

PREFACE

The Fort Yukon Municipal Code is a codification of the general and permanent ordinances of the City of Fort Yukon, Alaska. This volume covers ordinances through Ordinance 13-11, Approved August 20, 2013.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 10.36.050 is Section .050, located in Chapter.36 of Title 10. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving open sections for future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

TABLE OF CONTENTS

TITLE	1	GENERAL PROVISIONS
TITLE	2	ADMINISTRATION AND PERSONNEL
TITLE	3	ELECTIONS
TITLE	4	REVENUE AND FINANCE
TITLE	5	BUSINESS LICENSES AND REGULATIONS
TITLE	6	ANIMALS
TITLE	7	(RESERVED)
TITLE	8	HEALTH AND SAFETY
TITLE	9	PUBLIC PEACE, MORALS AND WELFARE
TITLE	10	VEHICLES AND TRAFFIC
TITLE	11	(RESERVED)
TITLE	12	STREETS, SIDEWALKS AND PUBLIC PLACES
TITLE	13	PUBLIC SERVICES
TITLE	14	(RESERVED)
TITLE	15	BUILDINGS AND CONSTRUCTION
TITLE	16	SUBDIVISIONS
TITLE	17	ZONING
		STATUTORY REFERENCES
		TABLES
		INDEX

TITLE 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 General Penalty

Chapter 1.01

CODE ADOPTION

(RESERVED)

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions
- 1.04.020 Title of Office
- 1.04.030 Interpretation of Language
- 1.04.040 Grammatical Interpretation
- 1.04.050 Acts by Agents
- 1.04.060 Prohibited Acts Include Causing and Permitting
- 1.04.070 Computation of Time
- 1.04.080 Construction
- 1.04.090 Repeal Shall Not Revive Any Ordinances
- 1.04.100 Unauthorized Alteration of Code

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

- A. "City" and "town" each mean the city of Fort Yukon, Alaska, or the area within the territorial limits of the city of Fort Yukon, Alaska, and such territory outside those limits and over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the city council of the city. "All of its members" or "All councilmen" means the total number of councilmen holding office.
- C. "Law" denotes applicable federal law, the Constitution and statutes of the state of Alaska, the ordinances of the city of Fort Yukon, and, when appropriate, any and all rules and regulations which may be promulgated there under.
- D. "May" is permissive.

- E. "Month" means a calendar month.
- F. "Must" and "Shall" are each mandatory.
- G. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".
- H. "Owner" applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- I. "Person" includes a natural person, joint venture, Joint Stock Company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- J. "Personal Property", includes money, goods, chattels, things in action and evidences of debt.
- K. "Preceding" and "following" means next before and next after, respectively.
- L. "Property" includes real and personal property and personal property.
- M. "Real Property" includes lands, tenements and hereditaments.
- N. "State" means the state of Alaska.
- O. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curb or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- P. "Tenant" and "Occupant," apply to a building or land, including any person who occupies the whole or a part of such building or land, whether alone or with others.
- Q. "Written" includes printed, typewritten, mimeographed, multi-graphed or otherwise reproduced in permanent visible form.
- R. "Year" means a calendar year. (Ord. 86- §1 C3(a), 1986: prior code §1.103 (part)).

1.04.020 Title of Offices. Use of title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city of Fort Yukon. (Ord. 86-05 § 1 (C) (b), 1986: prior code §1.103 (part)).

1.04.030 Interpretation of Language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning. (Ord. 86-05 §1 (c), 1986: prior code §1.103 (part)).

1.04.040 Grammatical Interpretation. The following grammatical rules shall apply in the code of ordinances of the city, unless it is apparent from the context that a different meaning is intended:

1. Gender. Each gender includes the masculine, feminine and neuter genders.
2. Singular and Plural. The singular number includes the plural and the plural includes the singular.
3. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 86-05 S1 © (d), 1986: prior code S1.103 (part)).

1.04.050 Acts By Agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 86-05 §1 (C) (e), 1986: prior code 1.103 (part)).

1.04.060 Prohibited Acts Include Causing and Permitting. Whenever in the code of ordinances of the city, any act or omission is made unlawful, it shall include causing, allowing,

permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 86-05 S1 © (f) prior code 1.103 (part)).

1.04.070 Computation of Time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 86-05 S1 (C) (g), 1986: prior code S1.103 (part)).

1.04.080 Construction. The provisions of the code of ordinances of the City of Fort Yukon, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 86-05 §1 (C) (h), 1986: prior code 1.103 (part)).

1.04.090 Repeal Shall Not Revive Any Ordinances. The repeal of ordinances shall not repeal the repealing clause of an ordinance or revive any ordinance, which has been repealed thereby. (Ord. 86-05 S1 (C) (i), 1986: prior code §1.103 (part)).

1.04.100 Unauthorized Alteration of Code. It is unlawful for any person, firm or corporation to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with this code in any manner whatsoever which will call the laws of the city to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in Section 1.08.020 of this code. (Ord. 86-05 §1 (A), prior code §1.101).

Chapter 1.08 GENERAL PENALTY

Sections:

- 1.08.010 Penalties for Violation of Code and Regulations
- 1.08.020 Civil Remedies
- 1.08.030 Surcharge

1.08.010 Penalty for Violation of Code and Regulations. Every act prohibited by this code is declared unlawful. Unless another penalty is expressly provided for any particular provision or section, every person convicted of a violation of any provision of this code or a city ordinance, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of:

- 1st offense-\$100.00;
- 2nd offense-\$200.00; and
- 3rd offense-\$300.00.

Each act of violation and every day upon which any violation shall occur shall constitute a separate offense. (Ord. 05-07); (Ord. 98-22); (Ord. 86-05 §4 (A) (10), 1986; Ord. 75-2 §6.110, 1975).

1.08.020 Civil Remedies. In addition to any other remedy or penalty provided by this code or any ordinance, any person who violates any provision of this code or any city ordinance, or any rule or regulation adopted or issued in pursuance thereof, shall be subject to (1) a civil penalty of not less than twenty-five dollars and not more than one thousand dollars for each offense, unless another civil penalty is expressly provided for therein, or (2) injunctive relief to restrain the person from continuing the violation or threat of violation, or (3) both a civil penalty on injunctive relief. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this code, an ordinance, or any rule or regulation adopted in ((Ord. 98-22), (Ord. 86-05 §1 (B), 1986; prior code §1.102)) pursuance thereof, the superior court shall grant injunctive relief to restrain the violation.

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

Title 2

ADMINISTRATION and PERSONNEL

Chapters:

- 2.04 Mayor
- 2.08 City Council
- 2.12 City Manager
- 2.16 Appointed Officers Generally
- 2.20 City Clerk
- 2.24 City Treasurer
- 2.28 Chief of Police
- 2.32 Fire Chief and Fire Department
- 2.36 City Attorney
- 2.40 Planning Commission
- 2.50 Conflicts of Interest

Chapter 2.04 MAYOR

Sections:

- 2.04.010 Duties
- 2.04.020 Term
- 2.04.030 Vacancies

2.04.010 Duties. The mayor shall preside at the council meeting, act as ceremonial head of the city, and sign documents on the city's behalf upon council authorization. (prior code §2.101).

2.04.020 Terms. The mayor shall be elected from the members of the city council to serve a term of one year and until his successor is elected and qualifies. The election shall be held at the first city council meeting held following the election of members of the city council and shall be on the agenda following the official canvass of the vote and the swearing in of the new council members. (Ordinance 88-06) (prior code §2.102).

2.04.030 Vacancies. The council may declare the office of mayor vacant as provided by AS 29.20.280. ((Ordinance 88-06) (prior code §2.103)). A vacancy in the office of Mayor shall be filed by and from the Council. A mayor appointed serves the balance of the appointed term that is until the end of the appointment year and may serve only while a member of the Council. AS 29.20.280©.

Chapter 2.08

CITY COUNCIL

Sections:

2.08.010	Offices Other Than Mayor
2.08.020	Terms
2.08.030	Attendance and Excused Absences
2.08.040	Compensation

2.08.010 Offices Other Than Mayor.

- A. The council shall elect from among its own membership the following other officers:
1. First Deputy Mayor;
 2. Second Deputy Mayor;
- B. The first deputy mayor shall assume the duties of the mayor in his absence.
- C. The second deputy mayor shall assume the duties of the mayor, whenever the mayor and the first mayor are absent.
- D. Each of the officers shall be elected for and serve a one year term, or until his successor is elected and qualifies. The election shall be held at the first city council meeting following the election of members of the city council. (prior code §2.201).

2.08.020 Terms. The council shall consist of seven council members, elected at large, elected for three-year overlapping terms. The council shall classify the offices so that no more than three of the regular terms shall expire each year. The council may provide for one and two-year terms in order to adjust vacancies or other matters. The council shall classify the offices in each three-year cycle, commencing in October 2004, two council terms are elected the first year, two council members are elected the next year, and three council members are elected the final year. (prior code §2.202) (Ordinance 03-02).

2.08.030 Attendance and Excused Absences. A. Any council member missing three or more consecutive meetings without the permission of the City council, or who moves his or her residence from the corporate limits of the City of Fort Yukon, Alaska, shall be considered to have resigned from the City Council.

B. A council member's absence from the City or from a regular council meeting may be excused only if:

- 1) The member submits a written request for excuse no later than the first regular meeting after the absence occurs, and the council approves the request or
- 2) The absence occurs because the member was conducting authorized business on behalf of the city, in which case the absence will automatically be excused; and
- 3) No council member may be excused from more than three meetings in a calendar year unless the additional absences are necessitated by Education related to the member's occupation or profession, travel required by the member's occupation or profession, conditions of the member's employment which are beyond his or her control or an injury or illness of the member or a member of his or her family.

C. No council member may be excused from more than three regular meetings in a calendar year unless the additional absences are necessitated by an injury or illness of the member. However the additional absences shall not be excused if the council finds that the council's business will be substantially impaired as a result of the absence.

D. If for any reason a council member shall miss a total of six or more regular meetings within a calendar year, the council shall immediately declare his or her seat vacant. (Ordinance 86-04) (prior code §2.203).

2.08.040 Compensation. The compensation of the mayor shall be set by the city council by ordinances regularly adopted before the general election and the council may by ordinance fix compensation for the remaining members of the council for the performance of duties as councilmen. The Mayor shall receive compensation at the rate of one hundred dollars for each regular meeting attended and one hundred dollars for each special meeting the council attended. The Mayor shall receive a monthly allowance of one hundred dollars. (prior code §2.204) (Ord 13-09).

2.08.045 Compensation of Council Members. Each member of the council shall receive compensation at the rate of one hundred dollars for each regular meeting attended and one hundred dollars for each special meeting as needed. (Ord 13-09).

2.08.050 Filling a Vacancy. (a) If a vacancy occurs in the city council, the remaining members shall, within 30 days, appoint a qualified person to fill the vacancy. If less than 30 days remain in the term, the vacancy may not be filled.

(b) Notwithstanding (a) of this section, if the membership of the city council reduced to fewer than the number required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons to constitute a quorum.

(c) A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term. (Ord 03-02).

Chapter 2.12

CITY MANAGER

Sections:

- 2.120.010 Appointment
- 2.120.020 Powers and Duties

2.12.010 Appointment. The council shall by majority vote of its membership appoint a city manager. He shall be chosen solely on the basis of his executive and administrative qualifications. He shall receive such compensation as the city council shall determine. Subject to the contract of employment, the city manager shall hold office at the pleasure of the council and may be removed by a vote of the majority of all the members of the council.

(prior code §2.301).

2.12.020 Powers and Duties. The city manager shall be the executive and administrative officer of the city. In addition to the duties imposed by law, he shall:

- a. Supervise the enforcement of city law;
- b. Prepare the annual budget and capital improvement program for the council;
- c. Execute the budget and capital program as adopted;
- d. Make a monthly financial reports to the council on city finances and operations;
- e. Report to the council at the end of each fiscal year on the finances and administrative activities of the city;
- f. Prepare and make available for public distribution an annual report on city affairs;
- g. The City Manager shall appoint officers as prescribed by the City Council in accordance with a duly approved ordinance.
- h. Execute other powers and duties lawfully prescribed by the council. (prior code §2.302)

Section 2.12.020 Disposal of Personal Property.

The manger, after notice, may dispose of personal property in any manner calculated to realize a reasonable economic return to the City. (Ord 13-08).

Section 2.12.025 Property Disposal.

(a) The City Council may provide for the disposal of personal property consistent with the terms of a duly adopted master plan according to the terms of this article.

(b) Any sale of personal property shall be by one of the following methods:

- (1) Competitive bidding by sealed bid
- (2) Public outcry auction
- (3) Private sale at fair market value; or
- (4) In the case of a property disposal under an economic development plan.

(c) Any lease of city owned equipment shall be according to the equipment rental chart with prices established by the council, reviewed annually, and kept on file with the city clerk.

(d) In the case of any property disposal except a disposal under an economic development plan, notice of the property disposal shall be given thirty days before the disposal. The notice of property

disposal shall set out the terms and conditions of the proposed disposal in sufficient detail to allow potential purchasers to make an informed decision whether or not to purchase the interest in the property. In the case of property sold under an economic development plan, notice of disposal of the property shall be in the form and manner required in the economic development plan.

(e) No disposal of property by the Council shall convey a greater interest than the City possesses in the property or, in the case of a lease, extend the term of any lease under which the City may own the property. (Ord 13-08).

Chapter 2.16 APPOINTED OFFICERS GENERALLY

Sections:

2.16.010 Appointed Officers

2.16.010 Appointed Officers. The city manager shall appoint a city clerk and a city treasurer who shall be supervised by the City Manager and serve at his/her pleasure. The city manager may appoint a chief of police and a fire chief who also shall be supervised by the City Manager and serve at his pleasure. The city clerk and the city treasurer shall serve at the pleasure of the city manager. The salary of each shall be set by ordinance. The office of city clerk and city treasurer may be combined, as may be the office of the chief of police and fire chief. The council may, if it elects, select a clerk and treasurer from among its own members and may, by ordinance, ratified by a majority of the qualified voters voting on the question next general election following the selection, fix a compensation for the performance of the duties of office. (prior code §2.306).

Chapter 2.20 CITY CLERK

Sections:

2.20.010 Duties of the City Clerk and Treasurer

2.20.010 Duties of the City Clerk and Treasurer. The city clerk shall:

- A. Give notice of the time and place of meetings to the council and to the public;
- B. Attend meetings and keep the journal;
- C. Arrange for publication or posting of notices, ordinances and resolutions;
- D. Maintain and make available for public inspection an index file including the municipal ordinances, resolutions, rules, regulations and codes;
- E. Attest deeds and other documents;
- F. Perform other duties specified by the city manager or the city council. (Prior code §2.307).

Chapter 2.24 CITY TREASURER

Sections:

2.24.010 Duties of the Treasurer

2.24.010 Duties of the Treasurer. A. The duties of the treasurer are:

1. Act as custodian of all the city funds;
2. Keep an itemized account of money received and disbursed;

Pay money on vouchers drawn against appropriations made by the city council.

B. The treasurer shall give bond to the municipality in a sum which the council directs, not, however, to exceed ten thousand dollars. (prior code §2.307 (b), (c)).

Chapter 2.28 CHIEF OF POLICE

Sections:

2.28.010 Duties of the Chief of Police

2.28.010 Duties of the Chief of Police. It is the duty of the chief of police to enforce the ordinances regulating the conduct of persons within the city so as to protect the public health, public safety and public peace, and public welfare and to protect property within the city from loss and/or destruction by unlawful means, and to enforce those ordinances which by the terms of the ordinances the chief of police is specifically instructed to enforce and to perform such duties as the city council may from time to time require performed. (prior code §2.308).

Chapter 2.32 FIRE CHIEF and FIRE DEPARTMENT**Sections:**

- 2.32.010 Created
- 2.32.020 Organization
- 2.32.030 Fire Chief-Appointment-Powers and Duties
- 2.32.040 Fire Chief-Maintenance and Enforcement of Rules & Regulations
- 2.32.050 Training and Records
- 2.32.060 City Owned Equipment
- 2.32.070 Privately Owned Vehicles

2.32.010 Created. There shall be a fire department in and for the city to be known as the Fort Yukon Volunteer Fire Department. It shall consist of a fire chief and assistant chief(s), and as many other officers and firefighters as may be deemed necessary for the effective operation of the fire department. (prior code §2.309 (a)).

2.32.020 Organization. Members of the fire department may organize into a voluntary association which elects its own officers and adopts its own bylaws.

A. The functions and duties of the officers of the volunteer association shall not interfere with those of the regular department officers who are charged with the responsibility for all fire service activities of the department. The voluntary association shall in no way limit the power of the fire chief. All property used by the fire department is and remains the property of the city and all expenses of the fire department shall be paid by check upon proper voucher by the regular city authorities.

B. From time to time in such amounts as the council deems available, payments may be made to the volunteer association for the purpose of giving that association funds with which to reimburse members for clothing damaged while attending fires and for such other purposes in keeping with its functions. (prior code §2.309 (b)).

2.32.030 Fire Chief- Appointment-Powers and Duties. The fire chief shall be appointed by the city manager (after he receives recommendations from the volunteer firemen) and shall be responsible to the city manager. He shall be technically qualified through training and experience and shall have the ability to command men. He shall have the powers and duties as follows:

A. The fire chief shall determine the number of kind of companies of which the department is to be composed and shall determine the response of such companies to alarms;

B. The fire chief shall appoint and direct all other officers and firefighters. All officers shall be accountable to the fire chief or his representative;

C. The fire chief shall direct the efforts of the firemen in extinguishing fires;

D. The fire chief shall annually submit a tentative budget for his department to the city manager;

E. The fire chief shall assist the proper authorities in suppressing the crime or arson by investigating or causing to be investigated the cause, origin and circumstances of all fires;

F. The fire chief shall recommend to the city manager ordinances, regulations and preventative measures to be adopted that will tend to prevent fires or aid their suppression. (prior code §2.309(c)).

2.32.040 Fire Chief-Maintenance and Enforcement of Rules and Regulations. The fire chief shall maintain and enforce an up-to-date, comprehensive set of rules and regulations governing the discipline, training and operation of the fire department. Such rules, regulations and any deletions, changes or additions shall be effective when approved and filed with the city manager. The fire chief shall carry out strictly the enforcement of these rules and regulations and is authorized to suspend or remove from service any officer or firefighter as provided in the rules and regulations. (prior code §2.309 (d)).

2.32.050 Training and Records. Training and Records Shall Be As Follows:
The fire chief or his representative shall, at least two times per month, provide for suitable drills covering the operation and handling of all equipment essential for efficient department operation. In addition, he shall provide, at least four times per year, quarterly sessions of instruction to include such subjects as first aid, water supplies and other subjects related to fire suppression. The fire chief shall see that complete records are kept of all apparatus equipment, personnel, training, inspections, fires and other department activities. Current records and comparative data for previous years and recommendations for improving the effectiveness of the department shall be included in an annual report. Such other reports as may be required concerning the department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the department shall also be prepared. (prior code § 2.309 (e)).

2.32.060 City Owned Equipment. City owned equipment shall be regarded as follows:

- A. The fire chief shall be responsible for recommending such apparatus or other fire equipment as may be required to maintain fire department efficiency, and for providing suitable arrangements and equipment for reporting fires and emergencies, and for notifying all members of the department to assure prompt response to such incidents.
- B. The fire chief or his authorized representative shall have the power to assign equipment for response to calls for outside aid where agreements are in force and in other cases only when the absence of such equipment will not jeopardize protection of the city.
- C. No person shall use any fire apparatus or 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 department.
- D. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department. (prior code §2.309 (f)).

2.32.070 Privately Owned Vehicles. Private vehicles of volunteers shall be regarded as follows:

- A. Each member of the fire department driving a private car shall be issued a suitable insignia to be attached to the car designating him as a member of the department.
- B. All personal cars of department members shall be equipped with a flashing blue light and shall have right-of-way over all other traffic when responding to an alarm, but shall observe all city traffic ordinances. (prior code §2.309 (g)).

Chapter 2.36 CITY ATTORNEY

Sections:

2.36.010 City Attorney

2.36.010 City Attorney. The city attorney is the legal advisor of the council and of the municipal boards created by the council or general vote by the citizens of the city. The city attorney represents the municipality as attorney in civil and criminal proceedings and must, therefore, be admitted to practice in the state. The city council selects the city attorney. (prior code §2.310).

Chapter 2.40

PLANNING COMMISSION

Sections:

ARTICLE I. GENERAL

- 2.40.010 Establishment of Commission
- 2.40.020 Duties
- 2.40.030 Platting

ARTICLE II. COMPOSITION AND ADMINISTRATION

- 2.40.040 Membership
- 2.40.050 Appointment
- 2.40.060 Terms of Office
- 2.40.070 Officials
- 2.40.080 Vacancies
- 2.40.090 Quorum
- 2.40.100 Meetings
- 2.40.110 Record of Meetings
- 2.40.120 Rules of Proceedings
- 2.40.130 Order of Business
- 2.40.140 Office and Staff
- 2.40.150 Formal Acts by Resolution
- 2.40.160 Funds
- 2.40.170 Compensation

ARTICLE III. PLANNING FUNCTIONS

- 2.40.180 Duties and Functions
- 2.40.190 Comprehensive Plan

ARTICLE I. GENERAL

2.40.010 Establishment of Commission. There is established the planning commission for the city to perform the functions of planning, platting and zoning for the city. (Ord. 74-2 §5.010, 1974).

2.40.020 Duties. It is the duty of the commission to hold public hearings when necessary and make recommendations to the council on matters concerning and relating to planning and zoning, the enforcement of appropriate regulations and amendments to ordinances, or other matters within the scope of the planning and zoning power. (Ord. 74-2 §5.020, 1974).

2.40.030 Platting. The function of platting shall be performed from time to time by the commission, convened as the platting authority for the city, and completed upon its having approved or rejected proposed plats, replats and vacations of public ways according to law. (Ord. 74-2 §5.030, 1974).

ARTICLE II. COMPOSITION AND ADMINISTRATION

2.40.040 Membership. The voting members of the planning commission shall be citizens who are residents of the city. The mayor shall be an ex officio member but may not vote. (Ord. 74-2 §10.010, 1974).

2.40.050 Appointment. Members shall be appointed by the mayor and confirmed by the council. Appointments to fill vacancies shall be for the unexpired term only. (Ord. 74-2 §10.020, 1974).

2.40.060 Term of Office. Members shall be appointed for a term of three years, except of those first appointed two shall be appointed for three years, two for two years and one for one year. The members first appointed shall draw lots for the foregoing terms. (Ord. 74-2 §10.030, 1974).

2.40.070 Officials. The commission shall designate a member as its presiding officer to conduct the affairs of the commission, a deputy presiding officer to serve in the absence of the presiding officer, and a clerk. The clerk shall prepare the journal of the commission's proceedings. (Ord. 74-2 §10.040, 1974).

2.40.080 Vacancies.

- A. A vacancy shall be declared and filled as above provided when the member:
1. Fail to qualify and take his office within thirty days after his confirmation by the council;
 2. Departs from the city with intent to stay away for a period of ninety or more days or is physically absent from the area he was appointed to represent for a period of ninety or more days;
 3. Submit his resignation and the resignation is accepted by the mayor;
 4. Is physically or mentally unable to attend commission meetings for a period of more than ninety days;
 5. Misses three or more consecutive regular meetings, unless excused by the commission; and
 6. Is convicted of a felony or an offense involving a violation of his oath of office.
- B. The clerk of the planning commission shall keep attendance records and notify the mayor when vacancies occur. (Ord. 74-2 §10.050, 1974)

2.40.090 Quorum. A majority of the voting membership constitutes a quorum. Any act of the commission requires a majority affirmative vote of those voting members present. (Ord. 74-2 §10.060, 1974)

2.40.100 Meetings. Regular meetings shall be held on the second Tuesday of each month. Special meetings may be called by the presiding officer or shall be called by him at the request of three members, including nonvoting members. (Ord. 74-2, §10.070, 1974).

2.40.110 Record of Meetings. Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the clerk of the city and retained as public records. (Ord. 74-2, §10.080, 1974).

2.40.120 Rules of Proceedings. Meetings shall be conducted under Robert's Rules of Order, and such modified or amended rules as may be adopted by the commission. (Ord. 74-2, §10.090, 1974).

2.40.130 Order of Business. A. The order of business at regular meetings shall be:

1. Approval of minutes of previous meetings, as amended or corrected;

2. Reading and disposition of correspondence;
3. Unfinished business;
4. New business; and
5. Miscellaneous business.

B. The order of business at special meetings shall be prescribed by the presiding officer. (Ord. 74-2, §10.100, 1974).

2.40.140 Office and Staff. A. The commission shall be provided office space suitable for its needs and adequate to file its journals, resolutions, records, reference materials, correspondence and maps, plats and charts, all of which shall constitute public records of the city.

B. The commission shall be furnished secretarial assistance at each meeting to assist in preparing its minutes, journals and resolutions, and as required to prepare its correspondence under the direction of the commission presiding officer and commission clerk. (Ord. 74-2, §10.110, 1974).

2.40.150 Formal Acts By Resolution. A. All formal acts of the commission shall be by resolution bearing:

1. The heading “City of Fort Yukon Planning Commission”;
2. The space for the serial number to be assigned: “Resolution, Serial No. _____”;
3. A short and concise title descriptive of its subject and purposes;
4. Short premises and whereas clauses descriptive of the reasons for the resolution, if necessary;
5. The resolving clause: “Be it Resolved:”; and
6. Provision for signature after the text, “Adopted Date ” and designated lines for the signatures of the commission presiding officer and the city clerk.

B. All resolutions adopted by the commission, whether at the instance of and presented by third parties, or on the motion of the instance of the commission, shall conform to that set forth in subsection A of this section and shall be on white eight and one-half inch by eleven inch paper with a one and one-half inch left margin suitable for permanent filing. (Ord. 74-2 §10.130, 1974).

2.40.160 Funds. All funds of the commission received as fees and charges or otherwise shall be deposited in the general fund of the city as receipts of the activities of the commission. (Ord. 74-2 §10.130, 1974).

2.40.170 Compensation. Compensation and expenses of the planning commission and its staff are paid as directed by the city council. (Ord. 74-2 §10.140, 1974).

ARTICLE III. PLANNING FUNCTIONS**2.40.180 Duties and Functions.**

- A. The planning commission shall prepare and recommend to the city council:
1. A comprehensive plan consisting of maps and related texts for the systematic development of the city;
 2. A zoning ordinance to implement the comprehensive plan;
 3. A subdivision ordinance;
 4. The official map of the city. The map shall include reference to zoning and other applicable restrictions prescribed by the commission; and
 5. Modifications to the documents specified in subdivisions 1 through 4 of this subsection.
- B. The commission shall publish notice of and hold at least one public hearing before submitting its recommendations under subsection A of this section to the council. Notice shall be published in the same manner as in the case of ordinances.
- C. The planning commission shall:
1. Act as the platting board;
 2. Act upon requests for variances; and
 3. Act upon requests for conditional uses.
- D. Subject to any ordinances adopted pursuant to AS 29.40.170, no platting request, variance or conditional use may be granted except upon an affirmative vote of a majority of the voting members of the commission. (Ord. 86-05 S7 (M), 1986; Ord. 74-2 §15.010, 1974).

2.40.190 Comprehensive Plan. A. The comprehensive plan provided for in subsection A2 of Section 2.40.180 shall be a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city, and may include, but it's not limited to, the following: statements of policies, goals and standards, a land use plan, and recommendations for plan implementation.

B. The city council shall adopt a comprehensive plan based upon the recommendations of the planning commission. The city council may modify the plan, provided that it first obtains the recommendations of the planning commission. The planning commission shall undertake an overall review of the plan at least once every two years and shall present recommendations based on the review to the city council. (Ord. 74-2 §15.020, 1974).

Chapter 2.48

CIVIL DEFENSE

Sections:

- 2.48.010 Civil Defense Committee
- 2.48.020 Civil Defense Organization

2.48.010 Civil Defense Committee. There is created the civil defense organization for the city, as an agency of the government to be composed of the city manager and such other persons as the council may appoint from time to time. The city manager shall be the civil defense director and shall appoint a staff to serve at his pleasure. (prior code §10.401).

2.48.020 Civil Defense Organization. All city officers and employees of the city, together with those volunteer forces enrolled to aid them prior to or during a disaster, shall constitute the civil defense organization as provided by law. (prior code §10.402).

Chapter 2.50

CONFLICTS OF INTEREST

Sections:

2.50.010	City Council Members
2.50.020	City Manager
2.50.030	City Employees
2.50.040	Relatives and Businesses
2.50.050	Violations
2.50.060	Definitions

2.50.010 City Council Members.

- A. No city council member shall vote on any of the following matters:
1. Awarding a contract by the City to the council member.
 2. Setting the amount of salary to be paid by the City to a close relative of the council members.
 3. Employing or terminating employment of a close relative of the council member by the City.
- B. No city council member shall:
1. Take an official action with the intent to confer a benefit upon himself.
 2. Accept any gift or bribe for the purpose of influencing the council member's official action.
 3. Be a full-time employee of the City during his term of office. A council member may be an employee of the City on seasonal construction projects only.
 4. No council member shall be hired in a supervisor position.
- C. If a council member is prohibited from voting on a matter pending before the City Council, he must immediately notify the council. (Ordinance 88-04) (Ordinance 87-02).

2.50.020 The City Manager.

- A. The City Manager shall not:
1. Enter into a contract with the City, if the total amount to be paid under the contract to the City Manager, is more than \$5,000.00
 2. Make the final decision to award a contract for \$5,000.00 or less to himself.
 3. Make the final decision to employ or terminate employment of his close relative by the City.
 4. Make the final decision setting the salary of his close relative who is employed by the City.
 5. Take an official action with the intent to confer a benefit upon himself.
 6. Accept any gift or bribe for the purpose of influencing his official action.
- B. If the City Manager is faced with taking an action which would violate this section, the manager shall immediately notify the City Council, and the Council shall take the action. (Ordinance 87-02).

2.50.030 City Employees.

A. No city employee shall:

1. Make the final decision to award a contract with the City to himself.
2. Make the final decision to employ or terminate employment of his close relative by the City.
3. Make the final decision setting the salary of his close relative who is employed by the City.
4. Take an official action with the intent to confer a benefit upon himself.
5. Accept any gift or bribe for the purpose of influencing his official action.

B. If an employee is faced with taking an action which would violate this section, the employee shall immediately notify the city manager, and the manager shall take the action. (Ordinance 87-02).

2.50.040 Relatives and Businesses. Whenever this chapter prohibits a person from acting to benefit himself, the person is also prohibited from acting to benefit his close relative or a business which he owns. (Ordinance 87-02).

2.50.050 Violations. A. Violation of this ordinance by the City Manager, or a city employee shall constitute grounds for terminating employment by the City.

B. A contract or other transaction entered into or conducted in violation of this ordinance is void at the option of the city. (Ordinance 87-02).

2.50.060 Definitions. A. "Business which he owns" means a business conducted directly by the person either alone or in cooperation with others, or by a partnership of which the person is a partner, or by a corporation of which the person is an officer, director, or shareholder. A person is a shareholder only if he or his close relatives own thirty percent or more of the stock of the corporation.

B. "Close relative" means a person's spouse, children, parents, grandparents, brother and sister, aunts and uncles, nieces and nephews. (Ordinance 87-02).

Title 3

ELECTIONS

Chapters:

- 3.05 City Elections- In General
- 3.10 Election Officials
- 3.15 Candidates -Nominations
- 3.20 Notice of Elections
- 3.25 Election Materials & Equipment
- 3.30 Election Procedures
- 3.35 Canvassing of Election Returns
- 3.40 Absentee Voting
- 3.45 Recount & Contest of Election Enforcement

Chapter 3.05 CITY ELECTIONS - In General

Sections:

- 3.05.010 Administration of Elections
- 3.05.015 Voter Qualification
- 3.05.020 General Election-Date
- 3.05.025 Special Election- Date
- 3.05.030 Expenses
- 3.05.035 Majority Elections

3.05.010 Administration of Elections. City elections shall be administered according to this title.

3.05.015 Voter Qualification. A person may vote in a city election only if the person:

- a) is qualified to vote in state elections,
- b) has been a resident of the city for 30 days immediately preceding the election,
- c) is registered to vote in state elections at a residence address within the city at least 30 days before the city election, and
- d) is not disqualified under Article V of the state constitution

3.05.020 Regular Election-Date. On the First Tuesday in October of each year a regular election will be held in the city for the purpose of filling vacant city offices and to determine such other matters that may be placed on the ballot by the council or as may be required by law. (Amended 3.44.010, Ord 03-02)

3.05.025 Special Election-Date. A. The city council, by ordinance or resolution, may order that a special election be held.

B. Special elections shall not be held within 45 days preceding a regular election. The date of a special election shall be determined as follows:

1. If the special election is required due to an initiative, referendum, or recall petition, the election shall be conducted on the eighth Tuesday following certification of a sufficient petition.
2. If the special election is required due to council action, the election shall be conducted on the sixth Tuesday following adoption.
3. If the special election is required for a runoff election, the election shall be conducted on the second Tuesday following certification of the election for which the runoff is required.

3.05.030 Expenses. A. The city shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags and other supplies, and any wages due judges and clerks. Salaries for the election judges and clerks shall be set by the council.

B. All expenses of a recount shall be paid by the person requesting the recount or contesting the election if the results of the election are not changed by the contest or recount, or if the difference between the winning and losing vote on the result contested or recounted is more than two percent. If the contest or recount is requested by more than one person, each of them shall be jointly and severally liable for the total amount of such expenses.

3.05.035 Majority Elections. If no candidate receives in excess of 40 percent of the votes cast for his respective office, the council shall hold a runoff election between the two candidates receiving the greatest number of votes for the office. Notice of a runoff election shall be published at least five days before the election.

Chapter 3.10

ELECTION OFFICIALS

Sections:

- 3.10.010 Election Duties of City Clerk-In General
- 3.10.015 Election Judges and Clerks
- 3.10.020 Filling Vacancies in Election Board
- 3.10.025 Election Officials-Oath
- 3.10.030 Canvass Committee

3.10.010 Election Duties of City Clerk-In General. The city clerk or his Designee will perform the duties necessary for the administration of city elections. The election duties of the city clerk include, among other duties, obtaining from the State of Alaska a list of voters registered in accordance with AS 15.07.125. The clerk may publish notices urging voter registration and may cooperate with the State of Alaska in encouraging city residents to register.

3.10.015 Election Judges and Clerks. A. Before each city election, the council shall appoint three judges for each city polling place to constitute the election board for each city polling place. One judge in each polling place shall be designated chairman by the council and shall be responsible for the election in that polling place. The city clerk may appoint up to three additional election clerks at any polling place when necessary to facilitate the orderly conduct of the election or to relieve the judges or clerks of undue hardship.

B. Each judge or clerk must be a qualified voter of the city.

3.10.020 Filling Vacancies in Election Board. If an appointed judge or clerk fails to appear and subscribe to the oath on election day or becomes unable to work during the time of the election or canvass, the election board members present shall elect, by a majority voice vote, a qualified voter to fill the vacancy.

3.10.025 Election Officials-Oath. The city clerk will choose an election judge from each polling place to appear before the city clerk and take the oath set out in this section. This election official will administer the same oath to all other election judges and clerks at his polling place. The oath will be in substantially the following form:

“I do solemnly swear or affirm that I will duly attend the ensuing election during its continuance; that I will not receive any ballots or votes from any person other than such as I firmly believe to be entitled to vote at such election, according to the laws of Alaska and the ordinances of the City of Fort Yukon; nor will I refuse to receive any votes, or ballots, from any person or persons whom I believe to be entitled to vote as aforesaid; and I will, in all things truly, impartially, and faithfully perform my duty therein to the best of my judgment and ability, so help me God”.

3.10.030 Canvass Committee. The city council shall serve as a canvass committee that will canvass all votes after the election judges have completed their tally of votes.

Chapter 3.15

CANDIDATES- NOMINATIONS

Sections:

- 3.15.010 Candidates- Qualifications
- 3.15.015 Declaration of Candidacy- Form and filing
- 3.15.020 Declaration of Candidacy- Time for filing
- 3.15.025 Declaration of Candidacy- Record
- 3.15.030 Declaration of Candidacy- Time for Withdrawing Candidacy

3.15.010 Candidates-Qualifications. No person shall hold any elective city office or be eligible to seek election to any elective office, unless the person is a qualified voter of the city. A council member who ceases to be a qualified voter in the city immediately forfeits the office.

3.15.015 Declaration of Candidacy- Form and Filing. A person who wishes to become a candidate for an elected office shall complete and file a declaration of candidacy. The declaration shall be completed under oath before the city clerk and on a form provided by the city clerk. The declaration shall state definitely:

1. The full name of the candidate and the manner in which the candidate wishes his or her name to appear on the ballot;
2. the full residence address of the candidate;
3. the full mailing address of the candidate;
4. the office for which the candidate declares; and
5. that the candidate is a qualified voter and resident of the city.

3.15.020 Declaration of Candidacy-Time for Filing. A declaration of candidacy shall be filed with the city clerk not earlier than 45 days nor later than 21 days before the election. The city clerk shall reject any declaration filed at any other time.

3.15.025 Declaration of Candidacy-Record. The city clerk will maintain a record containing the name and address of every person who filed a declaration of candidacy and also the date and time of the filing.

3.15.030 Declaration of Candidacy- Time for Withdrawing Candidacy. A candidate may withdraw his declaration of candidacy through the last day for filing declarations, by submitting a written notice of withdrawal with the city clerk.

Chapter 3.20

NOTICE OF ELECTIONS

Sections:

- 3.20.010 Notice of Election
- 3.20.015 Contents of Election Notice
- 3.20.020 Defective Notice

3.20.010 Notice of Election. The city clerk shall give at least 30 days notice of each general election, 20 days notice of each special election other than runoff elections, and 5 days notice of a runoff election. Notice shall be given by posting in three places within the city. If the city has two or more precincts, notice shall be posted in two or more places in each voting precinct. Notice may also be given by additional means, if available.

3.20.015 Contents of Election Notice. Notices for general or special elections must contain the following:

1. The date of the election;
2. The offices to be filled or the propositions to be voted upon;
3. The time the polling places will open and close;
4. The location of city polling places;
5. The procedure for declaring candidacy;
6. Whether the election is general or special;
7. The location where voters may view sample ballots;
8. The location where voters may cast absentee ballots; and
9. The location to which voters may write to request an absentee ballot.

