

CITY OF HUSLIA, ALASKA

Ordinance No. 2013-02

AN ORDINANCE adopting a Code of Ordinances for the City of Huslia, Alaska.

BE IT ENACTED BY THE HUSLIA CITY COUNCIL AS FOLLOWS:

Section 1. Purpose.

We, the elected officials of the City of Huslia Alaska, mindful of the responsibilities for the welfare of our community which we hold as the City Council of a second class city incorporated under the Constitution and laws of the State of Alaska, and in order to provide local government of service to our people to meet their needs, do establish this ordinance to be the Code of Ordinances for the City of Huslia.

Section 2. Classification.

This ordinance is of a general and permanent nature.

Section 3. Prior ordinances superseded.

This Code supersedes any and all ordinances adopted prior to this Code and not included within this Code at the time of this Code's adoption. Previous election ordinances remain in effect until such time as the Department of Justice issues pre-clearance of the election procedures contained in Chapters 66-72 of this Code.

Section 4. Severability.

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

Section 5. Titles and chapters adopted.

The following titles and chapters constitute the Code of Ordinances for the City of Huslia, as adopted.

Title I. GENERAL PROVISIONS

- |         |    |                                      |
|---------|----|--------------------------------------|
| Chapter | 1. | General Provisions                   |
|         | 2. | City Information                     |
|         | 3. | Ordinances; Resolutions; Regulations |
|         | 4. | Public Records                       |

Title II. ADMINISTRATION

- |         |     |                    |
|---------|-----|--------------------|
| Chapter | 5.  | City Council       |
|         | 6.  | Mayor              |
|         | 7.  | Council Meetings   |
|         | 8.  | Council Procedures |
|         | 9.  | City Clerk         |
|         | 10. | Bookkeeper         |
|         | 11. | City Attorney      |
|         | 12. | (Reserved)         |
|         | 13. | City Administrator |
|         | 14. | (Reserved)         |
|         | 15. | (Reserved)         |

Title III. REVENUE AND FINANCE

- |         |     |                  |
|---------|-----|------------------|
| Chapter | 16. | Fiscal Procedure |
|         | 17. | Budget           |
|         | 18. | Audit            |
|         | 19. | Investment Pool  |
|         | 20. | (Reserved)       |
|         | 21. | (Reserved)       |

22. (Reserved)

Title IV. ACQUISITION AND DISPOSAL OF CITY PROPERTY

- |         |     |   |
|---------|-----|---|
| Chapter | 23. | Real Property Acquisition                   |
|         | 24. | Eminent Domain; Adverse Possession          |
|         | 25. | Real Property Sales by City                 |
|         | 26. | Lease of City Lands                         |
|         | 27. | Disposition of City-owned Personal Property |
|         | 28. | Extraterritorial Jurisdiction               |
|         | 29. | (Reserved)                                  |

Title V. CITY DEPARTMENTS

- |         |     |  |
|---------|-----|--|
| Chapter | 30. | Office of Village Public Safety Officer                                  |
|         | 31. | Huslia Volunteer Fire Department   |
|         | 32. | Office of Emergency Management; Emergency Preparedness and Civil Defense |
|         | 33. | (Reserved)   |
|         | 34. | Planning Committee   |
|         | 35. | (Reserved)   |

Title VI. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

- |         |     |                                    |
|---------|-----|------------------------------------|
| Chapter | 36. | Huslia Water & Sewer Department    |
|         | 37. | AVEC Power Plant                   |
|         | 38. | (Reserved)                         |
|         | 39. | City Equipment                     |
|         | 40. | City Property; Inventory and Files |

- 41. (Reserved)
- 42. (Reserved)
- 43. (Reserved)
- 44. (Reserved)
- 45. (Reserved)

Title VII. GENERAL WELFARE

- |         |                                       |
|---------|---------------------------------------|
| Chapter | 46. Intoxicating Liquors or Beverages |
|         | 47. Alcohol Local Option Election     |
|         | 48. (Reserved)                        |
|         | 49. Dog Control                       |
|         | 50. (Reserved)                        |
|         | 51. Curfew                            |
|         | 52. Offenses By or Against Minors     |
|         | 53. (Reserved)                        |
|         | 54. Garbage/Solid Waste Disposal      |
|         | 55. Protection of Watershed           |
|         | 56. Offenses against Public Property  |
|         | 57. Offenses against Public Officers  |
|         | 58. Offenses against Public Peace     |
|         | 59. (Reserved)                        |
|         | 60. (Reserved)                        |
|         | 61. Motor Vehicles                    |

- 62. Control of Deadly Weapons, Explosives and Fireworks
- 63. (Reserved)
- 64. (Reserved)
- 65. (Reserved)

Title VIII. ELECTIONS

- Chapter 66. City Elections
- 67. Preparation for Election Day
- 68. Election Day Procedures
- 69. Absentee Voting
- 70. Post-Election Procedures
- 71. Initiative, Referendum, and Recall
- 72. Election Forms
- 73. (Reserved)

Section 6. Effective date.

Chapters 1-65 of this ordinance become effective upon their adoption by the Huslia City Council and signature of the Mayor. Chapters 66-72 become effective upon their adoption by the Huslia City Council as part of this Code and signature by the Mayor and upon receipt of preclearance of these chapters by the U.S. Department of Justice.

DATE INTRODUCED: *June 1, 2013*

FIRST READING: *June 1, 2013*

PUBLIC HEARING: *June 30, 2013*

PASSED and APPROVED by the HUSLIA CITY COUNCIL this 30<sup>th</sup> day of June, 2013.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Title I. GENERAL PROVISIONS

- |         |    |                                      |
|---------|----|--------------------------------------|
| Chapter | 1. | General Provisions                   |
|         | 2. | City Information                     |
|         | 3. | Ordinances; Resolutions; Regulations |
|         | 4. | Public Records                       |

## CHAPTER 1

### GENERAL PROVISIONS

#### Sections:

1. Code cite and designation.
2. Definitions.
3. Grammatical interpretation.
4. Effect of repeal of ordinances.
5. Severability of ordinances and parts of Code.
6. General penalty.
7. Laws of Alaska; violations.
8. Amendments to Code; effect of new ordinances.
9. Distribution.
10. Supplements or revisions to the Huslia City Code.
11. Ordinances included in the Huslia City Code.
12. Time ordinances take effect.
13. Corrections.

#### Section 1. Code cite and designation.

The ordinances in the following chapters and sections shall be called the "Code of Ordinances, City of Huslia, Alaska".

#### Section 2. Definitions.

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

**CITY:** The City of Huslia, Alaska, or the area within the territorial limits of the City of Huslia, Alaska.

**CLERK:** The City Clerk;

**CODE:** The Code of Ordinances, City of Huslia, Alaska; the Huslia City Code; the Code; the Ordinance;

**COUNCIL:** The City Council of Huslia;

**FEDERAL:** The United States of America government;

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

### Section 3. Grammatical interpretation.

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

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

### Section 4. Effect of repeal of ordinances.

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

Section 5. Severability of ordinances and parts of Code.

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

Section 6. General Penalty.

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

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

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

Section 7. Laws of Alaska; violations.

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

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

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

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

If a new chapter or section is to be added to this Code, substantially the following language shall be used: "The Code of Ordinances of the City of Huslia, Alaska, is hereby amended by addition of the following chapter(s)(or section(s):".

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

#### Section 9. Distribution.

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

#### Section 10. Supplements or revisions to the Huslia City Code.

Amendments and supplements to this Code shall be typed or printed and included within this Code within sixty (60) days after adoption by the Council.

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

#### Section 11. Ordinances included in the Huslia City Code.

The Council shall print or type each ordinance as promptly as possible following its adoption in the following manner:

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

#### Section 12. Time ordinances take effect.

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

### Section 13. Corrections.

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

The following corrections are authorized:

- A. Manifest errors which are clerical, or typographical in nature, or errors in spelling, or errors by way of addition or omission;
- B. changes in capitalization for the purpose of uniformity;
- C. correction of manifest errors in references to laws;
- D. correction of mistakes in grammar;
- E. correction of citations or references to laws, statutes and ordinances whose designations have changed because of re- numbering or revision of the Alaska Statutes, federal law, or this Code.

## CHAPTER 2

### CITY INFORMATION

#### Sections:

1. Name of City and form of government.
2. City limits and history.

#### Section 1. Name of City and form of government.

The City of Huslia shall continue as a municipal corporation and political subdivision of the State of Alaska under the Name: "City of Huslia, Alaska".

The government of the City shall be that commonly known and designated as the Council-Mayor form of government.

#### Section 2. City limits and history.

The boundaries of the City are:

