a. “air gun” is a B.B. gun, pellet gun, or similar device which launches a projectile upon the release of compressed gas or air; and,
 - b. “authorized locations” include occupied residences, premises in which such devices are sold or displayed, facilities designed for indoor discharges, and areas outside the City.
3. Exceptions:
 - a. The prohibitions of (A) do not apply to possession in authorized locations, provided the device is not loaded while enroute. The accused has the burden of establishing the existence of the affirmative defense.

4. Penalties:

Upon conviction the court may impose a penalty not to exceed three hundred (\$300.00) dollars, or forfeiture of the device, or both.

CHAPTER 55

SOLID WASTE

Sections:

1. Solid Waste Disposal Site.
2. Definitions.
3. Waste Disposal.
4. Hazardous Waste Disposal.
5. Waste Recovery/Salvage.
6. Incineration.
7. Clean Up.
8. Budget.
9. Fee Schedule.
10. Fines.

Section 1. Solid Waste Disposal Site.

The Solid Waste Disposal Site is located at approximately one-quarter mile east of the City of White Mountain. White Mountain residents have always had unlimited access to their village dump. Therefore, as we enter the era of a village landfill with greatly improved levels of safety and sanitation, the community will continue to be able to make use of the landfill on an unrestricted basis. The landfill will be available for community use seven days a week, 24-hours a day. However, the landfill operator may close the landfill for community safety purposes.

Section 2. Definitions.

1. *ANIMAL WASTES* are any part of an animal, including carcass, hide, etc., and waste left by an animal such as fecal matter.
2. *BACK-HAUL FREIGHT* means waste material exported out of the village on a carrier (plane or barge) returning to its home or hub port.
3. *BURNABLE WASTE* means paper, untreated cardboard and fabric, and wood.
4. *COMMERCIAL USER* is any governmental agency, school, business, or other non-residential entity.
5. *SMALL COMMERCIAL USER* is a commercial user who dumps 6 cubic yards or less of non-compacted waste per week.
6. *LARGE COMMERCIAL USER* is a commercial user who dumps 7-25 cubic yards of non-compacted waste or 4-16 cubic yards of compacted waste per week, and includes the school.
7. *CONSTRUCTION DEBRIS* includes discarded pipe, demolition or construction waste, and burned building remains.
8. *COVER MATERIAL* is soil or gravel applied over trash. Cover material serves to reduce spread of disease, keep animals out of trash, and reduce nuisance conditions.

9. *E-WASTE* includes electronics such as computers, television sets, etc.
10. *EXCESSIVE USE* of the landfill is any dumping of over 25 cubic yards per week of un-compacted waste or 13 cubic yards of compacted waste, and includes all contractors.
11. *FINAL COVER* is soil or gravel applied over trash to a depth of one (1) foot.
12. *HAZARDOUS WASTES* include lead-acid batteries, transformers with PCBs, asbestos, and any material or substance categorized as hazardous wastes under Alaska or federal law.
13. *HONEY BUCKET WASTES* are sewage wastes.
14. *ISWMP* is the Integrated Solid Waste Management Plan. The ISWMP was created by a community group that includes members of the IRA, City, and general public who came together to collaborate on a working plan to guide our community's solid waste future.
15. *IGAP* is the Indian General Assistance Plan program that works with the IRA under a grant on environmental matters.
16. *INTERMEDIATE COVER* is soil or gravel applied over trash to a depth of six (6) inches.
17. *JUNK VEHICLES* are discarded ATVs, snowmobiles, bicycles, automobiles and trucks, etc. Junk vehicles are disposed in the salvage yard.
18. *MULTI-FAMILY RESIDENTIAL* units are housing units in which living spaces are physically separated by a common wall, floor, or other non-passable object to create more than one residence within the same building. Some examples are duplexes and apartment buildings.
19. *NON-BURNABLE WASTE* includes all waste that does not meet the definitions described under either 'burnable' or hazardous' waste.
20. *RECYCLING CENTER* is the area designated for collection and preparation for back haul of recyclable wastes.
21. *RECYCLABLE WASTES* are aluminum cans and other materials, which can be recycled depending on market value and recovery costs, including transportation, storage, and collection costs.
22. *SALVAGE YARD* is the portion of the Solid Waste Disposal Site where salvage is permitted. ATVs, snowmobiles, bicycles, and other vehicles are disposed in the salvage yard.
23. *SANITARY LANDFILL* is the portion of the Solid Waste Disposal Site where trash is regularly covered with soil.
24. *WHITE GOODS* are appliances such as washers, dryers, dishwashers, etc.

Section 3. Waste Disposal.

1. Honey bucket (HB) waste will be disposed in the HB/sludge disposal cell, which is a part of the Solid Waste Disposal Site. A sign indicating the location of the

HB/sludge disposal cell will be maintained at the disposal site. Honey bucket waste or sludge waste will not be disposed in the sanitary landfill portion of the Solid Waste Disposal Site nor anywhere else but within the HB/sludge disposal cell.