3.20.020 Defective Notice. No defect in the notice required to be given under sections 10 and 15 of this chapter, except a defect in the date of the election, may be the basis, in whole or in part for an invalidation of the election or the election of any candidate to office or the passage or rejection of any proposition voted upon at the election. A defect in the notice of the date of the election may not be the basis of any invalidation if a corrective or corrected notice is given within a reasonable time prior to the election, even if such correction occurs less than 20 days prior to the election.

Chapter 3.25

ELECTION MATERIALS AND EQUIPMENT

Sections:

- 3.25.010 Election Booths
- 3.25.015 Furnishing Instruction Cards
- 3.25.020 Ballots- Printing and Inspection
- 3.25.025 Ballots- Form
- 3.25.030 Sample Ballots
- 3.25.035 Registration Index and Original Register- Distribution to Precinct Officials

3.25.010 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 enclosed. Ballot boxes shall be placed outside the voting booths within plain view of the judges and clerks, voters and other persons at the polling place.

3.25.015 Furnishing Instruction Cards.

- A. 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. how to obtain information;
 4. how to obtain help in marking a ballot; and
 5. how to obtain a new ballot to replace any ballot destroyed or spoiled.
- B. The clerk will furnish a sufficient number of these instruction sheets to the election judges in each voting place to permit voters who are waiting to vote to read the instructions.

3.25.020 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.

3.25.025 Ballots-Form

- A. A ballot shall contain a list of all candidates and issues to be decided at the election.
- B. 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.
- C. 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.
- D. Somewhere on the ballot, so as to be clearly visible, will be the printed the words:
- 1.”OFFICIAL BALLOT”;
 2. the date of the election; and
 3. a facsimile of the signature of the city clerk.

E. The ballots will be printed on plain white paper and numbered in consecutive order. The names of the candidates will be printed in capital letters 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.

F. 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.

G. 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.

3.25.030 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 in each voting place.

3.25.035 Registration Index and Original Register-Distribution to Precinct Officials. Prior to the opening of the polls, the city clerk shall deliver a registration list, and an original register to the election officials in every voting place. The original register will provide enough space to allow voters to sign their names and enter their addresses. A record shall be kept in the original register of the names of persons who 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 the voter is qualified to vote.

Chapter 3.30

ELECTION PROCEDURES

Sections:

3.30.010	Time for Opening and Closing Polls
3.30.015	Distribution of Ballots
3.30.020	Preparation of a Ballot Box
3.30.025	Voting Procedure
3.30.030	Marking of Ballots by Voters
3.30.035	Challenging Voters
3.30.040	Questioning A Voter's Ballot
3.30.045	Ballots-Disposition
3.30.050	Ballots-Counting and Tallying
3.30.055	Defective and Unused Ballots
3.30.060	Election Certificate
3.30.065	Majority Decision of Election Board
3.30.070	Prohibitions Near Election Polls

3.30.010 Time for Opening and Closing Polls.

A. On the day of any election, each election board shall open the polls at 8 A.M., shall close the polls for voting at 8 P.M. and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 A.M. on Election Day.

B. Fifteen minutes before the closing of the polls, 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 in line waiting to vote when the polls are announced closed.

3.30.015 Distribution of Ballots.

A. The city clerk shall deliver the ballots to the election board before the polls are opened on Election Day. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of it. A receipt for each package shall be taken from the election board to which it is delivered, and saved by the city clerk. No ballots shall be taken from the polling place before the closing of the polls.

B. The city clerk shall keep the following records:

1. The number of ballots delivered to the various polling places;
2. The name of the persons to whom the ballots are delivered; and
3. The time the ballots are delivered.

C. When the ballots are returned, the city clerk shall record the following:

1. The number of the ballots returned;
2. The time when the ballots are returned;
3. The name of the person returning the ballots;
4. The condition of the ballots.

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

3.30.025 Voting Procedure

- A. A voter shall give the judges and clerks his name, sign his name, and write his residence on the appropriate line of the registration book. If any judge or clerk present believes the voter is not identifiable, he immediately shall challenge the voter.
- B. If the voter is not challenged, he shall be given one ballot and shall retire alone to a voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for the purpose. The voter will also mark the boxes for questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number on the ballot and deliver it to one of the judges or clerks, who 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.
- C. A voter who by accident or mistake spoils his ballot shall, upon returning the spoiled ballot to the judges and clerks, be given another ballot.
- D. A voter who is blind or otherwise incapable of marking the ballot shall be assisted in doing so by a judge or clerk if the voter requests such assistance.

3.30.030 Marking of Ballots By Voters

- A. A voter may mark the ballot only by the use of cross marks, "X" marks, diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the vote desires to designate.
- B. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
- C. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
- D. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
- E. The mark specified in A of this section shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated.
- F. Improper marks on the ballot shall not be counted and shall not invalidate marks properly made.
- G. An erasure or correction invalidates only that part of the ballot in which it appears.
- H. Write-in votes are not invalidated by writing in the name of a candidate whose name is 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.
- I. In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided or place a sticker in the space and, in addition, mark the name in the square opposite the candidate's name in accordance with paragraph A of this subsection.
- J. Stickers bearing a candidate's name may be affixed to the ballot in place of writing in a candidate's name. Stickers may not be issued by members of the election board while serving at the polls. Stickers may not be offered to voters within 100 feet of the polling place.

3.30.035 Challenging Voters. An election judge and election clerk shall challenge, or other qualified voter in the city may challenge a person attempting to vote if the challenger has good reason to believe that the challenged person is not qualified to vote. All challenges shall be made in writing explaining the reason for the challenge. Before voting, a challenged person shall take an oath and sign an affidavit provided by the city clerk attesting to the fact the person meets all the qualifications of a voter; that the person is not disqualified, and that the person has not already voted at the same election. The challenged person shall also state the place of residence which the person came immediately before living in the city and the length of time of 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.

3.30.040 Questioning a Voter's Ballot. If a voter's registration is in question, a voter shall be allowed to vote, and the election officials shall consider the ballot a questioned ballot.

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

3.30.050 Ballots-Counting and Tallying. A. Immediately after the polls close and the last vote has been cast, the election judges will open the boxes containing the ballots. The ballots will be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated in the original registry. If the number of ballots drawn from 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 the registration tally, it shall be explained in detail on the tally paper or papers, and the explanation shall be signed by the election judges.

B. 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 elected officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each 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.

3.30.055 Defective and Unused Ballots.

A. A ballot shall not be counted unless marked in compliance with section 3.30.030. Ballots not counted in whole or in part shall be marked “Defective” on the back, and ballots to which objection has been made shall be marked “Objected To” on the back. An explanation of the defect or objection and a notation of any part of the ballot that has been counted 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.*”

B. 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.

3.30.060 Election Certificate. 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 the person has run. The poll lists and tallies will be attached to the certificate. The certificate will be signed by the election judges. The registration index, original register, tallies or tally papers, oath of judges, oaths of votes, other papers, and the certificate will be placed in an envelope. The envelope will be marked “election runners” and delivered to the city clerk.

3.30.065 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.

3.30.070 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 3.35

CANVASSING OF ELECTION RETURNS

Sections:

- 3.35.010 Canvass Committee-Meeting-Postponing Canvass
- 3.35.015 Canvass Procedure
- 3.35.020 Investigation of Challenged and Questioned Ballots
- 3.35.025 Challenged Ballots-Subpoenas
- 3.35.030 Canvass Committee-Report-Contents
- 3.35.035 Results of Election-Public declaration
- 3.35.040 Certificate of Elections

3.35.010 Canvass Committee-Meeting-Postponing Canvass. The canvass committee will on the First Tuesday after the election and canvasses all absentee, challenged, and questioned ballots executed in the election. The canvass may be postponed from day to day for cause, but not exceeding three days in total.

3.35.015 Canvass Procedure. A. 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.

B. 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.

C. The canvass shall include a review and comparison of the tallies of paper ballots with the election certificates to correct any mathematical error in the count of paper ballots.

D. If the city clerk finds an unexplained error in the tally of paper ballots, he may count the ballots from the ballot box.

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

3.35.025 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 rules of civil procedure concerning the enforcement of administrative and state agency subpoenas.

3.35.030 Canvass Committee-Report-Contents. The canvass committee will immediately submit a report of its findings to the council. 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 offices voted for;
4. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the elections;
5. A proposed disposition of all absentee, challenged, questioned, and voided ballots; and
6. Other matters which the canvass committee may determine to be necessary.

3.35.035 Results of Election-Public Declaration. A. If a contest is not begun under the provisions of S3.45.010, the result of the election shall be publicly declared by the council and entered in the minutes of a regular or special meeting of the council held within one week after the meeting of the canvass committee.

B. If an election contest is declared and resolved, the result of the election shall be publicly declared by the council and entered in the minutes of a special meeting of the council within a week after the contest is resolved.

3.35.040 Certificate of Election. 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. It shall display the corporate seal of the city.

Chapter 3.40

ABSENTEE VOTING

Sections:

- 3.40.010 Absentee Voting-Eligible Persons
- 3.40.015 Absentee Ballots-Application-Filing
- 3.40.020 Absentee Ballots-Delivery
- 3.40.025 Notation of Ballot Number and Date of Application
- 3.40.030 Completion and Return of Absentee Ballots
- 3.40.035 Absentee Voting at Clerk's Office-Surrender of Absentee Voter's Ballot
- 3.40.040 Absentee Ballots-Executing Outside City
- 3.40.045 Absentee Ballots-Receipt
- 3.40.050 Absentee Ballots-Voting Supplies

3.40.010 Absentee Voting-Eligible Persons. Any qualified voter may cast an absentee ballot for any reason.

3.40.015 Absentee Ballots-Application-Filing. A. A person who seeks to vote by absentee ballot must file a written application with the city clerk. The application may be filed either in person or by mail.

B. An application made by mail must be received by the city clerk not more than 20 days, nor less than seven days before a city election. An application made in person must be filed with the city clerk not more than 15 days before the city election, and no later than 4:00 o'clock pm on the day before a city election.

C. The application must be signed by the applicant and show the applicant's place of residence and mailing address.

D. 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 absentee voter's ballot.

3.40.020 Absentee Ballots-Delivery. Upon receipt of an application for an absentee voter's ballot, the clerk will check the latest state registration listings to determine whether the applicant is registered in accordance with AS 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 a 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 an address within the city's boundaries.

3.40.025 Notation of Ballot Number and Date of Application. Upon personal delivery or the mailing of 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.

3.40.030 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)
)ss:
_____)

I _____ state under oath or affirmation that I am a resident of and a voter in the City of Fort Yukon, Alaska, and I hereby enclose my ballot.

VOTER: _____

Residence address within the city

SUBSCRIBED AND SWORNT O OR AFFIRMED before me, this day of ____, 20__, at _____am/pm. I hereby certify that in my presence this voter enclosed a ballot and handed me this envelope sealed; that the person signed this affidavit; and I acknowledge this person’s signature and affidavit, all in accordance with the law.

Official’s Signature

(SEAL) _____
Title of Officer

NOTICE: After sealing the envelope and completing the affidavit, you must immediately return this sealed envelope, postage prepaid, to: City Clerk, P.O. Box 269, Fort Yukon, Alaska 99740.

MARKED BALLOT ENCLOSED
TO BE OPENED ONLY BY CANVASSING COMMITTEE

3.40.035 Absentee Voting at Clerk's Office-Surrender of Absentee Voter's Ballot.

A. 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 complete 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 the clerk's name across the seal. The clerk will deposit the envelope in a safe place in the clerk's office, to be kept by the clerk and delivered to the canvassing committee.

B. If an absentee voter returns to the city on Election Day, the voter will not be allowed to vote in person unless the voter surrenders the absentee voter's ballot and any other supplies mailed or delivered to the voter.

3.40.040 Absentee Ballots-Executing Outside City. After receiving an absentee voter's ballot, the voter may appear on any day prior to the including the day of election, before a notary public, clerk or officer of any city, state, territory or district within the United States. In the presence of such officer, the voter shall complete the ballot and identification envelope as set out in S3.40.035

3.40.045 Absentee Ballots-Receipt. To be counted, an absentee voter's ballot must be executed and postmarked 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. Absentee ballot envelopes received after that time shall not be opened but shall be marked "invalid" with the date and hour of receipt noted thereon and shall be preserved with other ballots of the election.

3.40.050 Absentee Ballots-Voting Supplies. All supplies necessary for the voter to cast and return an absentee ballot will be furnished by the clerk. No city official may make any charge for services rendered to any voter under the provision of this chapter.

Chapter 3.45

RECOUNT AND CONTEST OF ELECTION

Sections:

- 3.45.010 Recount or Contest of Election
- 3.45.015 Contest of Election
- 3.45.020 Recount and Contest Expenses-Appeal
- 3.45.025 Contest of Election-Investigation
- 3.45.030 Ballot Recount
- 3.45.035 Prohibited Practices Alleged
- 3.45.040 Sustained Charges-Recount
- 3.45.045 Determination of the Votes
- 3.45.050 Appeal

3.45.010 Recount of Election. A. A candidate who did not receive enough votes to be elected may demand a recount of the votes cast for candidates running for the seat or office for which that candidate ran. An elected official who loses a recall election may demand a recount of the votes cast on the question of the recall of that official. Any 10 qualified voters may demand the recount of votes cast for or against a proposition or question.

B. A demand for recount shall be filed no later than the time of the first council meeting following the canvass committee meeting, or at such other meeting that has been called for the purpose of receiving the report of the canvass committee.

C. A demand for recount shall be in writing, state the office proposition or question for which the recount is to be held, and the state that the person making the application is a candidate or that the 10 persons making the application are qualified voters. The candidate or persons making the application shall designate by full name and mailing address two persons who shall represent the applicant and be present during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by 10 qualified voters shall also include the designation of one of the number as the designated application shall sign the application and shall print or type their full name and mailing address.

3.45.015 Contest of Election. A. A losing candidate or any 10 qualified voters may contest the election of any person, and any 10 qualified voters may contest the approval or rejection of any question or proposition.

B. The candidate or the designated representative of the 10 qualified voters contesting the election must appear before the council at the first council meeting held following the canvass committee meeting, or at such other meeting as has been called for the purpose of receiving the report of the canvass committee. The candidate or designated representative shall at that meeting deliver a sworn, written notice of contest which will state with particularity the provisions of the law or city code allegedly violated and the specific acts asserted as misconduct.

The notice shall be in substantially the following form:

NOTICE OF ELECTION CONTEST

1. The undersigned believes that prohibited practices occurred at the election held on _____.
2. The undersigned states that the following laws or city code provisions were violated: _____

3. The undersigned states that the above provisions of the law were violated in the following manner (attach additional sheets if necessary).

Signature of Candidate
(or Representative of Voters)

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

Notary Public in and for Alaska
My Commission Expires: _____

Signatures of voters contesting election:

Signature	Printed Names
_____	_____
_____	_____

3.45.020 Recount and Contest Expenses. The expenses of a contest or recount shall be assessed according to section 3.05.030 B.

3.45.025 Contest of Election-Investigation. The city council may order an investigation to be made by the city clerk, the mayor, the city attorney, or a special appointee if a notice of contest is received. The city council may, if requested by the investigator, issue subpoenas as provided in section 3.35.025.

3.45.030 Ballot Recount. If only a recount of ballots is demanded, the city clerk and such assistants as the city council may appoint shall recount the ballots in those precincts in which error is alleged. Notice of the time and place of the recount shall be given to the persons designated to represent the applicant during the recount. The recount shall be open to the public.

3.45.035 Prohibited Practices Alleged. When the contestant alleges prohibited practices, the city clerk shall produce to the council the original register books for the election and such other material as the council may direct.

3.45.040 Sustained Charges-Recount. If the charges alleged by the contestant are upheld and it is shown that the outcome of the election could be changed if the illegal or defective votes are purged, the illegal or defective ballots will be purged from the election returns, if possible, and canvassing committee will make a recount without counting the illegal or defective votes. The results of such recount will be reported immediately to the council. The council will then certify the correct election returns as provided in section 3.35.035 B.

3.45.045 Determination of Tie Votes. If after a final determination of the election results by the city council two or more candidates are tied for the same seat or office, the city clerk shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by lot. All tied candidates shall be present at such time and place, either in person or by proxy designated in writing and signed by the candidate, to participate in the determination. If any tied candidate fails for any reason to attend in person or by proxy, the city clerk shall designate a disinterested person to participate as the proxy for the absent candidate. After the determination has been made by lot, the city clerk shall so certify to the city council.

3.45.050 Appeal. No person may appeal or seek judicial review of a city election for any cause or reason unless the person is a voter in the city, has exhausted his administrative remedies before the city council, and has commenced, within 10 days after the council has finally declared the election results, an action in superior court. If no such action is commenced within the 10-day period, the election and election results shall be conclusive and valid in all respects. (Ord. 98-23).

CHAPTER 3.48

ENFORCEMENT

Sections:

- 3.48.010 Violation of Election Laws
- 3.48.020 Publication Without Identification
- 3.48.030 Publication of False Statement

3.48.010 Violation of Election Laws. Any person who knowingly votes or attempts to vote at any election in the city, who is not a duly qualified voter at such election, shall be deemed guilty of a violation.

3.48.020 Publication without Identification. A person who knowingly prints or circulates, or has written, printed or circulated, a letter, circular, bill, placard, poster or other publication relating to an election or to a candidate at an election or to an election proposition or question without the same bearing on its face the name and address of the author, printer and publisher, is guilty of a corrupt practice and upon conviction is punishable by a fine not to exceed the maximum set out in section 1.08.010. (Ord. 86-05 §2(D), 1986; prior code §3.132, Ord. 98-20).

3.48.030 Publication of False Statement. A person who writes, prints or circulate, or who has written, printed or circulated a letter, circular, bill, placard or poster or who has a paid advertisement, or who makes a radio broadcast, willfully knowing the letter, circular, bill, placard, poster, publication, paid advertisement or radio broadcast to contain a false statement, charge or comment relating to a candidate at an election or to an election proposition or question, is guilty of a corrupt practice and upon conviction is punishable as for a violation. (Ord. 98-20).

Title 4

REVENUE AND FINANCE

Chapters:

- Sales Tax
- Contracting Revenue

Chapter 4.04 SALES TAX

Sections:

- 4.04.010 Definitions
- 4.04.020 Tax Levy
- 4.04.030 Tax on Sales
- 4.04.040 Obligation of Seller to Collect-Rate-Penalties
- 4.04.050 Regulations
- 4.04.060 Sales Tax Returns
- 4.04.070 Duty to Keep Books
- 4.04.080 Investigations
- 4.04.090 Exemptions
- 4.04.100 General Fund
- 4.04.110 Recovery of Taxes by Action at Law
- 4.04.120 Penalties

4.04.010 Definitions. For the purposes of this chapter, the following terms shall have the meanings ascribed to them in this section:

A. "Selling price" means the consideration, whether money, credit, rights or other property, expressed in the terms of money, paid or delivered by a buyer to a seller, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expenses whatsoever paid or accrued, and without any deduction on account of losses.

B. "Seller" means every person, firm or corporation making sales at retail to a buyer or consumer, whether as agent, broker or principal; and the term includes persons performing services for remuneration.

C. "Buyer" and the term "consumer" include, without limiting the scope thereof, every individual, receiver, assignee, trustee in every individual, receiver, assignee, trustee in bankruptcy, trust estate, firm, co partnership, joint venture, club, company, joint-stock company, business trust, corporation, association, society, or any fraternal, nonprofit or otherwise. (Ord. 80-04 (part), 1980: prior code §5.103).

4.04.020 Tax Levy. There is levied a tax on retail sales and services made within the city equal or three percent of the selling price and/or charge made for services rendered, when such selling price and/or charge made amounts to twenty-six cents or more. (Ord. 80-04 (part), 1980: prior code §5.101).

4.04.030 Tax on Sales. The tax on retail sales, which shall be payable by the seller, shall be three percent of the gross revenue computed in dollars derived from all taxable sales made within the city; and the tax on services rendered, which shall be payable by a person, firm or corporation performing the services, shall be three percent of the gross remuneration computed in dollars derived from taxable services performed within the city; provided, that salaries or wages received by an employee from an employer, but shall include gross remuneration for furnishing labor and materials for accomplishing a specific result. (Ord. 80-04 (part), 1980: prior code §5.102).

4.04.040 Obligation of Seller to Collect-Rate-Penalties.

A. The tax levied under this chapter shall be paid by the buyer or consumer to the seller, and it shall be the duty of each seller to collect from the buyer or consumer the full amount of the tax payable in respect to each taxable sale or service at the time of sale or at the time of collection with respect to credit transaction.

B. Sellers shall add the tax imposed in this chapter to the sales price or charge, and such tax shall be a debt from the buyer or consumer, to the seller until paid, and shall be recoverable at law in the same manner as other debts. Performers or sellers of services shall be considered sellers for the purposes of this chapter.

C. Sellers shall add the tax to the sales price or service charge in strict accordance with the following scale:

Sales Price	Tax
Under \$0.26.....	None
\$0.26 through \$0.50.....	\$0.01
0.51 through 0.83	0.02
0.84 through 1.17	0.03
1.18 through 1.50	0.04
1.51 through 1.83	0.05
1.84 through 2.17	0.06
2.18 through 2.50	0.07
2.51 and over	continue on the same scale.

Any seller who willfully or intentionally fails, neglects or refuses to collect the tax imposed by this chapter, or fails, neglects or refuses to comply with the provisions of this chapter, or remits or rebates to a buyer or consumer, either directly or indirectly or by whatever means, all or any part of the tax levied under this chapter, or makes in any form of advertising, verbally or otherwise, any statement which indicates or infers that he is absorbing the tax, or paying the tax of the buyer or consumer or user or in any manner whatsoever, shall be guilty of a misdemeanor provided in this chapter.

Any buyer or consumer who willfully or intentionally fails neglects or refuses to pay to the seller the tax shall be guilty of a misdemeanor and on conviction thereof shall be punished in the manner provided in this chapter. (Ord. 80-04 (part), 1980: prior code §5.109)

4.04.050 Regulations. The city manager shall have the power to adopt suitable rules and regulations providing for the application and interpretation of this chapter and for providing methods and forms for reporting and collecting the tax prescribed in this chapter. (Ord. 80-04 (part), 1980: prior code §5.109).

4.04.060 Sales Tax Returns. A. Every seller making retail sales and every person performing services, on or before the last day of the month succeeding the end of each quarter ending September 30, December 31, March 31, and June 30, shall make out a return for the preceding quarter year, upon forms to be provided by the city manager, setting forth the amount of all sales and services and all taxable sales and services, for the preceding quarter, the amount of the tax thereon, and such other information as the city manager may require, and sign and transmit the same to the city. The tax levied under this chapter, whether or not collected from the buyer, shall be paid by the seller and/or the person performing services to the city in quarterly installments at the time of transmitting the return, and if not so paid such tax shall forthwith become delinquent.

B. Sellers failing to comply with the provisions of this chapter shall, if required by city manager, file and transmit collected sales taxes monthly until they have demonstrated compliance with this chapter. The tax levied under this chapter, whether or not collected from the buyer, shall be paid by the seller and/or person performing services to the city monthly installments at the time of transmitting the return, and if not so paid shall forthwith become delinquent.

C. In the event the tax is not paid before delinquency as provided in this chapter a penalty of five percent shall accrue for each additional month or fraction thereof delinquency until a total penalty of fifteen percent has accrued. Such penalty shall be assessed and collected. In addition to the aforesaid penalty, interest at the rate of ten percent per annum on the delinquent tax from the date of delinquency until paid shall accrue and be collected in the same manner the delinquent tax is collected. (Ord. 81-1, 1981: Ord. 80-04 (part), 1980: Ord. 73-1 (part), 1973: prior code §5.110).

4.04.070 Duty To Keep Books. It is the duty of every seller engaged or continuing in business in the city, to keep and preserve suitable records of all sales made by him, and such other books or accounts as may be necessary to determine the amount of tax for the collection of which he is liable under this chapter. It is the duty of every such person to keep and preserve for a period of three years all invoices of goods and merchandise purchased for resale, and all such books, invoices and other records as may be necessary, all of which shall be open for examination at any reasonable time by the duly authorized agents of the city manager. (Ord. 80-04 (part), 1980: Ord. 73-1 (part), 1973: prior code §5.111).

4.04.080 Investigations. For the purposes of ascertaining the corrections of a return, or of the purpose of determining the amount of tax collected or which any person, should have collected, the duly authorized agent or agents of the city manager may hold investigations concerning any matters covered by this chapter and may examine any relevant books, papers, records or memoranda of any such person, and may require the attendance of such person, or any officer or employer of such person. (Ord. 80-04 (part), 1980: Ord. 73-1 (part), 1973: prior code §5.112).

4.04.090 Exemptions. The tax levied by this chapter shall not apply to the following:

- A. Retail sales and/or remuneration for services amounting to less than one hundred twenty-five dollars in any quarter year;
- B. Casual and isolated sales not made in the regular course of business;
- C. Sales of insurance and bonds of guaranty and fidelity;
- D. Gross receipts or proceeds derived from funeral charges and services, medical or dental services rendered and hospital services;
- E. Gross receipts or gross proceeds derived from the sale of tangible personal property or services by churches, except where such organizations are engaged in business for profit or savings or competing with other persons engaged in the same or similar business;
- F. Gross receipts or proceeds derived from the transportation of students to and from grade and high schools in motor and other vehicles;

- G. Gross receipts or proceeds derived from the sale of food in public, common, high school or college cafeterias or lunch rooms operated primarily for teachers and pupils and not operated primarily for the public and not operated for profit;
- H. Gross receipts or proceeds derived from carrier sales made directly to consumers or users of newspapers or any other periodicals;
- I. Gross receipts or proceeds derived from the sales or services which the municipality is prohibited from taxing under the laws of the state or under the laws of the Constitution of the United States; or gross receipts or proceeds from the transportation, loading, unloading or storing of cargo from vessels or aircraft in foreign interstate commerce, or on goods in transit or awaiting and being processed for shipment;
- J. Gross receipts or proceeds derived from sales to the United States government, the State of Alaska, the City of Fort Yukon, or any political department thereof;
- K. Dues or fees to clubs, labor unions or fraternal organizations;
- L. Gross receipts derived from the sale of real property; excepting the gross receipts earned as commissions by agents shall be taxable;
- M. Retail sales to senior citizens of sixty-five years of age, provided, that a valid sales tax exempt card is presented at the time of purchase at the time of purchase. This exemption does not apply to purchases of alcoholic beverages;
- N. Residents sixty-five years of age or older. (Ord. 85-2 S1, 1985; Ord. 80-04(part), 1980; Ord. 73-1 (part), 1973: prior code §5.113).
- O. Purchases made with food coupons, food stamps, or other types of certificates issued under 7 USC 2011-2025 (Food Stamp Act). (Ordinance 86-03).

4.04.100 General Fund. The proceeds of the tax prescribed by this chapter shall be deposited and kept in the general fund or other funds designated by the city council. (Ord. 80-04 (part), 1980; Ord. 73-1 (part), 1973: prior code §5.114).

4.04.110 Recovery of Taxes by Action at Law. Taxes due but not paid may be recovered by the city or by the seller by an action at law against the buyer. Taxes collected but not transmitted, or which should have been collected, may be recovered by an action against the seller. Sales tax returns shall be prima facie evidence of taxes collected but not transmitted. (Ord. 80-04 (part), 1980; Ord. 73-1 (part), 1973: prior code §5.115).

4.04.120 Penalties. Any person violating any of the provisions of this Chapter shall be guilty of a violation and upon conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars and upon conviction of a second or subsequent offense shall be fined not less than one hundred fifty dollars nor more than three hundred dollars. (Ord. 80-04 (part), 1980; Ord. 73-1 (part), 1973: prior code §5.116 Ord. 98-20).

Chapter 4.05

CONTRACTING REVENUE

Sections:

- 4.05.010 Construction Contracting
- 4.05.020 Accountability of Funds
- 4.05.030 Disposition of Proceeds
- 4.05.040 Reports Required

4.05.010 Construction Contracting. The City Manager is authorized to bid on, enter, and perform contracts with governmental or private entities whereby the City agrees to perform construction work on projects owned or sponsored by said governmental or private entities, using City equipment and personnel. Prior to bidding on, contracting for, or performing any such construction work, the City Manager shall ensure that the City meets all licensing, permitting, bonding, insurance and other legal requirements for the performance of such construction work. (Ordinance 88-03).

4.05.020 Accountability of Funds. The City Manager shall establish such funds within the City's accounting system as may be necessary to account for the receipts and expenditures of the City on each construction project entered into pursuant to 4.05.010. No City monies may be expended without appropriation. However, money appropriated to pay the salaries of City personnel, and to maintain and operate City construction equipment may be used for these construction projects without further appropriation. (Ordinance 88-03).

4.05.030 Distribution of Proceeds. All net revenue received by the City from construction contracts entered into pursuant to 4.05.010, shall be deposited in the general fund and shall be expended only in accordance with appropriations for public purposes. (Ordinance 88-03).

4.05.040 Reports Required. The City Manager shall report monthly to the City Council on the bids submitted by the City and the outcome thereof, the nature of projects on which bids were submitted, the terms of contract entered into, the status of work on each project, the amount of City expenditures on each project, the amount of City revenues received on each project, the amount of profit anticipated and actually received by the City on each project, and on such other aspects of the construction contracting program as the Council may direct. (Ordinance 88-03).

Chapter 4.06

ACQUISITION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL LAND

Sections:

- 4.06.010 Rights and Powers of City
- 4.06.020 Acquisitions of Land
- 4.06.030 Economic Development Site
- 4.06.040 Temporary Use of City Land
- 4.06.050 Casual Use of City Land
- 4.06.060 Disposal of Real Property
- 4.06.070 Methods of Disposal
- 4.06.080 Leases
- 4.06.090 Easements
- 4.06.010 Notice of Disposal
- 4.06.020 Definitions

4.06.010 Rights and Powers of City

The city shall have and may exercise all rights and powers in the acquisition, ownership, holding and disposal of real property in any manner not prohibited by law. (Ord 13-07).

4.06.020 Acquisitions of Land

A. The city may acquire, own and hold real property or any interest in real property inside or outside the city boundaries by purchase, lease, exchange, transfer, donation, condemnation or declaration of taking under the city's power of eminent domain, or any other legal method. Unless otherwise directed by the City Council, the Manager has authority to negotiate the terms of acquisitions, subject to council approval. Except as provided in subsections B and C of this section, and unless otherwise provided by law, all acquisitions shall be by resolution approved by a majority vote of the total membership of the city council. Real property shall be held in the name of "City of Fort Yukon, Inc".

B. Passage of Resolution 08.08 approved by a majority vote of the total membership of the city council, the Manager may act upon behalf of the city to execute those documents required in the acquisition of real property or interest in real property when that property to be acquired is conveyed from the Native Village Corporation in partial satisfaction of the requirements of Section 14©(3) of the Alaska Native Claims Settlement Act (ANCSA). When the conveyance is for full and complete satisfaction of the requirement of ANCSA Section 14©(3), a non-coded ordinance shall be passed which shall include: a statement identifying the amount of land to be acquired; a legal description; a statement that the conveyance, in conjunction with any previous partial reconveyances, is in complete satisfaction of the ANCSA 14©(3) obligation; a finding that the lands are sufficient for existing and foreseeable community needs; and a statement of facts supporting that finding.

C. The city may exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the city in accordance with AS 09.55.240-09.55.460. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled election or a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.

D. The city council may approve and authorize the purchase of real property or interest in real property by contract of sale, deed of trust, or lease.

Prior to approval of the purchase of property under subsection D of this section, the manager shall furnish the city council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition. The validity of any acquisition or purchase of real property by the city is not affected by the failure to furnish the city council with such materials.

4.06.030 Economic Development Site.

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

4.06.040 Temporary Use of City Land.

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

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

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

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

4.06.050 Casual Use of City Land.

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

4.06.060 Disposal of Real Property.

A. The city may dispose of real property or an interest in real property which has been found to be no longer necessary for municipal purposes. All disposals shall be done by a non-code ordinance. The minimum time between introduction and adoption of ordinances for disposals other than by sealed bid or public outcry or lottery shall be no longer than required for other non-code ordinances. The ordinance shall include:

1. A finding that the real property or interest in real property is no longer necessary for municipal purposes and a statement of facts upon which such finding is based;
2. A legal description of the property;
3. Type of interest in property to be disposed of as defined in section 11;
4. The purpose of the disposal;
5. The method of disposal as identified in section 7;
6. The value of the property or the value of the interest in property as determined under subsection B of this section;

7. The procedure for conducting the disposal and the time, place and manner in which the proposed disposal shall occur.

B. The value of the property or interest in property shall be fair market value as determined by an appraisal prepared by a qualified appraiser or assessor, or the city council may determine the fair market value by any other means it deems appropriate.

4.06.70 Methods of Disposal.

A. All Disposals Shall Be Conducted In A Fair And Impartial Manner. Procedures for conducting all disposals shall be set out in the non-code ordinance authorizing each disposal.

B. Competitive Disposal. The city may conduct the following types of competitive disposal:

1. Sealed bid auction. The minimum bid for a sealed bid auction shall be the fair market value of the property or interest in property as determined under section 6 B.
2. Public Outcry. The minimum bid for a public outcry auction shall be the fair market value of the property or interest in property as determined under section 6 B.
3. Lottery. In the case of a lottery, the price of the property or interest in property may be established by the city council.

C. Disposal for Public Services. The city council may dispose of real property or an interest in real property to a municipality, state, or federal entity or to a nonprofit corporation or association, or a native tribal council, when the recipient is providing a necessary public service to residents of the municipality, without seeking bids and for less than the fair market value of the real property or interest in real property. If a disposal is made under this subsection, the non-code ordinance authorizing the disposal must include in addition to the requirements in section 6:

1. Finding that the disposal to the entity is for provision of a necessary public service and a statement of facts upon which such a finding is based;
2. A requirement that the conveyance of all property or property interest disposal include a condition that the title will revert to the municipality in the event the property is no longer used for the necessary public service justifying the disposal; and
3. In the event that the entity receiving the property or interest in real property is a native tribal council, a requirement that the tribal native council waive immunity from suit for the purpose of enforcing the reversion provision.

D. Disposal for Economic Development. The city council may dispose of real property or an interest in real property to any person or entity in furtherance of local trade or industry without seeking bids and for less than the fair market value of that real property or interest in real property as determined under section 6 B. If a disposal is made to further economic development, the non-code ordinance authorizing the disposal must include in addition to the requirements in section 6:

1. A finding that the property or property interest which is the subject of the disposal will be used in furtherance of local trade or industry; and
2. A requirement that the conveyance of the property interest disposed include a condition that title will revert to the municipality in the event the property is no longer used for the local trade or industry justifying the disposal.

E. Miscellaneous Disposals. The city council may settle disputed claims or litigation by authorizing disposal of real property or an interest in real property.

F. Disposal to Settle Claims of Equitable Interest.

Upon a finding by the city council that it is in the public interest, the city may convey real property or an interest in real property for less than fair market value to a person who has a valid claim of equitable interest in the property or in a substantial improvement located upon the property. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance.

G. Disposal for Residential Purposes. Upon finding by the city council that there is a current residential housing shortage in the community and that making land available for residential purposes at less than market value is in the public interest, the city may convey real property to an interest in real property for less than fair market value to a domiciled city resident who seeks the parcel for development and use as a personal place of residence. That finding shall be incorporated in and made part of the non-code ordinance that accomplishes the conveyance. When real property or interest in real property is disposed of pursuant to this subsection, the deed or lease must contain a condition subsequent which ensures that if the land is used for any use other than residential use for a period of 50 years after disposal, title will revert to the city. In addition, disposals under this subsection shall include a requirement for the construction of a habitable dwelling within two years after the disposal or title will revert to the city.

4.06.080 Leases

A disposal of interest in real property by lease shall follow the requirement in Section 6 & 7. The terms and conditions of leases shall be established by the city council for such disposal.

4.06.090 Easements.

The disposal of interest in real property by grant of easement shall follow the requirements of sections 7 & 8. The terms and conditions of easements shall be established by the city council for such disposal.

4.06.100 Notice of Disposal.

- A. A notice of disposal shall be posted in three conspicuous public places within the city not less than 14 days before:
1. The date of the bid opening; or,
 2. The date of the disposal.
- B. The notice shall include:
1. A legal description of the property and the type of interest to be disposed;
 2. The method of disposal as identified in section 7;
 3. The assessed or estimated value of the property or interest in property;
 4. The date of the proposed disposal and the time, place, and manner in which the proposed disposal shall occur.

4.06.020 Definitions. As used in this Chapter.

Abstract of Title: A condensed history of the title to land together with a statement of all liens, charges, or liabilities to which the land may be subject.

Appraisal: An estimation of value of property by a qualified appraiser.

Casual Use: The temporary, safe, non-exclusive and non-surface-disturbing use of city land and includes but is not limited to such as: hiking, hunting, fishing, short-term camping, picnicking, skiing, snow machining or berry picking.

City Boundaries: The city limits, established when the city is incorporated, inside which all city ordinances are enforceable.

Competitive Disposal: A disposal of property wherein no preference is shown to any prospective bidder or groups of bidders.

Condition Subsequent: An event that occurs after transfer of title which will act to restore title to the maker of the condition.

Contract of Sale: A contract between a willing seller and a willing buyer to transfer title to property.

Deed of Trust: An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum of money or the performance of other conditions.

Disposal: The act of giving away or selling; the transfer of interest in property.

Disputed Claims: Claim for property that is protested by another, or for property which is also claimed by another.

Domiciled Resident: One who has resided in the city for at least thirty days previous, maintains an address in the city, and intends to make the city his/her permanent resident.

Easement: A right or privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.

Economic Development: The growth of the local economy; the increased income of residents.

Eminent Domain: The power of a municipality to convert private property to a public use.

Equitable Interest: A claim (in property or other) which should be recognized in the interest of fairness or equity.

Evaluate: To judge the quality of.

Federal Entity: The federal government or an agency thereof.

Hazardous Use: A use involving danger; risky to human health and well-being.

Interest: In property: a right, claim, title, or legal share in that property. Refers to the "bundle of rights", which may be transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easement.

Inventory: A list of property, containing a description of each article of property.

Lease: Leases are used to dispose of specific interests in real property without transferring ownership of that property; a contract for exclusive possession of lands or tenements for a determinate period.