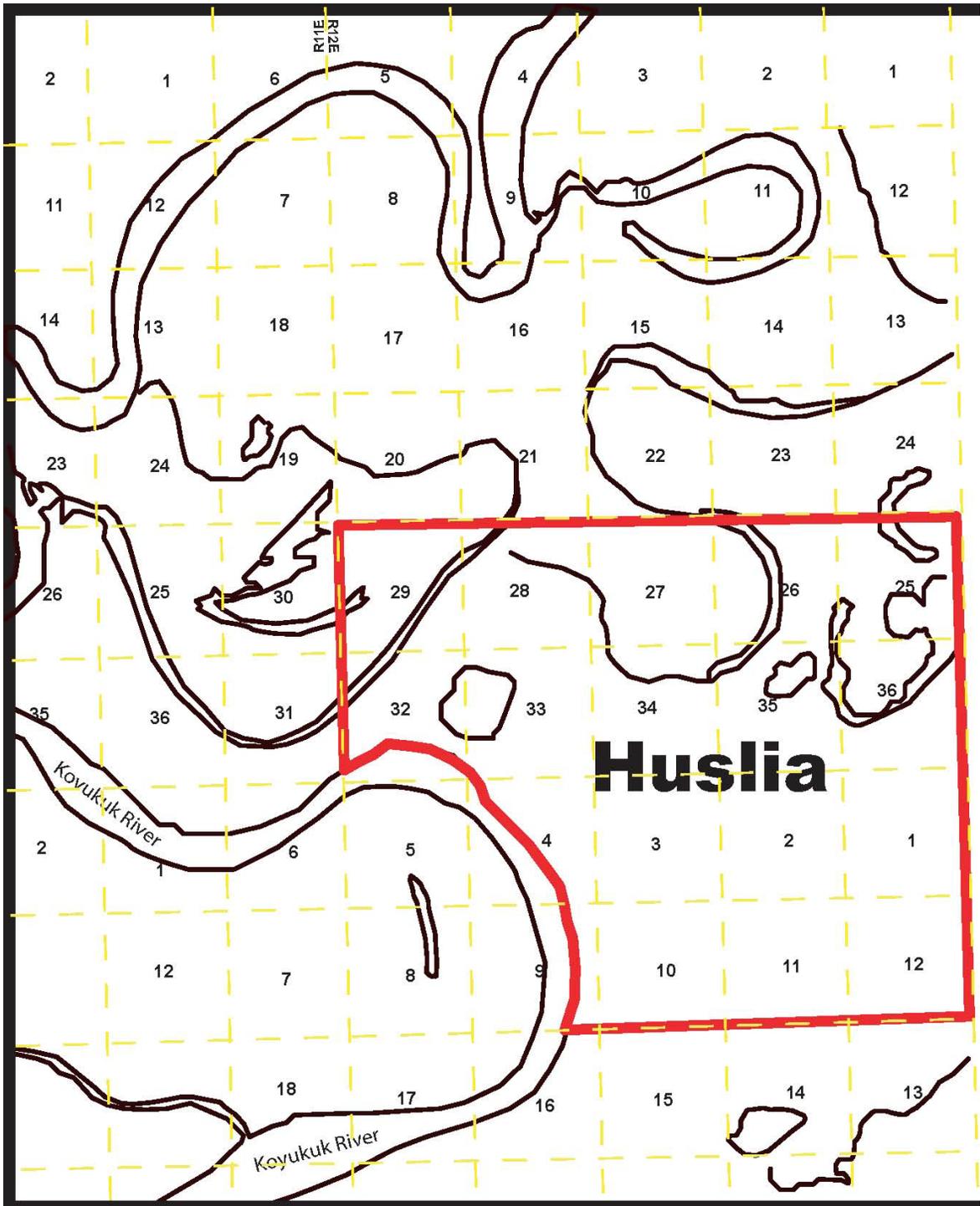
Beginning at the northwest corner of Section 29, Unsurveyed Township 4 North, Range 12 East, Kateel River Meridian; thence east to the northeast corner of Section 25, Unsurveyed Township 4 North, Range 12 East, Kateel River Meridian; thence south to the southeast corner of Section 12, Unsurveyed Township 3 North, Range 12 East, Kateel River Meridian; thence west to the point where the south boundary of Section 9, Unsurveyed Township 3 North, Range 12 East, Kateel River; Meridian intersects with the easterly bank of the Koyukuk River; thence following the meander of the easterly bank of said river up- stream to its intersection with the west boundary of Section 32, Unsurveyed Township 4 North, Range 12 East, Kateel River Meridian; thence north to the northwest corner of Section 29, Unsurveyed Township 4 North, Range 12 East, Kateel River Meridian, the point of beginning.

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

The boundaries of the City as described above were the effective city limits as of incorporation of the City of Huslia as a fourth class city on the 9th day of June 1969.

The Certificate of Incorporation is recorded at the Juneau Recording District in Juneau, Alaska. This certificate was recorded on the 28th day of June 1969.

On September 10, 1972 the City of Huslia was reclassified as a second class city according to A.S. 29.08.050(b) as enacted by the 1972 Alaska State Legislature.



## CHAPTER 3

### ORDINANCES; RESOLUTIONS; REGULATIONS

#### Sections:

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

#### Section 1. Acts of the Council.

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

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

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

- A. Establish, alter, or abolish city departments;
- B. amend or repeal an existing ordinance;
- C. fix the compensation of members of the Council;
- D. provide for the sale of city property;

- E. provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- F. provide for the levying of taxes;
- G. make appropriations, including supplemental appropriations or transfer of appropriations;
- H. grant, renew, or extend a franchise;
- I. adopt, modify, or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;
- J. approve the transfer of a power to a first or second class borough;
- K. designate the borough seat;
- L. provide for the retention or sale of tax-foreclosed property;
- M. provide for the exercise of extraterritorial jurisdiction powers;
- N. provide for the exercise of the power of eminent domain;
- O. regulate the rate charged by a public utility;
- P. exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in A.S. 36.25.025.

### Section 3. Ordinance procedure.

A proposed ordinance is introduced in writing by the Mayor or other Councilmember(s), or by a committee of Councilmembers, at any lawful council meeting.

After the ordinance is introduced, the Council shall vote on whether to set the time and date for a public hearing on the ordinance. If there are at least four votes in favor of setting a public hearing, the draft ordinance shall be assigned a reference number by the Mayor. The Council shall publish a summary of the proposed ordinance and notice at least five (5) days before the public hearing. The public hearing may be held at any lawful council meeting.

At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. During the public hearing the Council shall hear all interested persons wishing to be heard. After the hearing, the Council shall consider the proposed ordinance and may adopt it with or without amendment. The Council shall type or print and make available copies of the adopted ordinance.

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

Section 4. Ordinance form and content.

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

- A. The heading: "City of Huslia, Alaska";
- B. the "Ordinance Number";
- C. the title, which summarizes the ordinance's provisions and includes any penalties imposed;
- D. the enacting clause which shall read: "BE IT ENACTED BY THE HUSLIA CITY COUNCIL AS FOLLOWS:";
- E. the provisions of the ordinance;
- F. effective date;
- G. the dates of introduction., first reading, and public hearing;
- H. the date of adoption;
- I. space for the signature of the Mayor; and
- J. space for the Clerk's signature as an attestation to the signature of the Mayor.

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

Section 5. Amendments to Code; effect of new ordinances; amendatory language.

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

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

If a new Chapter or Section is to be added the following language shall be used: "The Code of Ordinances of the City of Huslia, Alaska is hereby amended by addition of a chapter or section, to be numbered \_\_\_\_, which chapter or section reads as follows:". The new chapter or section shall then be set out in full as desired.

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

#### Section 6. Supplements or revisions to the Huslia City Code.

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

#### Section 7. Emergency ordinances.

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

An emergency ordinance may not be used to levy taxes; to grant, renew, or extend a franchise; or to regulate the rate charged by a public utility for its services.

An emergency ordinance is effective for 60 days.

#### Section 8. Ordinances confined to single subject.

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

#### Section 9. Requirements for passage.

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

#### Section 10. Signature.

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

## Section 11. Ordinance File.

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

## Section 12. Repeal shall not revive any ordinance.

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

## Section 13. Formal acts by resolution.

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

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

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

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

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

## Section 14. Procedures for resolutions.

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

On any vote to pass a resolution, all persons interested shall be given an opportunity to be heard. After such hearing, the Council may pass such resolution with or without amendments.

After adoption, every resolution shall be posted in full on the city bulletin board and in other places as the Council may direct. Every resolution, unless it specifies a later date, shall become effective upon adoption. If the resolution is submitted at a city election when State law requires, and after a majority of favorable votes of the city voters has been certified by the Council, the resolution may be adopted.

Section 15. Requirements for passage of resolutions.

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

Section 16. Rules and Regulations.

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

Section 17. Codes of regulations.

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

As mentioned from Chapter 3, Section 4

CITY OF HUSLIA, ALASKA

ORDINANCE NO. \_\_\_\_

AN ORDINANCE \_\_\_\_\_

BE IT ENACTED BY THE HUSLIA CITY COUNCIL AS FOLLOWS:

Sections:

- 1.
- 2.
- 3.

Section 1.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Section 2.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Section 3. Effective date. \_\_\_\_\_

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

FIRST READING: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

PASSED and APPROVED by the HUSLIA CITY COUNCIL this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

As mentioned from Chapter 3, Section 13

CITY OF HUSLIA, ALASKA

RESOLUTION NO. \_\_\_\_

A RESOLUTION

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WHEREAS,

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WHEREAS,

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AND WHEREAS,

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BE IT RESOLVED:

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PASSED and APPROVED by the HUSLIA CITY COUNCIL this \_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## CHAPTER 4

### PUBLIC RECORDS

#### Sections:

1. Definitions.
2. Ownership and custody of records;
3. Duties of city clerk.
4. Public records; Inspection and copying.
5. Confidential records.
6. Retention and disposal.

#### Section 1. Definitions.

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

#### Section 2. Ownership and custody of records.

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

#### Section 3. Duties of City Clerk.

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

- A. Compile and maintain an inventory of the public records, including those in the custody of other city officials and employees, those which have been placed in storage or destroyed, and those which are confidential;

- B. establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving, and re-filing records which are temporarily removed from the permanent files for use by the Clerk, other city officials or employees, or members of the public;
- C. develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the Alaska Department of Community and Regional Affairs as provided by A.S. 40.21.090, and for the destruction of records pursuant to Section 6, while protecting the confidentiality of those records which are not open to public inspection pursuant to Section 5;
- D. establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records which are not open to inspection pursuant to Section 5, and
- E. secure and maintain at least one copy of the Alaska Statutes and make them available for public inspection.

Section 4. Public records; inspection and copying.

- A. Except as provided in Section 5, city records are public records.
- B. Public records are open to inspection by the public during the Clerk's regular office hours, subject to reasonable rules relating to time, place, and manner of inspection, to be established by the Clerk. The Clerk shall give on request and payment of costs a copy or certified copy of portions of the public record.

Section 5. Confidential records.

- A. Except as otherwise provided by law, confidential records shall not be made available to the public or to any city officer, official or employee whose duties do not require access to the record in question.
- B. The following city records are confidential:
  - 1. records of vital statistics and adoption proceedings, which shall be treated in the manner required by A.S. 18.50;
  - 2. records pertaining to juveniles;
  - 3. medical and related public health records;
  - 4. personnel records, except as provided in Chapter 75.
  - 5. other records required by federal or state law or regulation or by ordinance to be kept confidential.

Section 6. Retention and disposal.

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

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Title II. ADMINISTRATION.

- |         |     |                    |
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| Chapter | 5.  | City Council       |
|         | 6.  | Mayor              |
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## CHAPTER 5

### CITY COUNCIL

#### Sections:

1. City Council; composition.
2. Qualification of Councilmembers.
3. Election of Councilmembers; terms.
4. Oath of office
5. Compensation of Councilmembers.
6. Conflicts of Interest.
7. Vacancies.
8. Recall.
9. Filling a vacancy.

#### Section 1. City Council; composition.

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

#### Section 2. Qualifications of Councilmembers.

Councilmembers shall be qualified city voters. Candidates for Council shall have resided in the city for two years preceding the date of election.

Council seats are designated and terms expire as follows:

- Seat A - term expires in 1989, then 1992, 1995, etc.
- Seat B - term expires in 1989, then 1992, 1995, etc.
- Seat C - term expires in 1990, then 1993, 1996, etc.
- Seat D - term expires in 1989, then 1992, 1995, etc.
- Seat E - term expires in 1991, then 1994, 1997, etc.
- Seat F - term expires in 1991, then 1994, 1997, etc.
- Seat G - term expires in 1990, then 1993, 1996, etc.

A Councilmember who ceases to be a voter in the City immediately forfeits office.

#### Section 3. Election of Councilmembers; terms.

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

No limit may be placed on the total number of terms or number of consecutive terms a voter may serve on the council.

Section 4. Oath of office.