2. Trash (or refuse) will be disposed of in the sanitary landfill portion of the Solid Waste Disposal Site. A sign indicating where to dispose trash within or adjacent to landfill will be maintained.
3. Intermediate cover will be applied as needed during the months allowed. The cover operation involves waste consolidation, compaction, and application of cover. Refuse will be consolidated and compacted but no cover applied during winter.
4. In the fall after heavy rains, or in the late spring after breakup, when and if quagmire conditions prohibit the use of heavy equipment, trash consolidation, compaction and cover operations will be postponed until such time as the cover operation may be practically accomplished.
5. Final cover will be applied over the last layer of trash. Final cover closes out that section of the sanitary landfill.
6. Refrigerator, freezer, and washing machine doors and coolant will be removed before disposal to avoid tragedy or environmental pollution. Coolant will be removed by trained personnel, as they are available to the City or IGAP.
7. Animal wastes will be disposed within a designated area. They will not be dumped in the sanitary landfill portion of the dump. Fecal matter may be disposed within the Honey Bucket disposal cell.

Section 4. Hazardous Waste Disposal.

1. Hazardous waste will not be disposed in the Solid Waste Disposal Site. If such hazardous waste appears in White Mountain, any work needed will be contracted for assistance in determining a safe method of disposal. Commercial users will work with the City and IGAP to contract for the shipment of such materials to an appropriate facility at the user's expense.
2. Household hazardous waste will be disposed of with other refuse within the sanitary landfill part of the Solid Waste Disposal Site. Because separation and storage of household hazardous wastes may create more problems than it solves, federal regulations provide that household hazardous waste may be disposed with other trash or refuse. Some exceptions, listed below, will be collected at the recycling

center and prepared by IGAP personnel for back haul out of White Mountain. These items should not be disposed in the sanitary landfill. The exceptions are paint; household batteries; antifreeze; prescription medications; compact fluorescent and regular fluorescent light bulbs; e-waste.

3. Lead-acid batteries will not be disposed in the White Mountain Solid Waste Disposal Site. Batteries will be stored and shipped to a battery recycle or some responsible party who will properly dispose of the batteries. Users will place batteries in the marked receptacles outside the City Shop. The City will work with IGAP personnel to ship out the containers as feasible.
4. Batteries will not be broken or cracked to drain the acid. Mishandling during such practice may be dangerous. If a battery is accidentally broken or cracked, IGAP personnel should be contacted for assistance in the safest method of collection.

Section 5. Waste Recovery/Salvage.

1. The recycling of aluminum cans will be done if it is economically feasible. The City will work with the IGAP program to continue their recycling efforts.
2. It will be the task of the IGAP personnel to delegate the management and labor of the aluminum can recycling effort. Community service workers may aide in this process.
3. Junk vehicles with some salvage value will be disposed in the salvage yard. Persons may recover parts and materials from the salvage yard. Salvage of parts from vehicles is allowed within the designated salvage area.
4. Most waste oil will be burned. Some will be used for the burn box at the landfill. Otherwise, the recovery of heat from waste oil will be done when and where it is economically feasible. Private and commercial parties will be responsible for waste oil storage.
5. Waste oil will not be improperly disposed. The owner of waste oil or contaminated fuel (waste fuel or gasoline) from car(s), ATV(s), snowmobile(s), boat(s), generator(s), or other equipment will not improperly dispose waste oil or fuel by disposing waste oil or fuel on the ground, on the beach, in the river, or at the Solid Waste Disposal Site. Waste oil or fuel may be burned to assist burn barrel incineration (according to incineration provisions of Chapter 51.01.060).

6. Homebuyers and businesses are responsible for proper storage of waste oil. Homeowners may burn waste oil in burn barrels at a designated area located within the dump site only.
7. Salvage Restricted: No salvage will be allowed in the sanitary landfill portion of the Solid Waste Disposal Site. A sign to this effect will be posted at the Solid Waste Disposal Site. Salvage may take place in the salvage area only.
8. Recycling Center: A designated area will be created in conjunction with IGAP personnel for the collection and preparation for shipment of recyclable goods.

Section 6. Incineration.

1. Residents will be allowed to use burn barrels to reduce trash volume. Burn barrel rules are as follows:
 - a. Burn barrels will not be located within 30 feet of any building.
 - b. Burn barrels will not be located within 200 feet of any bulk fuel storage tank; The use of burn barrels will not be allowed during high winds (gusting 20 mph).
 - c. Users are encouraged to separate burnable and non-burnable waste. Only burnable waste should be incinerated, either in private burn barrels or the city incinerator, to protect citizens from harmful chemicals being released into the air.
 - d. Screen covers should be utilized by burn barrel users.
2. The VPSO will use burn barrels to incinerate carcasses of dogs killed because of rabies.
3. Untended Open Burning will not be allowed at the Solid Waste Disposal Site. Open burning may cause fires around the Solid Waste Disposal Site. Burnable waste is to be placed in the City incinerator. The landfill maintenance personnel will fire the incinerator at least once per week, or as needed. Only landfill personnel are authorized to fire the incinerator.
4. The use of woodstoves is allowed and encouraged but must be free of harmful fumes.