Legal Description: That part of a conveyance document which identified the land or premises intended to be affected by that conveyance.

Litigation: Contest in a court of justice for the purpose of establishing a right.

Lottery: A plan whereby the right to obtain interest in property, either by purchase or gift, is decided by luck or chance through some type of drawing of names.

Municipality: A unity of local government organized under the laws of state of Alaska.

Non-code Ordinance: An ordinance that is not part of the permanent city code.

Nonprofit Corporation: An organization formed under the laws of the state of Alaska not to obtain a profit, but to supply an essential service to its constituents.

Obnoxious Use: A use which people may find objectionable; disagreeable; offensive; displeasing.

Public Interest: Something in which the public, the community at large, has some pecuniary interest (having to do with money), or some interest by which public interest legal rights or liabilities are affected.

Referendum: A method of submitting an important measure to the direct vote of the whole people.

Revert: With respect to property, title to go back to and lodge with former owner.

Sealed Bid: A written offer to purchase property, placed in an envelope, and opened along with all other bids (if any) at a public bid opening.

State: The State of Alaska or an agency thereof

Substantial Improvement: A major change or addition to land or real property that makes it more valuable.
Temporary Use: An exclusive use of city land which has a duration of a one year lease or less, involves minimal disturbance to the land, and does not allow permanent structures.
Valid Claim: A legally enforceable claim by a third party.

Title 5

BUSINESS LICENSES AND REGULATION

Chapters:

- 5.02 Control of Flow of Alcohol
- 5.04 Liquor Sales
- 5.08 Soliciting on Private Property
- 5.12 Vehicles for Hire
- 5.16 Business Licenses

Chapter 5.02

CONTROL OF FLOW OF ALCOHOL

Sections:

- 5.02.010 Findings
- 5.02.020 Definitions
- 5.02.030 Prohibitions
- 5.02.040 Prohibitions - Licenses
- 5.02.050 Prohibitions - Carrying or Transportation
- 5.02.060 Prohibitions - Public Consumption
- 5.02.070 Prohibitions - Inducement
- 5.02.080 Prohibitions - Furnishing Alcoholic Beverages to Intoxicated Persons
- 5.02.090 Prohibitions - Consumption or Possession by Minor
- 5.02.110 Prohibitions - Public Intoxication
- 5.02.120 Arrest or Citation of Violator: Community Services
- 5.02.130 Penalties - Seizures and Forfeitures
- 5.02.140 Penalties - Fines

5.02.010 Findings. The city council finds that:

- A. The abuse of alcohol seriously interferes with the rights and privileges of city residents.
- B. The public health, safety, and welfare suffers when alcohol abuse is not controlled. There is a strong correlation between alcohol consumption and poor health, fetal damage, suicide, domestic violence and crime.
- C. Strict regulation of alcohol is an effective tool for controlling the abuse of alcohol in Fort Yukon because the city is small and isolated. (Ordinance 91-07).

5.02.020 Definitions. "Alcoholic Beverage" means spirituous, vinous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage and that contain alcohol, whether produced commercially or privately. (AS 04.21.080 (b)(1) newest version.). "Board" means the Alaska Alcohol Beverage Control Board.

5.02.030 Prohibitions. The sale of alcoholic beverages is prohibited, except that alcoholic beverage may be sold by a beverage dispensary or package store operated under a community liquor license held by the city.

5.02.040 Prohibitions - Licenses. A. The Board may not issue, renew, or transfer between holders or locations, a license for licensed premises within the city, with the exception of a beverage store operated under a community liquor license held by the City.

B. All license for licenses premises in the city are void with the exception of a beverage dispensary or package store operated under a community liquor license held by the city. (Implements AS 04.11.492 (b) and 04.11.504).

5.02.050 Prohibitions - Carrying or Transportation. A person may not carry upon his or her person or otherwise transport alcoholic beverages unless such alcoholic beverage is in the original unopened container provided by the manufacturer.

5.02.060 Prohibitions - Public Consumption. A person may not consume alcoholic beverages upon public streets, alleys, parks, any business establishment, or any other public function where minors are present, public school property, in any public school building or city meeting, or while attending any school-related functions, or any recreation facility.

5.02.070 Prohibitions - Inducement. A person may not motivate or induce another person to furnish him or her with any alcoholic beverage or to import any alcoholic beverage for him or her.

5.02.080 Prohibitions - Furnishing Alcoholic Beverage to Intoxicated Person. A person may not furnish alcoholic beverages to a person who reasonably appears to be intoxicated.

5.02.090 Prohibitions - Furnishing Alcoholic Beverage to Minor. A person may not furnish or induce another person to alcoholic beverages to any person under 21 years of age.

5.02.100 Prohibitions - Consumption or Possession by Minor. A person less than 21 years of age may not possess, attempt to possess, or consume alcoholic beverages.

5.02.110 Prohibitions - Public Intoxication. A person who is under the influence of alcohol may not enter or loiter:

A. Upon public streets, alleys, parks, or public school property, or in any public school building or city meeting or recreation facility, or at any place where school related functions are taking place, or

B. In or about any business establishment, if the owner or person in charge of the business establishment has asked the person to leave, or

C. In or about any residence or other property which is not owned or normally occupied by the person; to the annoyance of the owner or occupants.

5.02.120 Arrest or Citation of Violator; Community Service. A. When a peace officer stops or contacts a person concerning a violation of sections 5.02.030-5.02.0110, the peace officer may, in the officer's discretion, arrest the person as provided in AS 12.25.010 through 12.25.160 or issue a citation to the person as provided in AS 12.25.180 through 12.25.220. When issuing a citation, the officer shall write on the citation, the officer shall write on the citation the amount of bail established for the violation by the Alaska Supreme Court pursuant to AS 04.16.205(c). The officer may seize such evidence as is appropriate to support the charge, including but not limited to the

alcoholic beverages involved, any aircraft, vehicle, or vessel used to transport the alcoholic beverage into the city in violation of section 5.02.030.

B. A person cited pursuant to subsection (A) of this section may within 30 days after the date the citation is issued:

1. Mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer the amount of bail indicated on the citation and a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered and the bail and all alcoholic beverages seized are forfeited; or
2. Perform community work in lieu of payment of the fine or a portion of the fine pursuant to subsection (c) of this section.

C. Community work shall be performed at the direction of the council. The value of community work in lieu of a fine is \$5.00 per hour. When the community work is completed, the person cited for the violation shall mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer:

1. A form, prescribed by the administrative director of the Alaska Court System and available from the clerk, indicating completion of the community work; and
2. A copy of the citation, indicating that the right to an appearance is waived, a plea of no contest is entered, and that the bail is forfeited or community work has been performed and that all alcoholic beverages seized are forfeited.

D. When bail has been forfeited or proof of performance of community work under this section has been filed with the court, a judgment shall be entered. Forfeiture of bail or filing proof of performance of community work and forfeiture of all seized items is a complete satisfaction for the violation. The clerk of court accepting the bail or the form indicating performance of community work shall provide the offender with a receipt stating that fact, if requested.

E. If the person fails to pay the bail amount stated on the citation, or fails to provide proof of performance of community work as specified in subsection (c)(1) of this section to the court, the citation is considered a summons.

F. Notwithstanding other provision of law, if a person cited for possession of alcoholic beverages in violation of section 3 appears in court and is found guilty, the penalty that is imposed for the offense may not exceed any bail amount for that offense established under AS 04.16.205(c).

G. Violation of Section 3 through 11 are not considered a criminal offenses, nor is a fine imposed for a violation considered criminal punishment. A person cited for a violation does not have the right to a jury trial or court-appointed counsel.

5.02.130 Penalties - Seizures and Forfeitures. A. Alcoholic beverages sold or offered for sale in violation of section 3 and materials and equipment used in the sale or offering for sale of alcoholic beverages in violation of section 3 are subject to forfeiture.

B. Alcoholic beverages possessed, carried, or transported in violation of section 5 through 11 and seized as evidence are subject to forfeiture.

C. Property subject to forfeiture under this section may be seized as provided by AS 04.16.220(b) and forfeited as provided in AS 04.16.220(c) through (h). Property forfeited under this section shall be placed in the custody of the City of Fort Yukon Police Department or a peace officer of the state for disposition at the direction of the court. The court shall order any alcoholic beverages forfeited under this section destroyed.

5.02.140 Penalties - Fines. A. A person convicted of violating any ordinance contained in Section 5 through 11 shall be fined an amount not to exceed \$300.00
B. A person convicted of selling or seeking to sell alcoholic beverages in violation of section 3 shall be fined an amount not to exceed \$1,000.00. (Ordinance 91-07)

Chapter 5.04

LIQUOR SALES

Sections:

- 5.04.010 Hours of Operation
- 5.04.020 Violation
- 5.04.030 Penalty
- 5.04.040 Alcoholic Beverages-Manufacture, Sale, Barter, etc. Prohibited
- 5.04.050 Importation of Alcoholic Beverages-Limits
- 5.04.060 Importation of Alcoholic Beverages-Delivery to Designated Location
- 5.04.070 Criminal Penalties
- 5.04.080 Civil Remedies

5.04.010 Hours of Operation. The community liquor store shall be open a total of forty-eight (48) hours per week, Monday through Saturday, hours of operation shall be 2:00 pm to 10:00 pm. There is no maximum quantity sold per day per customer and there are no established quotas. Fifty percent of the liquor store revenue shall be budgeted for prevention and safety programs. (Prior code S4.101 (a), Ordinance 98-01).

5.04.020 Violation. It is unlawful for any person, firm, partnership or corporation owning or operating the establishments as defined in Section 5.04.010 to fail to comply with the closing hours as set forth in Section 5.04.010, and the violation of the ordinance codified in this chapter shall be deemed a misdemeanor. (Prior code S4.101 (b)).

5.04.030 Penalty. Any person, firm, partnership or corporation violating the provisions of the ordinance codified in this chapter, shall upon conviction thereof, be punished by a fine and/or imprisonment not to exceed the maximums set out in Section 1.08.020. (Ord. 86-05 S3 (A), 1986; prior code S4.101 (c)).

5.04.040 Alcoholic Beverages - Manufacture, Sale, Barter, etc., Prohibited. A. Except as authorized by AS 04.11.020, a person may not manufacture, sell, offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverages in the city unless under license or permit issued by the State under AS Title 4.

B. In a criminal prosecution for possession of alcoholic beverages for sale or barter in violation of (a) of this section, the fact that a person possessed more than 12 liters of distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt beverages in the city creates a presumption that the person possessed the alcoholic beverages for sale.

5.04.050 Importation of Alcoholic Beverages - Limit. A. No package store licensee, agent, or employee shall ship to a purchaser in the city more than 12 liters of distilled spirits, 24 liters or more of wine, or 12 gallon or more of malt beverages in a calendar month.

B. No person shall import into the city, for personal consumption or otherwise, more than 12 liters or distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt beverages in a calendar month. This subsection does not apply to a package store license acting in compliance with AS Title 4 and subsection 5.04.220(a) of this code.

5.04.060 Importation of Alcoholic Beverages-Delivery to Designated Location.

- A. The city council shall by resolution designate one or more locations in the city for the delivery of alcoholic beverages to individuals in the city or for a person to bring alcoholic beverages if the alcoholic beverages are imported into the city.
- B. A person who delivers alcoholic beverages to an individual in the city or imports alcoholic beverages into the city shall immediately deliver or bring the alcoholic beverages to a location designated pursuant to subsection (a).
- C. A person shall not remove alcoholic beverages delivered or brought to a location designated pursuant to subsection (a) from the designated location until the alcoholic beverages have been inspected by the city.
- D. This section does not apply to the delivery or importation of (1) one liter or less of distilled spirits, two liters or less of wine, or one gallon or less of malt beverages; or (2) alcoholic beverages to the city-operated community package liquor store licensed by the state.

5.04.070 Criminal Penalties. A person who violates any provision of sections 5.04.210 through 5.04.230 shall, upon conviction, be subject to a fine as set forth in section 1.08.010 of the code. Each violation is a separate offense.

5.04.080 Civil Remedies. A. A person who violates any provision of sections 5.04.210 through 5.04.230 is subject to a civil penalty not to exceed \$1,000 for each violation. Each day that a violation continues constitutes a separate violation.

B. The city may institute a civil action for compensatory and injunctive relief against a person who violates any provision of section 5.04.210 through 5.04.230. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction. (Ordinance 97-02).

Chapter 5.08

SOLICITING ON PRIVATE PROPERTY

Sections:

5.08.010 Nuisance Declared-Violation-Penalty

5.08.010 Nuisance Declared-Violation- Penalty. Going in and upon private residences in the city by itinerant and transient solicitors, peddlers, hawkers, merchants and vendors of merchandise, not having been especially invited and requested to do so by the owners or occupants thereof for the purpose of soliciting orders for the sale of goods, wares, merchandise, newspapers and magazines or for the purpose of disposing of, peddling or hawking the same, is declared to be a common and public nuisance, and a violation of the provisions of this section shall be deemed a violation. Any person who violates the provisions of this section, upon conviction, shall be fined not less than fifty dollars nor more than three hundred dollars. (Prior code §6.104, Ordinance 98-20).

Chapter 5.12

VEHICLES FOR HIRE

Sections:

5.12.010 Vehicles for Hire-Insurance

5.12.010 Vehicles for Hire-Insurance. Any vehicle that is for hire must have liability insurance and be registered with the city clerk as a vehicle for hire, and at this time proof of liability insurance must be given. Upon registering the vehicle for hire, a decal shall be issued for the vehicle, to be placed in the lower left-hand corner of the windshield of the vehicle prior to the vehicle being used for hire on the streets of the city. (Ord. 74-1 (part), 1974).

Chapter 5.16

BUSINESS LICENSE

Sections:

5.16.010	Business License Required
5.16.020	Exemptions
5.16.030	Term Fee Removal
5.16.040	Definitions
5.16.050	Penalty

5.16.010 Business License Required. No person shall engage in business in the City without first obtaining a business license from the City and paying the license fee provided for in section 5.16.030

5.16.020 Exemptions. The following are exempt from the requirements of this chapter:

1. Casual and isolated sales not made in the regular course of business by a person who does not represent to be, and is not, regularly engaging in those transactions.
2. Sales of tangible personal property or services by churches.
3. Sales of food in schools or lunch rooms operated primarily for pupils and teachers.

5.16.030 Term, Fee, and Renewal. The license shall be effective for the fiscal year commencing July 1st and ending June 30th. The license fee is \$10.00 per year or any part of a year. The fee is payable at the time of license application and is non-refundable. The license must be renewed annually on or before July 1st.

5.16.040 Definitions. In this chapter, unless the context otherwise requires: 1) “Business” includes all activities or acts, personal, professional, or corporate, engaged in or caused to be engaged in, or following or engaging in a trade, profession, business, call or vacation, with the object of financial or pecuniary gain, profit or benefit, either direct or indirect, the giving or supplying of services as an employee does not constitute business under the meaning of this chapter. 2) “Person” has the meaning given in section 1.04.010 of this code.

5.16.050 Penalty. Any person violating the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars and not more than three hundred dollars. Every act of violation and every day upon which such violation shall occur constitute a separate offense. (Ordinance 98-21).

Title 6

ANIMALS

Chapters:

- 6.04 Dogs and Other Animals
- 6.08 Dead Animal

Chapter 6.04

DOGS AND OTHER ANIMALS

Sections:

- 6.04.010 Control of Dogs
- 6.04.020 Rabies
- 6.04.030 Disposing of Dogs
- 6.04.040 Vaccination
- 6.04.050 Inhumane Treatment

6.04.010 Control of Dogs. A. All dogs six months or older shall be securely chained or confined so as to pose no threat to life or property within the city.

B. Any loose dog posing a threat to a person or property within the city or any loose, unattended and unidentifiable dog will be considered wild, abandoned or ownerless and will be subject to disposal without notification of the owner.

C. In the case of a loose, unattended dog, where ownership can be determined, the owner should be informed of the dog's condition so that the owner may, within a reasonable period of time, secure the dog in proper fashion. If the owner fails to do so, the dog may then be subject to disposal. (Prior code §10.201).

6.04.020 Rabies. A. Any dog believed to be sick with rabies shall be observed for fourteen days and shot if found to be sick with rabies. If the dog in question has bitten anyone, the community health aide and the city policeman shall be notified immediately.

B. Any dog, which is known to have exposed to any animal infected with rabies, or a dog, which has attacked or bitten a person shall be impounded by the rabies control officer or the police or closely confined by the owner, under the direction of the health officer for a period of fourteen days. (Prior code §10.202).

6.04.030 Disposing of Dogs. A. After posting a written notice by the police department for a period of three days in four public places within the city, the police are authorized to dispose of all loose dogs.

B. If it becomes necessary to impound a vicious dog, a stray dog or a dog which has been exposed to rabies, and it is impossible to catch the dog, or if in attempting to apprehend it, the police determine that it will be hazardous to do so, they are authorized to dispose of it in a humane manner on the spot.

C. No dog will be shot on private property without first obtaining the property owner's permission. (Prior code §10.203).

6.04.040 Vaccination. A. Mass Vaccination. Mass vaccination shall be held semi-annually in the spring and fall. The dates and cost shall be set and posted two weeks in advance by the health officer or rabies control officer.

B. Vaccination Cost. The rabies control officer shall provide for the vaccination of all dogs. In all cases the expense shall be borne by the owner.

C. Penalties for Failure to Comply. Any person found guilty of violating the requirements of this section for vaccination of dogs within the city limits shall be guilty of a misdemeanor and shall be fined not more than five dollars on the first offense and not more than twenty-five dollars and/or ten days in jail on a second or subsequent offense. The fines are in addition to impoundment charges for confinement of dogs, which have not been vaccinated as required in the ordinance codified in this chapter. (Prior code §10.204).

6.04.050 Inhumane Treatment. No dog may be kept in the city in a manner which are inhumane. Owners of dogs must care for them properly, including but not limited to adequate feeding and bedding, in light of the weather conditions. (Prior code §10.205).

Chapter 6.08

DEAD ANIMALS

Sections:

6.08.010 Disposal of Dead Animals

6.08.010 Disposal of Dead Animals. The owner of any animal, which dies within the city shall, within twenty-four hours after the animal's death, remove and dispose of the animal by the following methods:

A. When practical, the dead animal shall be buried at such a depth as to prevent other animals from digging it up or to prevent it from giving off noxious odors.

B. When it is not practical to bury the animal, the carcass of the animal shall be cremated to the extent that nothing remains of the carcass to attract other animals or to cause noxious odors from the remains. (Ord. 75-2 §3 (part), 1975).

Section 1. A new Chapter 6.12 of the Fort Yukon Municipal Code is hereby enacted to read as follows:

6.12.010 Definitions. For the purpose of this chapter the following terms shall be defined as follows in this sections:

- A. Adult dog, means any dog over the age of six months.
- B. Animal control authority, means the person, association or corporation appointed or authorized (including contractual authorization) by the city manager or the public safety department to carry out the duties of the animal control officer and enforcement under this chapter.
- C. Animal control officer, means the individual employed, contracted or appointed by the animal control authority for the purpose of aiding in the enforcement officer, or other official or employee whose duties in whole or in part include assignments which involve the seizure and taking into custody of any animals.
- D. A dog is "confined" if such dog is securely confined indoors or confined in a secure enclosure that meets the following requirements: a) the enclosure must have secure sides and a secure top, or if there is not top, all sides must be at least eight feet high, b)the enclosure has no bottom secured to

the sides, the sides must be imbedded into the ground no less than one foot, and c) the enclosure must be of such material and closed in such a manner that the dog cannot exit the structure on its own.

E. Dangerous dog means:

a) Any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury to or otherwise endanger the safety of humans or other domestic animal.

b) Any dog that, as defined in section 6.12.020, has attacked a human being or other domestic animal.

F. Owner, means any person or legal entity having an interest in or right of possess to an animal or any person having control, custody or possession of any animal, or who harbors, cares for, exercises control over, or permits any animal to remain on premises occupied by him or by reason of the animal being seen residing consistently at a location shall be presumed to be the owner.

G. Pit Bull, means any adult dog that is an American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier, or that displays a majority of physical traits of any one or more of the above breeds, or that exhibits those distinguishing characteristics that substantially conform to the standards established by the American Kennel Club (AKC) or the United Kennel Club (UKC) for any of the above breeds. It shall include a mixed breed of dog which contains as an element of its breeding any of the above breeds sufficient to make the dog identifiable as partially of any of the above breeds. The AKC and UKC standards for the above breeds are on file at the office of the city clerk.

H. Rottweiler, means any adult dog that is Rottweiler or displays a majority of physical traits of a Rottweiler, or exhibits those distinguishing characteristics that substantially conform to the standards established by the American Kennel Club or the United Kennel Club for the Rottweiler breed. It shall include a mixed breed of dog which contains as an element of its breeding the Rottweiler breed sufficient to make the dogs identifiable as partially of the Rottweiler breed. The AKC and UKC standards for the breed are on file at the office of the city clerk.

I. Secure temporary enclosure, means a secure enclosure used for purposes of transporting a pit bull or Rottweiler and which includes a top and bottom permanently attached to the sides, except a door for removal of the animal. Such enclosure must be made of such material, and such door closed and secured in such manner that the dog cannot exit the enclosure on its own.

J. Confinement, means a secure enclosure used for purposes of securing

6.12.020 Dog Attack or Bite.

A. No person who owns, possesses, keeps or exercises control over any dog shall:

1) Permit the dog to attack or bite any person or domestic animal not on the premises of such owner, possessor or keeper.

2) Permit the dog to attack or bite any person or domestic animal upon the premises of the residence of such owner, possessor or keeper or upon the premises of any business establishment not then open to the public. It is an affirmative defense to this subparagraph if such premises are previously posted at each entrance with a prominent and conspicuous sign warning all persons, in lettering not less than two inches in height, of the dog and if the dog confined, as that term is defined in section 6.12.010. It is also an affirmative defense to this paragraph that the attack or bite by the dog was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery or theft upon the property.

3) Permit the dog to attack or bite any person or domestic animal upon the premises of any business establishment that is open to the public. It is an affirmative defense to this paragraph that the attack or

bite by the dog was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery or theft upon the property.

B. The provisions of this section shall not apply to any law enforcement officer who sues a dog while engaged in law enforcement activities, nor to any owner, possessor or keeper of any dog that attacks or bites a person engaged in physically attacking or striking such owner, possessor or keeper.

C. Any dog that attacks or bites a person or domestic animal as prohibited by this section shall be immediately impounded under section 6.04.020 of this code and shall be deemed a vicious dog for purposes of subsection 6.04030(B) of this code.

6.12.030 Dangerous dogs; confinement.

A. It is unlawful for any person to own, possess, keep, exercise control over, maintain or harbor a dangerous dog on the premises of such person without the dog being confined.

B. It is unlawful for any person who owns, possesses keeps, exercises control over, maintains, or harbors a dangerous dog to permit such dog to go beyond the premises of such person unless the dog is securely leached and muzzled or otherwise securely restrained and muzzled.

6.12.040 Pit Bulls and Rottweiler Prohibited

A. It is unlawful for any person to own, possess, keep exercise control over, maintain or harbor a pit bull or Rottweiler

B. Exceptions. The prohibition in subsection A of this section shall not apply in the circumstances enumerated in this subsection. However, failure by the owner to comply and remain in compliance with all of the terms of any applicable exception shall subject the dog to immediate impoundment and disposal pursuant to subsection C of this section, and shall operate to prevent the owner from asserting such exception as a defense in any prosecution under subsection A.

1) The city's animal control officer and the city's animal shelter may temporarily harbor any pit bull or Rottweiler for purposes of enforcing this chapter.

2) A person may temporarily transport through the city a pit bull or Rottweiler. AT all times while the pit bull or Rottweiler is being transported through the city it must be kept in a secure temporary enclosure. The period of time in which the pit bull or Rottweiler may be in the city for transport shall not exceed 12 hours.

C. City Manager or public safety officer are authorized to immediately impound, or cause any animal control officer to impound any pit bull or Rottweiler which does not fall within the exceptions listed in subsection B of this section, and may house or dispose of the dog in such manner as the manager or public safety officer may deem appropriate, except as otherwise required by the procedures in subsection D of this section. Notice of the impoundment shall be given in writing to the owner as soon as possible.

D. When any pit bull or Rottweiler has been impounded pursuant to this section, and the owner of such dog disputes the classification of such dog as a pit bull or Rottweiler, the owner of such dog may file a written petition with the manager for hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The manager will then issue a notice of hearing date by delivering or mailing a copy to the petitioner's address no later than seven days prior to date of the hearing. Where no written request from

the owner for a hearing is received by the manager within seven days of the impoundment, the pit bull or rottweilers shall be destroyed.

E. The hearing, if timely requested pursuant to subsection D, will be held before the manager or a hearing officer designated by the manager. Any facts that the petitioner wishes to be considered shall be submitted under oath or affirmation, either in writing or orally at the hearing. The manager or hearing officer shall make a final determination whether the dog is a pit bull or Rottweiler. Such final determination shall be considered a final order, which may be appealed to the Superior Court for the State of Alaska under the applicable rules of appellate procedure.

F. If the dog is found to be a pit bull or Rottweiler, it shall be destroyed, unless the owner produces evidence deemed sufficient by the manager that the dog is to be permanently taken out of the city and the owner pays the cost of impoundment. If the dog is found not to be a pit bull or Rottweiler, the dog shall be released to the owner. Nothing in this subsection shall be construed to authorize the removal of a dog that is required to remain confined or impounded or be destroyed pursuant to chapter 6.04 of this code or any other provision of law.

6.12.050 Penalties

1. Any person found guilty of violating any provision of this chapter is subject to the penalties and other remedies provided in chapter 1.08 of this code.

Title 7

(RESERVED)

Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 Littering
- 8.08 Garbage and Waste Disposal

Chapter 8.04

LITTERING

Sections:

- 8.04.010 Definitions
- 8.04.020 Litter in Public Places
- 8.04.030 Placement in Receptacles
- 8.04.040 Sweeping Litter into Streets and Gutters
- 8.04.050 Merchants to Keep Sidewalks Free of Litter
- 8.04.060 Litter Thrown by Persons in Vehicles
- 8.04.070 Trucks Loads Causing Litter
- 8.04.080 Litter in Lakes and Water
- 8.04.090 Distributing Handbills-Vehicles and Public Places
- 8.04.100 Distributing Handbills-Uninhabited or Vacant Premises
- 8.04.110 Distributing Handbills-Prohibited Where Posted
- 8.04.120 Distributing Handbills-Private Premise
- 8.04.130 Posting Notices Prohibited
- 8.04.140 Litter on Occupied Private Property
- 8.04.150 Owner to Maintain Premises Free of Litter
- 8.04.160 Litter on Vacant Lots
- 8.04.170 Violation
- 8.04.180 Penalties

8.04.010 Definitions. For the purposes of this chapter the following terms shall be defined as follows in this section:

- A. "Authorized private receptacles," means containers to constructed and maintained in a manner sufficient to prevent litter from being scattered or spread by the elements.
- B. "Deposit" includes but is not limited to placement and accumulation.
- C. "Garbage" is putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- D. "Litter" means garbage, refuse, and rubbish and all other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety and welfare.
- E. "Refuse" is all putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, dead animals, abandoned automobiles, and solid industrial wastes.
- F. "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cardboard, tin cans, cut brush, wood, damaged, or burned buildings, and construction materials, glass, bedding, furniture, and similar materials.

8.04.020 Litter in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk or other public within the city except in public receptacles, in authorized private receptacles for collection, or in official city landfills. (Prior code §6.202).

8.04.030 Placement in Receptacles. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. No person shall deposit in public receptacles litter from any building or lot or from any private sidewalk or driveway. (Prior code §6.203).

8.04.040 Sweeping Litter into Streets and Gutters. No person shall sweep into or deposit on any gutter, street or other public place within the city the accumulation of litter from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter, except that where there is no area other than such sidewalk for the placement of litter for collection purposes, litter may be set out as neatly and unobtrusively as reasonably possible for collection within a reasonable period prior to a regularly scheduled collection time. Such litter set out for collection shall be stored in authorized private receptacles except that litter, other than garbage, need not be placed in receptacles where it is not reasonably susceptible to such storage. (Prior code §6.204).

8.04.050 Merchants to Keep Sidewalks Free of Litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter, except that where there is no area other than such sidewalk for the placement of litter for collection purposes, litter may be set out as neatly and unobtrusively as reasonably possible for collection within a reasonable period prior to a regularly scheduled collection time. Such litter set out for collection shall be stored in authorized private receptacles except that litter, other than garbage, need not be placed in receptacles where it is not subject to being scattered by the elements and is not reasonably susceptible to such storage. (Prior code §6.205).

8.04.055 Reduction of Usage of Plastic Bags.
To peruse method to reduce the volume of solid waste and environmentally appropriate way to dispose the remainder: Styrofoam items; such as cups; plates; trays; cartons for easy carry out; shall be prohibited for sale or use in retail businesses; and to assist the City in maintenance of these goals: One Found Guilty of this is punishable and ordered to pay such fines: 1st Offense \$100; 2nd Offense \$200; 3rd Offense \$300. (Ord 05-02)

8.04.060 Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon street or other public place within the city, or upon private property. (Prior code §6.206).

8.04.070 Truck Loads Causing Litter. No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. (Prior code §6.207).

8.04.080 Litter in Lakes and Waters. No persons shall throw or deposit litter in any pond, lake, stream, river, or any other body of water within of adjacent to the city. (Prior code §6.209).

8.04.090 Distributing Handbills-Vehicles and Public Places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city, nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. (Prior code §6.210).

8.04.100 Distributing Handbills-Uninhabited or Vacant Premises. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises, which are temporarily or continuously uninhabited or vacant. (Prior code §6.211).

8.04.110 Distributing Handbills-Prohibited where Posted. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words “No Trespassing,” “No Peddlers or Agents,” “No Advertisement,” or any similar notice, indicating in any matter that the occupants of the premises do not desire to be molested or have their right to privacy disturbed, or to have such handbills left upon the premises. (Prior code §6.212).

8.04.120 Distributing Handbills-Private Premises. A. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person than present or in or upon such private premises. Provided, however, that in the case of inhabited private premises, which are not posted, as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill is so placed or deposited as to secure or prevent such hand bill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

B. Exemption for Mail and Newspapers. The provisions of subsection A of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined in this code) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Prior code §6.213).

8.04.130 Posting Notices Prohibited. No person shall affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or

shade tree, or upon any public structure or building, except as may be authorized or permitted by law. (Prior code §6.214).

8.04.140 Litter on Occupied Private Property. No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may store litter for collection provided that such litter shall be stored in authorized private receptacles except that litter, other than garbage need not be placed in receptacles where it is not subject to being scattered by the elements and is not reasonably susceptible to such storage. (Prior code §6.215)(Ord 05-05).

8.04.150 Owner to Maintain Premises Free of Litter. The owner or person in control of any private property:

1. Shall at all times maintain the premise free of litter. Provided, however, that this section shall not prohibit the storage of litter for collection, which litter shall be stored in authorized private receptacles except that litter, other than garbage, need not be placed in receptacles where it is not subject to being scattered by the elements and is not reasonably susceptible to such storage.
2. Shall, within thirty days after a fire or other casualty causing damage to a building or other structure, clear the premises of all rubbish and debris resulting from such fire or casualty, except when the City Manager grants a written extension of time because of cold weather during winter months. (Prior code §6.216)(Ord 05-05).

8.04.160 Litter on Vacant Lots. No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. (Prior code §6.217).

8.04.170 Violation. No person shall allow, permit or suffer litter owned by him to be thrown or deposited by any person in any manner violating the provisions of this chapter. The finding of litter bearing the name of a person, which in the circumstances indicates ownership, such as the addressee, in any place where the throwing or depositing of litter is prohibited shall constitute prima facie evidence of a violation of this section. (Prior code §6.218).

8.04.180 Penalties. A. Except as provided in subsection B, any person violating any of the provisions of this chapter shall be deemed guilty of a violation and upon conviction thereof shall be subject to the penalties set out in Section 1.08.010 of this code.

B. Any person violating subsection B of section 08.04.150 shall be deemed guilty of a violation and upon conviction thereof shall be subject to a fine as follows: first offense, \$100; second offense \$200; third offence \$300. (Ord. 86-05 §4 (A)(11), 1986: prior code §6.219, Ord. 98-20)(Ord 05.05).

Chapter 8.08

GARBAGE AND WASTE DISPOSAL

Section:

8.08.010	Unlawful Disposal-Exception-Violation
8.08.020	Uncontained Wastewater - Unlawful Acts
8.08.030	Uncontained Wastewater - Public Nuisance
8.08.040	Authorized to Abate Nuisance; Procedures
8.08.050	Lien for Cost of Abatement
8.08.060	Penalties
8.08.070	Civil Remedies
8.08.080	Definitions

8.08.010 Unlawful Disposal-Exception-Violation. A. It is unlawful for any person, company or organization to dispose of garbage, refuse or trash of any kind within the limits of the city other than the places designated by the city council.

B. It is unlawful for any person, company or organization to deposit, dump or in any manner dispose of human waste, offal or excrement within the limits of the city except as specified in this section:

1. By use of outdoor toilets of usual construction and meeting reasonable sanitation requirements; and/or
2. At a place designated by the city council.

C. Any individual, person, firm or corporation who deposits any type of trash or garbage along the Yukon River bank within the limits of the city, and/or burns any type trash or garbage along the Yukon River bank within the city limits of the city, shall be in violation of this chapter. This includes dump setting on the ice in the water months.

D. No person, individual, or corporation shall accumulate garbage on his or her private property within the city limits. (Prior code §10.301).

8.08.020 Uncontained Wastewater - Unlawful Acts. A. It is unlawful for any person to cause the discharge of flow of uncontained wastewater onto, across, or in private or public land or waters in the city.

B. It is unlawful for any owner or occupant of any land or waters in the city to allow or continue any discharge or flow of uncontained wastewater on that land or in those waters after the person knows, or reasonably should know, of its presence.

C. It is unlawful for any owner or occupant of any land or waters in the city to fail to immediately clean-up or remove any discharge or flow of uncontained wastewater on that land or in those waters after the person knows, or reasonably should know, of its presence.

D. It is unlawful for any person to fail to obey an abatement order issued according to section 08.12.040

E. It is unlawful for any person to carry, remove to transport wastewater in the city unless the waste water is contained and covered in a manner that prevents accidental discharge. (Ordinance 99-02).

8.08.030 Uncontained Wastewater- Public Nuisance. The discharge, flow, or presence of uncontained wastewater on , across, or in private or public land or water in the city is a public nuisance and a hazard to public health, safety, and welfare. (Ordinance 99-02).

8.08.040 Authorization to Abate Nuisance; Procedures. The City is authorized to abate a public nuisance described in this chapter in the following manner:

A. Upon discovery and determination that a public nuisance exists, the City Manager shall cause written notice and order to be delivered to the owner and the occupants, if any, of land or waters where the nuisance exists.

B. The notice and order to abate shall include:

1. The address or location of the property involved and the name of the owner and occupants, if any.
2. A short description of the nuisance, including a description of its location on the property.
3. An order to abate the nuisance in a manner acceptable to the city.
4. A statement that if such abatement is not completed within 48 hours after service of the notice, or such longer period of time as may be stated in the notice, with the City Manager's authorization, the city is authorized to enter the property to abate the nuisance by any appropriate means and assess the cost of the abatement to the owner of the property.
5. A description of the penalties for continuing or failing to abate the public nuisance.
6. A statement that if the owner or occupant wants to challenge the notice and order to abate, the owner or occupant must immediately make a written request for a hearing with the City Manager, who will meet with the owner or occupant as soon as possible after the request is made.

C. If a written request for a hearing with the City Manager is received before the City commences to abate the nuisance, the City Manager shall meet with the person requesting the hearing as soon as possible and before the city commences to abate. The City Manger will give the person an opportunity to be heard to challenge the notice and order to abate. If the City Manager in his discretion determines the owner or occupant has proved the notice and order to abate is unjustified or unreasonable, the City Manager may amend or rescind the notice and order to abate. In no event, however, may the City Manager authorize a public nuisance to continue unabated any longer than is absolutely necessary.

D. Forty-eight hours after service of the notice and order to abate, or such longer time as may have been authorized by the City Manager, the City Manager shall cause an inspection of the property to determine whether the nuisance is still present. If the owner or occupant has taken steps to abate the nuisance, and the City Manager in his discretion determines the nuisance has been abated; and no further action need to be taken to abate the nuisance.

E. If the City Manager in his discretion determines the owner or occupants has not acted to abate the nuisance, or the owner's or occupant's actions to abate have failed or have been inadequate or unreasonable, the City may enter the property to do any or all of the following:

1. Take emergency and temporary actions to stop the nuisance from continuing, including but not limited to, pumping out any holding tanks;
2. Take all necessary steps to clean up the nuisance, including, but not limited to, any uncontained wastewater and contaminated soils; and
3. Assess all costs of abatement and clean-up to the owner of the contaminated property.

(Ordinance 99-02).

8.08.050 Lien for Cost of Abatement. The City shall have a lien against the contaminated property for the costs incurred by the City in the discovery, investigation, abatement and clean-up in any abatement proceedings undertaken pursuant to this chapter. The City may record a notice of the lien and may foreclose the lien for nonpayment, as provided by Alaska law. (Ordinance 99-02).

8.08.060 Penalties. A person found guilty of violation of any provision of Section 8.12.010 is punishable by fines: First Offense \$100.00; Second Offense \$200.00; Third Offense \$300.00. A person found guilty of violation of any provision of Section 8.12.010 is punishable under section 1.08.010. (Ordinance 99-02).

8.08.070 Civil Remedies. The following remedies are in addition to any other remedies that may be available by law or in equity:

- A. The owner of land or water contaminated by uncontained wastewater and any person who caused the discharge of uncontained wastewater on that land or water are jointly and severally liable, in a civil action, to the City for the costs incurred by the City in the discovery, investigation, abatement and clean-up of the wastewater. Any person who cause the discharge or flow of uncontained wastewater onto, across, or in land or water owned by another is liable, in a civil action, to the owner for (1) the costs incurred by the owner in the abatement and clean-up of the wastewater and (2) for any sums the owner pays to the City for the City's abatement and clean-up of the wastewater.
- B. Any person who violates this chapter or an abatement order issued pursuant to this chapter is subject to a civil penalty or injunctive relief, or both, under Section 1.08.020.