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

"I\_\_do solemnly swear (or affirm) that I will support the Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances of the City of Huslia, Alaska, and that I will honestly, faithfully and impartially discharge my duties as\_\_\_\_\_to the best of my ability.

The oath is filed with the City Clerk.

Section 5. Compensation of Councilmembers.

Each councilmember shall received a stipend of \$100.00 per council meeting except that any number of meetings in a day shall be considered as one meeting. Per diem payments or reimbursements for expenses are not compensation under this section.

Section 6. Conflicts of interest.

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

The Huslia city council passed ordinance 88-04 to exempt municipal officers and candidates for elective office from the requirements of the State of Alaska conflict of interest law, AS 39.50, that ordinance was ratified by the voters at the October 4, 1988 election.

Section 7. Vacancies.

The Council shall declare an elective office, other than the office of Mayor, vacant when the person elected:

- A. Fails to qualify or take office within thirty days after his election or appointment;
- B. is physically absent from the City for ninety consecutive days unless excused by the Council;
- C. resigns and his resignation is accepted;
- D. is physically or mentally unable to perform the duties of his office as determined by two-thirds vote of the Council;

- E. is convicted of a felony or an offense involving a violation of the oath of office;
- F. is convicted of a felony or misdemeanor described in A.S. 15.56 and two-thirds of the members of the Council concur in expelling the person elected;
- G. is convicted of a violation of A.S. 15.13;
- H. no longer physically resides in the City and the Council by two-thirds vote declares the seat vacant; or
- I. if a member of the Council misses three consecutive regular meetings and is not excused.

Section 8. Recall.

- A. An official who is elected or appointed to an elective city office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.
- B. Grounds for recall are misconduct in office, incompetence or failure to perform prescribed duties.
- C. Procedures to be followed for a recall petition and election are those set out in A.S. 29.26.260-340.
- D. If a Councilmember is recalled, that office is filled in accordance with Section 9 of this Chapter. If all members of the Council are recalled, the governor shall appoint three qualified persons to the Council. The appointees shall appoint additional members to fill remaining vacancies in accordance with Section 9 of this Chapter. A person appointed to the Council serves until a successor is elected and takes office.
- E. If an official other than a member of the City Council is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held on the 6th Tuesday after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

Section 9. 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 a term, a vacancy may not be filled.
- B. If the membership of the Council is reduced to fewer than the number required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons to constitute a quorum.
- 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.

## CHAPTER 6

### MAYOR

#### Sections:

1. Election; qualification; term.
2. Duties of Mayor.
3. Vice Mayor; presiding officer pro tem.
4. Compensation of Mayor.
5. Oath of office.
6. Vacancy in the office of Mayor.
7. Mayor is ex officio member.

#### Section 1. Election; qualification; term.

The Mayor is elected by and from the Council, and serves until a successor is elected and qualifies. The Council shall meet on the first Monday after certification of the regular election and elect a Mayor who takes office immediately.

The mayor must have resided in the city for two years immediately preceding the date of election.

The Mayor serves a one year term and may serve as Mayor only while a member of the Council.

No limit may be placed on the total number of terms or number of consecutive terms a mayor may serve.

#### Section 2. Duties of Mayor.

The executive power in the City is vested in the Mayor. The Mayor acts as ceremonial head of the City, executes official documents on authorization of the Council, and is responsible for additional duties and powers prescribed by this ordinance. The Mayor presides at City Council meetings and as a Councilmember shall vote on all matters. The Mayor does not have the power of veto. The Mayor may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend or remove subordinates as provided in the City's personnel ordinances.

#### Section 3. Vice-mayor; presiding officer pro tem.

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

Section 4. Compensation of Mayor.

The Mayor of the City shall receive no compensation except for a stipend permitted to councilmembers.

Section 5. Oath of office.

The Mayor, before entering the duties of office, shall affirm in writing an oath of office as provided for Councilmembers in Chapter 5, Section 4 of this Code.

The oath is filed with the Clerk.

Section 6. Vacancy in the office of Mayor.

- A. The Council shall, by two-thirds concurring vote, declare the office of Mayor vacant only when the person elected:
1. fails to qualify or take office within 30 days after election or appointment;
  2. is physically absent from the City for 90 consecutive days unless excused by the Council;
  3. resigns and the resignation is accepted;
  4. is physically or mentally unable to perform the duties of office;
  5. is convicted of a felony or of an offense involving a violation of the oath of office;
  6. is convicted of a felony or misdemeanor described in A.S. 15.56;
  7. is convicted of a violation of A.S. 15.13;
  8. no longer physically resides in the City; or
  9. misses three consecutive regular council meetings and is not excused;
- B. A vacancy in the office of Mayor shall be filled by and from the Council. A Mayor appointed under this subsection serves the balance of the term to which appointed, except the Mayor may serve only while a member of the Council.
- C. Recall provisions of Chapter 5, Section 8 of this Code apply to the office of Mayor.

Section 7. Mayor is ex officio member.

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

## CHAPTER 7

### COUNCIL MEETINGS

#### Sections:

1. Meetings public.
2. Quorum.
3. Regular council meetings.
4. Special meetings.
5. Notice.
6. Executive Session.

#### Section 1. Meetings public.

Meetings of all city bodies shall be public as provided in A.S. 44.62.310. The Council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

#### Section 2. Quorum.

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

#### Section 3. Regular council meetings.

All regular meetings of the Council shall be held on the second Monday of each month.

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

#### Section 4. Special meetings.

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

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

## Section 5. Notice.

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

## Section 6. Executive session.

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

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

## CHAPTER 8

### COUNCIL PROCEDURES

#### Sections:

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

#### Section 1. Mayor; the presiding officer at council meetings.

The Mayor shall preside at all meetings of the Council, he shall preserve order among the Councilmembers, and is responsible for conduct of all meetings according to the rules of the Council. He may at any time make such rules as he considers proper to preserve order among the attending public in the city council room during sessions of the Council. The Vice Mayor shall preside in the absence of the Mayor.

In the temporary absence or disability of the Mayor and Vice Mayor, any member of the City Council may call the Council to order at any duly called meeting to elect a presiding officer pro tem from among its number and the presiding officer pro tem shall exercise all the powers of Mayor during such temporary absence or disability of the Mayor and may also vote.

#### Section 2. Meetings; order of business.

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

- A. Call to order.
- B. Roll call.
- C. Approval of Agenda.
- D. Minutes of previous meetings.
- E. Reports.
- F. Communications and appearance requests.
- G. Hearings, ordinances and resolutions.
- H. Bids.
- I. Old business.
- J. New business.

- K. Public participation.
- L. Council comments.
- M. Adjournment.

Section 3. Minutes.

Minutes of all regular and special meetings shall be recorded by the City Clerk or his designee. All minutes shall be kept in the journal of the proceedings of the Council. The minutes are public records and are to be made available to anyone upon request. The cost of copying may be charged at no more than cost. Minutes shall be posted, as soon as typewritten, at a public place.

Section 4. Council rules; speaking; rules of conduct.

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

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

Section 5. Motions; second required.

All motions must have a second, unless otherwise provided by special rule.

Section 6. Motions; disposition; withdrawal.

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

Section 7. Motions; reduction to writing.

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

Section 8. Motions; rescinding vote.

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

Section 9. Voting; quorum.

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

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

Section 10. Duties of the Clerk at council meetings.

The City Clerk shall give notice of city council meetings; shall attend all meetings of the Council and keep the journal of its proceedings; attest documents by signature; maintain and make available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations, and codes. In case of a temporary absence of the City Clerk the City Council may appoint an acting clerk, with all the powers, duties and obligations of the City Clerk.

## CHAPTER 9

### CITY CLERK

#### Sections:

1. Appointment.
2. City Clerk duties.
3. Additional duties of the Clerk.
4. Acting clerk.
5. Clerk's pay.

#### Section 1. Appointment.

The City Clerk shall be appointed by the Council who holds office at their pleasure. The Clerk is administratively supervised by the Mayor.

#### Section 2. City Clerk duties.

The City Clerk shall:

- A. Give notice of the time and place of council meetings to the Council and to the public;
- B. attend council meetings and keep the journal;
- C. arrange publication of notices, ordinances and resolutions;
- D. maintain and make available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations and codes;
- E. attest deeds and other documents; and
- F. perform other duties specified in the Alaska Statutes or in this Code or as prescribed by the Mayor or the Council.

#### Section 3. Additional duties of the clerk.

- A. The City Clerk shall record and certify all actions of the Council.
- B. The City Clerk shall have the power to administer all oaths required by law.
- C. The City Clerk shall be custodian of the official records of the City.

- D. The City Clerk shall give to the appropriate official(s) notice of the expiration or termination of any terms of office and when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements.
- E. Manage the city office on a daily basis, day to day supervision of projects and other personnel duties not performed by the City Administrator.
- F. Prepare tax reports, financial reports, and other reports not performed by the City Administrator.
- G. Receive documents and mail addressed to the City and keep the proper officials aware of them.
- H. Administer the bi-monthly payroll.
- I. Order supplies, collect fees, bills and payments when due.
- J. Issue checks when necessary.
- K. The Council may combine the duties of the Bookkeeper with that of the Clerk. If the duties are combined the clerk-bookkeeper shall give bond to the city for the faithful performance of the duties, if required by the Council. The city shall pay for the bond if required of the clerk-bookkeeper.
- L. The City Clerk shall be the city election supervisor and shall be responsible for the calling and supervision of all city elections.
- M. The City Clerk shall verify timesheets for city employees and supervise the bookkeeper, other office staff and the running of other city departments.

Section 4. Acting clerk.

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

Section 5. Clerk's pay.

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

## CHAPTER 10

### BOOKKEEPER

#### Sections:

1. Appointment.
2. Bookkeeper.
3. Additional duties of the bookkeeper.
4. Acting bookkeeper.
5. Bookkeeper's pay.

#### Section 1. Appointment.

There may be a city bookkeeper who is appointed by the Council who serves at the pleasure of the Council.

The Council may combine the duties of the bookkeeper with those of the City Clerk and City Administrator if there is no bookkeeper hired for that purpose.

#### Section 2. Bookkeeper.

The bookkeeper shall:

- A. Reconcile bank statements;
- B. keep the check register current including but not limited to entering deposits, bank and other fees, checks and the proper distribution of expenses;
- C. prepare city payrolls including preparation of monthly and quarterly and annual payroll tax reports as required by State and Federal law;
- D. prepare and present monthly financial reports for the Council;
- E. pay bills, order supplies; and
- F. assist in preparation of the annual budget.

#### Section 3. Additional duties of the bookkeeper.

The bookkeeper shall:

- A. Be responsible for all matters pertaining to the maintenance of all accounts of the City;

- B. prepare and submit to the Mayor and Council such financial reports and other data as may be required;
- C. prescribe and control such procedures as are necessary to protect city funds and property;
- D. supervise, under the direction of the clerk, such additional staff as the City Council may hire for city recordkeeping;
- E. give bond to the City if, and at the sum, the Council directs. If required to give bond, the bond shall be paid by the city;
- F. perform such other duties as the Mayor or Council may require.