Section 7. Clean Up.

1. Annual City Clean-Up will be declared annually in the Spring after breakup. Residents will be encouraged to pick up trash, which has accumulated around town. The City may provide trash bags and provide collection of full trash bags. The City will work with the IRA and IGAP in this endeavor.

2. Solid Waste Disposal Site Cleanup will be done annually. In the Spring, uncovered refuse which has accumulated over the winter will be consolidated, compacted, and covered. At the same time cover material will be stockpiled.
3. Litter around the access to the Solid Waste Disposal Site, the salvage yard, and the construction wastes disposal area will be picked up from time to time as is required. Community service workers may be asked to do this chore. Litter collection will not be done within the sanitary landfill area; it is dangerous, and it is a liability to the City.

Section 8. Budget.

The City will adopt a budget for Solid Waste Disposal Site maintenance to meet obligations of the community. Solid Waste Fees are collected by the Utility and transferred to the City of White Mountain on a quarterly basis to cover the costs of maintaining the landfill and paying for the landfill operator's salary.

Section 9. Fee Schedule.

A Solid Waste Disposal Site maintenance fee will be charged monthly, or as determined by the City Council. For those who have electric, sewer, and/or water, the fee will be included in the monthly utility bill sent out by the Utility. Others will be mailed separately from the City of White Mountain.

Residential	\$5.00/month
Small Commercial Unit	\$25.00/month
Large Commercial Unit	\$300.00/month
Excess Use	To be negotiated with City Council, prior to use, determined by the volume, type, and amount of waste. The City Council will assess a fee according to said waste.

Excess Users shall execute an agreement for use with the City Council before they start dumping waste in the landfill, which shall include requirements for Large Commercial users and Contractors to abide by the ISWMP. Excess Users will also contact the landfill operator prior to using the landfill and receive guidance on where to place solid waste.

SECTION 10. Fines.

1. Violations of Improper Disposal of Waste Oil.

First offense:

Improperly disposing of up to 10 gallons of waste oil or fuel will result in a \$25.00 citation. Improper disposal of over 10 gallons of waste oil or fuel will result in a \$200.00 citation. The violator will be required to clean up the waste oil or fuel spill or, after 24 hours, bear the cost of the cleanup whether the City or

other party does the cleanup. In addition, State of Alaska laws and/or fees will apply to this section of the Solid Waste Ordinance.

Second offense:

A second offense occurs within 12 months of the first offense. Citation cost is doubled for a second offense.

2. Violations of Improper Disposal of Lead-Acid Batteries.

First offense:

The violator will be issued a verbal warning and is required to salvage the battery. State of Alaska laws and/or fees will apply to this section of the Solid Waste Ordinance.

Second offense:

A second offense occurs within 12 months of a first offense. A citation according to the following schedule will be issued for a second offense:

1 to 10 lb. battery	\$20.00 per battery
11 to 40 lb. battery	\$80.00 per battery
Over 40 lb. battery	\$150.00 per battery

The violator will salvage or bear the cost of the battery salvage.

3. Violations of Improper Incineration of Refuse.

First offense:

The violator will be given a verbal warning. State of Alaska laws and/or fees will apply to this section of the Solid Waste Ordinance.

Second offense:

A second offense occurs within 12 months of the first offense. A citation of \$100.00 will be issued for a second offense.

CHAPTER 56
(RESERVED)

CHAPTER 57
(RESERVED)

CHAPTER 58
(RESERVED)

CHAPTER 59
(RESERVED)

CHAPTER 60
(RESERVED)

CHAPTER 61
(RESERVED)

CHAPTER 62
(RESERVED)

CHAPTER 63
(RESERVED)

Title VII. ELECTIONS

- Chapter 64. City Elections
- 65. City Election Procedure
- 66. Election Equipment
- 67. Canvassing of Election Returns
- 68. Absentee Voting
- 69. Contest of Election
- 70. (RESERVED)
- 71. (RESERVED)
- 72. (RESERVED)
- 73. (RESERVED)

CHAPTER 64
CITY ELECTIONS

Sections:

1. Administration.
2. Voter qualifications.
3. General elections.
4. Special elections.
5. Election notices.
6. 40% of votes cast required.
7. Run-off election.
8. Tie votes
9. Filing for office.
10. Withdrawal, written notice.
11. Publishing names.
12. Election judges.
13. Opening and closing polls.
14. Prohibitions near the polls.
15. Questioned ballots.
16. Defective ballots.
17. Reports of election results.
18. Absentee ballots.
19. Certificate of election.
20. Contesting the election.
21. Election materials.

Section 1. Administration.

The City clerk is the Supervisor of Elections and may establish written regulations upon council approval for all procedures necessary to carry out the general provisions of this ordinance and in Chapter 65 of this Code.

Section 2. Voter qualifications.

Any person seeking elective office must be a qualified voter. A qualified city voter is a United States citizen; a resident of the City at least 30 days before election day; registered to vote in State elections at least 30 days before election day; or who has been judicially determined to be of unsound mind unless the disability has been removed.