8.08.080 Definitions. As used in this chapter, the following words and phrases shall be construed as defined in this section unless from the context a different meaning is required:

“Discharge” means any releasing, spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, dumping, releasing, overflowing, or disposing on land or in water.

“Owner” has the meaning given in section 1.04.010 and also includes the owner of any water and the land under any water.

“Person” has the meaning given in section 1.04.010.

“Wastewater” means waterborne human waste or gray water derived from domestic or non-domestic sources. “Wastewater” includes the contents of holding tanks and the contents of individual removable containers used to collect human wastes.

(Ord 99-02).

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 9.04 Offenses By or Against Government and Public Officials
- 9.08 Offenses Against the Person
- 9.12 Offenses Against Property
- 9.16 Offenses Against the Public Peace
- 9.20 Offenses By or Against Minors
- 9.24 Weapons

Chapter 9.04

OFFENSES BY OR AGAINST GOVERNMENT AND PUBLIC OFFICIALS

Sections:

- 9.04.010 Interference With Police Department

9.04.010 Interference with Police Department. A. No person shall resist any police officer, any member of the police department or any person duly empowered with police authority, while in the discharge or apparent discharge of his duty, or in any way interfere with or hinder him in the discharge of his duty.

B. No Person shall offer, or endeavor, to assist any person in the custody of a police officer, a member of the police department or a person duly empowered with police authority, to escape or to attempt to escape from such custody.

C. No person, other than an official police officer of the city, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. (Prior code §6.102)

Chapter 9.08

OFFENSES AGAINST THE PERSON

Sections:

- 9.08.010 Assault and Battery

9.08.010 Assault and Battery. Any person not armed with a dangerous weapon, which unlawfully assaults or threatens another in a menacing manner, or unlawfully strikes or wounds another, or in acts in a violent manner toward another whereby any person is places in danger of life, limb or health, is guilty of assault and battery. (Ord. 75-2 §1(part), 1975: prior code §6.101(a)).

9.12 Offenses Against Property

9.12.010 Shoplifting. A. Any person who willfully conceals or takes possession of any goods offered for sale by a wholesale or retail store or other mercantile establishment without the knowledge or consent of the owner and with the intent to convert the goods to his own use without paying the purchase price thereof, is guilty of shoplifting.

B. A peace officer, merchant, or merchant's employee, with reasonable cause to believe that a person has committed the crime of shoplifting as defined under subsection A of this section may detain and interrogate such person in regard thereto in a reasonable manner and for a reasonable time, either within the boundaries of the premises or outside the premises.

C. Where a peace officer, merchant or merchant's employee, with reasonable cause to believe that a person has committed the crime of shoplifting as defined under subsection A of this section, detains and interrogates him in regard there to and such person thereafter brings against the police officer, merchant or merchant's employee a civil or criminal action for slander, false arrest, false imprisonment, assault, battery, wrongful detention or other tort based upon such detention and interrogation, such reasonable cause shall be an absolute defense to the action, if the detention and interrogation were done in a reasonable manner and for a reasonable time, regardless of whether the person actually committed the crime of shoplifting or not.

D. It shall be prima facie evidence of an intent to convert the goods to his own use without paying the purchase price thereof if the person either conceals the goods while on the premises or takes the goods from the premises of such retail store or other mercantile establishment without having paid for the same or without having made arrangements with the owner, manager or one of his agents in the wholesale, retail or mercantile establishment to remove the goods.

E. Any person who commits the crime of shoplifting as defined in this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties set out in section 1.08.020 of this Code. (Ord. 86-05 §4(A)(3), 1986; prior code §6.103).

9.12.020 Trespass on Private Property. No person, firm, association or corporation, other than a peace officer on lawful business, shall trespass on lands or premises of another, and fail, neglect or refuse to depart therefore immediately on request of the owner or any person in the lawful occupation of the land or premises. (Prior code §6.105).

9.12.030 Malicious Destruction of Private Property. Any person, who wantonly, willfully and maliciously damages or destroys the personal property of another, shall be guilty of malicious destruction of personal property. (Ord. 75-2 §1(part), 1975; prior code §6.101(d)).

Chapter 9.16

OFFENSES AGAINST THE PUBLIC PEACE

Sections:

- 9.16.010 Drinking In Public
- 9.16.020 Unlawful Assembly
- 9.16.030 Disorderly Conduct and Disturbing the Peace

9.16.010 Drinking In Public. No person shall consume an alcoholic beverage, including beer and wine, in any public place, except in a place licensed to dispense alcoholic beverages by the drink. (Prior code §6.108)

9.16.020 Unlawful Assembly. Unlawful assembly occurs when three or more persons assemble with intent, or with means and preparations, to do an unlawful act, which would be riot if actually committed, but do not act toward the commission of a riot; or without authority of law, and in a manner adapted to disturb the public peace or excite public alarm, or disguised in a manner to prevent them from being identified, shall be guilty of unlawful assembly. (Ord. 74-1 (part), 1974: prior code §6.101 (g))

9.16.030 Disorderly Conduct and Disturbing the Peace. A person commits the crime of disorderly conduct if:

1. With intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that the conduct is having that effect after being informed that it having that effect, the person makes unreasonably loud noise;
2. In a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that the conduct is having that effect, the person makes unreasonably loud noise;
3. In a public place, when a crime has occurred, the person refuses to comply with a lawful order of a peace officer to disperse;
4. In a private place, the person refuses to comply with an order of a peace officer to leave premises in which the person has neither a right of possession nor the express invitation to remain of a person having a right of possession;
5. In a public or private place, the person challenges another to fight or engages in fighting other than in self-defense;
6. The person recklessly created a hazardous condition for others by an act which has no legal justification or excuse; or
7. The offender intentionally exposes the offender's buttock or anus to another with reckless disregard for the offense or insulting effect the act may have on that person.

B. As used in this section, "noise" is "unreasonably loud" if, considering the nature and purpose of the defendant's conduct and the circumstances known to the defendant, including the nature of the location and the time of the day or night, the conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation protected.

C. Disorderly conduct is punishable by a fine not to exceed the maximums set out in Section 1.08.010 of this code. (Ord. 86-05 (A)(4), 1986: Ord. 75-2 §1(part), 1975: prior code §6.101(part), Ord. 98-20)

Chapter 9.20

OFFENSES BY OR AGAINST MINORS

Sections:

- 9.20.010 Possession of Alcoholic Beverages by a Minor
- 9.20.020 Furnishing Alcoholic Beverages to a Minor

9.20.010 Possession of Alcoholic Beverages by a Minor. Any person under the age of twenty-one years is prohibited from possessing or controlling any alcoholic beverage or knowingly consuming alcoholic beverages. Possession shall be prima facie evidence of consumption. (Ord. 86-05 §4(A)(5), 1986: Ord. 75-2 §1(part), 1975: prior code §6.101 (e)).

9.20.020 Furnishing Alcoholic Beverages to a Minor. Any person, who furnishes, barter, trades, sells or in any other way procures an alcoholic beverage for a person under the age of twenty-one years, shall be guilty of furnishing alcoholic beverages to a minor. Parents, guardians or legal spouses may give to a person under twenty-one years of age of their immediate family alcoholic beverages in the residence of said parent, guardian or legal spouse; however, this does not exonerate the parent, guardian or legal spouse from prosecution for contributing to the delinquency of a minor when such delinquency arises in part or in full from their giving alcoholic beverages to any such minor. (Ord. 86-05 §4(A)(6), 1986: Ord. 75-2 §1(part), 1975: prior code §6.101(f)).

Chapter 9.22

CURFEW FOR MINORS

Sections:

- 9.22.010 Definitions
- 9.22.020 Hours - Summer
- 9.22.030 Hours - School year
- 9.22.035 Exceptions
- 9.22.040 Violation - Detention of minors
- 9.22.050 Violation - Penalty
- 9.22.060 Violation - Parents and Guardians
- 9.22.070 Violation - Businesses

9.22.010 Definitions. As used in this chapter:

- A. "Guardian" means a person who is legally responsible for a minor.
- B. "Minor" means a person who has not attained the age of eighteenth and is not emancipated under AS 09.55.590. (Ordinance 96-03).
- C. "Peace Officer" means a municipal public safety officer, or an employee of the native village or health and social services designated to serve as a truant officer by the department. (Ordinance 96-03).
- D. "Summer" means that period after the close of the school year as established by the school district.

9.22.020 Hours- Summer. A parent or guardian shall require a minor in his legal custody to observe the following curfew: A minor (unless accompanied by a parent or guardian) shall not be in or upon public streets, public area, public buildings or private businesses in the city between the hours of midnight and six a.m. during this summer. "Summer" means that period after the close of the school year as established by the school district.

9.22.030 Hours- School Year. During the school year a parent or guardian shall require a minor in his or her legal custody to observe the following curfew: A. A minor (unless accompanied

by a parent or guardian shall not be in or upon public streets, public areas, public buildings or private businesses in the city between the hours of ten p.m. to six a.m. during the school year.

B. The curfew for any evening on which the next day is Saturday, Sunday or a school holiday shall be midnight until six a.m.

9.22.035 Exceptions. A. Exceptions to this curfew may include public holidays, church gatherings; school associated meetings, sing aspiration, traditional native meetings and other events as designated by the council.

B. This chapter shall not apply to legally emancipated children.

9.22.040 Violation- Detention of Minor. A. If a peace officer had probable cause to believe that a minor is in violation of the curfew established by this chapter, then he may take the minor into custody for the sole purpose of either returning him to his parent or guardian or, if the minor prefers, to another consenting responsible adult. (Ordinance 96-03).

B. No minor detained under subsection (b) of this section may be detained beyond 9:00a.m. of the morning following detention. If the parent, guardian or actual adult custodian cannot be located or fails or refuses to remove said person shall be released to the custody of the Division of Corrections or the Department of Health and Social Services.

C. Detention records shall be kept confidential from all persons except the juvenile and his parent, guardian or actual adult custodian, except upon court order upon finding that a release is in the best interests of the juvenile. The record of detention shall be destroyed after the expiration of the second year following the detention date.

9.22.050 Violation- Penalty. A. Violation of any section of this chapter shall be considered a violation punishable according to the following schedule: (Ordinance 96-03).

1. First violation, \$50.00
2. Second violation, \$60.00
3. Third violation, \$80.00; and
4. Fourth violation, \$100.00

B. A violation of this chapter by a minor, which more than three months after a previous violation is considered a first violation. A warning will be issued for the first violation.

C. A minor cited for violation of this chapter may be sentenced to perform community service in lieu of payment of all or a portion of the fine.

9.22.060 Violation- Parents and Guardians. A. A parent or guardian who allows his or her minor child to remain out after curfew shall pay a fine according to the following schedule. (Ord 09-01(Ord 06-03, Ord 96-03)).

B. A parent or guardian who knowingly allows his or her child to remain out after curfew shall, upon a third and subsequent violation, pay a fine or not more than three hundred dollars. (Ordinance 96-03).

9.22.070 Violation- Businesses. A. The owner or operator of a private business enterprise who permits minors to remain on his premises after the hours of curfew established by this chapter is guilty of a violation punishable by a fine or up to three hundred dollars. (Ordinance 96-03).

B. These penalties shall not apply to taxicabs, buses and other forms of public or publicly regulated transportation.

Chapter 9.24

WEAPONS

Sections:

9.24.010 Discharge of Firearms

9.24.010 Discharge of Firearms. A. It is unlawful for any person(s) or organizations to flourish, point or discharge a firearm within the city limits except as follows:

1. For subsistence purposes; and
2. For sighting-in of firearms.

B. Firearms may only be discharged within the corporate limits of the city in areas specifically designated by the council. The safety of persons will come first at all times.

C. It is unlawful for any person to discharge any firearms or air rifle, or intentionally point or aim any firearm or other weapon, loaded or otherwise, at any person.

D. It is unlawful for any person to carry a concealed weapon on or about his person in any manner, be it a revolver, pistol or any other deadly weapon other than an ordinary pocketknife.

E. 1. In a prosecution under subsection D of this section, it is an affirmative defense that the defendant, at the time of possession, was:

- a. In the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling; or
- b. Actually engaged in lawful hunting, trapping or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

2. The provisions of subsection D of this section do not apply to peace officer acting within scope and authority of the officer's employment.

3. In a prosecution under subsection D of this section, it is a defense that the defendant, at the time of possession was:

- a. On business premises owned by or leased by the defendant; or
- b. On business premises in the course of the defendant's employment with the owner or lessee of those premises.

4. For the purposes of this section, a deadly weapon on a person is concealed if it is covered or enclosed in any manner so an observer cannot determine that it is a weapon on without removing it from that cover or that which covers or encloses it or without opening, lifting or removing that which covers or encloses it. (Ord. 86-05 §4(A)(8), (9), 1986; prior code §6.109).

Title 10

VEHICLES AND TRAFFIC

Chapters

- 10.04 General Provisions
- 10.08 Administration and Enforcement
- 10.12 Compliance with State Law
- 10.16 Duty to Obey
- 10.20 Emergency Vehicles
- 10.24 Accidents
- 10.28 Traffic Control Devices
- 10.32 Speed Limits
- 10.36 Stops, Yields and Turns- Signs and Signals
- 10.40 Rules of the Road
- 10.44 Stopping, Standing and Parking
- 10.48 Equipment
- 10.52 Motor Bicycles, Scooters and Motorcycles
- 10.56 Bicycles
- 10.60 Snow Traveling Vehicles
- 10.64 School Buses
- 10.68 Pedestrians
- 10.72 Impounding Vehicles
- 10.76 Miscellaneous Traffic Rules

Article I

Chapter 10.04 GENERAL PROVISIONS

Sections:

- 10.04.010 Continuation of Present Restrictions.

Article II DEFINITIONS

- 10.04.020 Generally
- 10.04.030 Alley
- 10.04.040 Arterial Street or Highway
- 10.04.050 Authorized Emergency Vehicle
- 10.04.060 Bicycle
- 10.04.070 Commercial Vehicle
- 10.04.080 Controlled Access Street or Highway
- 10.04.090 Crosswalk
- 10.04.100 Curb Loading Zone
- 10.04.110 Driver
- 10.04.120 Driveway
- 10.04.130 Hours of Darkness
- 10.04.140 Intersection
- 10.04.150 Lane Roadway
- 10.04.160 Motorcycle

10.04.170	Motor Truck or Truck
10.04.180	Motor Vehicle
10.04.190	Official Time Standard
10.04.200	Official Traffic-Control Devices
10.04.210	Park
10.04.220	Passenger Loading Zone
10.04.230	Pedestrian
10.04.240	Police Officer
10.04.250	Private Road
10.04.260	Public Holidays
10.04.270	Residence District
10.04.280	Right-of-Way
10.04.290	Roadway
10.04.300	Safety Zone
10.04.310	Semi-trailer
10.04.320	Sidewalk
10.04.330	Stop
10.04.340	Stop, Stopping or Standing
10.04.350	Street or Highway
10.04.360	Traffic
10.04.370	Traffic-Control Signal
10.04.380	Traffic Division
10.04.390	Trailer
10.04.400	Loading Zone
10.04.410	Truck-tractor
10.04.420	U-Turn
10.04.430	Vehicle

ARTICLE I. PRESENT RESTRICTIONS

Chapter 10.04 GENERAL PROVISIONS

10.04.010 Continuation of Present Restrictions. All arterial streets or highways and all “stop” streets and highways, all parking rules and regulations, parking meter zones, bus stops, passenger and truck curb loading zones, all traffic-control devices, and all traffic-control signals designated or in force at the time this chapter becomes effective shall continue if full force and effect until the same have been changed or amended in accordance with the provisions of this chapter. (Ord. 81-02 (part), 1981: prior code §7.801).

ARTICLE II. DEFINITIONS

10.04.020 Generally. The following words and phrases when used in this title shall for the purpose of this title have the meanings set forth in this article. (Ord. 81-02 (part), 1981: prior code §7.101(a)).

10.04.030 Alley. “Alley” means a public thoroughfare within the ordinary meaning of ally not designated for general travel and primarily used as a means of access to the rear of residences and business establishments. (Ord. 81-02 (part), 1981: prior code §7.101(1)).

10.04.040 Arterial Street or Highway. “Arterial Street or highway” means every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this title, except that signs are not required where traffic signals are in operation. (Ord. 81-02 (part), 1981: prior code §7.101(2)).

10.04.050 Authorized Emergency Vehicle. “Authorized emergency vehicle” means vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public services corporations as are designated or authorized by the chief of police of the city. (Ord. 81-02 (part), 1981: prior code §7.101(3))

10.04.060 Bicycle. “Bicycle” means every device propelled by human power upon which any person may ride, having two tandem wheels either, of which is over twenty inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. (Ord. 81-02 (part), 1981: prior code §7.101(4)).

10.04.070 Commercial Vehicle. “Commercial vehicle” means every vehicle designed, maintained or used primarily for the transportation of persons for hire, compensation, or profit or designed, maintained or used primarily for the transportation of property. (Ord. 81-02 (part), 1981: prior code §7.101 (7)).

10.04.080 Controlled Access Street or Highway. “Controlled access street or highway” means every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons having no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway. (Ord. 81-02 (part), 1981: prior code §7.101 (8)).

10.04.090 Crosswalk. “Crosswalk” means:

- A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street or highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway.
- B. Any portion of a roadway at an intersection or elsewhere distinctly indicated by lines or other marking on the surface or by signs placed at each end of the designated pedestrian crossing. (Ord. 81-02 (part), 1981: prior code §7.101(9)).

10.04.100 Curb Loading Zone. “Curb loading zone” means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (Ord. 81-02 (part), 1981: prior code §7.101(10)).

10.04.110 Driver. “Driver” means a rider, or leader of any animal, or any person, who pushes, drives, propels, operates or is in actual physical control of a vehicle. “Driver” shall include

any person actually operating any motor vehicle regardless of age. (Ord. 81-02 (part), 1981: prior code §7.101 (11)).

10.04.120 Driveway. “Driveway” means that portion of street area which provides access to an off-street vehicular facility through a depression in the constructed curb or when there is no constructed curb that area in front of such vehicular facility as is well defined or as is designated by authorized signs or markings. (Ord. 81-02 (part), 1981: prior code §7.101(12)).

10.04.130 Hours of Darkness. “Hours of darkness” whenever used in this title, means the hours from one-half hours after sunset to one-half hour before sunrise, and any other times when persons or objects may not be clearly discernible at a distance of five hundred feet. (Ord. 81-02 (part), 1981: prior code §7.101(13)).

10.04.140 Intersection. A. “Intersection” means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highway which one another at or approximately right angles, or in the area within which motor vehicles traveling upon different highways joining at any other angle may come in conflict.
B. Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersection highway shall be regarded as a separate intersection. In the event such intersecting highways also include two roadways thirty feet or more apart, and then every crossing of two roadways of such highways shall be regarded as a separate intersection. (Ord. 81-02 (part), 1981: prior code §7.101(14)).

10.04.150 Laned Roadways. “Lane roadways” means a roadway, which is divided into two or more clearly marked lanes for vehicular traffic. (Ord. 81-02 (part), 1981: prior code §7.101(15)).

10.04.160 Motorcycle. “Motorcycle” means every motor vehicle having a Saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor. (Ord. 81-02 (part), 1981: prior code §7.101(16)).

10.04.170 Motor Truck or Truck. “Motor truck” or “truck” means every motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight or animals or for drawing or pulling one or more independent vehicles or trailers in the transportation of commodities, merchandise, produce, freight or animals. (Ord. 81-02 (part), 1981: prior §7.101(17)).

10.04.180 Motor Vehicle. “Motor vehicle” means any vehicle, which is self-propelled, and any vehicle, which is propelled by electric power, obtained from overhead wires but not operated upon rails. (Ord. 81-02 (part), 1981: prior code §7.101(18)).

10.04.190 Official Time Standard. “Official time standard” means that whenever certain hours are name in this title they shall mean standard time or daylight saving time as may be in current use in the city. (Ord. 81-02 (part), 1981: prior code §7.101(19)).

10.04.200 Official Traffic-control Devices. “Official traffic-control devices” means all signs, symbols, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. (Ord. 81-02 (part), 1981: prior code §7.101(20)).

10.04.210 Park. “Park”, when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily to avoid traffic conflict or in obedience to traffic regulations. (Ord. 81-02 (part), 1981: prior code §7.101(21)).

10.04.220 Passenger Loading Zone. “Passenger loading zone” means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (Ord. 81-02 (part), 1981: prior code §7.101 (22)).

10.04.230 Pedestrian. “Pedestrian” means any person afoot. (Ord. 81-02 (part), 1981: prior code §7.101(23)).

10.04.240 Police Officer. “Police officer” means every officer of the city police department or any officer authorized to direct or regulate traffic to make arrests for violations of traffic regulations. (Ord. 81-02 (part), 1981: prior code §7.101(24)).

10.04.250 Private Road. “Private road” means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. (Ord. 81-02 (part), 1981: prior code §7.101(25)).

10.04.260 Public Holidays. “Public holidays” means the following:

- A. New Year’s Day;
- B. Washington’s Birthday;
- C. Memorial Day;
- D. Independence Day;
- E. Labor Day;
- F. Alaska Day;
- G. Veteran’s Day;
- H. Thanksgiving Day;
- I. Christmas Day; and
- J. Those holidays as are designated by the state. (Ord. 81-02 (part), 1981: prior code §7.101(26)).

10.04.270 Residence District. “Resident district” means the territory contiguous to and including the public street or highway not comprising a business district when the property on such public street or highway is in the main improved with residences or residences and buildings in use for business. (Ord. 81-02 (part), 1981: prior code §7-101 (29)).

10.04.280 Right-of-Way. “Right-of-way” means the privilege of immediate use of the roadway. (Ord. 81-02 (part), 1981: prior code §7.101(30)).

10.04.290 Roadway. “Roadway” means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term “roadway” as used in this title shall refer to any such roadway separately but not to all such roadways collectively. (Ord. 81-02 (part), 1981: prior code §7.101 (31)).

10.04.300 Safety Zone. “Safety zone” means the area or space set apart within a roadway for the exclusive use of pedestrians and which is protected or so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (Ord. 81-02 (part), 1981: prior code §7.101(32)).

10.04.310 Semi-trailer. “Semi-Trailer” means every vehicle without motive power designed to be drawn by a motor vehicle or truck-tractor, so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such motor vehicle or truck-tractor. (Ord. 81-02 (part), 1981: prior code §7.101(33)).

10.04.320 Sidewalk. “Sidewalk” means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians. (Ord. 81-02 (part), 1981: prior code §7.101 (34)).

10.04.330 Stop. “Stop”, when required, means the complete cessation of movement. (Ord. 81-02 (part), 1981: prior code §7.101 (35)).

10.04.340 Stop, Stopping, or Standing. “Stop, stopping or standing,” when prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal. (Ord. 81-02 (part), 1981: prior code §7-.101 (36)).

10.04.350 Street or Highway. “Street” or “highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel. (Ord. 81-02 (part), 1981: prior code §7.101 (37)).

10.04.360 Traffic. “Traffic” means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together who are using any street or highway for purposes of travel. (Ord. 81-02 (part), 1981: prior code §7.101 (38)).

10.04.370 Traffic-Control Signal. “Traffic-control signal” means any traffic device, whether manually, electrically or mechanically operated, by which traffic alternately is directed to stop or proceed, or otherwise controlled. (Ord. 81-02 (part), 1981: prior code §7.101(39)).

10.04.380 Traffic Division. “Traffic division” means the traffic division of the police department of the city, or in the event a traffic division is not established, the term whenever used in this title shall be deemed to refer to the police department of the city. (Ord. 81-02 (part), 1981: prior code §7.101 (40)).

10.04.390 Trailer. “Trailer means any vehicle without motive power designed to be, or attached to, another vehicle, so constructed that no appreciable part of its weight rests upon or is carried by such other vehicle. (Ord. 81-02 (part), 1981: prior code §7.101 (41)).

10.04.400 Loading Zone. “Loading zone” means a space adjacent to a curb for the exclusive use of vehicles used in commercial trade or business, and bearing the sign indicating that they are so used, during the loading or unloading of freight or materials in connection with the operation of such trade or business. (Ord. 81-02 (part), 1981: prior code §7.101 (42)).

10.04.410 Truck-Tractor. “Truck-tractor” means any motor truck, as defined in this article, designed and used primarily for drawing a semi-trailer and not constructed to carry a load thereon other than a part of the weight of the semi-trailer and load so drawn. (Ord. 81-02 (part), 1981: prior code §7.101 (43)).

10.04.420 U-Turn. “U-turn” means turning a vehicle on an arc of approximately one hundred eighty degrees to permit travel in the opposite direction on the same roadway. (Ord. 81-02 (part), 1981: prior code §7.101(44)).

10.04.430 Vehicle. “Vehicle” means 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 by human power or used exclusively upon stationary rails or tracks. This also includes any device propelled by mechanical power that is primarily designed to travel over ice or snow supported in part by skis, belts or cleats, or low-pressure tires. (Ord. 81-02 (part), 1981: prior code §7.101(45)).

Chapter 10.08

ADMINISTRATION AND ENFORCEMENT

Sections:

10.08.010	Authority of Police and Fire Department Officials
10.08.020	Forms and Records of Traffic Citations and Arrests
10.08.030	Procedure of Police Officers
10.08.040	Warning For Certain Violators
10.08.050	Disposition and Records of Traffic Citations, Warrants and Complaints
10.08.060	Illegal Cancellation of Traffic Citations
10.08.070	Citation Deemed Lawful Complaint When
10.08.080	Failure to Obey Citation
10.08.090	Citation on Illegally Parked Vehicle
10.08.110	Responsibility of Registered Owner
10.08.120	Issuance of Warrants
10.08.130	Penalties

10.08.010 Authority of Police and Fire Department Officials. A. It is the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street and highway traffic laws of the city and all of the territorial vehicle laws applicable to street and highway traffic in the city.

B. Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

C. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic there at or on the immediate vicinity. (Ord. 81-02 (part), 1981: prior code §7.102).

10.08.020 Forms and Records of Traffic Citations and Arrests. A. The city shall provide books to include traffic citation forms for notifying alleged violators to appear in answer to charges violating traffic laws and ordinances in the district court of the city. The books shall include serial numbered sets of citations in quadruplicate in the form prescribed and approved jointly by court system and the chief of police.

B. The city shall issue such books to the chief of police or his duly authorized agent and shall maintain a record of any book so issued and shall require a written receipt for every such book. The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein. (Ord. 81-02 (part), 1981: prior code §7.702).

10.08.030 Procedure of Police Officers. Except when authorized or directed to immediately take a person before a magistrate for the violation of any traffic laws, a police officer who cites a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name, address and operator's license number of such person, the registered number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him in writing on a form provided by the city a traffic citation containing a notice to answer to the charge against him in the municipal court of the city at a time not later than seven days after such alleged violation to be specified in the citation. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release the person from custody. (Ord. 81-02 (part), 1981: prior code §7.703).

10.08.040 Warning for Certain Violators. Police officers are authorized to issue tickets and endorse thereon the word "warning" in exceptional cases where in their opinion the best interests of justice are thereby served. This privilege shall be scrupulously granted and only in such cases where there is no deliberate continued or flagrant violation might be unavoidable. (Ord. 81-02 (part), 1981: prior code §7.704).

10.08.050 Disposition and Records of Traffic Citations, Warrants and Complaints. A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of any traffic ordinance of the city shall deposit the original and a duplicate copy of the citation with his immediate superior, who shall cause the original and duplicate to be delivered to the municipal court of the city.

B. Upon the filing of the original citation in the municipal court of the city as specified in subsection A of this section, the citation may be disposed of only by trial in the court or by other official action before a judge of the court, including forfeiture of bail or by payment of a fine to the traffic violations clerk of the court.

C. The chief of police shall require the return to him of each traffic citation and all copies thereof, except that copy required to be retained in the book as provided herein, which has been spoiled or upon which any entry has been made and has not been issued to an alleged violator.

D. The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the municipal court of the city on traffic violation charges and which are delivered to the police department for service, and of the final disposition of all such warrants.

E. It is unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter or deface a traffic citation or any copy thereof, or the records of the issuance or the disposition of any traffic citation, complaint or warrant, in a manner other than as required by this chapter. (Ord. 81-02 (part), 1981: prior code §7.705).

10.08.060 Illegal Cancellation of Traffic Citations. It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided in this chapter. (Ord. 81-02 (part), 1981: prior code §7.706).

10.08.070 Citation Deemed Lawful Complaint When. In the event the form of citation provided under Section 10.08.020 includes information and is sworn to as required in respect to a complaint charging commission of the offense alleged in the citation to have been committed, then such citation when filed in the court having competent jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this title. (Ord. 81-02 (part), 1981: prior code §7.707).

10.08.080 Failure to Obey Citation. It is unlawful for any person to violate his promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which the citation was originally issued. (Ord. 81-02 (part), 1981: prior code §7.708).

10.08.090 Citation on Illegally Parked Vehicle. Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by any ordinance of the city, the officer finding such will respond by affixing a traffic citation to such motor vehicle.

10.08.100 Failure to Comply. If a violator of the restrictions on stopping, Standing or parking under the traffic laws or ordinances of the city does not appear in response to a traffic citation affixed to such motor vehicle within a period of seven days the clerk of the municipal court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued. (Ord. 81-02 (part), 1981: prior code §7.710).

10.08.110 Responsibility of Registered Owner. Every person in whose name a vehicle is registered (licensed) shall be responsible for any parking or angle parking of the vehicle and for all offenses other than moving violations of this title. It shall be no defense to such charge that the vehicle was illegally parked or angle parked or used by another unless it is shown that at such time the vehicle was being used without the consent of the registered (licensed) owner. The foregoing shall apply only when the procedure as described in Sections 10.08.090 and 10.08.100 has been followed. (Ord. 81-02 (part), 1981: prior code §7.711).

10.08.120 Issuance of Warrants. In the event any person fails to comply with a traffic citation given to such a person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the municipal court, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the clerk of the municipal court shall secure and issue a warrant for his arrest. (Ord. 81-02 (part), 1981: prior code §7.712).

10.08.130 Penalties. Unless a great penalty is expressly provided by some other provision of this title, the penalty for a violation of any provision of this title shall be a fine of not more than three hundred dollars. (Ord. 86-05 §5(A), 1986: Ord. 81-02 (part), 1981: prior code §7.701).

Chapter 10.12

COMPLIANCE WITH STATE LAW

Sections:

- 10.12.010 Compliance with Alaskan Law
- 10.12.020 Setting Forth a Traffic Bail Schedule

10.12.010 Compliance with Alaskan Law. A. No person shall operate any vehicle, or permit the same to be operated, on any street or highway unless the same complies with the laws of Alaska.

B. No person shall operate any vehicle unless he is licensed as an operator or chauffeur as required by the state and unless he has any license so granted in his possession at all times while operating a vehicle and no person shall violate any condition or privilege of such license. No person shall permit an unlicensed driver to operate any vehicle owned by him.

C. No person shall operate any vehicle whose operator's or chauffeur's license has been suspended, revoked or refused. (Ord. 81-02 (part), 1981: prior code §7.711).

10.12.020 An Ordinance Setting Forth A Traffic Bail Schedule. The following is the vehicle and traffic offenses are amenable to disposition without court appearance upon payment and forfeiture of bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8 (c) and shall not be filed, numbered or processed as a criminal case. (Ordinance 91-09).

Ordinance #	Description of Offense	Bail Amount
10.12.010	Compliance with State Law	\$30.00
10.16.010	Obedience to Police & Fire Dept	\$30.00
10.20.020	Operation of Vehicles on the Approach of Authorized Emergency Vehicle (a)	MCA
10.24.010	Accidents ALL	MCA
10.24.090		
10.28.010	Traffic Control Devices ALL	\$30.00
10.28.040		
10.32.010	Basic Speed	\$30.00
10.32.020	Maximum Speed	3/19 Over \$4.00 a mile 20 Over MCA
10.32.030	Minimum Speed	\$30.00
10.36.040	Vehicles Stop at Sign	\$50.00
10.36.060	Stop Traffic Obstructed	\$30.00
10.36.070	Yield Right of Way	\$30.00
10.36.090	Signs Required for Turning & Stopping	\$30.00
10.40.140	Reckless Driving	MCA
10.40.150	Negligent Driving	MCA

10.44	Stopping & Standing & Parking All	\$30.00	
10.48	Equipment ALL	CORR/MCA	
10.52.020	Operation by Persons under 14 yrs of age	\$30.00	
10.52.020	Riding All-Terrain Vehicles	\$20.00	
10.56	Bicycle ALL	\$30.00	
10.68	Pedestrians ALL	\$20.00	
10.78	Misc. Traffic Rules	\$30.00	
10.52.020	Overload of Persons	\$30.00	(Ordinance 91-09)

Chapter 10.20

EMERGENCY VEHICLES

Sections:

- 10.20.010 Authorized Emergency Vehicles
- 10.20.020 Operation of Vehicles On Approach Of Authorized Emergency Vehicles

10.20.010 Authorized Emergency Vehicles. A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

B. The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this title;
2. Proceed past a red or stop sign, but only after slowing down as may be necessary for safe operations;
3. Exceed the stated or posted speed limits so long as he does not endanger life or property;
4. Disregard regulations governing direction of movement or turning in specified directions.

C. The exemptions granted in this section to an authorized emergency vehicle shall apply only while the driver of the vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light from in front of the vehicle.

D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (Ord. 81-02 (part), 1981: prior code §7.106).

10.20.020 Operation of Vehicles On Approach of Authorized Emergency Vehicles. A.

Upon the approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain stopped until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (Ord. 81-02 (part), 1981: prior code §7.107).

Chapter 10.24

ACCIDENTS

Sections:

- 10.24.010 Immediate Notice of Accident
- 10.24.020 Driver to Remain at Scene of Accident
- 10.24.030 Duty to Give Information and Render Aid
- 10.24.040 Duty Upon Striking Unattended Vehicle
- 10.24.050 Duty Upon Striking Fixtures Upon A Street or Highway
- 10.24.060 Written Reports of Accidents
- 10.24.070 Inability of Drive to Report
- 10.24.080 Written Reports Non-Confidential-Copies
- 10.24.090 Interference at Scene of Accident Prohibited

10.24.010 Immediate Notice of Accident. The driver of a vehicle which is in any manner involved in an accident resulting in injury to or death of any person or property damage to an apparent two hundred dollars or more, shall immediately by the quickest means of communication give notice of such accident to the police department if such accident occurs within the city; and no vehicle involved in such accident shall be moved until the police have investigated and given permission for the removal. (Ord. 81-02 (part), 1981: prior code §7.108).

10.24.020 Driver To Remain at Scene of Accident. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of the accident, and shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10.24.030. (Ord. 81-02 (part), 1981: prior code §7.109).

10.24.030 Duty To Give Information and Render Aid. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving, and shall, upon request, exhibit his operator's or chauffeur's license to the person struck, or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. (Ord. 81-02 (part), 1981: prior code §7.110).

10.24.040 Duty Upon Striking Unattended Vehicle. The driver of any vehicle which collided with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, and a statement of the circumstances thereof. (Ord. 81-02 (part), 1981: prior code §7.111).

10.24.050 Duty Upon Striking Fixture Upon A Street or Highway. The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a street or highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact, and of his name and address, and of the registration number of the vehicle he is driving, and shall upon request exhibit his operator's or chauffeur's license, and shall make report of the accident when and as required in Section 10.24.060. (Ord. 81-2 (part), 1981: prior code §7.11).

10.24.060 Written Reports of Accidents. The driver of a vehicle which is in any manner involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars or more shall make a written report, at police headquarters, on forms furnished by the city, within twenty-four hours after the accident. (Ord. 86-05 §5(B), 1986; Ord. 81-02 (part), 1981: prior code §7.113).

10.24.070 Inability of Driver To Report. A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 10.24.010 and having another occupant in the vehicle at the time of the accident capable of doing such occupant shall give, or cause to be given, the notice not given by the driver. Whenever the driver is physically incapable of making a written report of an accident as required in Section 10.24.060 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five days after learning of the accident make such report no made by the driver. (Ord. 81-02 (part), 1981: prior code §7.114).

10.24.080 Written Reports Non-confidential-Copies. All written accident reports made by drivers, owners or occupants of vehicles involved in accidents as required in Sections 10.24.050 and 10.24.060 shall be without prejudice to the individual so reporting, but shall not be confidential. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, but the police department shall furnish upon demand of any person a copy of the report upon payment of the established fee. (Ord. 81-02 (part), 1981: prior code §7.115).

Chapter 10.28

TRAFFIC-CONTROL DEVICES

Sections:

10.28.010	Authority To Install Traffic-Control Devices
10.28.020	Specifications For Traffic-Control Devices
10.28.030	Obedience To Official Traffic-Control Devices
10.28.040	Where Devices Required For Enforcement
10.28.050	Traffic-Control Signal Legend
10.28.060	Pedestrian-Control Signals
10.28.070	Flashing Signals
10.28.080	Display Of Unauthorized Signs, Signals, or Markings
10.28.090	Interference with Official Traffic-Control Devices
10.28.100	Play Streets
10.28.110	Crosswalk and Safety Zones
10.28.120	Traffic Lanes
10.28.130	Closing Streets To Traffic
10.28.140	Closing Streets To Parking and Traffic

10.28.010 Authority to Install Traffic-Control Devices. The chief of police shall install and maintain traffic-control signs, signals and devices when and as required under the traffic ordinances of the city to make effective the provisions of the ordinances, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic ordinances of the city or under Alaska law, or to guide or warn traffic. (Ord. 81-02 (part), 1981: prior code §7.201).

10.28.020 Specifications for Traffic-Control Devices. All traffic-control signs, signals and devices shall so far as practicable conform to the “Manual on Uniform Traffic-Control Devices for Streets and Highways.” All signs and signals required under this title, for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provision of Alaska law of this title shall be official traffic-control devices. (Ord. 81-02 (part), 1981: prior code §7.202).

10.28.030 Obedience to Official Traffic-Control Devices. The driver of any vehicle shall obey the instructions of any traffic-control device applicable thereto placed in accordance with the traffic ordinances of the city, unless otherwise directed by a police officer, subject to the exceptions granted to the driver of an authorized emergency vehicle in this title. (Ord. 81-02 (part), 1981: prior code §7.203).

10.28.040 Where Devices Required for Enforcement. No provision of this title for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (Ord. 81-02 (part), 1981: prior code §7.204).