Section 4. Acting bookkeeper.

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

Section 5. Bookkeeper's pay.

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

## CHAPTER 11

### CITY ATTORNEY

#### Sections:

1. City attorney.
2. Duties of city attorney.
3. Pay.

#### Section 1. City attorney.

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

#### Section 2. Duties of city attorney.

The city attorney shall:

- A. Be charged with the performance of all legal services of the City, including those of legal advisor to the Council, the Mayor, and to all departments and offices of the City;
- B. upon the request of the City Council, take necessary steps to arrange for the prosecution of violations of the city ordinances;
- C. represent the City in all matters, civil and criminal, in which the City is interested;
- D. draft any ordinance when required by the City Council or Mayor;
- E. attend meetings of the City Council;
- F. report to the City Council promptly all suits brought against the City;
- G. call to the attention of the City Council and the Mayor all matters of law affecting the City;
- H. render all opinions in writing, as far as is practicable;
- I. maintain a record of all opinions rendered and turn such record over to his successor in office; and
- J. perform other duties as the Mayor or Council may require.

#### Section 3. Pay.

The Council shall determine the pay of the Attorney.

CHAPTER 12

(RESERVED)

## CHAPTER 13

### CITY ADMINISTRATOR

#### Sections:

1. Appointment.
2. Duties.
3. Compensation.
4. Acting Administrator.

#### Section 1. Appointment.

The City Administrator shall be appointed by City Council who serves at their pleasure. The administrator is chosen on the basis of administrative qualifications as set out in the city Personnel Policy. A member of the council may not be appointed administrator of the city sooner than one year after leaving office, except by six affirmative votes of the council.

#### Section 2. Duties.

The duties of the City Administrator shall be:

- A. Appoint, suspend or remove city employees and administrative officials as provided in the Personnel Policy;
- B. supervise the enforcement of city law and the office of the Village Public Safety Officer and carry out the directives of the Council;
- C. prepare and submit an annual budget and capital improvement program for consideration by the Council, and execute the budget and capital improvement program adopted;
- D. make monthly financial reports and other reports on city finances and operations as required by the Council;
- E. exercise custody over all real and personal property of the City;
- F. serve as personnel officer, unless the Council authorizes the Mayor to appoint a personnel officer;
- G. except as provided in A.S. 14.14.060 be the custodian of all city funds and property;
- H. keep an itemized account of money received and disbursed;
- I. pay money and vouchers drawn against appropriations;

- J. prepare and submit to the Council year-end financial reports and on administrative activities of the City;
- K. prescribe and control such procedures as are necessary to protect city funds and property;
- L. be responsible for filing state and federal applications for shared revenue programs, grants and grant reports;
- M. give bond to the City in a sum that the Council directs. If directed by the Council, premiums for the bond shall be paid by the City;
- N. manage the daily operations of the water & sewer department including typing and mailing monthly statements to utility customers;
- O. prepare insurance reports for city employees;
- P. respond to state, federal, private and local correspondence;
- Q. perform other duties as required by law, ordinance or by the Council.

Section 3. Compensation.

The compensation of the City Administrator shall be determined by the City Council.

Section 4. Acting Administrator.

In the temporary absence of the City Administrator, the City Council may appoint an Acting Administrator with all the powers, duties, and obligations of the City Administrator.

CHAPTER 14

(Reserved)

CHAPTER 15

(Reserved)

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Title III. REVENUE AND FINANCE.

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| Chapter | 16. | Fiscal Procedures. |
|         | 17. | Budget.            |
|         | 18. | Audit.             |
|         | 19. | Sales Tax.         |
|         | 20. | (Reserved)         |
|         | 21. | (Reserved)         |
|         | 22. | (Reserved)         |

## CHAPTER 16

### FISCAL PROCEDURES

#### Sections:

1. Fiscal year.
2. Ordinance required.
3. Treasury.
4. Checking and savings accounts.
5. Insufficient funds in book account.

#### Section 1. Fiscal year.

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

#### Section 2. Ordinance required.

No expenditure shall be made unless there is an approved budget ordinance. All moneys spent or received by the City during a fiscal year shall be budgeted for by ordinance.

#### Section 3. Treasury.

The City Administrator shall be responsible for collection, disbursement and custody of all city money.

#### Section 4. Checking and savings account.

- A. All checks drawn on the treasury of the City shall be signed by two elected officials.
- B. City employees shall not be authorized to withdraw funds from city accounts as signatories or otherwise.
- C. All disbursements shall be reviewed for compliance to the budget prior to issuance.
- D. General operating checking account shall be kept in one financial institution to be designated by resolution.
- E. The Council may establish other checking accounts as may be required of granting federal and state agencies.
- F. The City Clerk and the City Administrator shall review anticipated incomes, expenditures and budgets monthly and report to the Council any cash balances in

excess of 60 days of budgeted city operation. Upon directive of the Council such balances above 60 days' budgeted operation shall be placed in the following types of short term or long term investments:

1. Savings accounts, certificates of deposit or interest bearing checking accounts at federally chartered savings institutions;
2. bonds, notes or other obligations.

Section 5. Insufficient funds in bank account.

No city check may be written at any time when funds are insufficient. Any violation of this ordinance resulting from negligence of duties shall be subject to review and consideration by the City Council on a case by case basis.

## CHAPTER 17

### BUDGET

#### Sections:

1. Preparation of the budget.
2. Scope of budget.
3. Budget adopted as ordinance.
4. Public hearing on budget.
5. Further consideration of budget.
6. Adoption of budget; vote required.
7. Effective date of budget; certification.
8. Budget public record.
9. Amendment of the budget.

#### Section 1. Preparation of the budget.

The City Clerk and City Administrator shall prepare the budget under direction of the Mayor. Budget preparation should begin by April 1.

#### Section 2. Scope of budget.

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

#### Section 3. Budget adopted as ordinance.

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

#### Section 4. Public hearing on budget.

The Council shall hold a public hearing on the budget, at which time all interested persons shall be given an opportunity to be heard.

Section 5. Further consideration of budget.

At the public hearing, the Council may insert new items or may increase or decrease the items of the budget, except those expenditures fixed by law or contract. The Council may not vary the titles, descriptions, or conditions of administration specified in the budget.

Section 6. Adoption of budget; vote required.

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

Section 7. Effective date of budget; certification.

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

Section 8. Budget public record.

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

Section 9. Amendment of the budget.

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

## CHAPTER 18

### AUDIT

#### Sections:

1. Generally accepted accounting principles.
2. Training and supplies.
3. Audit requirements.
4. Choosing an auditor.

#### Section 1. Generally accepted accounting principles.

City recordkeeping and accounting practices shall be in accordance with generally accepted accounting principles.

#### Section 2. Training and supplies.

- A. City administrative staff shall inform the Council of training opportunities that may arise in the subjects of bookkeeping, accounting, computer operations including software applications, record keeping and filing, and other related topics that will enable the staff to perform their duties in a more efficient and effective manner.
- B. The city administrative staff shall inform the Council of required office equipment, supplies and materials that will enable the staff to perform their duties as required.
- C. The Council shall make reasonable efforts to provide training to staff and to provide proper equipment, supplies, and material for the administration of the city.

#### Section 3. Compliance with audit requirements.

The City shall comply with the requirements of the Federal Single Audit Act and the State Single Audit regulations.

#### Section 4. Choosing an auditor.

If the City is required to have a compliance, financial, program or other audit, the audit shall be performed by a Certified Public Accounting firm or company.

The City shall prepare a Request For Proposal (RFP) and advertise for the most responsive, qualified, and economic firm to conduct the audit. The Council shall choose the auditor(s) only after comparing:

- 1) The qualifications of the respondents;

- 2) the services offered to be performed;
- 3) the overall cost of the audit;
- 4) other factors that the Council may consider necessary.

## CHAPTER 19

### INVESTMENT POOL

#### Sections:

1. Membership and agreement authorization.
2. Investment authorization.
3. Termination.
4. Further acts.

#### Section 1. Membership and agreement authorization.

The terms of the Alaska Municipal League Investment Pool, Inc. Common Investment Agreement (“Agreement”) incorporated by reference, including the investment objectives and purposes contained within the Agreement, are hereby approved. The City of Huslia is hereby authorized (1) to become a member of the Corporation and (2) to enter into the Agreement substantially in the form as set forth in Exhibit A, incorporated by reference, and such other documents as are necessary to effectuate that membership and Agreement. The Mayor or that officer’s designee is authorized to execute those documents necessary to establish the City as a member of the Corporation and for the City to enter into the Agreement with no further approval or authorization required by the council. Should the City hereafter enter into the Agreement, it will thereby accept and be bound by the terms and condition of the Alaska Municipal League Investment Pool, Inc., Agreement, Articles of Incorporation and Bylaws of the Corporation, copies of which are incorporated by reference and on file at the City office.

#### Section 2. Investment authorization.

Upon execution of the Agreement by the City, each officer and employee of the City who is designated to be responsible for the investment of public funds of the City pursuant to the City’s ordinance is authorized to transfer public funds of the City to the Corporation for placement in the Alaska Municipal League Investment Pool (Pool) created through the Agreement in order to acquire an interest in, provided that such funds will be invested in accordance with the terms of Agreement and the investment policies as set forth in the Agreement and its exhibits. All such transfers will be made in accordance with the procedures previously adopted by the City as maybe amended from time to time.

#### Section 3. Termination.

The Agreement will go into effect upon execution by the Mayor and by the Corporation. The City’s membership in the Corporation and participation in the Pool under the terms of the Agreement will continue until the Mayor terminates that membership and participation by written notice to the Corporation or by the adoption of an ordinance by the City terminating that membership and participation, whichever first occurs.

Section 4. Further acts.

Each officer of the City is hereby authorized to take any and all action necessary to enter into the Agreement and the joint investments in the Pool, to carry on the membership of the City in the Corporation, and to perform any obligations of the City under that membership and the Agreement.

CHAPTER 20

(Reserved)

CHAPTER 21

(Reserved)

CHAPTER 22

(Reserved)

Title IV. ACQUISITION AND DISPOSAL OF CITY PROPERTY

- |         |     |   |
|---------|-----|---|
| Chapter | 23. | Real Property Acquisition                   |
|         | 24. | Eminent Domain; Adverse Possession          |
|         | 25. | Real Property Sales by City                 |
|         | 26. | Lease of City Lands                         |
|         | 27. | Disposition of City-owned Personal Property |
|         | 28. | Extraterritorial Jurisdiction               |
|         | 29. | (Reserved)                                  |

## CHAPTER 23

### REAL PROPERTY ACQUISITION

#### Sections:

1. Acquisition and ownership
2. Real property defined.
3. Procedural requirements.
4. Ownership.
5. Rights and powers of City.
6. Dedication by plat.
7. Industrial sites.
8. Federal and State aid.
9. Real property as security.