Section 3. General elections.

The regular election for council members or other elected official shall be held every 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 before the election.

Section 4. Special elections.

The city council may pass a resolution to hold a special election on a date different than the regular election. Notice shall be posted in 3 public places at least 20 days before the election.

Section 5. Election notices.

1. Election notices shall be prepared and posted by the city clerk 30 days before an election or 20 days before a special election, and shall contain the following, as is appropriate:
 1. Whether the election is general, special, or run-off;
 2. date of the election;
 3. location of the city polling places;
 4. time the polling places will open and close;
 5. offices to be filled;
 6. a statement describing voter qualifications;
 7. time for filing declaration of candidacy;
 8. a statement of any questions or propositions to be placed on the ballot.

2. The form appearing at the end of this Chapter illustrates the form a “Notice of Election” should take.

Section 6. 40% of the votes cast required.

A candidate must receive greater than 40 percent of the votes cast for his or her respective office in order to win the election.

Section 7. Run-off elections.

If no candidate receives greater than 40 percent of the votes cast, the council shall hold a run-off election between the 2 candidates receiving the greatest number of votes for the office and the leading candidate wins. Run-off elections must be held within 2 weeks from the date the council certifies the election. Notice of the run-off election shall be posted in 3 public places for 5 days before the election.

Section 8. Tie votes.

In the event of a tie vote, the council shall in its first meeting after the election call the candidates receiving the tie votes and have the candidates draw straw or flip a coin to determine the winner of the council seat.

Section 9. Filing for office.

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

2. The form appearing at the end of this Chapter illustrates the form to be used for Declaration of Candidacy.

Section 10. Withdrawal, written notice.

Any candidate who has complied with the provisions of this Chapter may withdraw his candidacy no later than the last day for filing declarations of candidacy by filing a written notice of withdrawal with the city clerk.

Section 11. Publishing names.

The city clerk shall cause 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 their candidacy and designating the office for which such persons have declared.

Section 12. Election judges.

1. The council shall each year choose three (3) city voters as judges to be the election board at the polling place and select one of the judges to chair the board. The judges shall not be council members or candidates for council office. If a judge is unable to work during the Election Day, the remaining judges shall choose a qualified voter to fill the vacancy.
2. The city clerk shall give the following written oath to all election judges on or before election day:
“I, _____, do solemnly swear that I will honestly and faithfully perform the duties of election to the best of my ability and that I am familiar with the City’s election ordinances.”
3. Judges shall report 30 minutes before the opening of the polls. Before the first ballot is cast, the judges will inspect the ballot box to make sure it is empty and then seal or lock it and not open it until the final ballot is cast.
4. The election judges shall be compensated a stipend of \$300 for their services.

Section 13. Opening and closing polls.

Elections will be held at the Iगतluingmuit Tribal Center (ITC) and the polls will be open from 8:00 a.m. until 8:00 p.m.

Section 14. Prohibitions near the polls.

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

Section 15. Questioned ballots.

If a voter's name is not on the Master Voter Registration List or there is some other question regarding the voter's eligibility and the voter believes that he or she is registered to vote, then the voter shall sign an Oath and Affidavit of Eligibility and cast a Questioned Ballot.

Section 16. Defective ballots.

If there are any ballots that are not clearly marked and the judge cannot determine who the voter intended to vote for, they shall be placed in an envelope marked Defective Ballots.

Section 17. Report of election results.

Immediately after the polls close and the last ballot has been cast, the election board judges will tally the ballots in public and prepare a report of election results which shall be signed by each judge, attached to the tally sheets and submitted to the city clerk along with all other election materials. The clerk shall post the election results the morning after the election in 3 public places.

Section 18. Absentee ballots.

Any qualified voter who expects to be absent from the City on Election Day or who is unable to go to the voting polls because of physical disability may cast an Absentee Ballot.

Section 19. Certificate of Election.

A council meeting shall be held on the Monday following the election at which time the city clerk shall present the report of election results plus all Questioned Ballots, Defective Ballots, and Absentee Ballots arriving after election day. A final count shall be made by the council and a Certificate of Election shall be issued and a copy provided to each newly elected official.

Section 20. Contesting the election.

Any qualified city voter who wishes to contest the election may do so in writing at the council meeting prior to the issuance of the Certificate of Election. The name of the voter contesting the election, the reason for the contest, and the council's decision shall be entered into the minutes of the meeting. The council may order an investigation or a recount of the ballots or declare the election invalid and order a new election. Any city voter who demands a recount shall pay all costs and expenses of the recount if it does not change the election results.

Section 21. Election materials.

The city clerk shall retain all election materials in the permanent city files.

(Chapter 60, Section 5(B))

NOTICE OF GENERAL MUNICIPAL ELECTION
CITY OF WHITE MOUNTAIN, ALASKA

TO BE HELD: October _____, 20__

FOR THE PURPOSE OF FILLING THREE VACANT SEATS ON THE CITY COUNCIL OF
WHITE MOUNTAIN, ALASKA.