10.28.050 Traffic-Control Signal Legend. Whenever traffic is controlled by a traffic-control signal exhibiting the words “go,” “caution”, or “stop” or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

A. Green Alone or “Go”.

1. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning left or right, shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection at the time such signal is exhibited.
2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk, unless pedestrian-control signals are in operation.

B. Yellow Alone or “Caution” When Shown Following the Green or “Go”

Signal:

1. Vehicular traffic facing the signal is thereby warned that the red or “stop” signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or “stop” signal is exhibited.
2. No pedestrian facing such signal shall enter the roadway until the green or “go” is shown alone unless authorized to do so by the pedestrian “walk” signal.

C. Red Alone or “Stop.”:

1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or “go” is shown alone.
2. No pedestrian facing such signal shall enter the roadway until the green or “go” is shown alone unless authorized to do so by the pedestrian “walk” signal.
3. Vehicular traffic facing the signal when only one lane of traffic is facing the signal and, if two or more lanes of traffic are facing the signal in the same direction, vehicular traffic in the right lane only, may, after stopping, cautiously proceed to make a right turn, with proper care to avoid accident, but shall yield the right-of-way to pedestrians lawfully within a crosswalk, and to other traffic lawfully using the intersection.

D. Red With Green Arrow:

1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by the arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk, and to other traffic lawfully using the intersection.
2. No pedestrian facing such signal shall enter the roadway until the green or “go” is shown alone unless authorized to do so by a pedestrian “walk” signal.

E. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to the provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at or near the signal. (Ord. 81-02 (part), 1981: prior code §7.205).

10.28.060 Pedestrian-Control Signals. Whenever special pedestrian-control signals exhibiting the words “walk” or “wait” or “don’t walk” are in place such signal shall indicate as follows:

“Walk.” Pedestrians facing such sign may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

“Wait” or “Don’t Walk”. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the “walk” signal shall proceed to a sidewalk or safety zone while the “wait” signal is showing. (Ord. 81-02 (part), 1981: prior code §7.206).

10.28.070 Flashing Signals. Whenever an illuminated flashing red or yellow signal is use in a traffic sign it shall require obedience by vehicular traffic as follows:

A. Flashing Red (Stop Signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

B. Flashing Yellow (Caution Signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution. (Ord. 81-02 (part), 1981: prior code §7.207).

10.28.080 Display of Unauthorized Signs, Signals or Markings.

A. No person shall place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic-control device or any railroad sign or signal.

B. No person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.

C. This section shall not be deemed to prohibit the erection upon private adjacent to streets and highways of signs giving useful directional information and of a type that cannot be mistake for official signs.

D. Every such prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the street or highway is empowered to remove the same or cause it to be removed without notice. (Ord. 81-02 (part), 1981: prior code §7.208).

10.28.090 Interference with Official Traffic-Control Devices. No personal shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. (Ord. 81-02 (part), 1981: Prior code §7.209).

10.28.100 Play Streets. There shall be no play streets. (Ord. 81-02 (part), 1981: prior code §7.210).

10.28.110 Crosswalk and Safety Zones. The chief of police is authorized:

A. To designate and maintain, by appropriate devices, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. (Ord. 81-02 (part), 1981: prior code §7.211).

10.28.120 Traffic Lanes. A. The chief of police is authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it shall be unlawful for the driver of any vehicles to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. (Ord. 81-02 (part), 1981: §7.212).

10.28.130 Closing Streets to Traffic.

A. The chief of police shall be authorized to close streets to traffic.

B. Whenever any street is closed to the use of traffic and the same is so indicated by authorized signs or barriers, no vehicle shall proceed into the street or any portion thereof except as directed by the signs. Whenever a street is closed, notice shall immediately be given to the fire chief. (Ord. 81-02 (part), 1981: prior code §7.213).

10.28.140 Closing Streets To Parking And Traffic.

A. Authority of Director of Public Works. Whenever, in the exercise of sound discretion, it is deemed necessary by the director of public works or his authorized representative to close certain areas of the public streets and ways to parking or traffic for snow removal, maintenance, repair, improvement or special public use of such streets and ways, he may order such streets and ways closed upon giving the notice provided for in this code.

B. Posting of Signs. Streets to be closed to parking shall be posted not less than twelve hours in advance by a suitable sign placed within the right-of-way at or near each entry of each block affected. The sign shall indicate the hour after which parking is prohibited. The sign may read as follows: "No Parking After (time)."

C. Clearing Barricading-Emergency Power. Streets to be closed to traffic shall first be cleared of parking by posting as provided in subsection B of this section and, after the stated hour, by impounding illegally parked vehicles. The street shall be barricaded with suitable, easily visible barricades and shall be posted with signs indicating the street is closed to traffic. The signs will be posted at or near each entry to the closed area. In emergencies, streets may be closed without prior notice.

D. Impounding. Vehicles found parked upon streets closed to parking after posting, as provided in subsection B of this section, may be removed by the city and may be impounded. The owner of an impounded vehicle shall be subject to such fees for towing and storage as may be established by the city council.

E. Removing Warning Devices. Signs, barricades, flares and other warning devices placed upon the streets under this section shall not be moved or removed by any person without written permission of the director or his duly authorized representative.

F. Responsibility of Owner. No owner of a vehicle shall permit it to be parked on a street closed to parking or permit it to be operated on a street closed to traffic. (Ord. 81-02 (part), 1981: prior code §7.214).

Chapter 10.32

SPEED LIMITS

Sections:

- 10.32.010 Basic Speed
- 10.32.020 Maximum Speed Limits
- 10.32.030 Minimum Speed

10.32.010 Basic Speed. No person shall drive a vehicle upon a street or highway at a speed greater than is reasonable or prudent, having due regard for the traffic on, and the surface and width of the street or highway, and in no event at a speed which endangers the safety of persons or property. (Ord. 81-02 (part), 1981: prior code §7.301).

10.32.020 Maximum Speed Limits. A. Except when a special hazard exists that requires lower speed for compliance with Section 10.32.010, the limits specified in this section or established as authorized by this title are the maximum lawful speeds, and a person may not drive a vehicle at a speed in excess of the maximum limit except as provided in this chapter or controlling state traffic regulations:

A. Fifteen Miles Per Hour In Any Alley.

B. Fifteen Miles Per Hour:

1. When passing any school building between the hours eight a.m. and five p.m. on school days or when crossing any marked school crossing during such hours, or within any marked school zone, such zone to extend three hundred feet in either direction from any marked school crossing;
2. When properly signed as required by this chapter and state traffic regulations, in curves, corner or at intersections where traffic and engineering studies indicate such limit is advisable;
3. Within a residence district except on arterial streets and except as otherwise provided in this title.

C. Fifteen miles per hour through any business district except on arterial streets and except as otherwise provided in this title.

Twenty five miles per hour on arterial streets when "stop" signs are in place as required by this title, and except as otherwise provided in this title.

A driver of a vehicle shall, consistent with Section 10.32.010, drive at an appropriate reduced speed when approaching and crossing an intersection or railroad crossing, when approaching and rounding a curve, when approaching a hillcrest, when traveling upon a narrow or winding roadway, or when a special hazard exists with respect to pedestrian or other traffic, or by reason of weather or roadway condition.

D. Except as otherwise provided by this section, this chapter or controlling state traffic regulations, the speed limits specified by this section are effective even though no speed limit signs have been erected or are in place. (Ord. 81-02 (part), 1981: prior code §7.303).

10.32.030 Minimum Speed. It is unlawful for any person to operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic at the point of operation thereof, except when reduced speed is necessary for safe operation or in compliance with any law, rule, or regulation. (Ord. 81-02 (part), 1981: prior code §7.304).

Chapter 10.36

STOPS, YIELDS AND TURNS-SIGNS AND SIGNALS

Sections:

- 10.36.010 Arterial Streets or Highways
- 10.36.020 Intersections Where Stop Required
- 10.36.030 Specifications for Stop Signs
- 10.36.040 Vehicles to Stop At Stop Signs
- 10.36.050 Emerging From Alley, Driveway or Building
- 10.36.060 Stop When Traffic Obstructed
- 10.36.070 Yield Right-Of-Way
- 10.36.080 Signs Required For Turning and Stopping
- 10.36.090 Turning Markers-Authority to Place-Obedience
- 10.36.100 Restricted Turn Signs-Authority to Place
- 10.36.110 One-Way Streets and Alleys-Authority To Sign

10.36.010 Arterial Streets or Highways. The chief of police may designate and describe arterial streets or highways and when so designated it shall be the duty of the chief of police to maintain a “stop” sign on each and every street or highway intersecting such arterial street or highway or intersecting that portion thereof described and designated as such unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two such arterial streets or highways or at the intersection of an arterial street and a heavy traffic street not so designated, “Stop” signs shall be erected at the approaches of either of the streets as may be determined by the chief of police on the basis of experience or an engineering and traffic study. (Ord. 81-02 (part), 1981: prior code §7.313).

10.36.020 Intersections Where Stop Required. The chief of police is authorized to determine and designate intersections where particular hazard exists upon other than arterial streets or highways and to determine whether vehicles shall stop at one or more entrances to any such intersection, and shall erect a “stop” sign at every such place where a stop is required. (Ord. 81-02 (part), 1981: prior code §7.314).

10.36.030 Specifications for Stop Signs. Every sign erected pursuant to this chapter shall bear the word “stop” in legible letters or be in accordance with standards prescribed by the United States Bureau of Public Roads. Every stop sign shall be located as near as practicable at the near side of the intersection or, if none, at the nearest line of the roadway. (Ord. 81-02 (part), 1981: prior code §7.315).

10.36.040 Vehicles to Stop at Stop Signs. When “stop” signs are erected as authorized in this chapter at or near the entrance to any intersection, every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk shall stop at a clearly marked “stop” line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a police officer or traffic-control signal. (Ord. 81-02 (part), 1981: prior code §7.316).

10.36.050 Emerging from Alley, Driveway or Building. The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley or driveway, yielding the right-of-way to all vehicles approaching on the roadway. (Ord. 81-02 (part), 1981: prior code §7.317).

10.36.060 Stop When Traffic Obstructed. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Ord. 81-02 (part), 1981: prior code §7.318).

10.36.070 Yield Right-of-Way. A. The chief of police is authorized to determine and designate intersections where particular hazard exists upon other than arterial streets or highways and to determine whether vehicles shall yield the right-of-way at one or more entrances to any such intersections, and shall erect “yield right-of-way” signs at every such approach to an intersection so determined.

B. Every sign erected pursuant to this section shall bear the words “yield right-of-way” in legible letters or in accordance with standards prescribed by the United States Bureau of Public Roads. Every “yield right-of-way” sign shall be located as near as practical at the nearest line of the crosswalk on the near side of the intersection or, if none, at the nearest line of the roadway.

C. The driver of any vehicle approaching any “yield right-of-way” sign at the entrance to a street or highway or intersection shall slow down and stop if necessary and shall yield the right-of-way to other vehicles which have entered the intersection from an intersecting street or highway or which are approaching so closely on the intersecting street or highway as to constitute an immediate hazard. (Ord. 81-02 (part), 1981: prior code §7.319).

10.36.080 Signs Required for Turning and Stopping. A. No person shall turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in this section. Any signal of intention to turn right or left shall be given continuously during the last fifty feet traveled by the vehicle before turning.

B. No person shall stop or suddenly decrease the speed of his vehicle on a street or highway without first giving an appropriate signal in the manner provided in this section.

C. All signals required in this section given by hand and arm shall be given from the left side of a vehicle in the following manner and such signals shall indicate as follows:

1. Left Turn. Hand and arm extended horizontally beyond the side of the vehicle.
2. Right Turn. Hand and arm extended upward beyond the right side of the vehicle.
3. Stop or Sudden Decrease of Speed. Hand and arm extended downward beyond the side of the vehicle.

D. The signals required in this section shall be given either by means of the hand and the arm or by a signal lamp or mechanical signal device of an approved type, but when the body of the vehicle or the body or load on any vehicle projects thirty-two inches or more to the left of the center of the steering wheel, or under any condition when a hand and arm signal would not be visible both to the front and rear of such vehicle or vehicles then such vehicle or vehicles must be equipped with the signals must be given by such lamp or device. (Ord. 81-02 (part), 1981: prior code §7.306).

10.36.090 Turning Markers-Authority to Place-Obedience.

A. The chief of police is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

B. When authorized markers; buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. (Ord. 81-02 (part), 1981: prior code §7.307).

10.36.100 Restricted Turn Signs-Authority to Place.

A. The chief of police is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (Ord. 81-02 (part), 1981: prior code §7.308).

10.36.110 One-Way Streets and Alleys-Authority to Sign.

A. The chief of police may designate any one-way street or alley and when so designated the chief of police shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

B. Upon these streets and parts of streets and in those alleys designated as one-way, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

C. The chief of police is authorized to determine and designate streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The chief of police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

D. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices so placed in accordance with this chapter. (Ord. 81-02 (part), 1981: prior code §7.311).

Chapter 10.40

RULES OF THE ROAD

Sections:

- 10.40.010 Required Position and Method of Turning at Intersections
- 10.40.020 Limitations on Turning Around
- 10.40.030 Left and U-Turns Prohibited
- 10.40.040 Limitations on Backing
- 10.40.050 Driving Through Safety Zones Prohibited
- 10.40.060 Controlled or Limited Access
- 10.40.070 Driving Through Safety Zones Prohibited
- 10.40.080 Meeting of Vehicles
- 10.40.090 Following or Overtaking A Vehicle
- 10.40.100 Limitations on Overtaking or Passing
- 10.40.110 Right-Of-Way
- 10.40.120 Right-Of-Way-Exceptions
- 10.40.130 Right-Of-Way-Moving Traffic
- 10.40.140 Reckless Driving
- 10.40.150 Negligent Driving

10.40.010 Required Positions and Method of Turning at Intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

A. Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

B. Left Turns on Two-Way Roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

C. Left Turns On Other Than Two-Way Roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in the direction upon the roadway being entered. (Ord. 81-02 (part), 1981: prior §7.305).

10.40.020 Limitations on Turning Around. A driver of a vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle, except at an intersection and unless such movement can be made in safety and without interfering with or delaying other traffic. (Ord. 81-02 (part), 1981: Prior code §7.309).

10.40.030 Left and U-turns Prohibited. A. It shall be unlawful to drive a vehicle across or to make a U-turn upon any street or highway at any place other than at an intersection or street end,

or to make a U-turn on any street or intersection in the central business traffic district or any business district.

B. It shall be unlawful to make a left turn across or upon any street or highway, except at an intersection, in the central business traffic district. It shall be unlawful to make a left turn across or upon any street or highway, except at an intersection, when the making of such left turn interferes with or unduly delays traffic. (Ord. 81-02 (part), 1981: prior code §7.310).

10.40.040 Limitations on Backing. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic, except that under no circumstances shall the driver of a vehicle back the same into or through an intersection. (Ord. 81-02 (part), 1981: prior code §7.328).

10.40.050 Driving Through Safety Zones Prohibited. No vehicle shall at any time be driven through or within a safety zone. (Ord. 81-02 (part) 1981: prior code §7.331).

10.40.060 Controlled or Limited Access. No person shall drive a vehicle onto or from any controlled access or limited access roadway except at such entrances and exits as are established by public authority. (Ord. 81-02 (part), 1981: prior code §7.332).

10.40.070 Driving on Right Side of Roadway.

A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the limitations specified in this title;
2. When placing a vehicle in a lawful position for, and when such vehicle is lawfully making a left turn;
3. Upon a roadway designated and signposted for one-way traffic;
4. When the right half of the roadway is obstructed or is under construction or repair.

B. The chief of police is authorized to determine and designate any street or highway where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of the roadway. The chief of police shall have two parallel white stripes painted upon the pavement along any such designated street or highway. When such markings or signs are in place, the driver of a vehicle shall not drive along the street or highway to the left thereof, but his shall not prevent turning to the left across any such markings at any intersection.

C. It is unlawful to drive any vehicle upon any street or highway which has been divided into two or more roadways by means of a physical barrier or by means of dividing sections of not less than two feet in width delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to drive any vehicle over or across any such dividing section, or to drive any vehicle over or across any such dividing section, or to make any left turn or U-turn on any such divided street or highway, except in a crossover or intersection. (Ord. 81-02 (part), 1981: prior code §7.334).

10.40.080 Meeting of Vehicles. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving the other at least one half of the main traveled portion of the roadway as nearly as possible. (Ord. 81-02 (part), 1981: prior code §7.335).

10.40.090 Following or Overtaking a Vehicle. A. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the roadway until safely clear of such overtaken vehicle. B. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic conditions of the street or highway. (Ord. 81-02 (part), 1981: prior code §7.336).

10.40.100 Limitations on Overtaking or Passing. A. The driver of a vehicle shall not drive to the left side of the centerline of a roadway in overtaking or passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety. B. The driver of a vehicle shall not overtake or pass another vehicle proceeding in the same direction upon a grade or upon a curve in roadway unless the driver's view along the roadway is sufficient to ensure safety. C. The driver of a vehicle shall not overtake or pass any other vehicle proceeding in the same direction at any railroad grade crossing nor at any intersection of streets or highways unless permitted to do so by a police officer. (Ord. 81-02 (part), 1981: prior code §7.337)

10.40.110 Right-of-Way. A. The driver of a vehicle approaching an intersection shall yield the right-of-way to any vehicle which has already entered the intersection from a different street or highway. B. When two vehicles enter an intersection from different streets or highways neither of which are arterial streets or highways at approximately the same time, the driver on the left shall yield the right-of-way to the vehicle on the right. C. The driver of a vehicle intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but the driver, having so yielded and having given a signal when and as required by this title, may make such left turn and the drivers of all other vehicles approaching from the opposite direction shall yield the right-of-way to the vehicle making the left turn. (Ord. 81-02 (part), 1981: prior code §7.339).

10.40.120 Right-of-Way-Exceptions. The driver of a vehicle entering an arterial street or highway, as designated in accordance with this title, shall yield the right-of-way to all vehicles approaching on such streets or highways. (Ord. 81-02 (part), 1981: prior code §7.340).

10.40.130 Right-of-Way-Moving Traffic. The driver of any vehicle entering a street or highway at a point other than a street or highway at a point other than a street or highway intersection or entering traffic on a roadway from a parked or angle-parked position on such street or highway, shall look out for and yield the right-of-way to other vehicles on the roadway. (Ord. 81-02 (part), 1981: prior code §7.341).

10.40.140 Reckless Driving. It shall be unlawful for any person to operate a motor vehicle in a reckless manner over and along the public ways, streets or highways of the city. For the purpose of this section, to "operate in a reckless manner" shall be construed to mean the operation of a vehicle upon the public ways, streets or highways of the city in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property. (Ord. 81-02 (part), 1981: prior code §7.349).

10.40.150 Negligent Driving. A. A person who drives a motor vehicle in the state in a manner which creates an unjustifiable risk of harm to a person or to property and who, as a result of creating the risk, actually endangers a person or property is guilty of negligent driving. An “unjustifiable risk” is a risk of such a nature and degree that a failure to avoid it constitutes a deviation from the standard of care that a responsible person would observe in the situation. Proof that a defendant actually endangered a person or property is established by showing that, as a result of the defendant’s driving:

1. An accident occurred;
 2. A person, including the defendant, took evasive action to avoid an accident;
 3. A person, including the defendant, stopped or slowed down suddenly to avoid an accident;
- or
4. A person or property, including the defendant or the defendant’s property, was otherwise endangered.

B. The offense of negligent driving is a lesser offense than, and included in, the offense of reckless driving, and a person charged with reckless driving may be convicted of the lesser offense of negligent driving.

C. Lawfully conducted automobile, snowmobile, motorcycle or other motor vehicle racing or exhibition events are not subject to the provisions of this section. (Ord. 86-05 S5[c], 1986: Ord. 81-02 (part), 1981: prior code §7.350).

Chapter 10.44

STOPPING, STANDING AND PARKING

Sections:

- 10.44.010 Standing or Parking Close To Curb
- 10.44.020 Signs or Markings Indicating Angle Parking
- 10.44.030 Permit For Loading or Unloading At Angle To Curb
- 10.44.040 Lights On Parked Vehicles
- 10.44.050 Stopping, Standing or Parking Prohibited-No Signs Required
- 10.44.060 Parking Not To Obstruct Traffic
- 10.44.070 Parking In Alleys
- 10.44.080 Parking For Certain Purposes Prohibited
- 10.44.090 Parking Adjacent To Schools
- 10.44.100 Parking Prohibited On Narrow Streets or Alleys
- 10.44.110 Standing or Parking on One-Way Streets or Highways
- 10.44.120 Standing or Parking On One-Way Roadways
- 10.44.130 Stopping, Standing Or Parking Near Hazardous or Congested Places
- 10.44.140 Parking Prohibited During Certain Hours
- 10.44.150 Parking Time Limited
- 10.44.160 Parking Prohibited Over Twenty-Four Hours
- 10.44.170 Parking Of Trailers Restricted
- 10.44.180 Standing In Truck Curb Loading Zone
- 10.44.190 Stopping, Standing And Parking of Buses and Taxicabs
- 10.44.200 Restricted Use of Bus Stops and Taxicab Stands
- 10.44.210 Regulations Not Exclusive
- 10.44.220 Applicability

10.44.010 Standing or Parking Close to Curb. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or the edge of the roadway, except as otherwise provided in this chapter. (Ord. 81-02 (part), 1981: prior code §7.501).

10.44.020 Signs or Markings Indicating Angle Parking. The chief of police shall determine upon what streets or highways angle parking shall be permitted and shall mark or sign such streets. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive on the left side of the roadway or where angle parking would create a hazard to passing traffic. (Ord. 81-02 (part), 1981: prior code §7.502).

10.44.030 Permit For Loading Or Unloading At Angle To Curb.

A. The chief of police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of the permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized in this section.

B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (Ord. 81-02 (part), 1981: prior code §7.503).

10.44.040 Lights on Parked Vehicles. A. Whenever a vehicle is lawfully parked during hours of darkness within a business or residential district no lights need be displayed upon such parked vehicle. Whenever a vehicle is parked upon a street or highway outside of a business or residence district during the hours of darkness, such vehicle shall be equipped with one or more lamps which shall exhibit a white light visible from a distance of five hundred feet to the front of the vehicle and a red light visible from a distance of five hundred feet to the rear. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

(Ord. 81-02 (part), 1981: prior code §7.504).

10.44.050 Stopping, Standing or Parking Prohibited-No Signs Required.

A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with this title or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen feet of fire hydrant;
5. On a crosswalk;
6. Within fifteen feet of a crosswalk at an intersection, except when a traffic-control signal is in operation;
7. Within twenty feet of a driveway entrance to any fire station within seventy-five feet of the entrance;
8. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
9. On the roadway side of any vehicle stopped or parked at the edge or curb of the roadway;
10. At any place where official signs prohibit parking.

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. (Ord. 81-02 (part), 1981: prior code §7.505).

10.44.060 Parking Not To Obstruct Traffic. No person shall park any vehicle upon a street or highway, other than an alley, in such a manner or under such conditions as to leave available less than ten feet from the centerline of the roadway for the free movement of vehicular traffic. (Ord. 81-02 (part), 1981: prior code §7.506).

10.44.070 Parking in Alleys. A. No person shall park a vehicle within an alley in the central business traffic district or any business district except for the expeditious loading or unloading of freight or materials and then the vehicle shall be so parked in such manner or under such conditions as to leave available not less than ten feet of the width of the alley for the free movement of vehicular traffic.

B. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the alley for the free movement of vehicular traffic.

C. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. (Ord. 81-02 (part), 1981: prior code §7.507).

10.44.080 Parking for Certain Purposes Prohibited. No person shall park a vehicle upon a roadway for the purpose of:

A. Advertising;

B. Displaying such vehicle for sale;

C. Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency. (Ord. 81-02 (part), 1981: prior code §7.508).

10.44.090 Parking Adjacent to Schools. A. The chief of police is authorized to erect signs indicating no parking upon any either or both sides of any street or highway when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized in this section, no persons shall park a vehicle in any such designated place. (Ord. 81-02 (part), 1981: prior code §7.509).

10.44.100 Parking Prohibited on Narrow Streets or Highways.

A. The chief of police is authorized to erect signs indicating no parking upon any street or highway when the width of the roadway does not exceed twenty-six feet, or upon one side of a street or highway as indicated by such signs when the width of the roadway does not exceed thirty-five feet.

B. When official signs prohibiting parking are erected upon narrow streets or highways as authorized in this section no person shall park a vehicle upon any such street or highway in violation of any such sign. (Ord. 81-02 (part), 1981: prior code §7.510).

10.44.110 Standing or Parking on One-Way Streets or Highways. The chief of police is authorized to erect signs upon the left-hand side of any one-way street or highway to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon the left-hand side in violation of any such sign. (Ord. 81-02 (part), 1981: prior code §7.511).

10.44.120 Standing or Parking On One-Way Roadways. In the event a street or highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The chief of police, with council approval, is authorized to determine when standing or parking may be permitted upon the left-hand side of such one-way roadway and to erect signs giving notice thereof. (Ord. 81-02 (part), 1981: prior code §7.512).

10.44.130 Stopping, Standing or Parking Near Hazardous or Congested Places.

A. The chief of police is authorized to determine and designate by proper signs places in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay of traffic.

B. When official signs are erected at hazardous or congested places as authorized in this section no person shall stop, stand or park a vehicle in any such designated place. (Ord. 81-02 (part), 1981: prior code §7.513).

10.44.140 Parking Prohibited During Certain Hours. A. The chief of police is authorized to determine and designate by proper signs places in which stopping, standing or parking of vehicles during certain hours of the day would create a hazardous condition or would cause unusual delay of traffic.

When official signs prohibiting parking during certain hours of the day are erected as authorized in this section, no person shall stop, stand or park, a vehicle in any such designated place. (Ord. 81-02 (part), 1981: prior code §7.514).

10.44.150 Parking Time Limited. A. The chief of police is authorized to determine by traffic and engineering studies places in which there is public demand or necessity for short-time parking and to designate such places by proper signs indicating the time limit for parking.

When official signs are erected indicating time-limit parking in places as authorized in this section, no person shall stop, stand or park a vehicle in such designated place for a time longer than indicated on such signs. (Ord. 81-02 (part), 1981: prior code §7.515).

10.44.160 Parking Prohibited Over Twenty-Four Hours.

A. No person shall park a vehicle on any street or highway or city-owned parking lot longer than twenty-four hours at any one time.

B. A vehicle parked on a city-owned public parking lot for more than twenty-four hours shall be removed and impounded under Section 10.72.010. (Ord. 81-02 (part), 1981: prior code §7.516).

10.44.170 Parking of Trailers Restricted. No trailer shall be parked on any street or highway of the city for a period longer than two hours at any one time. (Ord. 81-02 (part), 1981: prior code §7.517).

10.44.180 Standing in Truck Curb Loading Zone. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials or passengers in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials and passengers exceed thirty minutes. (Ord. 81-02 (part), 1981: prior code §7.522).

10.44.190 Stopping, Standing and Parking Of Buses and Taxicabs.

- A. The driver of a bus shall not stand or park such vehicle upon any street or highway at any place other than a bus stop so designated as provided in this section.
- B. The driver of a bus shall not stop such vehicle upon any street or highway at any place for the purpose of loading or unloading passengers other than any bus stop or passenger-loading zone so designated as provided in this section, except in the case of emergency.
- C. The driver of a bus shall enter a bus stop or passenger loading zone on a public street or highway in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right-front wheel of the vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- D. The driver of a taxicab shall not stand or park such vehicle upon any street or highway at any place other than in a taxicab stand so designated as provided in this section. The provision shall not prevent the driver of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (Ord. 81-02 (part), 1981: prior code §7.524).

10.44.200 Restricted Use Of Bus Stops And Taxicab Stands. No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed. (Ord. 81-02 (part), 1981: prior code §7.525).

10.44.210 Regulations Not Exclusive. The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to obtain other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times. (Ord. 81-02 (part), 1981: prior code §7.518).

10.44.220 Applicability. The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times, or at those times specified in this chapter or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device. (Ord. 81-02 (part), prior code §7.519).

Chapter 10.48

EQUIPMENT

Sections:

10.48.010	License Plate
10.48.020	Lights-Required When
10.48.030	Lighting Equipment-Restrictions
10.48.040	Stoplight
10.48.050	Headlights
10.48.060	Brakes
10.48.070	Horns or Warning Devices
10.48.080	Mufflers
10.48.090	Mirror
10.48.100	Windshields
10.48.110	Safety Glass Required
10.48.120	Self-Operating Windshield Wipers
10.48.130	Defective Windshields and Rear Windows Prohibited
10.48.140	Steering Assembly, Wheel Alignment and Body Condition
10.48.150	Police Department Right of Inspection
10.48.160	Applicability of Provision
10.48.170	Violations

10.48.010 License Plate. No vehicle shall be driven or parked upon the streets or highways of the city unless its license plates for the current year are attached to the vehicle in the manner provided by Alaska law and, in addition thereto, the license plates are clean and legible. (Ord. 81-01 (part), 1981: prior code §7.530).

10.48.020 Lights-Required When. Every motor vehicle upon a street or other vehicular way or area within the city must be equipped with illuminating lights as required by Article 2 of Chapter 4 of Title 13 of the Alaska Administrative Code and must illuminate those between a half-hour after sunset and a half-hour before sunrise, and at any other times when, because of insufficient light or other atmospheric conditions, persons or vehicles on the highway are not clearly discernible at the distance of one thousand feet. Stoplights, turn signals and other signaling devices must be illuminated as required by Chapter 4 of Title 13 of the Alaska Administrative Code. (Ord. 86-05 S5(D), 1986: Ord. 81-02 (part), 1981: prior code §7.531).

10.48.030 Lighting Equipment-Restrictions. When a motor vehicle equipped with headlights as required by law is also equipped with an auxiliary light, spotlight, or other light on the front of the vehicle which projects a beam of intensity greater than three hundred candle power, no more than a total of four lights on the front of the vehicle may be illuminated at any time must comply with the applicable mounting and visibility requirements of Section 15, Chapter 2 of Title 13 of the Alaska Administrative Code. (Ord. 86-05 §5(E), 1986: Ord. 81-02 (part), 1981: prior code §7.622).

10.48.040 Stoplight.

A. Except as otherwise provided in this code and in Chapter 2 of Title 13 of the Alaska Administrative Code, a motor vehicle must be equipped with two or more stoplights meeting the requirement of subsection B of this section, except that passenger cars manufactured or assembled before January 1, 1958, must be equipped with at least one stoplight. On a combination of vehicles, only the stoplights on the rearmost vehicle need actually be seen from the distance specified in subsection B of this section.

B. The stoplights or lights required in subsection A of this section must be mounted on the rear of the vehicle and must display a red light, or a shade of red visible from a distance of at least three hundred feet to the rear in normal sunlight. The lights must be illuminated by application of the service or footbrake. (Ord. 86-05 §5(F), 1986: Ord. 81-02 (part), 1981: prior code §7.623).

10.48.050 Headlights. Except as otherwise provided in this chapter, a motor vehicle must be equipped with at least two headlights; one on each side of the front of the vehicle. The headlights must emit white light to the front of the vehicle, and comply with the requirements and limitations set out in Article 2, Chapter 4 of Title 13 of the Alaska Administrative Code, and be mounted at a height of not more than fifty-four inches or less than twenty-four inches. (Ord. 86-05 §5(G), 1986: Ord. 81-02 (part), 1981: prior code §7.624).

10.48.060 Brakes. A. Except as otherwise provided in this chapter, every motor vehicle and every combination of vehicles must have a service braking system which will stop the vehicle or combination of vehicles within forty feet from an initial speed of twenty miles per hour on a level, dry, smooth, clear, hard surface, except that a passenger car or other single-unit vehicle with a manufacturer's gross vehicle rating of ten thousand pounds or less must be able to stop within twenty-five feet from an initial speed of twenty miles per hour on a similar surface.

B. A motor vehicle or combination of vehicles, except a motor-driven cycle or bicycle must have a parking brake system adequate to hold the vehicle or combination of vehicles on any grade on which driven under all conditions or loading, on a surface free from snow, ice or loose material.

C. A motor vehicle or combination of vehicles must comply with all the applicable federal motor vehicle safety standards adopted by the United States Department of Transportation. (Ord. 86-05 §5(H), 1986: Ord. 81-02 (part), 1981: prior code §7.627).

10.48.070 Horns or Warning Devices. A. A motor vehicle operating upon a street or other vehicular way or area, except for snowmobiles, must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of at least two hundred feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with his horn, but may not otherwise use the horn when upon a street or other vehicular way or area.

B. No vehicle may be equipped with, nor may a person use, a siren, whistle or bell, except as otherwise permitted in this section.

C. A vehicle may be equipped with a theft alarm signal device, which is installed so that it cannot be used by the driver as an ordinary warning system. A theft alarm system device may use a whistle, bell, horn or other audible signal, but may not use a siren.

D. Every authorized emergency vehicle must be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of at least five hundred feet. The siren may be used only when the emergency vehicle is operated in response to an emergency call or is in the immediate pursuit of a suspected violator of the law. The driver of the emergency vehicle

shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach. (Ord. 86-05 §5(I), 1986: Ord. 81-02 (part), 1981: §7.628).

10.48.080 Mufflers. A. A motor vehicle must be equipped, maintained and operated so as to prevent excessive or unusual noise and the escape of fumes in to the vehicle. A motor vehicle must be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. No person may use a muffler cutout, bypass or similar device or modify the exhaust system of a motor vehicle in a manner which amplifies or increases the noise emitted by the engine of the vehicle above that emitted by the muffler originally installed on the vehicle for use on the highway or a vehicular way or area. A person may not alter an exhaust particle emission system built into a motor vehicle to decrease its effectiveness.

B. The engine and power mechanism of a motor vehicle must be equipped and adjusted to prevent the escape of excessive fumes of smoke.

C. The cab of any motor vehicle shall be reasonably tight against the penetration of gases and fumes from the engine or exhaust system. The exhaust system including the manifold, muffler and exhaust pipes shall be so constructed as to be capable of being maintained and shall be maintained in a reasonably gas tight condition. (Ord. 86-05 S5(J), 1986: Ord. 81-02 (Part), 1981: prior code §7.629).

10.48.090 Mirrors. A. A motor vehicle must be equipped with a mirror mounted on the left side of the vehicle; every motor vehicle except a motor-driven cycle, bicycle or off-highway vehicle must be equipped with a mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side.

B. The following motor vehicles must be equipped with mirrors on both the left and right-hand sides of the vehicles:

1. A bus or school bus;
2. A motor vehicle constructed, loaded or designed to be loaded in a manner which obstructs the driver's view through the rear window; or
3. A motor vehicle towing a vehicle when the towed vehicle or its load obstructs the driver's view through the rear window.

C. All mirrors required by this section must be maintained in good condition and located to reflect to the driver a view of the rear of the vehicle. (Ord. 86-05 §5(L), 1986: Ord. 81-02 (part), 1981: prior code §7.631).

10.48.100 Windshields. Every passenger-type vehicle, other than a motorcycle, and every motor truck or truck-tractor, and every fire truck, fire engine or other fire apparatus, shall be equipped with an adequate windshield. (Ord. 81-02 (part), 1981: prior code §7.632).

10.48.110 Safety Glass Required.

A. No motor vehicle, except motorcycles, shall be sold or operated unless such motor vehicle is equipped with safety glass of a type approved by the vehicle's manufacturer wherever such glass or glazing materials are normally used in partitions, doors, windows, windshields or wind deflectors.

B. The term "safety glass" as used in this chapter shall be construed as meaning glass, or glazing material, so manufactured, fabricated or treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by glass or glazing material when the same is cracked or broken.

C. It shall be a violation of this chapter for any person to replace any glass or glazing materials used in partitions, doors, windows, windshields or wind deflectors in any motor vehicle with any material other than safety glass or a type approved by the vehicle's manufacturer. (Ord. 86-05 S5 (M), 1986: Ord. 81-02 (part), 1981: prior code §7.633).

10.48.120 Self-Operating Windshield Wipers. Every motor vehicle, except motorcycles, operating on a street or highway shall be equipped with a self-operating windshield wiper installed thereon which shall be maintained in good operating condition. Any windshield wiper as required in this section to be installed on a vehicle shall provide clear vision during fog, snow or rain. This section shall not apply to snow removal equipment equipped with adequate manually operated windshield wipers. (Ord. 81-02 (part), 1981: prior code §7.634).

10.48.130 Defective Windshields and Rear Windows Prohibited. It shall be unlawful to operate any motor vehicle upon a street or highway within the city when the windshield or rear window is in such a defective condition as to impair the driver's vision either to the front or rear. (Ord. 81-02 (part), 1981: prior code §7.635).

10.48.140 Steering Assembly, Wheel Alignment and Body Condition. A. No vehicle may be driven upon a street or a vehicular way or area with loose or defective wheels or steering assembly which constitute a hazard.
B. No vehicle may be driven upon a street or vehicle upon a street or vehicular way or area with sharp protuberances, or with fenders, bumpers or other equipment removed and which may endanger persons or other objects. (Ord. 86-05 S5 (N), 1986: Ord. 81-02 (part), 1981: prior code §7.636).

10.48.150 Police Department Right Of Inspection. A. Any member of the city police department having reasonable cause to believe that any vehicle or combination of vehicles is in such unsafe condition as to endanger the driver of other occupant or any person upon the highway, may require the driver thereof to stop and submit such vehicle or combination of vehicles to an inspection of the mechanical condition or equipment thereof, and such test with reference thereto as maybe appropriate.
B. In the event that such vehicle or combination of vehicles is found to be in an unsafe mechanical condition or is not equipped as required by this chapter, the officer making the inspection may give such driver or the owner of the vehicle to produce in court satisfactory evidence that such vehicle or its equipment has been made to conform with the requirements of this chapter. Every officer giving such directions or a notice of arrest as above provided shall mail a copy of otherwise give notice thereof to the driver or any legal owner of the vehicle if other than the driver.
C. No person shall operate any vehicle or combination of vehicles after notice of such unsafe condition or that the vehicle is not equipped as required in this chapter, except as may be necessary to return such vehicle or combination of vehicles to the residence or place of business of the owner or driver or to a garage until the vehicle and its equipment has been made to conform with the requirements of this chapter.
D. Whenever the driver of a vehicle is directed by a member of the city's police department to stop and submit the mechanical condition of the vehicle or its equipment to an inspection or test under the conditions stated in this section, it shall be the duty of the driver to stop and submit to such inspection or test and a failure or refusal to do so shall be deemed a violation of this chapter. (Ord. 81-02 (part), 1981: prior code §7.638).