#### Section 1. Acquisition and ownership.

The City may acquire, own, and hold real property inside or outside the city boundaries by purchase, gift, devise, grant, dedication, exchange, redemption, purchase of equity of redemption, operation of law, tax or lien foreclosure, adverse possession, condemnation or declaration of taking, annexation, or by any other lawful means or conveyance.

#### Section 2. Real property defined.

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

#### Section 3. Procedural requirements.

The City may acquire, own, and hold real property by warranty or quit claim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful means of conveyance or grant.

Any instrument requiring execution by the City shall be signed by the Mayor and attested by the Clerk. The form of any conveyance may be approved by the city attorney.

Upon a specific resolution of the Council, the Mayor may act on its behalf in the acquisition of real property or an interest in real property when that property to be acquired is for a valuable consideration or as part of a program of grants acreage. The resolution shall set forth the terms, conditions and manner of acquisition.

No Council approval is necessary to acquire any easement, right-of-way, permit, license, or other interest in real property necessary for a utility or public improvement where the utility or public improvement has been authorized and approved by the Council.

Prior to approval, the Mayor is to furnish the Council with an abstract of title, an appraisal of the real property, and a review of any problem in acquisition, but the failure to furnish the Council any such materials shall not affect the validity of any acquisition or purchase of real property by the City.

Unless otherwise provided by the Council, the City shall purchase marketable title in real property. Unless otherwise provided by ordinance or resolution, or upon Council approval of a purchase, the Mayor is authorized to obtain title insurance, to execute any instruments, and to take all steps necessary to complete and close the purchase and acquisition of the real property.

#### Section 4. Ownership.

Real property shall be held in the name of "City of Huslia".

The City may acquire and hold real property as sole owner or as tenant in common or other lawful tenancy, with any person or government body for any public purpose. The City may hold real property in trust for any public purpose.

The Council may approve and authorize the purchase of real property by contract of sale, deed, trust, or mortgage.

#### Section 5. Rights and powers of City.

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

#### Section 6. Dedication by plat.

The City may not acquire any real property by means of dedication by plat unless the dedication of real property is accepted in writing and signed by the Mayor and approved by the Council.

#### Section 7. Industrial sites.

The City may acquire, own, and hold real property, either inside or outside the city boundaries, for new or existing industries beneficial to the City.

#### Section 8. Federal and State aid.

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

Section 9. Real property as security.

The Council may pledge, mortgage, or otherwise secure real property of the City for the payment of city bonded or other indebtedness when required by federal or state law or by city ordinance.

## CHAPTER 24

### EMINENT DOMAIN; ADVERSE POSSESSION

#### Sections:

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

#### Section 1. Eminent domain.

The City may, only within its boundaries, exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the City under the procedures set out in A.S. 09.55.250 09.55.460.

#### Section 2. Ordinance and vote required.

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

#### Section 3. Adverse possession.

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

## CHAPTER 25

### REAL PROPERTY SALES BY CITY

#### Sections:

1. Power to dispose of real property.
2. Sale or disposal.
3. Rights and powers.
4. Property exchanges.
5. Grants for Federal and State programs.
6. Beneficial new industries.
7. Change of use.
8. Utilities.
9. Release of easements.
10. Public sale requirements.
11. Sale procedure; land value under \$25,000.
12. Sale procedure; land value \$25,000 or more.
13. Sales; preference rights.
14. Future interests and after-acquired title.
15. Minimum acceptable offer.
16. Exceptions to minimum acceptable offer.
17. Conditions of sale.
18. Council action.
19. Purchase agreement.
20. Employment of broker.
21. Reservation of easements and rights-of-way.
22. Mayor's regulations.

#### Section 1. Power to dispose of real property.

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

#### Section 2. Sale or disposal.

The City may sell or dispose of real property by warranty or quit claim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful method or mode of conveyance or grant.

Any instrument requiring execution of the City shall be signed by the Mayor and attested by the Clerk. The form of any instrument may be approved by the city attorney.

### Section 3. Rights and powers.

The City shall have and may exercise all rights and powers in the sale and disposal of real property as if the City were a private person.

The City may sell or dispose of any real property, including property acquired or held for or devoted to a public use, when in the judgment of the Council it is no longer required for municipal purposes.

### Section 4. Property exchanges.

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

### Section 5. Grants for Federal and State programs.

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

### Section 6. Beneficial new industries.

The City may sell, lease, or dispose of sites acquired for new industries beneficial to the City, upon such terms and conditions as the Council considers advantageous to the City, to a person who agrees to install, maintain, and operate a beneficial new industry.

### Section 7. Change of use.

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

### Section 8. Utilities.

The City may sell, convey, or otherwise, dispose of real property no longer used or useful in the operation of a utility owned by the city. Real property no longer needed for the purpose for

which the real property was acquired or purchased, or utility property no longer useful or used in the operation of the utility, is no longer property, owned, held for or devoted to public use, and thus may be sold or disposed of as provided in this Code if the Council determines the real property is not useful to the City for any other purpose.

Section 9. Release of easements.

The Mayor may at any time, subject to the provisions of Sections 11 and 12 of this Chapter, convey, quit claim, release, cancel or otherwise relinquish any real property easement, right-of-way, permit or license the City may have or hold for the purpose of installing, constructing, or maintaining a public improvement, whenever the interest is no longer used or useful for that purpose.

Section 10. Public sale requirements.

Unless otherwise provided in this Chapter, sale of real property no longer used or useful for a public use or purpose shall be to the highest responsible bidder at a public sale. Public sale is defined as public outcry auction, sealed bid auction or lottery whichever is determined by the Council to be most advantageous to the City for a particular sale. Public sale shall not be required where the real property of the City is subject to any term or condition restricting or limiting the ability of the City to obtain the fair market value of the property or where the Council determines the public interest requires a negotiated sale.

Section 11. Sale procedure-land value under \$25,000.

Real property of the City valued under twenty five thousand dollars (\$25,000), except as provided otherwise in this Chapter, shall be sold or otherwise disposed of as provided below:

- A. An estimated value of the property shall be made by a qualified appraiser;
- B. the parcels of land to be sold shall be reviewed by the Council, which shall make recommendations to the Mayor concerning desirable uses of the property, including projected need, if any, of the land for present or future recreational or other public use;
- C. after review, the Council may, by resolution, direct the sale or lease of such lands under terms and conditions as it considers necessary;
- D. the notice shall be posted in at least three public places within the City for at least 30 days prior to the disposal;
- E. the notice may be given by other means considered reasonable by the Mayor or Council;

- F. the notice must contain a brief description of the land, its area and general location, proposed use, term, computed annual minimum rentals or minimum offer, limitations if any, and time and place set for the auction or bid opening, if applicable; and
- G. the procedure for disposal shall be in a manner provided by resolution of the Council.

Section 12. Sale procedure; land value \$25,000 or more.

Sale or other disposition of land valued at twenty-five thousand dollars (\$25,000) or more shall be in the manner described in Section 11 of this chapter with exceptions as provided below:

- A. Council action under Section 11, subsection "G" shall be by ordinance instead of by resolution;
- B. No disposition of land valued at twenty-five thousand dollars and over shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted.
- C. At least twenty days notice shall be given of the election; the notice shall state the time of the election; the place of voting; a description of the property to be sold, leased, or disposed of; a brief statement of the terms and conditions of the sale; the consideration, if any; and the title and date of passage of the ordinance. Notice shall be given by posting the proposed ordinance in at least three public places in the City at least 20 days before the election.

Section 13. Sales; preference rights.

- A. When the Council adopts a resolution for sale of residential lots, the Council shall provide that the City offer to sell the lots to persons with preference rights as provided in this section.
- B. A bona fide occupant(s) of a parcel of city land who have built a residence on the parcel shall have a preferential right to purchase the parcel under either of the following circumstances:
  - 1. The residence was built before the land was conveyed to the City, and the circumstances under which the residence was built do not make it inequitable to grant a preference right to the occupant(s), or
  - 2. The residence was built after the land was conveyed to the city, with the express consent of the Council, or based upon assurance by the Mayor or Council that the land would be conveyed to the occupant(s) after improvements were constructed.
- C. When residential lots are to be sold by sealed bid or outcry auction, a preference right entitles the bona fide occupant(s) to purchase the parcel by matching the highest bid.

If no bids are received, the preference right holder may purchase the parcel at the appraised value.

- D. When residential lots are to be sold by lottery or by negotiated sale, a preference right entitles the bona fide occupant(s) to purchase the parcel at the appraised value before it is offered for sale to others.
- E. For any specific sale, the Council may prescribe additional terms and conditions regarding the exercise of preference rights.

Section 14. Future interests and after-acquired title.

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

Section 15. Minimum acceptable offer.

The minimum acceptable offer for any land sold or leased under the provisions of Section 11 and 12 of this chapter shall be appraised value determined under Section 11, section A, of this chapter. If there are no acceptable offers, the Mayor may negotiate for the sale or lease of the land, but the Council must, by resolution, approve the terms and price of the negotiated sale or lease before the sale or lease become binding upon the city.

Section 16. Exceptions to minimum acceptable offer.

Exceptions to the requirement for a minimum acceptable offer of appraised value may be made as provided below:

- A. The Council finds that a particular disposition will be in the public interest.
- B. Public interest for the purposes of subsection "A" of this section means a public or quasi-public purpose and use; or exchanges of property to facilitate the solution of problems involving the boundary lines of public property. Public interest does not include a purpose to return property to private ownership, or to make property available for a desirable private enterprise or development, or other private purposes.
- C. Upon determination of a public interest by the Council, a negotiated bid may be accepted by the Council by resolution in lieu of public bidding.

#### Section 17. Conditions of sale.

The Council shall set forth the terms and conditions of the public sale in the resolution or ordinance authorizing the sale of real property. The Council may reserve the right to reject any and all bids received at the public sale: if the highest bid is below the appraised value and cost of the sale; or if it is made by a non-responsible bidder. The resolution or ordinance shall provide if the sale is for cash, or cash deposit and purchase agreement.

The Mayor shall prescribe the form of the purchase agreement. The Council shall approve all public sales of real property and shall approve any purchase agreement prior to its execution by the City. The approval of any sale by the Council authorizes the Mayor to take all steps and execute all instruments to complete and close the sale. The Mayor or his designee shall conduct the sale and shall give to the buyer a receipt for all moneys received by the City. A purchaser at a public sale who fails to make such other cash payments within the times required by the resolution or ordinance shall forfeit any cash deposit paid to the City.