SEAT : 3-YEAR TERM
SEAT : 3-YEAR TERM
SEAT : 3-YEAR TERM

VOTER QUALIFICATIONS: 1. QUALIFIED TO VOTE IN STATE ELECTIONS
2. RESIDENT OF THE CITY 30 DAYS
IMMEDIATELY PRECEDING THE ELECTION

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

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

LOCATION OF POLLS: ITC

VOTING BOUNDARY (PRECINCT)

CITY OF WHITE MOUNTAIN

Candidates for office must file a Declaration of Candidacy form with the city clerk no later than
September _____, 20__. Forms may be obtained from the city clerk at the city office from
9:00 a.m. to 5:00 p.m.

(DATE)

ATTEST: _____
(CITY CLERK)

CITY SEAL

(Chapter 60, Section 9(B))

DECLARATION OF CANDIDACY

I, _____, declare that I reside at White Mountain, Alaska and that I am a voter in the City of White Mountain. I am a United States citizen qualified to vote in the 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 White Mountain for at least thirty (30) days. 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 for the office of _____ 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 White Mountain, Alaska, on the _____ day of _____, 20____.

CHAPTER 65

ELECTION PROCEDURES

Sections:

- a. Time for opening and closing polls.
- b. Distribution of ballots.
- c. Preparation of ballot box.
- d. Voting procedure.
- e. Marking of ballots by voters.
- f. Challenging voters.
- g. Questioning a voter's ballot.
- h. Challenged ballots-Disposition.
- i. Ballots – Counting and tallying.
- j. Defective and unused ballots.
- k. Election certificate.
- l. Majority decision of election board.
- m. Prohibitions near election polls.

Section 1. Time for opening and closing polls.

1. On the day of any election, each election board shall open the polls for voting at eight o'clock 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 of an election day.

2. Fifteen minutes before the closing of the polls, a judge or clerk shall announce to all persons present the time remaining before the polls close. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.

Section 2. Distribution of ballots.

1. The city clerk shall deliver the ballots to the election board before the polls are open on Election Day. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of it. A receipt for each package shall be taken from the election board to which it is delivered, and saved by the clerk. No ballots shall be taken from the polling place before the closing of the polls.
2. The clerk shall keep the following records:
 - a. The number of ballots delivered to the various polling places.
 - b. The name of the person to whom the ballots are delivered; and
 - c. the time the ballots are delivered.
3. When the ballots are returned, the clerk shall record the following:

- a. The number of the ballots returned.
- b. The time when the ballots are returned.
- c. The name of the person returning the ballots.
- d. The condition of the ballots.

Section 3. Preparation of ballot box.

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

Section 4. Voting procedure.

1. A voter shall give the judges or clerks his name, and write his name and residence on the first available line of the registration book. If any judge or clerk present believes the voter is not identifiable, he immediately shall challenge the voter.
2. If the voter is not challenged, he shall be given one ballot and shall retire alone to a voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for the purpose. The voter also marks the boxes for questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number on the ballot and deliver it to one of the judges or clerks, who shall tear the number off and deposit the ballot in the ballot box if the ballot bears the same number as the ballot given to the voter by the judges and clerks.

Section 5. Marking of ballots by voters.

1. A voter may mark his ballot only by the use of cross marks, "X" marks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
2. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall be counted.
5. The mark shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate clearly 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 made properly.
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 a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was marked for the purpose of identifying the ballot.
9. Write-in votes are not invalidated if the voter fails to mark the 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.

Section 6. Challenging voters.

1. An election judge and election clerk shall challenge, or other qualified voter in the city may challenge a person attempting to vote if the challenger has good reason to believe that the challenged person is not qualified to vote. All challenges shall be made in writing explaining the reason for the challenge. Before voting, a challenged person shall take an oath and sign an affidavit provided by the city clerk attesting to the fact he meets all the qualifications of a voter; that he is not disqualified, and that he has not already voted at the same election. He shall also state the place from which he came immediately before living in the City and the length of time of his residence in the former place. After the challenged person has taken the oath and signed the affidavit, the person may vote. If the challenged person refuses to take the oath or sign the affidavit, the person may not vote.
2. The form appearing at the end of this Chapter illustrates this affidavit.

Section 7. Questioning a voter's ballot.

If his registration is in question, a voter shall be allowed to vote and any election official shall consider the ballot a "Questioned Ballot".

Section 8. Challenged ballots – Disposition.

After a challenged or questioned voter has cast his ballot, the challenged voter will insert the ballot into a small black envelope and seal it. This envelope shall be placed in the signed oath and affidavit envelope. The oath and affidavit envelope shall be sealed and inserted into a large larger envelope. The envelope will be delivered to the city clerk. The city clerk will present these materials to the canvass committee and assist the canvass committee in determining the validity of the challenge.

Section 9. Ballots – Counting and tallying.