10.48.160 Applicability of Provisions. The provisions of this chapter which refer to equipment of motor vehicles operated upon the streets and highways within the city shall apply to all vehicles, whether publicly or privately owned, when operated upon the streets or highways including all authorized emergency vehicles, except where specific exemption or provision is made relating thereto. (Ord. 81-02 (part), 1981: prior code §7.639).

10.48.170 Violations. It shall be unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within the city any vehicle or combination of vehicles which does not contain those parts or is not at all times or at those times specifically stated in this chapter, equipped with such lamps and other equipment as are required in this title or for any person to do any act forbidden or fail to perform any act required under this title. Any vehicle operated upon the streets or highways in the city in an unsafe condition will be considered in violation of this chapter, whether or not specific violation is listed in this chapter. (Ord. 81-02 (part), 1981: prior code §7.640).

Chapter 10.52

MOTOR BICYCLES, SCOOTERS AND MOTORCYCLES

Sections:

- 10.52.005 Definition
- 10.52.010 Operation By Persons Under Fourteen Years Of Age
- 10.52.020 Riding On Motorcycles and Motor Scooters

10.52.005 Definition. All-terrain vehicle is defined as a two-four wheeled low pressure tire and tracked vehicles, including motor bicycles, scooters, and motorcycles.

10.52.010 Operation By Persons Under Fourteen Years Of Age.

- A. No person under the age of fourteen years shall operate a all terrain vehicle on any street or highway in the city. Those persons under the age of sixteen years and not less than the age of fourteen years shall not operate a tracked vehicle of greater rating than 250cc. And all other defined vehicles under this section of greater rating than 75 cc. Such persons under the age of sixteen years and not less than age fourteen shall possess a valid special operator's permit issued by the state pursuant to AS 28.15.051.
- B. No parent or guardian shall permit his or her child under the age of fourteen years to operate an all terrain vehicle on any street or highway in the city. (Ord. 91-11: Ord. 86-05 §5(P), 1986: Ord. 81-02 (part), 1981: prior code §7.118).

10.52.020 Riding On Motorcycles and Motor Scooters.

- A. A person operating a motorcycle or motor scooter shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a motorcycle or motor scooter is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear of the operator. In no event shall a passenger be seated forward of the operator.
- B. Operators of motorcycles, motor scooters and motor bikes not equipped with windscreens or windshields, shall be required to wear either glasses, goggles, or a transparent face piece to protect the face when the vehicle is in operation, excluding contact lenses.
- C. Passengers on motorcycles, motor scooters and motor bikes shall also be required to wear either glasses or a transparent face piece when the vehicle is in operation.
- D. In addition to a permanent seat for a passenger, the motorcycle, motor scooter or motor bike shall be equipped with foot rests for the passenger.
- E. It shall be unlawful for the operator of a motorcycle, motor scooter or motor bike to permit the passenger to ride side saddle. "Side saddle" means that the lower extremities of the body are on one side of the vehicle at the same time.
- F. Operators of motorcycles, motor scooters and motor bikes shall be required to have at least one hand on the steering device of the vehicle when the same is in motion.
- G. Each motorcycle shall be equipped with a rear-view mirror. (Ord. 81-02 (part), 1981: prior code §7.329).

Chapter 10.56

BICYCLES

Sections:

- 10.56.010 Traffic Laws Apply To Persons Riding Bicycles
- 10.56.020 Obedience To Traffic-Control Devices
- 10.56.030 Riding Bicycles
- 10.56.040 Bicycles On Roadways and Bicycle Paths
- 10.56.050 Speed
- 10.56.060 Emerging From Alley or Driveway
- 10.56.070 Clinging To Vehicles
- 10.56.080 Carrying Articles
- 10.56.090 Parking
- 10.56.100 Riding Bicycles On Sidewalks
- 10.56.110 Lamps and Other Equipment On Bicycles
- 10.56.120 Penalties

10.56.010 Traffic Laws Apply To Persons Riding Bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring the rules of the road applicable to vehicles or by the traffic ordinances of the city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature can have no application. (Ord. 81-02 (part), 1981: prior code §7.401).

10.56.020 Obedience To Traffic-Control Devices. A. Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Ord. 81-02 (part), 1981: prior code §7.402).

10.56.030 Riding Bicycles. A. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.
B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Ord. 81-02 (part) 1981: prior code §7.403).

10.56.040 Bicycles On Roadways And Bicycle Paths. A. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
B. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
C. Whenever a usable path has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway. (Ord. 81-02 (part), 1981: prior code §7.404).

10.56.050 Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions than existing. (Ord. 81-02 (part), 1981: prior code §7.405).

10.56.060 Emerging From Alley Or Driveway. The operator of a bicycle emerging from an alley, driveway or building, shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all vehicles approaching on the roadway. (Ord. 81-02 (part), 1981: prior code §7.406).

10.56.070 Clinging To Vehicles. No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway. (Ord. 81-02 (part), 1981: prior code §7.407).

10.56.080 Carrying Articles. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars. (Ord. 81-02 (part), 1981: prior code §7.408).

10.56.090 Parking. No person shall park a bicycle upon a street or highway other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic. (Ord. 81-02 (part), 1981: prior code §7.409).

10.56.100 Riding Bicycles on Sidewalks.
A. No person shall ride a bicycle upon a sidewalk within the central business district.
B. Whenever a person is lawfully riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (ord. 81-02 (part), 1981: prior code §7.410).

10.56.110 Lamps and Other Equipment On Bicycles. A. Every bicycle when in use during the hours of darkness shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a reflector lamp on the rear which shall reflect a red light.
B. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement. (Ord. 81-02 (part), 1981: prior code §7.411).

10.56.120 Penalties. Every person convicted of a violation of any provision of this chapter may be punished, in addition to any other penalties provide within this chapter by impounding of such person's bicycle for a period not to exceed thirty days. (Ord. 81-02 (part), 1981: prior code §7.412).

Chapter 10.60

SNOW TRAVELING VEHICLES

Sections:

- 10.60.010 Compliance with State Law
- 10.60.020 Use of Snow Traveling Vehicles Upon Public Streets
- 10.60.030 Parental Responsibility

10.60.010 Compliance With State Law. No person shall operate any snow traveling vehicle within the city unless the vehicle complies with the laws of Alaska. (Ord. 81-02 (part), 1981: prior code §7.152).

10.60.020 Use of Snow Traveling Vehicles Upon Public Streets.

- A. Snow traveling vehicles and snowmobiles shall be legal vehicles on the streets of the city.
- B. A snow vehicle shall yield the right-of-way to all wheeled vehicles.
- C. As provided in this chapter, all snow traveling vehicles will be operated and governed by the local traffic rules. (Ord. 81-02 (part), 1981: prior code §7.153).

10.60.030 Parental Responsibility. A parent of a child or the guardian of a ward may not authorize or knowingly permit his child or ward to operate a snow traveling vehicle on any street or highway in the city except while in the immediate presence of and under the direct supervision of a licensed operator. (Ord. 81-02 (part), 1981: prior code §7.154).

Chapter 10.64

SCHOOL BUSES

Sections:

- 10.64.010 Definition
- 10.64.020 Procedure Upon Meeting Or Overtaking A School Bus
- 10.64.030 Buses To Carry Signs
- 10.64.040 Sign and Signal Requirements
- 10.64.050 Compliance with Board of Education-Inspection of Vehicles

10.64.010 Definition. For the purposes of this chapter a “school bus” is defined as any vehicle having a capacity of seven or more persons and used regularly for the purpose of transporting children to or from a school. (Ord. 81-02 (part), 1981: prior code §7.338(a)).

10.64.020 Procedure Upon Meeting Or Overtaking A School Bus. The driver of any vehicle upon a street or highway, upon meeting or overtaking from either direction any school bus equipped with signs and signals as required in this chapter which has stopped on a street or highway for the purpose of receiving or discharging any school children when such school bus displays two flashing red light signals visible from the rear and two flashing red light signals visible from the front shall bring such vehicle to a stop immediately before passing the school bus and shall not proceed past such school bus until the flashing signals cease to operate. The driver of a vehicle upon a street or highway with separate roadways need not stop upon a street or highway upon meeting or passing a school bus, which is upon the other roadway. The driver of a vehicle need not stop upon meeting or passing a school bus when the latter is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic-control signal. (Ord. 81-02 (part), 1981: prior code §7.338 (b)).

10.64.030 Buses to Carry Signs. Every school bus, when operated for the transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words “school bus”. No vehicle, other than a school bus, shall display such a sign. (Ord. 81-02 (part), 1981: prior code §7.338[3]).

10.64.040 Sign and Signal Requirements. Every school bus when operated for the transportation of school children shall be equipped with two flashing red light signals visible from the rear and two flashing red light signals visible from the front. The above-required signals shall be a completely separate system and shall be independently operated by the driver. The driver of a school bus shall operate this signal at all times when a school bus is stopped on a street or highway for the purpose of loading or unloading children. Such signals shall not be operated at any other time. (Ord. 81-02 (part), 1981: prior code §7.338(d)).

10.64.050 Compliance with Board of Education-Inspection of Vehicles. A. Every school bus when operated for the transportation of school children shall comply with all the requirements and regulations of the state Board of Education.
Every school bus when operated within the city for the transportation of school children shall be inspected at least twice each year by the chief of police to ensure compliance with the above requirements and regulations. (Ord. 81-02 (part), 1981: prior code §7.338(e)).

Chapter 10.68

PEDESTRIANS

Sections:

- 10.68.010 Pedestrians Subject To Traffic-Control Signals
- 10.68.020 Right-Of-Way In Crosswalk
- 10.68.030 Pedestrians To Use Right Half Of Crosswalk
- 10.68.040 Crossing At Right Angles
- 10.68.050 Pedestrians To Yield
- 10.68.060 Prohibited Crossing
- 10.68.070 Pedestrians Walking Along Roadways
- 10.68.080 Drivers To Exercise Due Care

10.68.010 Pedestrians Subject To Traffic-Control Signals. Pedestrians shall be subject to traffic-control signals as declared in Sections 10.28.050 and 10.28.060 or this title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter. (Ord. 81-02 (part), 1981: prior code §7.351)

10.68.020 Right-of-Way In Crosswalk. A. When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing a roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave the curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield. A pedestrian's right-of-way in a crosswalk is modified under the condition and as stated in subsection B of Section 10.68.050.

B. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (Ord. 81-02 (part), 1981: prior code §7.352)

10.68.030 Pedestrians To Use Right Half Of Crosswalk. Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (Ord. 81-02 (part), 1981: prior code §7.353).

10.68.040 Crossing At Right Angles. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb. (Ord. 81-02 (part), 1981: prior code §7.354)

10.68.050 Pedestrians to Yield. A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing the roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has not been provided shall yield the right-of-way to all vehicles upon the roadway.

C. The foregoing rules of this section have no application under the conditions stated in Section 10.68.060 when pedestrians are prohibited from crossing at certain designated places. (Ord. 81-02 (part), 1981: prior code §7.355).

10.68.060 Prohibited Crossing. A. Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
B. No pedestrian shall cross a roadway other than in a crosswalk in the central business traffic district or in any business district.
C. No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. (Ord. 81-02 (part), 1981: prior code §7.356).

10.68.070 Pedestrians Walking Along Roadways. A. When sidewalks are provided it shall be unlawful for any pedestrian to walk along or upon an adjacent roadway.
B. Where sidewalks are not provided any pedestrian walking along and upon a street or highway shall when practical walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. (Ord. 81-02 (part), 1981: prior code §7.357).

10.68.080 Drivers To Exercise Due Care. Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding a horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. (Ord. 81-02 (part), 1981: prior code §7.359).

Chapter 10.72

IMPOUNDING VEHICLES

Sections:

- 10.72.010 Authority
- 10.72.020 Reports of Impounding
- 10.72.030 Impound Yard
- 10.72.040 Storage and Towing Charges
- 10.72.050 Notice to Owner
- 10.72.060 Redemption
- 10.72.070 Vesting of Title
- 10.72.080 Disposal of Impounded Vehicles

10.72.010 Authority. A. Whenever any vehicle shall be located or is standing upon any street or alley right-of-way in violation of the provisions of this title or any rule or regulation adopted pursuant thereto, or whenever any vehicle shall be found to be mechanically unsafe to operate upon the street or alley, or whenever the driver of any vehicle shall be impaired or is taken into custody by an officer for an offense involving either while driving under the influence of intoxicating liquor, reckless driving, negligent driving or any felony, such vehicle may be removed from the city streets or alleys and may be impounded at the city impound yard. The police shall, in the proper case and whenever any other provision of this code is violated, cause a complaint to be filed against the person committing such offense. When the owner or authorized representative of the owner of the vehicle claims it, he shall be informed of the nature and circumstances causing the impoundment of the vehicle and how he may obtain its release. If the operator or owner of the vehicle is found not guilty of the offense with which he is charged, or if the case is dismissed, the impounded vehicle shall be released immediately to the owner or operator of the vehicle, and no towing or impound fees shall be collected.

B. No person shall allow, permit or suffer any vehicle registered in his name to stand or park upon or be operated upon any street in this city in violation of this chapter or any rule or regulation adopted or issued pursuant thereto.

C. Abandoned motor vehicles may be impounded provided that there shall have been posted on such vehicle a notice to the owner that it will be impounded as an abandoned vehicle if not removed within five days after posting such notice. (Ord. 81-02 (part), 1981: prior code §7.713).

10.72.020 Reports of Impounding. A written report of the impoundment of any motor vehicle shall be made by the police officer who removes or causes the removal of the vehicle under Section 10.72.010. The report shall describe the vehicle, the date, time and place of removal, the grounds for removal and the place of impoundment of the vehicle. A record of impound reports shall be maintained by the city police. (Ord. 81-02 (part), 1981: prior code §7.714).

10.72.030 Impound Yard. The city shall maintain or contract for an impound yard for the purpose of safekeeping all motor vehicles which may be impounded at the direction of city police officers. All motor vehicles impounded at the direction of a city police officer shall be stored in the impound yard. (Ord. 81-02 (part), 1981: prior code §7.715).

10.72.040 Storage and Towing Charges. The towing charge for a vehicle impounded at the direction of the city police is that established by contract between the city and the person with whom the city has contract for towing impounded motor vehicles. The towing charge for a motor vehicle impounded at the direction of the City Police is \$30.00, thirty dollars. In the absence of such a contract, the towing charge is the same as the lowest towing charge covering the same route and service in the traffic filed with the Alaska State Transportation Commission by the towing contractor who towed the vehicle at the time of its impoundment. The charged for storing impounded motor vehicles at the city impound lot is thirty dollars per day. ((Ord. 81-02 (part), 1981: prior code §7.716; (Ord. 05-06) (Ord.13-02.)).

10.72.050 Notice to Owner. A. If the owner or authorized representative of the owner of an impounded motor vehicle does not claim the vehicle, written notification by certified mail shall be sent to the vehicle owner of record and to lien holders of record, as verified in writing by the agency responsible for maintaining records of motor vehicle registrations in the state in which the vehicle is licensed. The notice shall describe the vehicle by make, mode and vehicle identification and license numbers, and shall state the grounds for impoundment and the location of impoundment of the vehicle. The notice shall state if the vehicle is not reclaimed by the registered owner, the lien holder or other person entitled to possession of the vehicle within thirty days from the date of the notice, all right, title and interest in the vehicle will be forfeited and vest in the city of Fort Yukon. This notice shall be sent within thirty days of impoundment of the vehicle or within such longer time as is necessary to obtain written confirmation of the vehicle's current registered owners and lien holders, if any.

B. If the city police know or have reason to believe that the registered or legal owner of an impounded vehicle is residing at an address or location other than the address shown on the vehicle registration, the notification provided by subsection A of this section shall also be sent to such address or location, if known; and if such address or location is known to be hospital, jail, correctional, rehabilitation or treatment facility, the notification shall be sent in care of the superintendent, director or other appropriate official of the hospital, jail, etc. for delivery to the owner.

C. If the name and address of the registered or legal owner cannot be ascertained with reasonable diligence, or if the notification sent in accordance with subsection A or B of this section is returned unclaimed, notice shall be published once a week for four consecutive weeks in a newspaper of general circulation in the city. The published shall include:

1. A description of the impounded vehicle by make, model, color and vehicle identification number;
2. The name of the registered or legal owner and lien holders, if known;
3. The date on which the vehicle was impounded;
4. The provision that unless the vehicle is reclaimed within thirty days after the date of last publication of the notice, all right, title and interest in the vehicle will be forfeited and vest in the city. (Ord. 86-05 S5(Q), 1986: Ord. 81-02 (part), 1981: prior code §7.717).

10.72.060 Redemption. A person who presents satisfactory proof of ownership or right to possession may redeem an impounded motor vehicle at any time before auction or other disposition pursuant to Section 10.72.080 by paying the accrued charges of towing, storage, notice, other cost of impoundment and penalties imposed by law, regulation or ordinances. (Ord. 81-02 (part), 1981: prior code §7.718).

10.72.070 Vesting of Title. A. Title to an impounded motor vehicle not reclaimed by the registered owner, the lien holder, or other person entitled to possession of the vehicle within thirty days from the notice provided by Section 10.72.050 vests with the city.

B. The thirty days specified by this section shall run from the date of actual notice as shown on the return receipt of notice pursuant to subsection A of Section 10.72.050 or from the date of last publication of notice pursuant to subsection C of Section 10.72.050, whichever is earlier. (Ord. 81-02 (part), 1981: prior code §7.719).

10.72.080 Disposal of Impounded Vehicles. A. Upon satisfaction of the notification requirements prescribed in Section 10.72.050, and when title to the vehicle has vested under Section 10.72.070, an impounded motor vehicle may be disposed of by public auction. The public auction shall be held at least fifteen days after the notice of the auction has been published in a newspaper of general circulation in the city. The published notice shall describe the vehicle and set out the place, date and time at which it will be sold.

B. The city purchasing agent shall sell vehicles to be disposed of to the highest bidder at the public auction, for cash or upon such terms as the auctioneer shall announce. The auction may be continued by the auctioneer to another time or times. The city purchasing agent shall certify as to the disposal of property, and shall execute a bill of sale to the property sold. Upon acceptance of the highest bid, the sale shall be final and not subject to redemption.

C. The title certificate and registration of a vehicle sold at public auction, if available, and a copy of the bill of sale and of the published auction notice shall be delivered to the Alaska Department of Public Safety within ten days after the sale.

D. A vehicle sold under this section must be registered and titled as prescribed under Chapter 28.10 Alaska Statutes, and subsequent sale of a vehicle sold under this section is prohibited without a certificate of title issued by the Alaska Department of Public Safety. Vehicle registration is the responsibility of the purchaser of a vehicle.

E. Notwithstanding the provisions of this section, the city may initiate a civil action against a driver or owner of a vehicle which is abandoned in violation of this chapter for costs exceeding receipts for the disposal of the vehicle.

F. The proceeds of a sale of vehicles pursuant to this section shall be deposited in the general fund of the city. (Ord. 81-02 (part), 1981: prior code §7.720).

Chapter 10.76

MISCELLANEOUS TRAFFIC RULES

Sections:

- 10.76.010 Following Fire Apparatus Prohibited
- 10.76.020 Crossing Fire Hoses
- 10.76.030 Driving Through Funeral Or Other Processions
- 10.76.040 Drivers In A Procession
- 10.76.050 Parades Or Processions-When Permits Required
- 10.76.060 Vehicles Or Bicycles On Sidewalks
- 10.76.070 Riding, Boarding and Alighting Form Vehicles
- 10.76.080 Coasting Prohibited
- 10.76.090 Towing
- 10.76.100 Unattended Motor Vehicles
- 10.76.110 Noise and Smoke
- 10.76.120 Obstruction Of Driver's View
- 10.76.130 Dropping Or Throwing Glass, Etc., On Highway-Prohibited
- 10.76.140 Driving In Parks, Playgrounds and School Grounds
- 10.76.150 Parental Responsibility
- 10.76.160 Applicability Of Provisions To Bicycles
- 10.76.170 Dragging Objects Prohibited
- 10.76.180 Spilling Loads Prohibited
- 10.76.190 Projecting Loads On Passenger Vehicles

10.76.010 Following Fire Apparatus Prohibited. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm. (Ord. 81-02 (part), 1981: prior code §7.321).

10.76.020 Crossing Fire Hoses. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or highway or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. (Ord. 81-02 (part), 1981: prior code §7.322).

10.76.030 Driving Through Funeral Or Other Processions. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this title. This provision shall not apply at the intersections where traffic is controlled by traffic-control signals or police officers. (Ord. 81-02 (part), 1981: prior code §7.323).

10.76.040 Drivers In A Procession. Each driver in a funeral or other authorized procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe. (Ord. 81-02 (part), 1981: prior code §7.324).

10.76.050 Parades or Processions-When Permits Required. No procession or parade, excepting the armed forces of the United States of the state of Alaska and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this title which may apply. (Ord. 81-02 (part), 1981: prior code §7.326).

10.76.060 Vehicles or Bicycles On Sidewalks. The driver of a vehicle or bicycle shall not drive within any sidewalk area except at a permanent or temporary driveway. (Ord. 81-02 (Part), 1981: Prior Code §7.327).

10.76.070 Riding, Boarding and Alighting From Vehicles. A. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

B. No person shall board or alight from any vehicle while such vehicle is in motion.

C. No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

D. No person shall enter or leave a vehicle from the left-hand side thereof in any business district, on any arterial street, on any street or highway upon which traffic lanes are established, or whenever such action represents a safety hazard; provided, however, that such prohibition shall not apply to a vehicle angle parked not to authorized emergency vehicles. (Ord. 81-02 (part), 1981: prior code §7.330).

10.76.080 Coasting Prohibited. The driver of a vehicle, when traveling on a down grade, shall not coast with the gears of such vehicle in neutral. (Ord. 81-02 (part), 1981: prior code §7.342).

10.76.090 Towing. A. No vehicle shall tow more than one other vehicle, nor more than two trailers, and the connections shall not be over sixteen feet long, and a red flag or other signal, or cloth not less than twelve inches both in length and width shall be fastened to the towline so as to make it plainly discernible. Each vehicle shall separately display thereon the lights required on a vehicle of the class to which it belongs.

B. Trailers must track within six inches of the preceding vehicle.

C. Trailers shall be attached to the preceding vehicle by means of a suitable coupling. Two safety chains, one on each side of the coupling, must also be used. Both chains must be attached to the chassis frame. Each chain must be of sufficient strength to pull the trailer or trailers attached to it when it is loaded to maximum capacity. (Ord. 81-02 (part), 1981: prior code §7.343).

10.76.100 Unattended Motor Vehicles. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any roadway unattended without first effectively setting the brakes thereon, and when standing upon any grade without turning the front wheels of such vehicle to the curb or side of the roadway. (Ord. 81-02 (part), 1981: prior code §7.344).

10.76.110 Noise and Smoke. A. No person in charge or control of any vehicle shall make with such vehicle, or any device connected therewith, any noise so excessive as to annoy the public, or unnecessarily race his motor while running idle, or open the muffler of any vehicle, or permit such vehicle or any device thereon to emit an unreasonable quantity of smoke, or noxious gases or vapor.

B. No person shall use any sound-amplifying device, recorded music, or radio in or from any vehicle on any street or highway for the purpose of attracting the attention of persons to the sounds issued

there from, except after receiving a permit from the chief of police. (Ord. 81-02 (part), 1981: prior code §7.345).

10.76.120 Obstruction Of Driver's View. A. No driver of any vehicle shall drive the same when such vehicle is so loaded as to obstruct the view of the driver to the front or sides or to interfere with the driver's control over the driving mechanism of the vehicle.

B. No person shall drive a vehicle with more than three people occupying the front seat.

C. The windshield in front of the driver shall be kept clear of dirt, snow and ice or open so that the driver's view is obstructed. No person shall drive any vehicle upon a street or highway with any sign, poster or other nontransparent material upon the front windshield of the motor vehicle other than a certificate or other paper required or permitted to be displayed by law. (Ord. 81-02 (part), 1981: prior code §7.346).

10.76.130 Dropping Or Throwing Glass, Etc. On Highway-Prohibited.

A. No person shall throw or deposit upon any highway any glass, nails, tacks, wire, cans, or other substance likely to injure any person, animal or vehicle upon such street or highway.

B. No person who drops, or permits to be dropped or thrown upon any street or highway any destructive or injurious material shall fail to immediately remove the same of cause it to be removed.

C. No person removing a wrecked or damaged motor vehicle from a street or highway shall fail to remove any glass or other injurious substance dropped upon a highway from such vehicle. (Ord. 81-02 (part), 1981: prior code §7.347).

10.76.140 Driving In Parks, Playgrounds and School Grounds. No person shall ride or drive any vehicle in any park, playground, or school grounds in the city, except on the regular drives designated therefore. (Ord. 86-05 S5@, 1986: Ord. 81-02 (part) 1981: prior code §7.361).

10.76.150 Parental Responsibility. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this title. (Ord. 81-02 (part), 1981: prior code §7.360 (b)).

10.76.160 Applicability Of Provision To Bicycles. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or highway or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated in this title. (Ord. 81-02 (part), 1981: prior code §7.360(c)).

10.76.170 Dragging Object Prohibited. No person shall drag or haul any timber, pipe or any other material or object along or over any street or highway in the city in such manner that portion of such object shall rest upon or come in contact with the surface of such street or highway. (Ord. 81-02 (part), 1981: prior code §7.527).

10.76.180 Spilling Loads Prohibited. No vehicle shall be driven or moved on any street or highway unless such vehicle is so constructed or loaded as to prevent any of its contents or load other than clear water from dropping, sifting, leaking or escaping there from. (Ord. 81-02 (part), 1981: prior code §7.528).

10.76.190 Projecting Loads On Passenger Vehicles. No passenger type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the hubcaps on its left side or more than six inches beyond the line of the hubcaps on its right side. (Ord. 81-02 (part), 1981: prior code §7.529).

Title 11

(RESERVED)

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

- 12.04 Obstruction of Public Ways
- 12.05 Curb Cuts
- 12.06 Excavations
- 12.07 Street Names

Chapter 12.04 OBSTRUCTION OF PUBLIC WAYS

Sections:

- 12.04.010 Streets or Sidewalks-Permit Required-Barricading
- 12.04.020 Ditches, Drains, and Gutters-Obstruction of Water Passages
- 12.04.030 Bond Required-Conditions

12.04.010 Streets or Sidewalks-Permit Required-Barricading. No person shall use any roadway or sidewalk for temporary storage of material without first obtaining a written permit from the city manager. Such obstruction shall be barricaded in a manner prescribed by the city manager. (Prior code §11.101).

12.04.020 Ditches, Drains, and Gutters - Obstruction of Water Passages. No person shall create any obstruction in any ditch, drain or gutter that may hinder the passage of water therein. (Prior code §11.102).

12.04.030 Bond Required-Conditions. Before any permit is issued, the applicant therefore shall furnish a bond or policy of insurance deemed adequate by the city manager, which bond or policy of insurance shall become available in the payment of any damage to public or private property and payment for any personal injuries resulting from such use of the roadway, sidewalk, alley or public place. (Prior code §11.103).

Section 12.08

CURB CUTS

Sections:

- 12.08.010 Permit Required-Displaying
- 12.08.020 Bond-Conditions
- 12.08.030 Limitations of Permit

12.08.010 Permit Required-Displaying. No person, firm, corporation or contractors shall make any opening in or through any curb of any street, alley or public place without first obtaining a written permit from the city manager which permit shall be prominently displayed on the job site. The fee for such permit shall be ten dollars. (Prior code §11.104).

12.08.020 Bond-Conditions. Before any permit is issued, the applicant therefore may be required to furnish a bond deemed adequate by the city manager, which bond shall become available in the payment of any damage to public or private property and payment for any personal injuries resulting because of and during the process of making such opening. (Prior code §11.105).

12.08.030 Limitations of Permit. The permit issued by the city manager shall limit the type, size and number of curb cuts to conform with safety considerations for pedestrians and motor vehicle movement on adjacent streets or alleys. An applicant may appeal in all cases to the city council from the decision of the city manager. (Prior code §11.106).

Chapter 12.12

EXCAVATIONS

Sections:

12.12.010 Excavation In Public Streets

12.12.010 Excavation In Public Streets. It is unlawful for any person, firm or corporation to tunnel under or make any excavation in any street, alley or other public place in the city without having obtained a permit as is required in this chapter, or without complying with the provisions of this chapter or in violation of or variance from the terms of any such permit.

Applications for such permits shall be made to the city manager or his authorized representative, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefore, and the person, firm or corporation doing the actual excavation work and the name of the person, firm or corporation for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

The contractor shall be responsible for safety of the general public as well as persons working in excavations. Adequate shoring, barricades, flares, signs, pedestrian bridges and other protective devices shall be provided by the contractor. The contractor shall provide any additional protective devices or take additional precautions required by the director of public works or his authorized representatives.

Any damage to utilities, streets, sidewalks, curbs or other public or private property caused by this operation shall be repaired by the contractor to the satisfaction of the city manager or his authorized representative.

All backfill shall consist of the same material removed from the trench with the following exceptions: Trash, organic debris and frozen material shall not be replaced in the trench. Such material, if present, shall be replaced with clean pit-run gravel. When the street is surfaced with either pit-run gravel or crushed gravel, or if both are present, clean material, corresponding in gradation and fracture count shall be replaced to a compacted depth equal to the depth of such material in the remainder of the street.

Every effort shall be made to complete all work and restore the street to its original condition in the shortest possible time.

When the work has been satisfactorily completed and so certified by the city manager or his authorized representative, the treasurer shall return the bond deposit, less any penalties and costs to the city.

All excess dirt and debris and construction materials shall be removed from the job site after completion and before acceptance. Excess dirt shall not be spread over adjacent gravel streets. (Prior code §11.107).

Chapter 12.16 STREET NAMES

Sections:

12.16.010 Street Names

12.16.010 Street Names. The names of streets shall be fixed and changed by resolution by the city council. (Prior code §11.108).

Title 13

PUBLIC SERVICES

Chapters:

- 13.04 Water and Sewer Utility Department: Area Served
- 13.08 Utility Board

Chapter 13.04 WATER WORKS

Sections:

- 13.04.010 Water and Sewer Utility Department: Area Served
- 13.04.020 Definitions
- 13.04.030 Description of Service
- 13.04.040 Customers and Application for Water and Sewer Services
- 13.04.050 Installation of Service Connections and Main Extensions
- 13.04.060 Responsibilities for Customer's Plumbing System
- 13.04.070 Classification of Services
- 13.04.080 Conditions of Services; Rates and Charges
- 13.04.090 Billing and Payment; Responsibility
- 13.04.100 Deferred Payment Agreements
- 13.04.110 Resale of Water By Customer
- 13.04.120 Service Irregularities and Limitation of Liability
- 13.04.130 Water Meters
- 13.04.140 Notices
- 13.04.150 Administration and Enforcement
- 13.04.160 Termination of Service By Customer
- 13.04.170 Disconnection or Refusal of Service by Utility-Grounds
- 13.04.180 Disconnection of Service by Utility-Procedure
- 13.04.190 Disconnection of Services by Utility Without Prior Notice
- 13.04.200 Restoration of Services
- 13.04.210 Unusual Demands
- 13.04.220 Fire Hydrants
- 13.04.230 Manholes and Main Lines
- 13.04.240 Individual Waste Disposal Responsibilities
- 13.04.250 Suspending the Rules
- 13.04.260 Constitutionality and Saving Clause

13.04.010 Water and Sewer Utility Department: Area Served.

- A. There is established a Water and Sewer Utility Department of the City of Fort Yukon.
- B. The water and sewer service area shall be as depicted on the official map maintained by and kept in the office of the City Clerk. The service area may be amended by ordinance of the City Council. Each amendment to the service area shall be noted by the City Clerk on the official map. (Ord 07.03).

13.04.020 Definitions The following words and phrases whenever used in this Chapter shall have the meaning defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined: (Ord 84.02(part), 1984 prior code §12.1.1).

ADEC: The Alaska Department of Environmental Conservation.

APPLICANT: A person or persons, firm or corporation requesting some service from the Water and Sewer Utility.

CROSS CONNECTION: Any physical connection through which a supply of potable water could be contaminated. May include any actual or potential connection between a drinking water system and an unimproved water supply or other source of contamination.

CUSTOMER or USER: An applicant who has been accepted and who receives service from the Water and Sewer Utility.

CUSTOMER PLUMBING: The customer service line and all of the customer's plumbing, piping, fixtures, equipment, boilers, appliances, and appurtenances on in the customer's premises intended to use or carry water, sewage waste, wastewater, or drainage.

CUSTOMER SERVICE LINE: The customer service line shall be that part of the piping from the main line to the dwelling or point of use for water and sewer utilities.

DELINQUENT: Past due amounts and associated finance and late charges that are not Received by the Water and Sewer Utility within 30 days after the bill becomes past due.

HONEYBUCKET WASTE: Human waste products from a non-flushing toilet.

PAST DUE: Payment that has not been received by the Water and Sewer Utility within 15 days from the date the bill is rendered.

POTABLE WATER: Water that meets current standards set by Alaska Department of Environmental Conservation (ADEC) for public drinking water.

SEWAGE LAGOON: A multi cell facultative lagoon for the disposal and treatment of sewage waste.

SEWAGE WASTE: Combination of the liquid or water carried wastes removed from residences, institutions, and commercial establishments.

SERVICE CONNECTION: Physically separated customer locations that are connected to the plant by a distribution or collection system;

UNIFORM PLUMBING CODE OR UPC: The Uniform Plumbing Code, or any replacement code, adopted by the State of Alaska and as then currently in effect.

WATER AND SEWER UTILITY: City of Fort Yukon Water and Sewer Utility Department owned and operated by the City of Fort Yukon.

WATER AND SEWER PROJECT: The Water and Sewer Project entails the installation of a community wide sewer collection and treatment system. It includes a multicell facultative lagoon, collection mains, sewer service lines and lift stations. The project also includes a new water treatment plant and water service lines. (Ord 84-02 (part),1984 prior code §12.1-1, Ord 07-03).

WATER AND SEWER UTILITY BOARD: The Utility Board members will be appointed by the Council and will serve as the Water and Sewer Utility Board. (Ord. 84-02 (part), 1984 prior code §12-1-1;Ord 07-03, Ord 13-11).

13.04.030 Description of Service. It is the function of the Water and Sewer Utility to provide the following facilities and services:

- A. Water System: A water system that provides a continuous and sufficient supply of water that meets current ADEC drinking water standards
- B. Sewer Collection System: A safe and fully operational sewer collection system sufficient to handle normal wastewater and sewage wastes discharged to it without plugging or otherwise affecting building drain lines under normal operating conditions.
- C. Sewage Disposal: A sewage lagoon for disposal and treatment of sewage waste and wastewater. All Water and Sewer Facility components including mains, valves, fittings, equipment, and other appurtenances, up to but not including customer service lines are the property of the Water and Sewer Utility. (Ord 07-03).

13.04.040 Customers and Application for Water and Sewer Service.

A. Service Requirements: All current and future customers receiving water service from the Water and Sewer Utility are required to connect to the Water and Sewer Utility sewage collection system. Residential and commercial facilities who do not desire water service from the Water and Sewer Utility are required to obtain approval for an onsite sewage disposal system from the City and if applicable, ADEC.

B. Applications: A person becomes a customer by first applying for water and sewer service to the Water and Sewer Utility. Each applicant for service shall sign an agreement provided by the Water and Sewer Utility giving the date of application, type of service requested, location of the premises to be served, the date the applicant desires services to begin, the purpose for which the service is to be used, and the address to which bills are to be sent, and such other information as may be reasonably required by the Water and Sewer Utility. By signing the application, the customer agrees to abide by the rules and regulations of the Water and Sewer Utility, and to pay the fees for the service requested.

C. Existing Customers Receiving Service: Existing customers receiving water service is required to submit an application for combined water and sewer service prior to installation of the new sewer service line. Existing Customers who have been disconnected from the system prior to that date must submit an application for combined water and sewer service before service can be restored.

D. New Customers: Each applicant for water and sewer service, applying after the date stated in the preceding subsection, will be required to submit an application on a form provided by the Water and Sewer Utility. See Schedule C or D.

E. Each building served requires a separate application and will be billed separately for services provided to each building.

F. Applications can be signed only by the owner of the property or a person named in a writing signed by the applicant authorizing the person to act as the property owner's agent. (Ord 84.02(part), 1984 prior code §12.1.2).

G. Customers Desiring a Change in Service. Customers desiring a material change in the size, type, character, or extent of equipment or operation which would result in a material change in the service provided, shall give the Water and Sewer Utility notice of such change prior to the change taking place. An amended application must be filed with the Water and Sewer Utility and any changes to the rate or deposit amount will occur prior to the change in service. All customers desiring a change in the size, location, or the number of services shall fill out an amended application. The request for amended service may be denied if the applicant has a past due bill due to the Water and Sewer Utility. (ord 84-02; prior code §12.1-4;Ord 07-03).

13.04.050 Installation of Service Connections and Main Extensions.

A. At the time of application for water and sewer service, the property owner shall grant the Water and Sewer Utility access to the property through a right-of-entry agreement and, if required, an easement on forms provided by the Water and Sewer Utility.

B. By applying for utility service, the customer grants all duly appointed employees or agents of the Water and Sewer Utility free access at all reasonable hours of the day to exterior parts of a customer's building related to Water and Sewer Utility service for the purposes of inspecting connections, piping and fixtures, discontinuing service under the provisions of this code, and to determine the manner and extent to which the water and sewer service is being used. When it is necessary to enter a customer's building for the same purposes, the customer will be given notice in accordance with this code. The Water and Sewer Utility does not assume the duty of inspecting the customer's service line, premises, plumbing, or equipment and shall not be responsible for these services or the customer's facilities.

In the event that a customer refuses to provide access to personnel of the Water and Sewer Utility in a reasonable period of time, the water and sewer service may be discontinued for non-compliance.

C. Main Extensions. The extension of mains to areas or houses not currently being served by water and sewer, shall be installed only after application to and authorization by the Water and Sewer Utility. The Water and Sewer Utility may require the applicant(s) to make advance payment of the cost of extending a main before installation.