#### Section 18. Council action.

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

#### Section 19. Purchase agreement.

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

#### Section 20. Employment of broker.

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

#### Section 21. Reservation of easements and rights-of-way.

The City may reserve any easement and right-of-way to be used for public improvements and purposes before selling or disposition of city owned real property. The Council may make such restrictions, limitations, reservation, reversions, or other covenants the Council may find

advantageous to the City even if the appraised value of the property is affected. The effect of these reservations may be considered in determining the appraised value of the property.

Section 22. Mayor's regulations.

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

## CHAPTER 26

### LEASE OF CITY LANDS

#### Sections:

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

#### Section 1. Property available for leasing.

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

#### Section 2. Term of lease.

No lease shall be for a term of more than 21 years unless the Council has determined that a longer term would benefit the City and will be consistent with City planning.

A lease having a term greater than five years shall be approved by the Council. Any renewal period or option to renew the lease period shall be included in the term of the lease in computing the five-year period of time.

#### Section 3. Appraisals.

No property shall be leased or a lease renewed unless the property to be leased has been appraised by the City within one year of the lease.

No appraisal is required if the fair rental value of the property does not exceed two hundred fifty dollars per year and the term of the lease is one year or less; or if the property has been assessed by a tax assessor during the year in which the property is to be leased.

An independent appraisal shall not be required unless directed by the Council, or otherwise required by this chapter.

Section 4. Lease auction.

Unless otherwise provided in this Chapter, property shall be leased to the highest responsible bidder at a lease auction. Lease auction may be by sealed bid or public outcry.

Section 5. Lease procedures.

The provisions of Sections 11 and 12 of Chapter 25 of this code on the method of disposition of city owned property shall apply to all leases of city land authorized by this Chapter.

Section 6. Fair rental value.

Property shall be leased for a fair rental value. Fair rental value is the rental computed from the appraised fair rental value of the property and means the highest price described in terms of money for which the property would rent, if exposed for rent for a reasonable time in the open market, for the use permitted by the City.

With approval by the Council the lease of property may be made for a rental less than the fair rental value to a State or Federal agency, State political subdivision, or nonprofit organization as may be determined by the Mayor to be fair and proper. The Mayor shall consider the public interest and the nature of the public use or function of the leased premises.

Fair rental value shall not be required where the property interest of the City is subject to any term or condition restricting or limiting the ability of the City to obtain the fair rental value of the property.

Section 7. Adjustment of rental.

A lease having a term greater than two years shall provide for adjustment of rentals at specified intervals during the term of lease. The intervals shall be every two years unless the lease provides for a longer interval, not to exceed six years. This section shall be incorporated in each lease by reference.

Section 8. Transfer of lessee's interest.

A lessee may sublease or assign the lease only with the written approval of the City.

Section 9. Renewal of lease.

The renewal or extension of a lease shall be considered as a new lease unless otherwise provided for in the lease. Upon a showing of hardship or for good cause the Mayor may, at his option, renew or extend a lease for a period of not to exceed one year without notice, auction, or Council approval. The Mayor must notify the Council if he exercises this option.

Section 10. Improvements and chattels.

The lease shall provide for the terms, conditions and limitations of the removal or reversion of the improvements or chattels upon the lease premises upon termination of the lease. The retiring lessee may, with the consent of the Mayor, sell the improvements to the succeeding lessee. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice to the lessee, be sold at a public sale as provided by regulations of the Mayor.

Proceeds of the sale shall be first applied to the City's costs and expenses of maintaining, removing, and selling the improvements and chattels and to rentals for the period of non-removal. The City may bid at the sale and may be credited with the value of the City's cost, expenses, and rentals due resulting from the non-removal of the improvements and chattels and to rentals for the period of non-removal. The City shall have all other rights, both legal and equitable, any other purchaser would have acquired by reason of sale.

Section 11. Inspection of leased premises.

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

Section 12. Easements and rights-of-way.

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

Section 13. Condemnation of premises; lease termination.

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

#### Section 14. Lease rental credit

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

#### Section 15. Conditional lease.

The City may issue a conditional lease on property it reasonably expects it will own or will acquire title to prior to the actual receipt of title. Leases issued on a conditional basis may be terminated in whole or in part in the event that the City is denied title to the property under lease. Prepaid lease rentals on property to which title is denied the City shall be refunded.

The City shall not be liable for any claim or damages that may be done to the property by the lessee, or liable for any claims of any third party or the lessee, or for any claims that may arise from ownership. In the event the City does receive title to the property under lease, the conditional lease shall then have the same standing, force, and effect as a nonconditional lease issued under this chapter.

#### Section 16. Mayor's regulations.

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

## CHAPTER 27

### DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

#### Sections:

1. Personal property disposition by value.
2. Sale of surplus or obsolete goods.
3. Surplus stock.
4. Declaration of obsolescence.

#### Section 1. Personal property disposition by value.

Personal property, other than surplus stock, that is valued at less than one-thousand dollars (\$1,000.00) may be disposed of upon notice and terms considered reasonable by the Mayor with approval of the Council. The Mayor shall take into consideration the value of the article, the reasons for disposal, and the general preference for competitive bid. The Mayor shall report disposals to the Council.

Personal property valued at more than one-thousand dollars (\$1,000.00), but less than twenty-five thousand dollars (\$25,000.00), shall be disposed of in the manner provided for land valued under twenty-five thousand dollars as provided in Chapter 25 of this code.

Personal property valued at more than twenty-five thousand dollars shall be disposed of in the manner provided for land valued over twenty-five thousand dollars as provided in Chapter 25 of this code.

#### Section 2. Sale of surplus or obsolete goods.

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

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

#### Section 3. Surplus stock.

All departments and offices of the city shall submit to the Mayor, at times and in forms as he shall prescribe, reports showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.

The Mayor with approval of the Council shall have the authority to transfer surplus stock to other departments or agencies and provide for proper fiscal transfer.

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

Section 4. Declaration of obsolescence.

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

## CHAPTER 28

### EXTRATERRITORIAL JURISDICTION

#### Sections:

1. Authority.
2. Procedure.

#### Section 1. Authority.

Alaska Statute 29.35.020. Extraterritorial Jurisdiction provides:

- A. To the extent a municipality is otherwise authorized by law to exercise the power necessary to provide the facility or service, the municipality may provide parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility services, airports, streets (including ice roads), trails, transportation facilities, wharves, harbors and other marine facilities outside its boundaries and may regulate their use and operation to the extent that the jurisdiction in which they are located does not regulate them. A regulation adopted under this section must state that it applies outside the municipality.
- B. A municipality may adopt an ordinance to protect its water supply and watershed, and may enforce the ordinance outside its boundaries. Before this power may be exercised inside the boundaries of another municipality, the approval of the other municipality must be given by ordinance.
- C. This section applies to home rule and general law municipalities.

#### Section 2. Procedure.

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

CHAPTER 29

(Reserved)

Title V. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

- |         |     |   |
|---------|-----|---|
| Chapter | 30. | Office of Village Public Safety Officer                                   |
|         | 31. | Huslia Volunteer Fire Department  |
|         | 32. | Office of Emergency Management; Emergency Preparedness and Civil Defense. |
|         | 33. | (Reserved)  |
|         | 34. | Planning Committee  |
|         | 35. | (Reserved)  |

## CHAPTER 30

### OFFICE OF VILLAGE PUBLIC SAFETY OFFICER

#### Sections:

1. Creation.
2. Appointment; removal.
3. Powers, duties and responsibilities of the office.
4. Duties of Chief.
5. Rules and regulations.
6. Conduct of members.
7. Custody of public and stolen property.
8. Officers; regular and special.
9. Search and rescue; cost repayment.

#### Section 1. Creation.

There shall be an office of Village Public Safety Officer for the City of Huslia. The Village Public Safety Officer is the Chief of the office.

#### Section 2. Appointment; removal.

- A. The chief is appointed by the City Council with approval of the Alaska State Troopers and Tanana Chiefs Conference, Inc. and serves at their pleasure. The chief is administratively responsible to the Mayor.
- B. The chief may be removed by; City Council action; pursuant to Tanana Chiefs Conference, Inc. VPSO personnel policy; pursuant with the VPSO contract between the State of Alaska and Tanana Chiefs Conference, Inc.

#### Section 3. Powers, duties and responsibilities of the office.

The office shall have broad powers in the areas of law enforcement, fire protection, emergency medical response and search and rescue.

**Law enforcement:** It is the duty of the office to apprehend, arrest and bring to justice all violators of city ordinances; to keep the peace; to serve all warrants, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating Federal and State law as may be provided by law, and turn these violators over to the proper authorities; and in all respects to perform all duties pertaining to the office of policeman.

**Fire protection:** It is the duty of the office to direct the operation of the Huslia Volunteer Fire Department as well as to provide general fire protection training.

Emergency medical response: The authority and duties contained in this section are only to be assumed by individuals who have successfully completed Emergency Medical Training I. It is the duty of office Emergency Medical Technicians to undertake immediate response in traumatic accident situations when qualified; stabilize the condition of the victim in preparation for transportation; transport the victim to the nearest primary health care facility (i.e. local clinic); and resuscitate and administer first aid to persons injured in an emergency. The office shall, in an emergency, offer assistance to the local primary health care provider. The chief and the primary health aide will cooperate in devising protocol for dealing with emergency medical situations.

Search and rescue: It is the duty of the office to develop and direct a search and rescue response team; direct local search and rescue operations; coordinate local search and rescue programs with the State Troopers to ensure protocol, coordination and funding for local search and rescue operations.

#### Section 4. Duties of Chief.

The Chief is the commanding officer of the office. His duties shall include, but are not necessarily limited to the following:

- A. Faithfully fulfill those obligations as identified in the VPSO Agreement between the City and Tanana Chiefs Conference, Inc., and Alaska State Troopers relating to water, fire, medical and related safety programs in the manner stated in the Agreement;
- B. faithfully enforce the ordinances of the City including filing written citations with the City Judgment Board or any available state judicial officer. The Citation shall be filed in all cases where in the judgment of the VPSO a warning or other lesser action would not be a sufficient response to the act prohibited by ordinance or other law;
- C. develop and maintain a citation system for enforcement of City ordinances;
- D. train and drill the members of the office including fire drills or emergency response drills if necessary;
- E. assist State and Federal law enforcement authorities in any manner permitted by law;
- F. maintain and staff the city jail or other holding facilities and be responsible for the prisoners;
- G. prepare and maintain records of all violations of the City Code including arrests, fines, search and rescue operations and responses to emergencies, and other information about the work and status of the office and make periodic written reports to the City Council;

- H. provide arrangements and equipment for reporting emergency situations and for notifying all members of the office to assure prompt response to such incidents;
- I. supervise fire and public safety hazard inspections;
- J. recommend to the City Council needed fire protection;
- K. prepare and submit, upon request, a tentative budget for the office to the City Council;
- L. to provide water safety training, including boating, swimming and other related training;
- M. perform such other duties as may be required by the City Council or the Alaska State Troopers.