1. Immediately after the polls close and the last vote has been cast, the election judges will open the boxes containing the ballots. The ballots will be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated in the original registry. If the number of ballots drawn from the ballot box does not match the number of ballots indicated by the registration book, the ballots shall be recounted until the election board finds that there is an unexplained error or that the number of ballots cast matches the number of ballots indicated by the registration tally. If a discrepancy is determined to exist between the number of votes cast and registration

tally, it shall be explained in detail on the tally paper on papers, the explanation shall be signed by the election judges.

2. 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 voters for each candidate and for or against each issue. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.
3. The form appearing at the end of this Chapter illustrates the form this tally sheet may take.

Section 10. Defective and unused ballots.

If a voter shall mark more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his ballot any voter's choice for any office to be filled, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter intended to vote and the office intended to be chosen by the voter. Ballots not counted shall be marked "Defective" on the back, and ballots to which objection has been marked "Objected To" on the back. An explanation of the defect or objection shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope marked on the outside with the label: "Defective and Objected Ballots". All ballots not voted on and all ballots spoiled by voters shall be returned by the judges to the city clerk, who shall give a receipt for them and keep a record of the number and condition of ballots returned to him, indicating when and by which judge each was returned.

Section 11. Election certificate.

1. After the votes are announced and counted, a certificate will be drawn stating the number of votes each person has received, and designating the office for which he has run. The poll lists and tallies will be attached to the certificate. The certificates will be signed by the election judges. The registration index, original register, tallies or tally papers, oath of judges, oaths of voters, other papers, and the certificate will be placed in an envelope. The envelope will be marked "Election Returns" and delivered to the city clerk.
2. The form appearing at the end of this Chapter illustrates the Election Certificate.

Section 12. Majority decision of election board.

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

Section 13. Prohibitions near election polls.

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

(Chapter 61, S 6(B))

OATH AND
AFFIDAVIT OF ELIGIBILITY

FOR CHALLENGED/QUESTIONED BALLOTS

I, _____, DO HEREBY DECLARE THAT I AM A
RESIDENT OF THE CITY OF WHITE MOUNTAIN, 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)

(Chapter 61, S 11(B))

CITY OF WHITE MOUNTAIN, ALASKA

REPORT OF ELECTION RESULTS

The tally below is true and accurate record of all votes cast in the 20__ general municipal election held in the City of White Mountain, Alaska on _____.

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

Total Regular Ballots cast: _____
 Total Questioned Ballots cast: _____
 Total Defective Ballots cast: _____

PROPOSITIONS: YES _____
 NO _____

The tally of voters was completed between the hours of _____ p.m. and _____ p.m.,
 _____, 20____.

Respectfully submitted,
 _____, Chairman
 _____, Judge
 _____, Judge

CITY SEAL

ATTEST: _____
 (CLERK)

CHAPTER 66

ELECTION EQUIPMENT

Sections:

1. Election booths.
2. Furnishing instruction cards.
3. Ballots –Printing
4. Ballots- Form.
5. Sample ballots.
6. Registration index and original register- Distribution to precinct officials.

Section 1. Election booths.

The city clerk 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 place.

Section 2. Furnishing instruction cards.

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

1. How to obtain ballots.
2. The manner for marking them.
3. The method for obtaining information; and
4. how to obtain a new ballot to replace any ballot destroyed or spoiled.

Section 3. Ballots-Printing and inspection.

In all city elections, the city clerk 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 election and available for inspection by the candidates or the public.

Section 4. Ballots – Form.

1. A ballot shall show the list of candidates and issues to be decided at the election.
2. Before the list of candidates for each office there will be placed the words “vote for not more than three”, or “vote for not more than one”, or such other number as are to be elected.
3. Under the title of each office and below the printed names of the candidates, there will be printed the number of candidates to be elected to the office.
4. Somewhere on the ballot, so as to be clearly visible, will be printed the words:
 - a) “OFFICAL BALLOT”
 - b) The date of the election; and

- c) an example of the signature of the clerk who had the ballots printed.
5. The ballots will be printed on plain white paper and numbered in consecutive order. The names of the candidates will be printed in CAPITAL LETTERS 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.
6. The names of candidates shall be printed as they appear upon the petitions filed with the city clerk, except that any honorary or assumed title or prefix shall be omitted.
7. Following the names of the offices and candidates, there shall be placed on the ballot all propositions and questions to be voted upon. The words "YES" and "NO" shall be placed below the statement of each proposition and question.
8. The form appearing at the end of this Chapter illustrates the form the ballot should take.

Section 5. Sample ballots.

The city clerk will have a number of sample ballots printed. The sample ballots will be printed on non-white paper and clearly labeled as a "Sample Ballot". Sample ballots will be delivered to the election board of each voting place.

Section 6. Registration index and original register-Distribution to precinct officials.

Prior to the opening of the polls, the city clerk shall deliver a registration list, and an original register to the election officials in every voting place. The original register will provide enough space to allow voters to sign their names and enter their address. A record shall be kept in the original register of the names of persons who offer to vote but are refused, and a brief statement of basis for being refused the right to vote. The signing of the register is a declaration by the voter that he is qualified to vote.