D. The Water and Sewer Utility will determine the proper location of main extensions. Easements or permits necessary for main extensions across property not owned by the City of Fort Yukon shall be obtained in the name of the City of Fort Yukon.

E. Service Lines. The customer shall maintain the customer service line from the water and sewer mains to the building or structure served by the service line.

1. Service Installation Charge: An applicant for a new service connection shall submit a service connection fee with an application on a form provided by the Water and Sewer Utility. The fee shall be sufficient to cover the estimated cost of the installation from the main to the building, including the costs of materials needed to make the connection at the building, if necessary.

2. Service connections shall be installed only by the Water and Sewer Utility or its authorized representatives or contractors. If the actual cost should exceed the application fee paid to the Water and Sewer Utility by the customer, the customer will be billed for and shall pay the excess. If the actual cost to the city is less than the amount of the application fee paid by the customer, the difference will be refunded to the customer. For a period of one year from the date of installation, the City will warrant water and sewer lines installed by Water and Sewer Utility against defects in workmanship and materials, limited solely to the repair and replacement of defective work and materials. In no event shall such warranty cover other damages, including but not limited to property damage, consequential damages, or other damages or losses.

F. Private Mains. No person shall construct any private water or sewer main served directly or indirectly by city water or sewer, unless special permission is granted in writing by the city. (Ord 84.02 (part), 1984 prior code §12.1-3).

13.04.060. Responsibilities For Customer's Plumbing System.

- A. All the customer's plumbing shall comply with the Uniform Plumbing Code. The customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all customer plumbing that may be required for receiving, controlling, applying and utilizing water and the Water and Sewer Utility shall have no liability or responsibility for any loss or damage caused by the improper installation of such customer plumbing; or caused by the negligence, want of proper care, wrongful act of the customer, or any of its tenants, agents, employees, contractors, licensees or permittees in installing, maintaining using, operating or interfering with such customer plumbing.
- B. The Water and Sewer Utility shall have no liability or responsibility for damage to property caused by spigots, faucets, valves or other customer plumbing equipment that is open when water service is turned on, whether originally or after temporary shutdown.
- C. Cross connections with the Water and Sewer Utility water system are strictly prohibited. Every customer shall eliminate all possible cross connections.
- D. All water users shall install and maintain a backflow prevention device between the water service connection and the first plumbing fixture or drain on the customer's premises. The minimum requirement shall be a dual check valve assembly or as required by the UPC.
- E. All service connections will be installed with a safe and operable ~~heat trace~~ Circulating Pump. The cost of installation and operation, when necessary, shall be the responsibility of the customer. The customer shall be responsible for locating, maintaining, and operating the ~~heat tape~~ circulating line for the customer's service line and for thawing any frozen connection between the main and the building served. The customer shall pay all costs associated with keeping the service lines and other customer equipment and plumbing from freezing. (Ord 84.02(part), 1984 prior code §12.1.4) (ord 07.03).
- F. Water service connections in excess of one hundred feet in length from the main to the building may require either a circulation pump or constant operation of the heat trace line. The cost of installation, operation and maintenance of the pump or heat trace line shall be the responsibility of the customer.
- G. It shall be a violation of this code for any person to make, or remake a service connection without the prior knowledge and approval of the Water and Sewer Utility as provided in this code. (ord 84-02 (part), 1984 prior code §12.1-4, Ord 07-03).
- H. It shall be a violation of this code for any person to take water in bulk quantity from the Water and Sewer Utility without prior approval from the Water and Sewer Utility.
- I. Any electrical improvements shall be made in accordance with applicable electrical codes and regulations.
- J. Customers shall acquire and install, at the customer's expense, pressure reducing devices to protect the customer's plumbing and premises from damage due to high pressures in the water supply system as required by the UPC. All damages occasioned by the customer's failure to install adequate pressure reducing devices shall be borne solely by the customer. (Ord 84.02(part), 1984 prior code §12.1.4) (ord 07.03).

K. The customer shall be responsible for maintaining proper heat within the customer's premises to insure that pipes do not freeze-up, causing waste of water, harm or damage to the Water and Sewer Utility system. Customer freeze-ups, or other leaks that affect the efficiency of the Water and Sewer Utility system or the public health, are to be immediately repaired by the customer. The Water and Sewer Utility shall have the right to make the repairs and bill the customer for repairs and for any excess water usage that might have resulted from the situation, should the customer be unable to make the repairs; or should the customer have abandoned the service location without proper notification to the Water and Sewer Utility; or should the customer be away from the service location temporarily. It is the responsibility of the customer to notify the Water and Sewer Utility immediately of any breakage or other problem with the customer's plumbing that could have an adverse effect upon the Water and Sewer Utility's system. (Ord 84-02, part, 1984, §12.1-4, Ord 07-03).

L. The customer shall be responsible for the condition of the customer plumbing system on the customer's premises when service is turned on and at all times thereafter.

M. The Water and Sewer Utility may exercise all rights and seek any lawful remedy to recover costs for damages and repairs to its water and sewer facilities resulting from the failure of a customer to keep customer service lines and customer plumbing in proper and safe operating condition or to keep the same from freezing.

13.04.070. Classification of Services.

Charges for water and sewer service are set according to various classifications of services. The classes of service shall be as follows:

A. Residential Service: Residential Service shall consist of all services for domestic purposes supplied to a single family dwelling unit.

B. School Service: School service shall consist of services provided to the school, its administrative offices, and other facilities operated by the school that are not classified under a different class of service.

C. Commercial Service: Commercial services shall consist of all office, commercial or business establishments, multiple family dwelling units, tribal facilities, community facilities, government owned buildings, and other buildings or establishments that do not fit within another classification of service. If a building contains both a single family dwelling unit and a commercial service establishment, the higher rate shall apply.

D. Contract Service: Contract services shall consist of those services for industrial or independent uses under contracts authorized by the Water and Sewer Utility. Where the requirement for services is large or unusual, or necessitates special services, equipment, or capacity, the Water and Sewer Utility reserves the right to require a special contract, the provisions of which are different from and an exception to the regularly published Water and Sewer Utility rates and regulations. Special contracts will only be given to customers in extraordinary 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 ordinance of the City Council. (Ord 03.03),(Ord 84.02 (part), 1984 prior code §12.1.6), Ord 08.07), (ord 07.03).

13.04.080. Conditions of Service; Rates and Charges.

- A. No property shall be served, directly or indirectly, by the Water and Sewer Utility unless the property owner, or the owner's authorized representative, has entered into an agreement with the Water and Sewer Utility.
- B. Water and sewer rates for each classification of service shall be established by ordinance or resolution of the city council and are to be reviewed every two years, or more often, as the city council may decide. See Schedules for rates. (ord 08.07).
- C. No person, other than an authorized representative of the Water and Sewer Utility, shall turn on water or sewer services, except that a plumber approved in writing by the Water and Sewer Utility may do so for the limited purpose of testing installations.
- D. Delinquent Bills: The Water and Sewer Utility will charge a late payment penalty on delinquent sums due to the Water and Sewer Utility. The amount of the penalty shall be established by ordinance or resolution of the City Council.
- E. Notice of Decision to Disconnect Service: Once an account becomes delinquent the Water and Sewer Utility will notify the customer of the Water and Sewer Utility's intention to disconnect service. If the customer fails to make payment in full within seven days from the date of such notice, the service may be disconnected.
- F. If a customer with a delinquent account enters into a deferred payment agreement and fails to fulfill the terms of the agreement, the Water and Sewer Utility may disconnect the service without providing the customer with the notice described in 13.04.080 E. seven days prior to disconnection; however, at least three working days before disconnection the Water and Sewer Utility will attempt to give written or telephone notice of the disconnection to the customer.
- G. Reconnection: In all cases where service has been disconnected due to delinquency, the customer will be required to fulfill the requirements in Section 13.04.20. (ord 84-02,part, prior code §12.1-3-10;Ord 07-03).

13.04.090. Billing and Payment; Responsibility.

- A. Bills will be mailed to each customer monthly, on the first business day of each month or on such other schedule as may be established by the Water and Sewer Utility. Payment of each monthly bill will be due on or before the due date printed on the customer's bill, which will not be less than 15 days after the date of mailing. Delinquent accounts are subject to late payment penalties and disconnection as provided in this chapter.
- B. The owner of the real property receiving service is at all times responsible for the water and sewer bills incurred by all occupants or tenants on the property.
- C. Customers are liable for payment of all services rendered until written notice has been received at the Water and Sewer Utility office that the service is no longer desired. Such notice shall be provided at least thirty days before the date the customer desires to terminate the service.
- D. Failure to receive a bill for any given period of time will not relieve the customer of the liability for payment of the services rendered. (Ord 84.02(part), 1984 prior code §12.1.7), (Ord 07.03).

13.04.100. Deferred Payment Agreements.

- A. A customer who is delinquent and in jeopardy of termination of services for delinquency in payments may, upon approval, make an agreement for deferred payment if:
1. A payment schedule requiring payment in full within a reasonable amount of time is agreed to by the customer and the City Manager;
 2. The agreement is in writing and signed by the customer and the City Manager;
 3. The customer agrees as to the total amount past due, including accrued penalties and interest.
 4. The agreement provides that if any scheduled payments are missed or late, all Water and Sewer Utility services may be disconnected immediately without prior notice to customer;
 5. The agreement provides that if any new charges for services provided after the date of agreement are not paid when due, all Water and Sewer Utility services may be disconnected immediately without prior notice;
 6. Not less than twenty-five percent of the past due amount must be paid at the time the agreement is made; upon a showing of hardship this may be reduced to not less than fifteen percent.
- B. The City Manager may, in his or her discretion, also require the customer to execute a confession of judgment, an assignment of permanent fund dividend, or both, as a condition to approval of a deferred payment agreement.
- C. If the customer defaults in the scheduled payments, or fails to pay when due all charges for Water and Sewer Utility services provided after the date of the agreement, all Water and Sewer Utility services may be disconnected immediately without prior notice to customer.

13.04.110. Resale Of Water By Customer.

Except by special written agreement with the Water and Sewer Utility, no customer shall resell any of the water received from the Water and Sewer Utility. Nor shall such water be delivered to premises other than those specified in the application for service. (Ord 84.02(part), 1984 prior code §12.1.9) (ord 07.03).

13.04.120. Service Irregularities and Limitation of Liability.

- A. No Liability for Failure of Service: The Water and Sewer Utility will endeavor to furnish and deliver adequate sewer service and a continuous supply of potable water to the customer under constant pressure. However, neither the City nor the Water and Sewer Utility will be liable for damage resulting from interruptions, shortages, irregularities or failures due to system failure, accidents, interference by third parties, acts of nature, or other causes or conditions, regardless of whether the customer has, or has not, been notified of such contingency.
- B. Notice of Irregularities: Whenever possible, and to the extent time permits, the Water and Sewer Utility will make reasonable attempts to give prior notice through public media or direct contact to customers potentially affected by an anticipated interruption or irregularity in service.
- C. Interruptions for Repairs or Modifications: The Water and Sewer Utility may, without liability to any customer or person, temporarily suspend the delivery of service when necessary for the purpose of making repairs, modifications, inspections or improvements to the system. The Water and Sewer Utility will make reasonable attempts to provide customer notice through the use of public media or by direct customer contact. Repair work will be completed expeditiously.
- D. Credit for Interruptions: The Water and Sewer Utility may provide a pro-rated credit for system wide service interruptions extending longer than 48 hours.
- E. Priority of Service: In the event of an emergency water shortage, the Water and Sewer Utility will notify customers to curtail water usage. The Water and Sewer Utility will notify customers of the nature and duration of the required curtailment. The Water and Sewer Utility will place a priority on

the availability of water for drinking and sanitation purposes. Priority customers are assigned at the discretion of the Water and Sewer Utility. (ord 07-03).

13.04.130 Water Meters.

A. Meter Requirement: If determined to be necessary at any time, the Water and Sewer Utility is authorized to require installation of a water meter upon a customer's line and to charge for such service at the metered water rates established by city council ordinance or resolution. If meters are required, the Water and Sewer Utility will provide the meter and the customer must pay the actual cost of installation, including the cost of the meter.

B. Location of Meters: If required, meters shall be placed either inside or under a heated building at suitable convenient places approved by the Water and Sewer Utility. The meter shall not be placed where freezing or damage to the meter or its related parts is likely to occur; nor where the meter is susceptible to damage that could result in a loss of water from the system.

C. Joint use of Meters: The joining together of more than one customer or more than one building to take advantage of single minimum charges, large quantity rates, or for other similar purposes is prohibited except under special contract, in writing, from the Water and Sewer Utility.

13.04.140 Notices.

A. Notices to Customers: Notices to customers from the Water and Sewer Utility will normally be in writing and will be mailed or delivered to the customer at the address on file with the Water and Sewer Utility. Where conditions warrant, and in an emergency, the Water and Sewer Utility may attempt to notify customers by telephone, messenger, or public media.

B. Notices from Customers: Notices from the customer to the Water and Sewer Utility may be given in writing to the Water and Sewer Utility office by the customer or the representative authorized in writing on the customer's application. However, notices that result in a change in service or in work being performed by the Water and Sewer Utility for the customer must be accompanied by the appropriate signed agreement required by this chapter or a signed repair order or work order if required by the Water and Sewer Utility.

13.04.150 Administration and Enforcement.

A. This chapter shall be administered and enforced by the City Manager, or the person designated by the City Manager to manage the Water and Sewer Utility.

B. The City Council shall have the authority to establish and regulate rates for the water and sewer system for all customers.

C. The City Manager may adopt such additional regulations, provisions, and procedures pertaining to water and sewer service as the City Manager deems proper and necessary for the implementation of this chapter. Such regulations, provisions, and procedures shall become effective upon approval by resolution of the City Council.

13.04.160. Termination of Service by Customer.

- A. Each customer desiring to terminate water and sewer services shall give at least 30 days written notice to terminate and state the date the service is to be discontinued. A customer will be responsible for all services supplied to the premises, whether customer continues to occupy the premises or not, until a written notice to terminate is received.
- B. Within one week of the date of termination of service, a final bill will be prepared and delivered, which is due and payable immediately. The amount of the bill for the final billing period will be determined by prorating the number of days of service received in the given month (including the date of disconnect) divided by the total number of days in the month, times the usual monthly charge for the customer.
- C. There will be no disconnection charge for customer's voluntary termination of service. He will be required to pay all water charges until the date of discontinuance. (Ord 84.02(part), 1984 prior code §12.1.9), (ord 07.03).

13.04.170. Disconnection or Refusal of Service by Utility- Grounds.

The Water and Sewer Utility may terminate water and sewer service to a customer for any reason stated in this section or as stated elsewhere in this chapter.

- A. **Discontinuance for Water Waste.** Where water is wastefully used or negligently used to excess on a customer's premises, materially affecting the utility's water service, the Water and Sewer Utility may discontinue service if such conditions are not corrected within 5 days after written notice from the Water and Sewer Utility. Allowing water to run continuously rather than providing reasonable and proper insulation to prevent freezing is considered wasting water that materially affects the utility's water service. At the option of the Water and Sewer Utility, a customer who is found to be wasting or negligently using water to excess may be granted written approval to continue service if a meter is installed at the customer's expense and he or she pays a rate based on actual consumption.
- B. **Discontinuance for Unsafe Equipment, Unsafe Facilities or Unsanitary Facilities.** The Water and Sewer Utility may discontinue services to any premises where customer plumbing or premises are dangerous, unsafe, or not in conformance with the applicable plumbing code or other laws or ordinances. In cases where there is danger of imminent harm to public health, safety, or welfare, such discontinuance may be accomplished without prior notice to the customer. The Water and Sewer Utility shall have no duty to inspect the customer's plumbing, but may do so if there is reason to believe that unsafe or unsanitary customer plumbing is in use or that conditions may threaten danger of imminent harm to the public health, safety, or welfare.
- C. **Discontinuance for Use Detrimental to Others.** The Water and Sewer Utility may refuse to provide service, may restrict service, or may terminate service to any premises where the demand is greatly in excess of past average or seasonal use, and where such excessive demand by one customer, is, or may be, detrimental or injurious to the services furnished to other customers. The determination of excessive demand may vary depending on the circumstances, including without limitation current water or sewer resources and system equipment conditions.
- D. **Discontinuance for Fraud or Abuse.** The Water and Sewer Utility will refuse or discontinue service to any customer or premises when it is deemed necessary to protect the Water and Sewer Utility from fraud or abuse of service. Discontinuance of service for one or both of these causes will be made upon a determination by the Water and Sewer Utility that such condition or conditions exist.
- E. **Discontinuance for Failure to Protect.** Service may be disconnected if the customer fails to protect the facilities or equipment of the Water and Sewer Utility on customer's premises, or if the customer tampers or interferes with such facilities or equipment, or permits another to tamper or interfere with them. If Water and Sewer Utility equipment or facilities are damaged or if the seals placed on such equipment or facilities are damaged or removed, the Water and Sewer Utility will

discontinue service until such time as satisfactory assurance has been provided that the equipment or facility will be freed from future interference. The customer shall reimburse the Water and Sewer Utility for any damage to its equipment or the facilities and for the estimated loss of revenue prior to the restoration of service.

F. Discontinuance for Denial of Access. If a customer denies authorized Water and Sewer Utility personnel reasonable access to the customer's premises for purposes authorized by this code, the service may be disconnected by the Water and Sewer Utility.

G. Discontinuance for Non-Compliance. The Water and Sewer Utility may discontinue water service to any customer who fails, after notice, to follow the requirements of this chapter.

H. Discontinuance for Non-Payment of Bills. A customer's water services may be discontinued if their bill is not timely paid in accordance with the requirements and procedures set forth in this chapter.

I. Discontinuance for Cross Connections: A cross connection is unlawful. The Water and Sewer Utility will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated. (Ord 84.02(part), 1984 prior code §12.1.12) (ord 07.03)

J. Discontinuance for Unauthorized Turn-on: Where service has been discontinued for any reason and the service is turned on by the customer or another unauthorized person, the service may then be turned-off at the main, without notice to the customer. The charges for such shut-off at the main will be billed to the customer at the actual cost for labor and materials plus a civil penalty equal to 50% of the actual cost of labor and materials. The charges for use of service through such illegal connection will be at the regular rate for the period of time, as estimated by the Water and Sewer Utility, that such illegal or unauthorized connection existed, plus a civil penalty for unauthorized usage according to the schedule of fees adopted by ordinance or resolution of the City Council.

K. Limitations on Reasons for Disconnection. The Water and Sewer Utility will not disconnect service to a customer in the following circumstances:

1. For delinquency in payment for services rendered to a prior customer at the premises where service is being provided.
2. If the customer is in compliance with a signed deferred payment agreement approved by the Water and Sewer Utility, or is in the process of timely negotiating a deferred payment agreement with the Water and Sewer Utility.
3. For nonpayment of a bill related to another class of service at a different service location.
4. For failure to pay a disputed amount due on a delinquent account if the customer complies with the rules on customer bill disputes and the dispute remains under investigation by the Water and Sewer Utility or any regulatory commission with jurisdiction over the matter. However, the Water and Sewer Utility may proceed to disconnect service in accordance with the above provisions if a customer fails to pay all undisputed amounts.

13.04.180. Disconnection of Service by Utility - Procedure.

Except as provided in section 13.04.190, the Water and Sewer Utility will use the following procedures prior to involuntarily disconnection of a customer's service:

A. Except when shorter notice or no notice is authorized by other provisions of this chapter, notice of intent to terminate will be sent to the customer not less than seven days before the date on which the service will be terminated. If the customer is the authorized representative of the property owner, the Water and Sewer Utility will also attempt to mail notice to the property owner, but neither the failure to do so nor the failure of the property owner to receive such notice will prevent the termination of service to the premises. If it appears the termination of services will affect more than one occupancy unit on the premises, the Water and Sewer Utility will also attempt to provide the notice to or post the notice on each apparent occupancy unit, but any failure to do so will not prevent the termination of services to the premises.

B. The notice to the customer must be delivered personally or mailed by first class mail to the customer address shown on Water and Sewer Utility records, and a copy must be posted on the premises at the customer service location. If authorized in writing by the customer, facsimile transmission of the notice may be used in lieu of both personal delivery and first class mail.

C. The notice must state the grounds on which the Water and Sewer Utility believes termination of services is justified. If the grounds for termination include delinquency in payment of charges, the notice must state the amounts owing, late penalties, and interest, the address to which payment may be sent, and the date by which payment must be received to prevent termination of services. In every case the notice must include the customer name, service location address, the account number, and the date on or after which services will be terminated. The notice must also include notice that the customer may request a pre-termination hearing for any matter in dispute, including notice of the method and time for requesting such a hearing.

D. If a hearing is requested, the City Manager will cause written notice to be given to the customer at least five calendar days before the hearing. The notice will state the name of the hearing officer (which may be the City Manager or another person appointed by the City Manager) and the date, time, and place of the hearing. A delay in the date of the hearing beyond 48 hours will be granted by the hearing officer only for good cause shown.

E. Hearings will be conducted informally and formal rules of evidence shall not apply. The customer will be offered an opportunity to be heard, submit exhibits, be represented, and hear and question persons who might present testimony on behalf of the Water and Sewer Utility. The hearing officer may allow participation in the hearing by telephone.

F. The hearing officer must make a decision, in writing, within three calendar days of the conclusion of the hearing. If delinquency in payments is found to be the sole ground for termination of service, the customer will thereafter have three calendar days to pay the full amount determined by the hearing officer to be owed. If payment in full is not received within that period of time, all water and sewer services may be terminated without further notice. If the hearing officer finds any other ground for termination of service, all water and sewer services may thereafter be terminated at any time upon written order of the City Manager on or after the date stated in the City Manager's order.

13.04.190 Disconnection of Services by Utility Without Prior Notice

- A. The Water and Sewer Utility may terminate water or sewer service, or both, with or without prior notice to the customer when the City Manager finds that the connection of the customer's service equipment, for safety, health or any other reason, poses a danger of imminent harm to Water and Sewer Utility personnel, the Water and Sewer Facility, any other person, or property.
- B. The Water and Sewer Utility may terminate water or sewer service, or both, with or without prior notice to the customer when termination without prior notice is expressly authorized by any other section of this chapter.
- C. In the event of any termination of service without prior notice, the City Manager shall cause written notice to be given to the customer as soon as practicable, but not later than 24 hours after the termination of service. The notice must identify the reason for the termination, state how any deficiencies may be cured by the customer, and give the customer an opportunity to request a post-termination hearing to dispute the termination. Such a hearing shall be held within 72 hours after the City Manager's receipt of such a request. The post-termination hearing will be held, to the extent possible, in a manner consistent with the provisions of section 13.04.180.

13.04.200. Restoration of Services.

- A. Restoration of service following discontinuance for non-payment of bills shall be made only after payment made for current and past due charges, including any penalties and interest that may apply, and the applicable reconnection fee.
- B. Restoration following discontinuance because of unsafe facilities, water waste, fraud, abuse, or non-compliance with this code and any applicable rules and regulations will be made only after: a) the irregularity has been corrected; b) any associated charges for disconnection or repairs undertaken by the Water and Sewer Utility have been paid; and c) the Water and Sewer Utility has received satisfactory written assurance that the irregularity will not occur again.
- C. The customer shall provide access to the customer's premises for connection or reconnection of services, including without limitation the removal of all snow, ice, and other obstructions to access.
- D. The customer is responsible for insuring that the customer's plumbing and other facilities, including the service line, are in good condition prior to restoration of services. The customer shall pay any costs for cleaning or thawing a service line prior to reconnection.

13.04.210. Unusual Demands. Whenever an unusually large quantity of water is desired for filling a water storage tank, or for any other purpose, arrangements must be made with the Water and Sewer Utility prior to taking the water. The Water and Sewer Utility shall in the reasonable exercise of discretion determine what constitutes an unusually large quantity of water based on normal or average use, system capacity, and all other relevant factors. Permission to take water in large quantities will be given only if other customers are not unduly inconvenienced and measures have been taken to minimize any such inconvenience. Purchases of large quantities of water, even if by an existing customer, may be billed under a separate category and for a separate amount from the customer's usual rate.

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

13.04.230 Manholes and Main Lines. A. Operation: No person or persons other than those designated and authorized by the Water and Sewer Utility shall place any matter not intended to be placed in a sewer including, but not limited to, animal and fish carcasses, chemicals or hazardous materials, refuse or trash, rocks or gravel, or honey bucket wastes in any manhole or main line, or in any manner damage or tamper with the manhole or main line.

B. Damage to Manholes and Main Lines: Any person who damages a manhole or main line or any of the attachments or appurtenances thereof, shall be liable for the cost of its complete repair and return to service.

C. Dumping Refuse, Chemicals, or Trash into Sewer Lines: Any person who damages a sewer main or interrupts sewer service by placing in any manhole or in the sewer line any animal and fish carcasses, chemicals or hazardous materials, refuse or trash, rocks or gravel, honey bucket wastes, or other matter not intended to be placed in a sewer will be liable for all damages to any person or property and the costs of repairs to the Water and Sewer Facility, sewage treatment works, and any other property that are a consequence of his or her act.

13.04.240. Individual Waste Disposal Responsibilities. In the event that the Water and Sewer Utility does not provide a solid waste or honey bucket waste pick-up service, the users are responsible to see that such waste material is stored in a secure covered container with a tight fitting lid and is hauled to the designated disposal area and deposited at the location as directed by the City.

13.04.250. Suspension of Rules. No employee of the City, including the Water and Sewer Utility, is authorized to suspend or alter any of the provisions of this Chapter without specific approval or direction of the City Council, except in cases of imminent threat of harm to health, safety, and welfare of persons or property or in situations that put the water and sewer system in jeopardy of damage, impairment or failure.

13.04.260. Constitutionality and Saving Clause. If any clause, sentence, paragraph, section, or portion of this chapter for any reason is judged to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, or portion of this chapter directly involved in the controversy in which the judgment is rendered. (Ord. 84-02 (part), 1984: Prior code §12.1-2, Ord. 07-03).

Chapter 13.08

PUBLIC UTILITY BOARD

Sections:

- 13.08.010 Duties
- 13.08.020 Appointment
- 13.08.030 Term of Office
- 13.08.040 Officials
- 13.08.050 Vacancies
- 13.08.060 Quorum
- 13.08.070 Meetings
- 13.08.080 Record of meetings
- 13.08.090 Rules of Proceedings
- 13.08.100 Order of Business
- 13.08.110 Office and Staff
- 13.08.120 Formal Acts by Resolution
- 13.08.130 Compensation
- 13.08.140 Planning Duties and Functions

13.08.010 Duties. It is the duty of the Board to make recommendations to the city council on matters concerning and relating to the city water system, and wastewater system. The Utility Board shall make recommendations to the city council of any changes in utility rates on an annual basis. The Utility Board shall oversee the enforcement of municipal ordinance involving the water and wastewater utilities. The enforcement of appropriate regulations shall be overseen by the Utility Board. The Utility Board shall update the utility business plan every five years. The Utility Board shall review the utility ordinances and make recommendations to the Council on any amendments to the Utility ordinances, as needed. Formal decisions of the utility board shall be made by resolution and presented to the city council for consideration.

13.08.020 Appointment. Members shall be appointed by the council. Appointments to fill vacancies shall be for the un-expired term only. The board shall be made up of five board members: board member seats shall be chosen by the city council as the following:

- A. Water treatment plant operator
- B. Water and wastewater project construction employee or past employee
- C. Native Village appointee
- D. Village corporation appointee
- E. Community representative(fluent in Gwich'in)

13.08.030 Term of Office. With the initial appointment be seats A and B appointed three years; seat C and D appointed every two years and seat E for one year. Following the initial appointment terms, board members shall server a three year term.

13.08.040 Officials. The city manager shall attend and chair all meetings. The city manager shall not vote in any decisions. A deputy presiding officer to serve in the absence of the presiding officer and a recording clerk.

13.08.050 Vacancies. A vacancy shall be declared and filled as above provided when the member:

1. Fails to qualify and take his office within thirty days after his confirmation by the council.
2. Departs from the city with intent to stay away for a period of ninety or more days or is physically absent from the area he was appointed to represent for a period of ninety or more days.
3. Submits his resignation and the resignation is accepted by the city manager.
4. Is physically or mentally unable to attend commission meetings for a period of more than ~~ninety~~ one hundred eighty days.

13.08.060 Quorum. A quorum constitutes of three or more voting members. Any act of the board requires a majority affirmative vote of those voting members present.

13.08.070 Meetings. Regular meeting shall be held quarterly (once every three months). Special meetings may be called by the city manager or shall be at the request of three members.

13.08.080 Record of Meetings. Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the clerk of the city and retained as public records.

13.08.090 Rules of Proceedings. Meetings shall be conducted under Robert's Rules of Order, such modified or amended rules as may be adopted by the board.

13.08.110 Order of Business.

A. The order of business at regular meetings shall be:

1. Approval of minutes of previous meetings, as amended or corrected;
2. Reading and disposition of correspondence;
3. Unfinished business;
4. New business; and,
5. Miscellaneous business.
6. Customer comments
7. Board comments

B. The order of business at the special meetings shall be prescribed by the presiding officer.

13.08.120 Office and Staff. A. The Utility Board shall be provided for its needs to file its journals, resolutions, records, reference materials, correspondence, maps, plats and charts, all of which shall constitute public records of the city.

B. The Utility Board shall be furnished secretarial assistance at each meeting to assist in preparing its minutes, journals and resolutions, and as required to prepare its correspondence under the direction of the Utility Board and city manager.

13.08.130 Formal Acts by Resolution. A. All formal acts of the Utility Board shall be by resolution bearing:

1. The heading "City of Fort Yukon Water and Wastewater Utility Board".
2. The space for the serial number to assigned: "Resolution, Serial No. ____".
3. A short and concise title descriptive of its subject and purpose.
4. Short premises and whereas clauses descriptive of the reasons for the resolution if necessary.
5. The resolving clause: "Be it Resolved:".
6. Provision for signature after the text, "Adopted (Date)" and designated lines for the Utility Board presiding officer and the city clerk.

13.08.140 Compensation. Compensation of the Utility Board are paid at the rate of \$50.00 per quarterly meeting.

13.08.150 Planning Duties and Functions. The Utility Board shall prepare and recommend to the city council: A comprehensive plan consists of maps and related texts for the systematic expansion of the water system; Review utility plants and general operation and make recommendations, if any, to the city council; and make recommendations, as necessary to the city council on the sanitation and sewage operation. (Ordinance 91-12, Ord 13-11).

Title 14

(RESERVED)

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Cables and Poles

Sections:

15.04.010 Permits

15.04.010 Permits. A. No person shall erect, construct, move, improve or remove any telephone, electric, or TV cable or pole from such cable in the city without first obtaining a separate cable or pole for each such installation from the city manager.

B. To obtain a permit the applicant shall first file an application therefore in writing with such information as the city manager may reasonably require.

C. No person shall make an installation not in accordance with the permit and state law. The city manager may suspend or revoke the permit for violation of this section.

D. The permit shall become void one year from the date of issue. (Prior code §9.101).

Title 16

SUBDIVISIONS

Chapters:

- 16.04 Administration and Enforcement
- 16.08 Platting Procedure
- 16.12 Re-platting
- 16.16 Vacated Areas
- 16.20 Approval and Recording of Plats

Chapter 16.04 ADMINISTRATION AND ENFORCEMENT

Sections:

- 16.04.010 Platting
- 16.04.020 Penalties

16.04.010 Platting. The planning commission acting as the platting board has jurisdiction over platting and shall adopt and publish rules and regulations to implement this power. Jurisdiction includes, but is not limited to:

- A. Form, size, and other aspects of subdivisions, dedications and vacations and vacations of land;
- B. Dimensions of lots or tracts;
- C. Street width, arrangement, and right-of-way, including allowance for access to lots and installation of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage and other public utility facilities and improvements. (Ord. 74-2 §25.010, 1974).

16.04.020 Penalties. A. The owner or the agent of the owner of land located within a subdivision who transfers, sells or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved and recorded, is guilty of a violation and upon conviction is punishable up to the maximum penalty as set out in Section 1.08.010 of this code. (Ord. 98-20).

B. No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who knowingly violates this requirement is punishable upon conviction up to the maximum penalty as set out in Section 1.08.010 of this code. (Ord. 86-05 §7(G), 1986; Ord. 74-2 §25.050, 1974, Ord. 98-20).

Chapter 16.08

PLATTING PROCEDURE

Sections:

16.08.010 Procedure

16.08.020 Waiver in Certain Cases

16.08.030 Information Required

16.08.010 Procedure. A. The platting board shall approve or disapprove the plat of subdivision or dedication within sixty days after it is filed or shall return the plat to the applicant for modification or correction within sixty days from the date of filing. If the platting board does not approve, disapprove or return the plat to the applicant, the plat is considered approved and a certificate of approval shall be issued by the platting board on demand. The applicant for plat approval may consent to the extension of the period for action by the platting board. The reason for disapproval of a plat shall be stated upon the records of the platting board.

B. The platting board shall submit an approved plat to the district recorder in compliance with AS 40.15.010 through AS 40.15.020. (Ord. 74-2 §25.020, 1974).

16.08.020 Waiver in Certain Cases. A. The platting board shall, in individual cases, waive the preparation, submission for approval and recording of a plat upon satisfactory evidence that:

1. Each tract or parcel of land will have adequate access to a public highway or street;
2. Each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;
3. The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development; and
4. No dedication of a street, alley, thoroughfare or other public area is involved.

B. In other cases the platting board may waive the preparation, submission for approval, and recording of a plat if the transaction involved does not fall within the general intent of AS 29.40.010 through AS 29.40.200 and AS Chapter 40.15 if it is not made for the purpose of, or in connection with, a present or projected subdivision development and no dedication of a street, alley, thoroughfare, park or other public area is involved or required. (Ord. 86-05 §7(H), 1986; Ord. 74-2 §25.030, 1974).

16.08.030 Information Required. A plat shall show initial points of survey, original or reestablished corners and their descriptions, and actual traverse showing area of closure and all distances, angles and calculations required to determine initial point, corners, and distance of the plat, as well as other information which may be required by ordinance. (Ord. 74-2 §25.040, 1974).

Chapter 16.12

REPLATTING

Sections:

16.12.010	Alteration of Replat Petition
16.12.020	Notice of Hearing
16.12.030	Hearing and Determination
16.12.040	Recording

16.12.010 Alteration of Replat Petition. No recorded plat may be altered or replatted except upon petition of the owners of a majority of the land affected by the lateration or replat by the platting board. No platted street may be vacated, except upon petition of the municipality or owners of the majority of the front feet of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting board. It shall be accompanied by a copy of the existing plat showing the proposed alteration or replat. (Ord. 74-2 §25.060, 1974).

16.12.020 Notice of Hearing. The platting board shall fix a time for a hearing on the petition which shall not be more than sixty days after the filing. The board shall publish a notice stating when and by whom the petition was filed, its purpose, and the time and place of the hearing. The notice shall generally describe the alteration or replat sought. The notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the area. The board shall also mail a copy of the notice to each affected property owner not signing the petition. (Ord. 74-2 §25.070, 1974).

16.12.030 Hearing and Determination. A. At the hearing, the platting board shall consider the alteration or replat and make its decision on the merits of the proposal. No vacation of a city street may be made without the consent of the city council.
B. A quorum of the platting board shall consist of the majority of its voting members. The board may act only upon a majority vote of its entire voting membership. Only those members of the platting board who have been present at the hearing may vote upon the question presented.
C. The city council shall have thirty days from the decision in which to veto the board decision. If no veto is received by the board within the thirty-day period, the consent of the city council shall be considered to have been given to the vacation. (Ord. 74-2 §25.090, 1974).

16.12.040 Recording. If the alteration or replat is approved, the revised plat must be recorded by the platting board and is thereafter the lawful plat. (Ord. 74-2 §25.090, 1974).

Chapter 16.16

VACATED AREAS

Sections:

16.16.010 Title To Vacated Areas

16.16.010 Title To Vacated Areas. A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportion, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city. If the property vacated is a lot or tract, title vests in the rightful owner.

B. If the city acquired the street or other public area vacated for legal consideration or by express dedication to and acceptance by the city other than required subdivision platting, before the final act of vacation, the fair market value of the street or public area shall be deposited with the platting authority to be paid over to the city on final vacation. (Ord. 74-2 §25.100, 1974).

Chapter 16.20

APPROVAL AND RECORDING OF PLATS

Sections:

16.20.010	Approval and Recording of Subdivision
16.20.020	Taxes and Assessments-Acknowledgement and Certificate Required
16.20.030	Dedication of Streets, Alleys, and Thoroughfares
16.20.040	Certified Copy of Plat is Evidence
16.20.050	Recorded Plats Legalized
16.20.060	Missing Plats

16.20.010 Approval and Recording of Subdivisions. Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be submitted for approval to the authority having jurisdiction. The regular approval of the authority shall be filed for record in the office of the recorder. AS 40.15.010 states: "The recorder shall not accept a subdivision or dedication for filing unless it shows this approval." (Ord. 74-2, §30.010, 1974).

16.20.020 Taxes and Assessments-Acknowledgement and certificate required. Every plat shall be acknowledged before an officer authorized to take acknowledgement of deeds. A certificate of acknowledgement shall be endorsed on or annexed to the plat and recorded with it. A person filing a plat, map, subdivision or replat of property, or vacating the whole or any portion of an existing plat, map, subdivision or replat shall, at the time of filing it for record or filing the petition to vacate, file with it a certificate from the tax-collecting official or officials of the area in which the land is located that all taxes levied against the property at that date are paid. (Ord. 74-2 §30.020, 1974).

16.20.030 Dedication of Streets, Alleys and Thoroughfares. When an area is subdivided and a plat of the subdivision is approved and recorded all streets, alleys, thoroughfares, parks and other public areas shown on the plat are deemed to have been dedicated to public use. (Ord. 74-2 §30.030, 1974).

16.20.040 Certified Copy of Plat is Evidence. A copy of a plat certified by the recorder of the recording district in which it is recorded as a true and complete copy of the original on file in his office is admissible in evidence in all courts in the state with the same effect as the original. (Ord. 74-2 §30.040, 1974).

16.20.050 Recorded Plats Legalized. All plats recorded before March 30th, 1953, whether executed and acknowledged in accordance with AS 40.15.050 or not, are validated and all streets, alleys or public thoroughfares shown on these plats are considered as having been dedicated to public use. This section does not prohibit the abandonment of a plat recorded before March 30th, 1953, if a subsequent plat is filed indicating abandonment. The last plat of the area of record on March 30th, 1953, is the official plat of the area, and the streets, alleys, or thoroughfares dedicated to public use. The streets, alleys or thoroughfares shown on an earlier plat of the same area or any part of which is in conflict with those shown on the official plat is deemed to have been abandoned and vacated. (Ord. 74-2 §30.050, 1974).