Section 5. Rules and regulations.

The chief is responsible for prescribing the rules and regulations for the conduct of members of the office. The City Council shall approve any rules or regulations before they become effective. Once effective, the rules and regulations are binding on all office employees and officers.

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

Section 6. Conduct of members.

It shall be the duty of every member of the office to conduct himself in a professional manner and to refrain from conduct which brings discredit to any member of the office. Each member of the office shall obey the directions of the chief or his designee. No member of the office shall use unnecessary force in carrying out his law enforcement duties unless he considers it a life threatening situation.

Section 7. Custody of public and stolen property.

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

The chief shall establish rules and regulations for the storage of office property.

No person shall use any office equipment for any private purpose or gain nor shall any person take away any office property without prior authorization by the chief, Mayor or the Council.

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

Section 8. Officers; regular and special.

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

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

Special members of the office may include special purpose or special response teams such as:

- A. Volunteer fire department;
- B. temporary jail guards;
- B. search and rescue teams; and
- C. emergency medical response teams.

Special members shall, however, serve on an "incident only" basis and when called upon to respond to a situation. They shall function only under the direction of the chief or his designee. They shall be compensated for services rendered as provided for by the City Council. From time to time, as the Council consider advisable, payments may be made to reimburse members for clothing damage incurred while fighting fires or service in other office capacities. Temporary jail guards are compensated by the State with the prior approval of an Alaska State Trooper and only when a prisoner is charged with violation of a state law.

Section 9. Search and rescue; cost repayment.

Person or persons causing a search and rescue operation to take place because of the person's or persons' abuse of drugs and/or alcohol shall repay the cost of the search and rescue operation up to the sum of \$500.

## CHAPTER 31

### HUSLIA VOLUNTEER FIRE DEPARTMENT

#### Sections:

1. Fire department; fire chief.
2. Powers and duties of the fire department.
3. Fire chief.
4. Volunteer firemen.
5. Rules and regulations.
6. Training and records.
7. Conduct of members.
8. Equipment.
9. Definitions.

#### Sections 1. Fire department; fire chief.

There shall be a fire department known as the Huslia Volunteer Fire Department, the head of which shall be the fire chief appointed by the City Council. The Village Public Safety Officer may be the head of the department as provided for in Chapter 30, Section 3 of the Code. The number of volunteer firemen shall be determined by the fire chief, and each volunteer fireman shall be appointed by the City Council except that the power may be delegated to the fire chief by resolution.

#### Section 2. Powers and duties of the fire department.

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

#### Section 3. Fire chief.

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

- A. Determine the organization of the fire department and provide for its staffing;
- B. nominate the volunteer firemen;
- C. establish and enforce rules and regulations for the conduct of members of the department;

- D. train and drill the members of the department, including periodic fire drills as considered necessary;
- E. maintain possession and custody of all fire equipment, buildings, and all other property of the department;
- F. prepare and maintain records of all fires, inspections, firefighting equipment, personnel, and other information about the work and status of the department and make periodic written reports to the Council;
- G. provide suitable arrangements and equipment for supporting fires or other emergencies and for notifying all members of the department to assure prompt response to situations;
- H. assign equipment or manpower in response to calls for outside aid where mutual aid agreements are in force; and in other cases, only when the absence of the equipment and manpower will not jeopardize protection in the City;
- I. supervise fire prevention;
- J. recommend to the Mayor and Council needed firefighting equipment;
- K. prepare and submit, upon request, a tentative budget for the department to the Mayor or Council;
- L. assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires;
- M. provide suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the department to assure prompt response to such incidents; and
- N. perform such other duties as may be required by the Mayor and the Council.

Section 4. Volunteer firemen.

- A. Volunteer firemen shall be nominated by the fire chief and appointed by the Council. Volunteer firemen shall be organized, supervised, and disciplined by the fire chief.
- B. Members of the volunteer fire department may organize into a voluntary association with the election of their own officers and by-laws.
- C. The voluntary association shall not 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 by the City upon proper voucher.

- D. From time to time, in amounts as the Council consider advisable, payments may be made to the volunteer firemen for the purpose of giving that association funds with which to reimburse members for clothing damaged while attending fires and for other purposes that are in keeping with its functions.
- E. From time to time, volunteer firemen may be paid an expense allowance for performance of their duties and other emergency work as provided by the Council by resolution.

#### Section 5. Rules and regulations.

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

#### Section 6. Training and records.

Training The fire chief or his representative who has completed fire training at a state fire training center 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 prevention.

Records the fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires and other departmental activities.

Reports the fire chief shall report to the Council annually that includes current records and comparative data of previous years and recommendations for improving the effectiveness of the department. The fire chief may be required to give other reports to the Council.

#### Section 7. Conduct of members.

Every member of the fire department has the duty to conduct himself in a professional manner and to refrain from conduct which brings discredit to any member or to the department.

#### Section 8. Equipment.

- A. The fire chief shall recommend what equipment is required to maintain fire department efficiency.
- B. No unauthorized person shall use any fire apparatus or equipment for any purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.

- C. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by or having special permission of an officer or authorized member of the department.

Section 9. Definitions.

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

## CHAPTER 32

### OFFICE OF EMERGENCY MANAGEMENT;

### EMERGENCY PREPAREDNESS AND CIVIL DEFENSE

#### Sections:

1. Intent and purpose.
2. Definitions.
3. Succession to Director, Office of Emergency Management.
4. The Director, Office of Emergency Management and Disaster.
5. Violations and penalties.
6. Office of Emergency Management.
7. Powers and duties of the Office of Emergency Management.
8. Financing.
9. Compensation.
10. No governmental or private liability.
11. Disaster prevention.
12. Limitations.
13. Administration.
14. Civil Defense Advisory Board.
15. Severability.
16. Conflicting Orders, Rules, Ordinances and Regulations Suspended.

#### Section 1. Intent and purpose.

- A. It is the intent and purpose of this chapter to provide for the complete and efficient utilization of the City's personnel, facilities and equipment in the event of natural or man-made disasters and disasters resulting from enemy actions, and to provide for the coordination of disaster and civil defense functions of the City with all other public agencies and affected private persons, corporations and organizations.
- B. The Huslia Office of Emergency Management (OEM) shall be the coordinating agency for all activity in connection with civil defense and other disaster operations; it will be the instrument through which the Director, OEM may exercise the authority and discharge the responsibilities vested in him by Chapter 20 (Civil Defense) and Chapter 23 (Alaska Disaster Act) of Title 26 of the Alaska Statutes, as amended, and this chapter.
- C. This chapter will not relieve any city department of the moral responsibilities or authority given to it by law, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

## Section 2. Definitions.

The following definitions apply in the interpretation of this Chapter:

- A. Disaster includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, earthquake, epidemic or other impending or actual calamity endangering or threatening to endanger health, life, property or constituted government.
- B. Civil disorder means a public disturbance involving:
  - 1. An act or acts of violence by one or more persons, part of an assemblage of four or more persons, which act or acts constitute a clear and present danger of or result in damage or injury to the property of any other person or to the person of any other individual; or
  - 2. A threat or threats of the commission of an act or acts of violence by one or more persons, part of an assemblage of four or more persons having, individually or collectively, the ability of immediate execution of such threats or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in damage or injury to the property of any other person or to the person of any other individual.
- C. Civil emergency means 1) a civil disorder; 2) a natural or man-made calamity.
- D. Civil defense in its broad meaning, is to carry out the basic governmental functions of maintaining the public peace, health and safety during a civil emergency. This include plans and preparation for protection from, and relief, recovery and rehabilitation from, the effects of an attack on the City by the force of an enemy nation or its agents, and it also include any activity(ies) in connection with a civil emergency. It shall not however include any activity that is the primary responsibility of the military forces of the United States.
- E. Attack means a direct or indirect assault against the City, its government, its environs, or the nation by forces of a hostile nation or its agents, including assault by bombing, radiological, chemical or biological warfare, or sabotage.
- F. Civil defense forces means the employees, equipment and facilities of all city departments, boards, institutions and commissions; and in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.
- G. Volunteer means to contribute a service, equipment or facilities to the civil defense organization without remuneration.

- H. Civil defense volunteer means any person duly registered, identified and appointed by the coordinator of the Office of Emergency Management and assigned to participate in the Civil Defense activity.
- I. Curfew means a prohibition against any person walking, running, loitering, standing or operating a vehicle upon any public property, alley, sidewalk, thoroughfare, vehicle parking area or vacant premise within the City except as required for persons officially designated to duty with reference to the civil defense.
- J. Intoxicating liquor means whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, vinous, malt and other fermented or distilled liquors intended or used for human consumption and containing more than 1% alcohol by volume.
- K. Director means the Mayor or his designated alternate duly appointed in accordance with law.
- L. Coordinator means the coordinator of the Office of Emergency Management appointed as prescribed in this ordinance.
- M. Regulation include plans, programs, and other emergency procedures considered essential to Civil Defense.

Section 3. Succession to Director, Office of Emergency Management.

Should the position of Director, Huslia Office of Emergency Management (OEM) become vacant or should the Director be absent or unable to perform the duties of the OEM, the order of interim succession shall be determined as follows:

- A. The Vice Mayor shall assume the position of Director.
- B. Should the Director and his designee be absent or unable to perform the duties of the Director, the Vice Mayor shall assume the position of Director, OEM.

Section 4. The Director, Office of Emergency Management and Disaster.

- A. The Director is responsible for meeting the dangers presented by disasters to the City and its people.
- B. The Director may issue orders, proclamations and regulations to carry out the purpose of this chapter, and amend or rescind them.
- C. An order proclamation or regulation issued under this chapter shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless prevented or impeded by circumstances attendant upon the disaster, a copy will be filed with the City Clerk.