(Chapter 62, S 4(H))

NO: _____

Fold ballot to this line

CITY OF WHITE MOUNTAIN, ALASKA
GENERAL ELECTION BALLOT

Date: _____

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.

The "X" mark must be inside or touching the square so that it shows the intent of the voter. Erasures and corrections will invalidate only that part of the ballot on which they appear.

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 you spoil your ballot, give it back to one of the election judges and get another ballot.

CITY COUNCIL MEMBER
SEAT : THREE YEARS
(VOTE FOR ONE)

CITY COUNCIL MEMBER
SEAT : THREE YEARS
(VOTE FOR ONE)

CHAPTER 67

CANVASSING OF ELECTION RETURNS

Sections:

1. Canvass committee- Meeting- Postponing canvass.
2. Canvass to be made public.
3. Investigation of challenged ballots.
4. Challenged ballots –Subpoenas.
5. Canvass committee –Report-Contents.
6. Results of election- Public declaration.
7. Certificate of election.

Section 1. Canvass committee-Meeting-Postponing canvass.

The canvass committee will meet on the first Friday after the election and canvass all “absentee” and “challenged ballots” executed in the election. The canvass may be postponed from day to day for cause but not exceeding three days in total.

Section 2. Canvass to be made public.

1. The canvass of all absentee challenged and questioned ballots will be made in public by opening the returns and announcing the results thereof in front of those present.
2. Absentee ballots shall be counted by the city clerk and two or more assistants in the following manner:

All ballot envelopes shall be removed from return envelopes, and placed in a ballot box. The return envelopes shall be delivered to the city clerk. The absentee ballots shall one by one be removed from the ballot box, taken out of the ballot envelopes and counted, in the same manner in which ballots cast at the polls are counted.
3. The canvass shall include a review and comparison of the tallies of paper ballots with the election certificates to correct any mathematical error in the count of paper ballots.
4. If the city clerk finds an unexplained error in the tally of paper ballots, he may count the ballots from the ballot box.

Section 3. Investigation of challenged ballots.

The canvass committee may request the assistance of the city clerk or the mayor to investigate the challenges made. Any city elector may appear to give testimony concerning the challenged ballots. The canvass committee will deliver the challenged ballots to the council and submit a report of their findings. The council may accept or reject a challenge. If a challenge is upheld, the ballot challenged will not be opened and counted, but will be saved as are other ballots. If the challenge is rejected, the ballot will be counted with the absentee ballots. The city clerk will notify a voter whose ballot is not counted that the challenge against him was upheld.

Section 4. Challenged ballots –Subpoenas.

The council may order testimony of witnesses and issue subpoenas while investigating challenged ballots. The subpoenas may be enforced by the court upon certification as provided by the state of civil procedure concerning the enforcement of administrative and State agency subpoenas.

Section 5. Canvass committee – Report – Contents.

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

1. The number of ballots cast in the election.
2. The names of the persons voted for and the propositions voted upon.
3. The office 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. A proposed disposition of all challenge, absentee, write-in, questioned and voided ballots; and
6. other matters which the canvass committee may determine to be necessary.

Section 6. Results of election – Public declaration.

1. If a contest is not begun under the provisions of Chapter 65, Section 1 through Section 6, the results of the election shall be publicly declared by the council and entered into the minutes of a special meeting of the council on the first Monday following the election.
2. If a contest is declared and resolved, the results of the election shall be publicly declared by the council and entered in the minutes of a special meeting of the council within a week after the contest is resolved.

Section 7. Certificate of election.

1. The city council will authorize the city clerk to make and deliver a Certificate of Election to every person elected. The Certificate of Election will be signed by the mayor and clerk.
2. The form appearing at the end of this Chapter illustrates the form this certificate should take.

(Chapter 63, S 7(B))

CITY OF WHITE MOUNTAIN, ALASKA
CERTIFICATE OF ELECTION

THE VOTE TOTAL SHOWN BELOW IS AN OFFICIAL COUNT OF VOTES CAST AT THE
CITY OF WHITE MOUNTAIN, ALASKA REGULAR ELECTION OF _____

(Date)

CANDIDATE	VOTES
_____	_____
_____	_____

(DATE)

(CITY CLERK)

CITY SEAL

CHAPTER 68

ABSENTEE VOTING

Sections:

1. Absentee voting – Eligible persons.
2. Absentee ballots –Application – Filing.
3. Absentee ballots – Delivery.
4. Notation of ballot number and date of application.
5. Completion and return of absentee ballots.
6. Absentee voting at clerk’s office –Surrender of absentee voter’s ballot.
7. Absentee ballots-Executing outside City.
8. Absentee ballots – Receipt.
9. Absentee ballots – Voting supplies.
10. Liberal construction.

Section 1. 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 2. Absentee voting – Eligible persons.

1. A person who seeks to vote by “absentee ballot” may file either in person or by mailing his written application to the city clerk.
2. An application made by mail must be received by the city clerk not 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 fifteen days before the City election, and no later than noon on the day before a City election.
3. The application must be signed by the applicant and show his place of residence.
4. 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.
5. The form at the end of this Chapter illustrates the application form.