16.20.060 Missing Plats. When a recorded plat is missing and no present record is available except by reference to the missing plat, a counterpart copy, approved by the platting authority, may be recorded as of the original date of the missing plat and after recordation has the same legal effect and notice as the original missing plat. (Ord. 74-2 §30.060, 1974).

Title 17

ZONING

Chapters:

- 17.04 Zoning Regulations
- 17.08 Board of Adjustment
- 17.12 Land Use Regulations
- 17.13 Land Use Permit

Chapter 17.04

ZONING REGULATIONS

Sections:

17.04.010 Regulations Generally

17.04.010 Regulations Generally. A. In accordance with the comprehensive plan, the council shall regulate and restrict the use of land and improvements by districts. Regulations shall be uniform for each class or kind of building, structure, land or water area within each district, but the regulations may differ among districts and exceptions may be made in order to provide for the preservation, maintenance, and protection of historic sites, buildings and monuments.

B. Zoning regulations adopted under subsection A of this section may include, but are not limited to, restriction of:

1. Land use;
2. Building location and use;
3. The height and size of structures;
4. The number of stories in buildings;
5. The percentage of lot which may be covered;
6. The size of open spaces; and
7. Population density and distribution.

C. Zoning regulations are designed to:

1. Provide for orderly development;
2. Lessen street congestion;
3. Promote fire safety and public order;
4. Protect the public health and general welfare;
5. Prevent overcrowding; and
6. Stimulate systematic development of transportation, water, sewer, school, park and other public facilities. (Ord. 74-2 §20.010, 1974).

Chapter 17.08

APPEAL BOARD

Sections:

- 17.08.010 Appeal Board
- 17.08.020 Procedure
- 17.08.030 Judicial Review

17.08.010 Appeal Board.

A. The city council as established by Title 1, Chapter 1.01 shall hear and decide appeals and requests for variances from the requirements of this ordinance. Meetings of the board are held at the call of the mayor. The mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public.

B. The Appeal Board shall hear and decide:

1. Appeals regarding alleged when it is alleged there is an error in any requirement, decision, or determination made by the City of Fort Yukon in the enforcement or administration of this Code.
2. Appeals from the decisions of the planning commission on requests for conditional uses; and
3. Appeals from the decisions of the planning commission on requests for variances from the terms of the zoning ordinances which are not contrary to the public interest, when a literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the same district.
4. In passing upon such applications, the Fort Yukon City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Code, and:
 - i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger to life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity to the facility of a waterfront location, where applicable;
 - vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Upon consideration of the factors of Section 17.08.010B(4) and the purposes of this ordinance, the Fort Yukon City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
6. The City Clerk shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

C. Conditions for Variances

A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardships or inconvenience. A variance shall not be granted which will permit a land use in a district in which that use is prohibited. (Ord. 74-2 §20.020, 1974, Ord. 10-03).

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 17.08.010 B(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public as identified in Section 17.08.010B(4), or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except section 17.08.010 B(1), and otherwise complies with section 17.12.070 A-C of the general standards.
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 10-03).

17.08.020 Adjustment Procedure. A. An interested party, including but not limited to a city official, may file with the board of adjustment an appeal specifying in writing his objections and his address. Copies are filed with the administrative officer involved in the decision

or enforcement and with the city clerk within thirty days from the date of the decision or enforcement involved. The officer shall provide the board with all pertinent records, including his written decision. Such material shall become part of the reading of the appeal. An appeal to the board stays enforcement proceedings unless the board of a court issues an enforcement order based on a certificate of imminent peril to life or property made by the enforcement officer.

B. The mayor shall act as the presiding officer of the board of adjustment, and shall exercise such control over the board's proceedings as is reasonable and necessary. In addition to his other duties, he shall rule upon the admissibility of evidence before the board to a reasonable period of time.

C. A quorum of the board of adjustment shall consist of a majority of its voting members. Decisions by the board shall be made and rendered by a majority of a quorum. Only those members of the board of adjustment who have been present throughout the hearing on an appeal may vote on that appeal.

D. The following procedure shall be followed at any hearing on an appeal before the board of adjustment:

1. The appeal number and the name of the party appealing shall be read into the record;
2. The mayor shall then determine if the appellant or his agent is present. If no such person is present, the board will proceed with the hearing in such person's absence, unless the presiding officer rules that there were extenuating circumstances which prevented the appellant or his agent from appearing;
3. The presiding officer shall require the appellant to give his presentation first;
4. After the conclusion of the appellant's presentation, the official involved shall then make a presentation. That official shall answer any questions by any member of the board concerning his comments or the appellant's comments;
5. The appellant shall then have the right to respond to the official's presentation;
6. All comments made by the official or the appellant shall be directed to the mayor. All questions directed toward the appellant or official shall be only by a member of the board of adjustment; and
7. All testimony before the board shall be under oath, to be administered by the city clerk.

E. An appellant may, in lieu of a personal appearance before the board of adjustment, present his appeal in writing supported by any affidavits the appellant considers necessary. Such affidavits shall be filed by the appellant at the time of filing the notice of appeal.

F. The appellant, other interested persons and any official may be represented by legal counsel at the board of adjustment.

G. The burden of proof is upon the appellant to prove his case by a preponderance of the evidence.

H. The formal rules of evidence applicable to an action at law do not apply to hearings before the board of adjustment. Evidence and testimony shall be relevant to the appeal.

I. The decision of the board of adjustment on an appeal shall be by an affirmative motion. (Ord. 74-2 §20.030, 1974).

17.08.030 Judicial Review. A. A municipal officer, a taxpayer, or a person jointly or severally aggrieved, may appeal an action of the board of adjustment to the superior court by filing

with the city clerk written notice within ten days of the action appealed. The notice shall specify grounds for appeal. When the notice is filed, the board shall at once transmit to the superior court clerk copies of all papers constituting the record in the case.

B. An appeal from the board of adjustment stays enforcement proceedings unless the court issues an enforcement order based on a certificate of imminent peril to life or property made by the board. (Ord. 74-2 §20.040, 1974).

Chapter 17.12

LAND USE REGULATIONS

Sections:

- 17.12.010 Statutory Authorization, Findings of Fact, and Statement of Purpose and Methods Of Reducing Flood Losses
- 17.12.020 Definitions
- 17.12.030 General Provisions
- 17.12.040 Development Permit Required
- 17.12.050 Designation of the Local Administrator
- 17.12.060 Duties and Responsibilities of the City Manager
- 17.12.070 General Standards for Provision for Flood Hazard Reduction
- 17.12.080 Subdivision Proposals
- 17.12.090 Review of Building Permits
- 17.12.100 Residential Construction
- 17.12.110 Non-residential Construction

17.12.010 Statutory Authorization, Findings of Fact, and Purpose.

A. The Legislature of the State of Alaska has delegated the responsibility to local governmental units to adopt regulations designated to promote the public health, safety, and general welfare of its citizenry. The City Council of Ft. Yukon, Alaska, does recognize that the City is periodically subject to flooding, and areas adjacent to the Yukon River bank may be subject to erosion, furthermore, both hazards may result in loss of life and property, health and safety hazards, and public expenditures for flood protection, relief and erosion control, all of which adversely affect the public health, safety and general welfare. It is the purpose of the City Council to promote public health, safety and general welfare and to minimize flood loss. Therefore, the City of Fort Yukon does ordain as follows

B. Findings of Facts:

1. The flood hazard areas of the City of Fort Yukon are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
3. Encourage land use vulnerable to floods to be protected against flood damages at the time of initial construction or substantial improvement.
4. Modify land uses which are dangerous to health, safety or property in time of flood or cause excessive increase in flood height or velocity.
5. Insure that sub-division and development of land within the city are consistent with the need to minimize flood hazards; and insure that the sale of flood insurance is available to residents, and that those who occupy the areas of special flood hazard assume responsibility for their actions.

C. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods of Reducing Flood Losses.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

17.12.020 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

“Accessory structures“ means low cost buildings such as detached garages, boathouses, small pole barns and storage sheds (that are considered a minimum investment) not to be used for human habitation, shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters; shall be anchored to prevent floatation which may result in damage to other structures; service utilities such as electrical and heating equipment shall be elevated or flood-proofed.

“Appeal” means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

“Area of special flood hazard” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. This is also referred to as the Special Flood Hazard Area (SFHA).

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. This is also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard. Storage of materials also includes the temporary placement of fill.

“Elevated building” means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood insurance rate map (firm)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or limited storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 17.12.070.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

“Recreational vehicle” means a vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

“Water dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord 10-03).

17.12.030 General Provisions.

Lands to which this applies shall be to all areas of special flood hazard within the jurisdiction of the City of Fort Yukon

A. Basis For Establishing The Areas Of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Fort Yukon, Alaska, Yukon-Koyukuk census area” dated *February 03, 2010* with accompanying Flood Insurance Rate Maps, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Building on 7th and Spruce St. The best available information for flood hazard area identification as outlined in this section shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under section 17.12.010B.

B. Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be constituted as unlawful as per Section 1.08.010. Nothing herein contained shall prevent the City of Fort Yukon from taking such other lawful action as is necessary to prevent or remedy any violation.

C. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit or repeal any other powers granted under State statutes.

E. Warning and Disclaimer Of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Fort Yukon, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

17.12.040 Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 17.12.030 A. The permit shall be for all structure, including manufactured homes, as set forth in the “definitions,” and for all development including fill and other activities, also as set forth in the “definitions.”

A. Application for Development Permit.

Application for a development permit shall be made on forms furnished by the City Clerk Office and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood-proofed;
3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 17.13.030-2; and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

17.12.050 Designation of the Local Floodplain Administrator. The City Manager is hereby appointed to administer and implement this ordinance by granting or denying of development permit applications in accordance with its provisions.

17.12.060 Duties and Responsibilities of the City Manager. Duties of the City Manager shall include, but not be limited to:

A. Permit Review

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of section 17.13.050 are met.
4. Maintain for public inspection all records pertaining to the provisions of this ordinance.
5. Where base flood elevation data or high water marks of record are provided, obtain and record the actual elevation of the lowest floor of all structure; and if applicable, elevation to which any structure has been flood proofed.

B. Use of Other Base Flood Data (In A Zones)

When base flood elevation data has not been provided (A Zones) in accordance with Section 17.12.030 A, Basis For Establishing The Areas Of Special Flood Hazard, the City Manager shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 17.12.070, Specific Standards, and floodways.

C. Information to be Obtained and Maintained

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 17.12.060, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 17.12.060(2):
 - (i) Verify and record the actual elevation (in relation to mean seal level), and
 - (ii) Maintain the flood-proofing certifications required in Section 17.12.040 A.
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Alteration of Watercourses

1. Notify adjacent communities and the Alaska Department of Community and Regional Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17.08.010.

17.12.070 General Standards for Provisions for Flood Hazard Reduction. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall meet the following Specific standards:

In all areas of special flood hazards where base flood elevation data has been provided (A Zone) as set forth in Section 17.12.030 A, Basis For Establishing The Areas Of Special Flood Hazard, Use of Other Base Flood Data (In A Zones), the following provisions are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the base flood elevation.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities

Electrical, heating, ventilation, plumbing, and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during the conditions of flooding.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

17.12.80 Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less). (Ord. 10-03).

Chapter 17.13

LAND USE

Sections:

17.13.010	Land Use Permit
17.13.020	Review of Building Permits
17.13.030	Residential Construction
17.13.040	Non-Residential Construction
17.13.050	Manufactured Homes
17.13.060	Recreational Vehicles
17.13.070	Before Regulatory Floodway
17.13.080	Critical Facility
17.13.090	Fisheries/Subsistence Preservation Setback

17.13.010 Land Use Permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 17.012.030 general provisions. The permit shall be for all structures as set forth in the definitions, and for all development including fill and other activities also set forth in the definitions.

17.13.020 Review of Building Permits. Where flood elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (section 17.12.050), applications for building permits will be reviewed to assure proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc where available. Failure to evaluate at least two feet above grade in these zones may result in higher insurance rates.

17.13.030 Residential Construction.

A. In all areas of special flood hazards, new construction and substantial improvement of any residential structure shall have the lowest floor, including basements, elevated one foot or more above base flood elevation, if established, or the high water marks of record.

B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

17.13.040 Non-Residential Construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basements, elevated at or above the base flood elevation; or together with attendant utility and sanitary facilities, shall:

- 1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

2) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their practice for meeting provisions of this subsection based on their development and /or review of the structural design, specifications and plans, and such certification shall be provided to the city manager as set forth in Section 17.12.060.

3) Fully enclosed areas below the lowest floor in non-residential elevated structures that are subject to flooding are prohibited.

4) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

5) Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in section 17.13.030;

6) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g. a building flood-proofed to the base flood level will be rated as one foot below (Ordinance 95-06; Ord 10-03)

17.13.050 Manufactured Homes.

All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

17.13.060 Recreational Vehicles.

Recreational vehicles placed on sites are required to either:

1. Be on the site for fewer than 180 consecutive days,
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the requirements of section 17.13.030 above and the elevation and anchoring requirements for manufactured homes.

17.13.070 Before Regulatory Floodway.

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A 1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

17.13.080 Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above highest adjacent grade or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. (Ord. 10-03).

17.13.090 Fisheries/Subsistence Preservation Setback

All structures shall be a minimum of 100 feet setback from ordinary high water line along any water body for fisheries and subsistence habitat protection. (Ord.10-03).

STATUTORY REFERENCES
FOR
ALASKA CITIES

General Provisions

Municipal Enactments

AS 29.48.130 et seq

Codification of City Ordinances

AS 29.48.180

Penalties for Ordinance Violations

AS 29.48.200

Administration and Personnel

Elections

AS 29.28.010—29.28.050

Conflict of interest

AS 29.23.555

Personnel System Authorized

AS 29.23.550

City Executive and Administrator

AS 29.23.240—29.23.290

City Council

AS 29.23.200—29.23.220

Appointment of Officers

AS 29.23.360

Municipal Attorney

AS 29.23.370

Municipal Clerk

AS 29.23.390

Oaths of Office

AS 29.23.500

Combining Offices

AS 29.23.510

Bonding of Offices and Employees

AS 29.23.520

Vacancies in Office

AS 29.25.570

Open Public Meetings

AS 29.25.580 and AS 44.62.310

Local Civil Defense Organizations

AS 26.20.060 and AS 26.20.070

Utility Boards

AS 29.23.340

Local Health Administration

AS 18.10.010 et sequ.

School Districts And Boards

AS 14.12.010 et sequ.

Planning Commissions

AS 29.23.080

Boards of Adjustment

AS 29.33.110

Revenue and Finance

Acquisition And Disposal Of City Property

AS 29.48.260

Property Taxation

AS Ch. 29.53

Sales and Use Taxes

AS 29.53.440-29.53.460

Municipal Debt

AS Ch. 58

Special Assessments

AS Ch. 63

Budget and Capital Program

AS 29.48.190

Business Licenses and Regulations

Regulatory powers generally
AS 29.48.035

Animals

Authority To License, Impound And Abate Nuisances
AS 29.48.035 (a) (5)

Rabies Control
AS 3.05.070

Health and Safety

Authority To Condemn And Abate Nuisances
AS 29.48.936 (a) (5)

Authority To Regulate Food Selling
AS 29.48.035 (a) (7)

Food and Drink
AS Ch. 17.05

Garbage and Solid Waste
AS 29.48.033

Public Peace, Morals and Welfare

Enforcement of Ordinances
AS 29.48.0101 (8) and AS 29.48.200

Offenses Against The Person
AS 11.41.100-11.41.530

Offenses Against Property
AS 11.46.100-11.46.990

Offenses Against Family
AS 11.51.100-11.51.140

Offenses Against Public Administration
AS 11.36.100-11.56.900

Offenses Against Public Health And Decency
AS 11.66.100-11.66.280

Drugs
AS Chs. 17.10 and 17.13

Vehicles and Traffic

Local Regulation Of Traffic
AS 28.01.010

Snow Vehicles
AS Ch. 5.30

Streets, Sidewalks and Public Places

Municipal Facilities And Services
AS 29.48.030 and AS 29.48.035

Municipally Owned Utilities
AS 29.48.040

Franchises and Permits
AS 29.48.050

Public Utilities Rates
AS 29.48.060 et seq.

Garbage and Solid Waste Services
AS 29.48.033

Buildings and Construction

Building, Housing And Related Codes Authorized
AS 29.48.035 (a) (14)

Trailer Camps
AS 18.35.010 et seq.

Subdivisions

Subdivisions and Dedications
As Ch. 40.15

City Subdivisions Regulation
AS 29.43.040 and AS 29.33.150 et seq.

Zoning

Planning and Zoning
AS 29.43.040 and AS 29.33.070 et seq.

-A-

ALCOHOLIC BEVERAGE

Control of Flow of Alcohol	5.02.010-5.02.140
Minor	
Furnishing, prohibited	9.20.020
Possession	9.20.010
Public consumption prohibited	9.16.010

ANIMAL

Dead, disposal	6.08.010
Dog	
See DOG	

ASSAULT, BATTERY

Prohibited	9.08.010
------------	----------

ASSEMBLY

Unlawful, prohibited	9.16.020
----------------------	----------

ATTORNEY, CITY

Designated	2.36.010
------------	----------

BACKFILLING

See EXCAVATION

BALLOT

See ELECTION

BICYCLE

See Also TRAFFIC	
Clinging To Vehicle Prohibited	10.56.070
Emerging From Alley, Driveway	10.56.060
Encumbrance Restrictions	10.56.080
Equipment Requirements	10.56.11
Parking	10.56.090
Riding On Sidewalk Prohibited	10.56.10
Riding Procedure	10.56.030
Roadway, Bicycle Path Use	10.56.04
Speed Limit	10.56.050
Traffic Provisions Applicable	10.56.010
Traffic-Control Device Compliance	10.56.020

Violation, Penalty 10.56.120

BILLING

See Specific Subject

BOARD

See Specific Board

BOARD OF ADJUSTMENT

See ZONING

BOND

Street, sidewalk obstruction 12.04.030

BUILDING

See also Specific Subject

Cable, pole

See CABLE, POLE

BUS

See PARKING
TRAFFIC

BUSINESS LICENSE

See LICENSE

-C-

CABLE, POLE

Permit requirements 15.04.010

CHIEF

See FIRE CHIEF
POLICE CHIEF

CITY

See Specific Subject

CIVIL DEFENSE

Committee created	2.48.010
Organization	2.48.020

CLERK, CITY

Appointment	2.16.010
Election	
Ballot	
Destruction when	3.36.030
Distribution	3.20.030
Preparation	3.20.010
Specimen posting	3.20.020
Powers, duties generally	2.20.010
Zoning duties	
See ZONING	

CODE

Act by agent deemed act by principal	1.04.050
All councilmen defined	1.04.010
All of its members defined	1.04.010
Alteration prohibited	1.04.100
City defined	1.04.010
Definitions	1.04.010
Following defined	1.04.010
Interpretation	
Grammar	1.04.040
Language	1.04.030
Law defined	1.04.010
May defined	1.04.010
Month defined	1.04.010
Must defined	1.04.010
Oath defined	1.04.010
Occupant defined	1.04.010
Owner defined	1.04.010
Person defined	1.04.010
Preceding defined	1.04.010
Prohibited acts include causing, permitting	1.04.060
Property	
Defined	1.04.010
Personal, defined	1.04.010
Real, defined	1.04.010
Repeal not to revive	1.04.090
Shall defined	1.04.010
State defined	1.04.010
Street defined	1.04.010

Tenant defined	1.04.010
Time computation	1.04.070
Title of office use	1.04.020
Town defined	1.04.010
Violation, penalty	
See PENALTY, GENERAL	
Written defined	1.04.010
Year defined	1.04.010

COMMISSION

See Specific Commission

COMPENSATION

See Specific Officer

CONFLICT OF INTEREST

City Council Members	2.50.010
The City Manager	2.50.020
City Employees	2.50.030
Relatives and Businesses	2.50.040
Violations	2.50.050
Definitions	2.50.060

CONTRACTING REVENUE

Construction Contracting	4.05.010
Accountability of Funds	4.05.020
Disposition of Proceeds	4.05.030
Reports Required	4.05.040

COUNCIL, CITY

Attendance required	2.08.030
Clerk appointment	2.16.010
Compensation	2.08.040
Comprehensive plan preparation	2.40.190
Cub cut permit appeal hearing	12.08.030
Election	
Canvassing	3.36.060
Officer appointment	3.04.010
Manager appointment	2.12.010
Organization	2.08.010
Planning commission appointment approval	2.40.050
Street name determination	12.16.010
Term	2.08.020
Treasurer appointment	2.16.010

Zoning duties
See ZONING

CURB CUT

Bond, conditions	12.08.020
Permit	
Limitations	12.08.030
Requirements	12.08.010

DISORDERLY CONDUCT

Prohibited	9.16.030
------------	----------

DISTURBING THE PEACE

See DISORDERLY CONDUCT

DOG

See also ANIMAL

Care required	6.04.050
Control	6.04.010
Disposition	6.04.030
Rabies provisions	6.04.020
Vaccination	6.04.040

-E-

ELECTION

See also Specific officer

Absentee voting prohibited	3.24.010
Annual, general	3.44.010
Ballot	
Counting	
See Ballot counting	
Number, delivery	3.20.030
Preparation, contents	3.20.010
Specimen posting	3.20.020
Ballot counting	
Disposition	3.36.030
Rejection determination	3.36.020
Tally	3.36.010
Candidate	
Council position	3.12.020
Qualification provisions	3.12.010
Canvassing	3.36.060
Electioneering restrictions	3.28.010
Inspector authority	3.04.030

Notice requirements	3.16.010
Officer	
Appointment	3.04.010
Oath	3.04.020
Poll hour's	3.28.020
Publication	
False statements	3.48.030
Identification required	3.28.020
Recount provisions	3.40.010
Return procedure	3.36.040
Runoff when	3.36.050
Special	3.44.020
Supervisor designated	3.04.040
Violation, penalty	3.48.010
Voter qualification	3.08.010
Voting	
Announcement, deposit	3.32.020
Assistance when	3.22.040
Challenge, oath designated	3.32.060
Location	3.32.010
Marking, casting, spoiled ballots	3.32.030
Official ballot required	3.32.050

EMERGENCY VEHICLE

See TRAFFICE

ENFORCEMENT

See Specific Subject

EXCAVATION

Provisions generally	12.12.010
----------------------	-----------

-F-

FIRE CHIEF

Administration of department	2.32.050
Appointment	2.16.010
Appointment, powers, duties generally	2.32.030
Rule promulgation, enforcement	2.32.040

FIRE DEPARTMENT

City owned equipment-designated	2.32.060
Created	2.32.010
Organization	2.32.020

Private vehicle use	2.32.070
Traffic enforcement	10.08.010
Training, record-keeping	2.32.050

FIREARM

See WEAPON

FOR-HIRE VEHICLE

Insurance required	5.12.010
--------------------	----------

FRAUD

See Specific Subject

FUNERAL PROCESSION

See TRAFFIC

-G-

GARBAGE

See also LITTER	
Disposal prohibited, exception	8.08.010

GENERAL PENALTY

See PENALTY, GENERAL

-H-

HANDBILL

See LITTER

HEARING

See Specific Subject

-I-

IMPOUNDMENT

Authority	10.72.010
Disposal	10.72.080
Notice	10.72.050
Redemption	10.72.060

Report	10.72.020
Storage, towing charge	10.72.040
Title defaults to city when	10.72.070
Yard designated	10.72.030

INSPECTION

See Specific Subject

-L-

LAND USE

See ZONING

LICENSE

See PERMIT

LIQUOR SALE

Hours restricted	5.04.010
Penalty	5.04.030
Violation	5.04.020

LITTER

See also GARBAGE

Authorized private receptacles defined	8.04.010
Definitions, defined	8.04.010
Handbill	
Posted premises	8.04.110
Private premises	8.04.120
Vacant premises	8.04.100
Vehicle, public place	8.04.090
Lake, water, restrictions	8.04.080
Notice posting prohibited	8.04.130
Penalty	8.04.180
Private property	
Maintenance	8.04.150
Prohibited	8.04.140
Public place	8.04.020
Receptacle use	8.04.030
Sidewalk maintenance, merchant responsibility	8.04.050
Sweeping into streets, gutters	8.04.040
Truck, restrictions	8.04.070
Vacant lot	8.04.160
Vehicle, prohibited	8.04.060

Violation 8.04.170

-M-

MALICIOUS MISCHIEF

Prohibited 9.12.030

MANAGER, CITY

Appointment 2.12.010
 Civil defense authority 2.48.010
 Curb cut permit issuance 12.08.010
 Excavation approval 12.12.010
 Fire chief appointment 2.16.010
 Police chief appointment 2.16.010
 Powers, duties generally 2.12.020
 Sales tax rule promulgation 4.04.050

MAYOR

Planning commission appointment 2.40.050
 Powers, duties generally 2.04.010
 Term 2.04.020
 Vacancy filling 2.04.030
 Zoning duties
 See ZONING

MEETING

See Specific Subject

MINOR

Alcoholic beverage
 See ALCOHOLIC BEVERAGE
 Motorcycle operation
 See MOTORCYCLE
 Snow vehicle use
 See SNOW VEHICLE

MOTORCYCLE

Minors, restricted 10.52.010
 Requirements 10.52.020

-N-

NOTICE

See Specific Subject

NUISANCE

See also Specific Subject

Soliciting on private property 5.08.010

-O-

OFFICER, APPOINTIVE

See also Specific Officer

Designated, salary 2.16.010

OFFICER, CITY

See Specific Officer

ORDINANCE

See CODE

-P-

PARKING

See also TRAFFIC

Alley provisions 10.44.070

Angle, signposting 10.44.020

Applicability of provisions 10.44.220

Bus, taxicab

 Procedure 10.44.190

 Restrictions 10.44.200

Conflict of provisions 10.44.210

Curb proximity 10.44.010

Hazardous, congested area 10.44.130

Hours restricted 10.44.140

Impoundment authority

 See IMPOUNDMENT

Lighting provisions 10.44.040

Loading, angel, permit 10.44.030

Narrow street, highway 10.44.100

One-way roadway	10.44.120
One-way street, highway	10.44.110
Prohibited generally	10.44.050
Purposes prohibited	10.44.080
School proximity	10.44.090
Street obstruction prohibited	10.44.060
Time limit	10.44.150
Trailer restrictions	10.44.170
Truck zone	10.44.180
Twenty-four hour limit	10.44.160

PEDESTRIAN

Crossing	
Prohibited when	10.68.060
Right angle required	10.68.040
Crosswalk	
Right side use	10.68.030
Right-of-way	10.68.020
Driver care required	10.68.080
Traffic-control signal compliance	10.68.010
Walking along roadway	10.68.070
Yield when	10.68.050

PENALTY, GENERAL

Designated	1.08.010
Unspecified	1.08.020

PERMIT

Cable, pole	15.04.010
Curb cut	12.08.010
Loading, angle parking	10.44.030
Streets, sidewalk obstruction	12.04.010

PIPE

See WATER

PLANNING COMMISSION

Appointment	2.40.050
Compensation	2.40.170
Comprehensive plan preparation	2.40.190
Established	2.40.010
Funds disposition	2.40.160
Meeting	2.40.100
Membership	2.40.040

Office space, staff	2.40.140
Order of business	2.40.130
Organization	2.40.070
Platting authority	2.40.030
Powers, duties	
Designated	2.40.180
Generally	2.40.020
Quorum	2.40.090
Record keeping	2.40.110
Resolution requirements	2.40.140
Rules of procedure	2.40.120
Subdivision	
Plat	
Authority	16.04.010
Determination	16.08.010
Waiver	16.08.020
Replat	
Determination	16.12.030
Recordation	16.12.040
Term	2.40.060
Vacancy filling	2.40.080

PLAT

See SUBDIVISION

PLUMBING

See WATER

POLICE CHIEF

Appointment	2.16.010
Powers, duties generally	2.28.010
Traffic	
Crosswalk, safety zone establishment	10.28.110
Lane marking	10.28.120
One-way street, alley signposting	10.36.110
Street closure	10.28.130
Turn marking	
Authority	10.36.090
Restriction signposting	10.36.100

POLICE DEPARTMENT

Interference prohibited	9.04.010
Traffic enforcement	10.08.010

PROCESSION

See TRAFFIC

PROPERTY

See Specific Subject

PUBLIC UTILITY BOARD

Duties	13.08.010
Appointment	13.08.020
Term of Office	13.08.030
Officials	13.08.040
Vacancies	13.08.050
Quorum	13.08.060
Meetings	13.08.070
Record of Meetings	13.08.080
Rules of Proceedings	13.08.090
Order of Business	13.08.100
Office and Staff	13.08.110
Formal Acts by Resolution	13.08.120
Compensation	13.08.130
Planning Duties & Functions	13.08.140

PUBLIC WORKS DIRECTOR

Traffic, street closure	10.28.140
-------------------------	-----------

-R-

RABIES

See DOG

RECORDKEEPING

See Specific Subject

REPLAT

See SUBDIVISION

-S-

SALES TAX

Applicability of provisions	4.04.090
Buyer defined	4.04.010
Collection	
By legal action	4.04.110
Rate	4.04.040
Consumer defined	4.04.010
Definitions	4.04.010
Designated	4.04.030
Fund deposit	4.04.100
Investigation	4.04.080
Levied	4.04.020
Record keeping	4.04.070
Regulation promulgation	4.04.050
Returns	4.04.060
Seller defined	4.04.010
Selling price defined	4.04.010
Violation, penalty	4.04.120

SCHOOL BUS

See TRAFFIC

SHOPLIFTING

Prohibited	9.12.010
------------	----------

SIDEWALK

See STREETS AND SIDEWALKS

SNOW VEHICLE

Parental responsibility	10.60.030
State statute compliance	10.60.010
Street use	10.60.020

SOLICITING

Private property, nuisance	5.08.010
----------------------------	----------

SPEED LIMIT

See TRAFFIC

STREETS AND SIDEWALKS

Curb cut	
See CURB CUT	
Excavation	
See EXCAVATION	
Obstruction	
Bond, conditions	12.04.030
Drainage maintenance	12.04.020
Permit requirements	12.04.010
Street name determination	12.16.010
Vacation	
See SUBDIVISION	

SUBDIVISION

Approval, recordation	16.20.010
Plat	
Certified copy status	16.20.040
Information required	16.08.030
Jurisdiction	16.04.010
Missing, procedure	16.20.060
Procedure	16.08.010
Recordation, legalization	16.20.050
Waiver when	16.08.020
Replat	
Hearing	
Determination	16.12.030
Replat (continued)	
Notice	16.12.020
Petition alteration	16.12.010
Recordation	16.12.040
Street, alley dedication	16.20.030
Tax, assessment, certification	16.20.020
Vacated area, title	16.16.010
Violation, penalty	16.04.020

-T-

TAXI

See PARKING

TRAFFIC

Accident	
Driver to remain at scene	10.24.020
Information, aid-required	10.24.030
Interference prohibited	10.24.090
Notice required	10.24.010
Report	
Copy procedure	10.24.080
Inability	10.24.070
Required	10.24.060
Unattended vehicle	10.24.040
Utility fixture	10.24.050
Alley defined	10.04.030
Arterial Street, highway defined	10.04.040
Authorized emergency vehicle	
Defined	10.04.030
Exception	10.20.010
Yield by other vehicles	10.20.020
Backing limitations	10.40.040
Bicycle	
See also BICYCLE	
Defined	10.04.060
Provisions applicable	10.76.160
Citation	
Bail Forfeiture Schedule	10.12.020
Disposition, record-keeping	10.08.050
Failure to comply	10.08.100
Failure to obey	10.08.080
Illegal cancellation	10.08.060
Illegal parking	10.08.090
Lawful complaint	10.08.070
Procedure	10.08.030
Registered owner liability	10.08.110
Violation, penalty	10.08.130
Warning issuance	10.08.040
Warrant issuance	10.08.120
Citation, arrest form, record-keeping	10.08.020
Coasting prohibited	10.76.080
Commercial vehicle defined	10.04.070
Continuity of provisions	10.04.010
Controlled, limited access road	
Defined	10.04.080
Restrictions	10.40.060
Crosswalk	
See also PEDESTRIAN	
Defined	10.04.090
Safety zone establishment	10.28.110
Curb loading zone, defined	10.04.100
Defined	10.04.360
Definitions generally	10.04.020

Direction compliance	10.16.010
Division defined	10.04.380
Dragging objects prohibited	10.76.170
Driver defined	10.04.110
Driveway defined	10.04.120
Driving on sidewalk prohibited	10.76.060
Driving through safety zone	10.40.050
Emerging from alley, driveway	10.36.050
Enforcement	10.08.010
Fire apparatus	
Crossing hose prohibited	10.76.020
Following, prohibited	10.76.010
Following, passing provisions	10.40.090
Funeral procession	
Driver requirements	10.76.040
Driving through, prohibited	10.76.030
Permit required when	10.76.050
Hours of darkness defined	10.04.130
Impoundment authority	
See IMPOUNDMENT	
Intersection defined	10.04.140
Lane marking	10.28.120
Lane roadway defined	10.04.150
Littering prohibited	10.76.130
Load spill prohibited	10.76.180
Loading zone defined	10.04.400
Motor truck, truck defined	10.04.170
Motor vehicle	
See also VEHICLE	
Defined	10.04.180
Motorcycle	
See also MOTORCYCLE	
Defined	10.04.160
Negligent driving	10.40.150
Noise, smoke restrictions	10.76.110
Obstruction, stop required	10.36.060
Official time standard defined	10.04.190
Official traffic-control device defined	10.04.200
One-way street, alley determination	10.36.110
Opposing, right side use	10.40.080
Overtaking, passing limitation	10.40.100
Parental responsibility	10.76.150
Park	
See also PARKING	
Defined	10.04.210
Park, playground, school ground, restrictions	10.76.140
Passenger loading zone defined	10.04.220
Pedestrian	
See also PEDESTRIAN	

Defined	10.04.230
Play street prohibited	10.28.100
Police officer defined	10.04.240
Private road defined	10.04.250
Projecting load restrictions	10.76.190
Public employee compliance	10.16.020
Public holiday defined	10.04.260
Reckless driving	10.40.140
Residence district defined	10.04.270
Riding, boarding, alighting restrictions	10.76.070
Right side use	10.40.070
Right-of-way	
Defined	10.04.280
Designated	10.40.110
Exceptions	10.40.120
Moving traffic	10.40.130
Roadway defined	10.04.290
Safety zone defined	10.04.300
School bus	
Definitions, defined	10.64.010
Inspection, compliance	10.64.050
Markings required	10.64.030
Meeting, overtaking	10.64.020
Signs required	10.64.040
Semi-trailer defined	10.04.310
Sidewalk defined	10.04.320
Snow vehicle	
See SNOW VEHICLE	
Speed limit	
Generally	10.32.010
Maximum	10.32.020
Minimum	10.32.030
State law compliance	10.12.010
Stop	
Arterial street, highway	10.36.010
Compliance	10.36.040
Defined	10.04.330
Intersection	10.36.020
Specifications	10.36.030
Stopping, standing defined	10.04.340
Stopping, standing	
See PARKING	
Street closure	
Traffic only	10.28.130
Traffic, parking	10.28.140
Street , highway defined	10.04.350
Towing restrictions	10.76.090
Traffic-control device	
Flashing signal	10.28.070

Installation	10.28.010
Interference prohibited	10.28.090
Location requirements	10.28.040
Obedience required	10.28.030
Pedestrian signals	10.28.060
Signal legend	10.28.050
Specifications	10.28.020
Unauthorized, prohibited	10.28.080
Traffic-control signal defined	10.04.370
Trailer defined	10.04.390
Truck-tractor defined	10.04.410
Turn	
Left turn, U-turn prohibitions	10.40.030
Limitations	10.40.020
Marking placement, compliance	10.36.090
Position, method requirements	10.40.010
Restriction placement	10.36.100
Signposting	10.36.080
U-turn defined	10.04.420
Unattended vehicle provisions	10.76.100
Vehicle	
See VEHICLE	
Defined	10.04.430
View obstruction prohibited	10.76.120
Yield right-of-way when	10.36.070

TREASURER, CITY

Appointment	2.16.010
Powers, duties generally	2.24.010

TRENCHING

See EXCAVATION

TRESPASSING

Prohibited	9.12.020
------------	----------

TUNNELING

See EXCAVATION

-U-

UTILITY

See Specific Subject

-V-

VACATION

See SUBDIVISION

VACCINATION

See DOG

VEHICLE

See also TRAFFIC

Applicability of provisions 10.48.160

Brakes required 10.48.060

For-hire

See FOR-HIRE VEHICLE

Headlights 10.48.050

Horn, warning device 10.48.070

Impoundment authority

See IMPOUNDMENT

Inspection 10.48.150

License plate required 10.48.010

Lighting

Required 10.48.020

Restrictions 10.48.030

Mirror requirements 10.48.090

Muffler required 10.48.080

Safety glass required 10.48.110

Snow use

See SNOW VEHICLE

Steering, front end requirements 10.48.140

Stoplights 10.48.040

Violation, penalty 10.48.170

Windshield

Defective, prohibited 10.48.130

Required 10.48.100

Wiper requirements 10.48.120

VOTE

See ELECTION

-W-

WATER

Connection installation 13.04.030

Definitions 13.04.010

Frozen pipe responsibility 13.04.100

Liability	13.04.040
Rate, charge	
Billing, payment	13.04.070
Contract	13.04.060
Resale prohibited	13.04.080
Service	
Application	13.04.020
Connection defined	13.04.010
Interruption liability	13.04.050
Refusal, disconnection when	13.04.090
Utility defined	13.04.010
Water main defined	13.04.010

WEAPON

Firearm discharge	9.24.010
-------------------	----------

-Z-

ZONING

Adjustment procedure	17.08.020
Appeal, judicial review	17.08.030
Board of adjustment	
Designated	17.08.010
Procedure	17.08.010
Clerk, city	
Board of adjustment record-keeping	17.08.010
Council, city	
See Board of adjustment	
Mayor	
Adjustment authority	17.08.020
Board of adjustment authority	17.08.010
Regulations generally	17.04.010