Section 3. Absentee ballots – Delivery.

Upon receipt of an application for an “absentee voter’s” ballot, the clerk will check the latest State Registration Listing to determine whether the applicant is registered in accordance with Alaska Statutes Chapter 15.07. If the applicant is properly registered, the clerk will deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, an identification envelope and return envelope. If the “absentee voter’s” ballot is personally delivered, it shall be completed before the clerk at the time of delivery. No absent voter’s ballot will be mailed to a voter who resides within the City’s boundaries.

Section 4. Notation of ballot number and date of application.

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

Section 5. Completion and return of absentee ballots.

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

“IDENTIFICATION ENVELOPE”

State of Alaska

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

VOTER: _____

Residence address within the City

SUBSCRIBED and SWORN before me, this ____ day of _____, 20____, at _____.m. (note time zone). I hereby certify that in my presence this affiant enclosed a ballot and handed me this envelope sealed; that he signed this affidavit and I acknowledge his signature and affidavit, all in accordance with the law.

Official's Signature

(SEAL)

Title of Officer

NOTICE: After receiving the sealed envelope from the person taking your affidavit, when voting outside the office of the city clerk of the City of White Mountain, you must immediately return it by mail, postage prepaid, to the City Clerk, White Mountain, Alaska 99784

MARKED BALLOT ENCLOSED TO
BE OPENED ONLY BY
CANVASS COMMITTEE

Section 6. Absentee voting at clerk's office-Surrender of absentee voter's ballot.

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

1. The voter will first display the ballot to the clerk to show that the ballot has not been previously marked. He then will proceed to mark the ballot in the voting booth at the clerk's office. The voter will place the ballot in the envelope provided to him in a manner that permits the clerk to see the number of the ballot. The voter will then hand the envelope to the clerk, who will examine it. If the clerk determines that the ballot is numbered correctly, he will tear the printed number off and permit the voter to enclose the ballot in the identification envelope.
2. The voter will then make out and swear to the affidavit printed on the face of the envelope. He will seal the envelope and deliver it to the clerk.
3. The clerk will certify the affidavit printed on the identification envelope by writing or stamping his name across the seal. The clerk will deposit the envelope in a safe place in his office, to be kept by him and delivered to the canvassing committee.
4. If an absentee voter returns to the City on Election Day, he will not be allowed to vote unless he surrenders the "absentee voter's" ballot and any other supplies mailed to him.

Section 7. Absentee ballots – Executing outside City.

After receiving an "absentee voter's" ballot, the voter may appear on any day prior to and including the day of the election, before a notary public, clerk or officer of any city, State, territory or district within the United States. Before the officer, he may complete his ballot as set out in Section 6 of this Chapter.

Section 8. Absentee ballots – Receipt.

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 canvassing committee.

Section 9. Absentee ballots – Voting supplies.

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 10. Liberal construction.

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

(Chapter 64, S 2(E))

CITY OF WHITE MOUNTAIN, ALASKA

APPLICATION FOR ABSENTEE BALLOT:

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

RESIDENCE ADDRESS: _____
(P.O. BOX NUMBER OR STREET)

MAILING ADDRESS: _____
(IF OTHER THAN RESIDENCE ADDRESS)

REASON FOR REQUESTING ABSENTEE BALLOT: _____

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:

DATE: _____ SIGNED: _____
(VOTER)

RECEIVED BY: _____ DATE: _____

PLEASE MAIL THIS APPLICATION TO: CITY CLERK
CITY OF WHITE MOUNTAIN
WHITE MOUNTAIN, ALASKA
99784

CHAPTER 69

CONTEST OF ELECTION

Sections:

1. Contest of election.
2. Recount expenses – Appeal.
3. Contest of election- Investigation.
4. Ballot recount.
5. Prohibited practices alleged.
6. Sustained charges – Recount.

Section 1. Contest of election.

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

“NOTICE OF ELECTION CONTEST”

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

The undersigned states that the following laws were violated:

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

Signature of person contesting

SUBSCRIBED and SWORN to me before this ____ day of _____, 20__.

Notary Public in and for Alaska: _____

My commission expires: _____

Section 2. Recount expenses – Appeal.

1. 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.
2. 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 10n days after the council has finally declared the election results, an action in the Superior Court in the City’s judicial district. 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.

Section 3. Contest of election – Investigation.

The city council will order an investigation to be made by the city clerk and/or mayor, if a notice of contest is received. Investigation proceedings will be public.

Section 4. Ballot recount.

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

Section 5. Prohibited practices alleged.

When the contestant alleges prohibited practices, the council will direct the city clerk to produce the original register book for the election.

Section 6. Sustained charges – Recount.

If the charges alleged by the contestant are upheld, the canvassing committee will make a recount and report immediately to the council. The council will then certify the correct election returns as provided in Chapter 63, Section 6.

CHAPTER 70
(RESERVED)

CHAPTER 71
(RESERVED)

CHAPTER 72
(RESERVED)