- D. A condition of disaster emergency shall be declared by proclamation of the Director if he finds that a disaster has occurred or that such an occurrence is imminent or threatened. If the City Council is not in session when a proclamation is issued, concurrent with the issuance of the proclamation, a special session of the City Council will be requested to ratify the actions taken under this chapter. The emergency proclamation shall terminate after seven (7) days from the issuance of a proclamation, or upon issuance of a proclamation or resolution of the Council declaring that an emergency no longer exists, whichever occurs first; except that such emergency may be extended for additional periods of time as considered necessary by resolution of the Council. All proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened or affected, and the conditions which have brought it about or which make possible the termination of the disaster emergency. A copy of all proclamations issued under this subsection shall, if possible, be sent to the Alaska Division of Emergency Services.
- E. A proclamation of a disaster emergency activates the disaster response and recovery aspects of the city disaster emergency plans and constitutes authority for the deployment and use of any Civil Defense forces to which the plan or plans apply and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available under this chapter or any other provisions of law relating to disaster emergency response.
- F. During the effective period of a Disaster Emergency, the Mayor is the Director of all Civil Defense and other unorganized forces available for emergency duty. The Mayor may delegate or assign direction authority by appropriate orders or regulations.
- G. In addition to any other powers conferred upon the Mayor by law, he may, under this chapter:
1. Suspend the provisions of any regulatory ordinance prescribing procedures for the conduct of city business, or the orders or regulations of any city department, if compliance with the provisions of the statute, order or regulation would prevent, or substantially impede or delay, action necessary to cope with the disaster emergency.
  2. Use all the resources of the city government as reasonably necessary to cope with the disaster emergency.
  3. Transfer personnel or alter the functions of city departments and offices or units of them for the purpose of performing or facilitating the performance of Disaster Emergency Management.
  4. Subject to any applicable requirements for compensation under Section 9 of this chapter, commandeer or utilize any private property, except for the news media other than as specifically provided for in this chapter if he considers them necessary to cope with the disaster emergency.

5. Direct and compel the relocation of all or part of the population from any stricken or threatened area in the City, if he considers relocation necessary for the preservation of life or for other disaster mitigation purposes.
6. Prescribe routes, modes of transportation and destination in connection with necessary relocation.
7. Control egress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in it.
8. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, ammunition, explosives and combustibles.
9. Make provisions for the availability and use of temporary emergency housing.
10. Impose a curfew upon all or any portion of the City thereby requiring all persons in such designated and restricted curfew areas to remove themselves from public property, streets, alleys, sidewalks, thoroughfares, vehicle parking areas or other public places except that physicians, nurses and paramedical personnel performing essential medical services, utility personnel maintaining essential public services, firemen, members of the media upon showing of authorized press cards, civil defense volunteers and city, state, and federal authorized law enforcement officers and personnel may be exempt from such curfew. The curfew may be applicable to any such hours of the day or night as the Director considers necessary in the interest of the public safety.
11. Allocate, ration, or redistribute food, water, fuel, clothing and other items he considers necessary.

H. The Director may obtain vital supplies, equipment and other properties found lacking and needed for the protection of the health, life and property of the people, and bind the City for the fair value thereof.

I. The Director may order Civil Defense forces to the aid of other communities when required in accordance with statutes of the state and he may request the state or political subdivisions of the state to send aid to the City of Huslia in case of disaster when conditions in the City are beyond the control of the City's civil defense forces.

#### Section 5. Violations and penalties.

In addition to any penalties applicable under state law, it shall be a violation punishable by a fine, to be set at the discretion of the fining authority not to exceed the sum of three hundred dollars (\$300.00) to:

- A. Obstruct, hinder or delay any accredited member of the disaster and civil defense organization in the enforcement of rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter.
- B. Do any act forbidden by any rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give, assistance to the enemy, or to

imperil the lives or property of inhabitants of the City, or to prevent, hinder, or delay the defense or protection thereof.

- C. To wear, carry, display, without authority, any means of identification specified by the City of Huslia, Office of Emergency Management or the Alaska Division of Emergency Services.

Section 6. Office of Emergency Management.

- A. There is created in the Office of the Mayor an Office of Emergency Management possessing the powers and duties set out in Section 7 of this chapter.
- B. The Mayor shall appoint a Coordinator for the Office of Emergency Management who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this ordinance.
- C. The Office of Emergency Management will function as the disaster agency within the City of Huslia as defined in A.S. 26.23.060.

Section 7. Powers and duties of the Office of Emergency Management.

- A. The Coordinator shall be responsible to the Mayor in regard to all phases of the civil defense activity in the City. Under the supervision of the Mayor, he shall maintain liaison with the state and federal authorities or other nearby political subdivisions so as to insure the most effective operation of the emergency preparedness plan.
- B. The Office of Emergency Management shall prepare and maintain a city emergency plan and keep it current. The plan may include provisions for:
  - 1. Prevention and minimization of injury and damage caused by disasters;
  - 2. prompt and effective response to disasters;
  - 3. emergency relief;
  - 4. recommendations for zoning, building and other land-use controls, safety measures for securing mobile homes and other non-permanent or semi-permanent structures, and other preventive and preparedness measures designed to eliminate, reduce or mitigate disasters or their impact
  - 5. assistance to local officials in designing local emergency action plans and standard operating procedures;
  - 6. authorizations and procedures for the construction of temporary works designed to protect against or mitigate danger, damage or loss from disaster;
  - 7. preparation and distribution to the appropriate local officials of catalogs or extracts listing federal, state, city and private assistance programs;
  - 8. organization of manpower and command and control;

9. coordination of federal, state and local disaster activities;
10. coordination of the city emergency plan with the disaster plans of the state government; and
11. other matters necessary to carry out the purpose of this chapter.

- C. In preparing and maintaining the city emergency plan, the Office of Emergency Management shall seek the advice and the assistance of local government, business, industry, civic and volunteer organizations, community leaders, and the Huslia Civil Defense Advisory Board.
- D. The city emergency plan or any part of it may be incorporated in regulations or orders of the Office of Emergency Management. Regulations and orders of the Office of Emergency Management have the force of law when properly issued by the Mayor in accordance with Section 4.
- E. The basic plan and all amendments shall be submitted to the Mayor. If approved after coordination with all departments involved, the Mayor will submit the plan and its amendments to the City Council for their approval. The plan and any amendments will take effect 30 days from the date of approval unless action is taken by the Council disapproving the Mayor's submission. In the event the plan or amendment is pending at the time that a disaster is proclaimed under the provisions of this chapter, the plan or amendment will be considered approved immediately and will remain effective unless specifically revoked by the Council.
- F. The Office of Emergency Management shall:
  1. Coordinate the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the City for civil defense purposes;
  2. develop and coordinate plans for the immediate use of facilities, equipment, manpower and other resources of the City for the purposes of minimizing or preventing damage to persons and property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
  3. negotiate and conclude agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for civil defense purposes and designate suitable buildings as public shelters.
  4. through public information programs, educate the public as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, either impending or present;
  5. conduct public practice alerts and training to insure the efficient operation of civil defense forces and to familiarize residents with civil defense procedures, regulations and operations;
  6. coordinate the activity of all other public and private agencies engaged in civil defense activities.

7. determine requirements of the City for food, clothing and other necessities in the event of a disaster emergency;
8. procure and pre-position supplies, medicines, materials and equipment;
9. adopt standards and requirements for local plans and standard operating procedures;
10. determine requirements and standards for local disaster communications;
11. make surveys of industries, resources and facilities in the City, both public and private as are necessary to carry out the purpose of this chapter;
12. establish a register of persons with types of training and skills important in disaster prevention, preparedness, response and recovery skills;
13. establish a resource manual of mobile and construction equipment, temporary housing and other resources available for use in a disaster emergency;
14. prepare for issuance by the Mayor, orders, proclamations and regulations as necessary or appropriate in coping with disasters;
15. develop and carry out procedures and policies to effectively employ disaster relief funds made available by the Mayor's authority or by the Governor's authority through the Alaska Division of Emergency Services; these procedures shall include application and documentation, review, verification and funding approval; and
16. do other things necessary or proper for the implementation of this chapter, including assuming such authority and conducting such activity as the Mayor may direct to promote and execute the emergency plan.

#### Section 8. Financing.

- A. It is the intent of the Council and the administration, and declared to be the policy of the City that funds to meet disaster emergencies will always be available.
- B. Whenever, and to the extent that, money is needed to cope with disaster, the first recourse shall be funds regularly appropriated to local agencies. If money available from these sources is insufficient, the Mayor may, notwithstanding any limitations imposed by local ordinance, transfer or spend money appropriated for other purposes or, in situations involving natural or man-made disasters, borrow from the federal or state government or other public or private sources for a term not to exceed two (2) years.
- C. Nothing in this section limits the Mayor's authority to apply for, receive, administer and spend grants, gifts or payments from any source, to aid in disaster prevention, preparedness response or recovery.

#### Section 9. Compensation.

- A. No personal services may be compensated by the City or any agency of it, except in accordance with Alaska law or local ordinance.
- B. Compensation for property shall be made only if the property was commandeered or otherwise used in coping with a disaster emergency, and its use or destruction was ordered by the Mayor or by a member of the disaster emergency forces of this City who is authorized by the Office of Emergency Management to issue such an order.
- C. Any person claiming compensation for the use, damage, loss or destruction of property occasioned by action taken under this chapter shall file a claim for that compensation with the Huslia Office of Emergency Management in the form and manner required by that office.
- D. Unless the amount of compensation resulting from property damaged, lost or destroyed is agreed upon in writing between the claimant and the Huslia Office of Emergency Management, the amount of compensation shall be calculated in the same manner as compensation due for a taking of property under the condemnation laws of the state.
- E. The City shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of the City or the representative of the deceased members of those forces in the event those members sustain injuries or are killed while rendering aid under this Chapter, provided those members are not already covered by a comparable form of insurance or health benefits plan.

Section 10. No governmental or private liability.

- A. This ordinance is for the protection of the public peace, health and safety. The City nor its agents and representatives, or any individual, receiver, firm, partnership, corporation, association or trustee, or any of their agents, in good faith carrying out, complying with or attempting to comply with any order, rule or regulations issued under the provisions of this chapter, shall be liable for any damage sustained to persons or property as the result of said activity.
- B. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the City the right to inspect, designate and use the whole or part or parts of such real estate or premise for the purpose of sheltering persons during an actual, impending or practice civil emergency or enemy attack shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premise under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

## Section 11. Disaster prevention.

In addition to the disaster prevention measures as included in the city disaster plan, the Mayor shall consider, on a continuing basis, steps that could be taken to prevent or reduce the harmful consequences of disasters. At his direction, and under any other authority and competence they have, city departments including but not limited to those charged with responsibilities in connection with Flood Plain Management, Stream Encroachment and Flow Regulation, weather modification, fire prevention, air quality, public works, land use and land use planning and construction standards shall make studies of disaster-prevention-related matters. The Mayor shall from time to time make recommendations to the City Council and other appropriate public and private entities as may facilitate measures for the prevention or reduction of the harmful consequences of disasters.

## Section 12. Limitations.

Nothing in this chapter:

- A. Interferes with or allows interference with the course of conduct of a labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
- B. interferes with or allows interference with dissemination of news or comment on public affairs; but any communications facility or organization (including, but not limited to radio, television, wire services and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency, in a manner which encroaches as little as possible upon the normal functions of the news media;
- C. affects the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or of any personnel of them when on active duty; but disaster emergency plans shall place reliance upon the civil defense forces available for performance of functions related to disaster emergencies; or
- D. limits, modifies or abridges the authority of the Mayor to proclaim martial law, or exercise any other powers vested in him by law independent of, or in conjunction with, any provisions of this chapter.

## Section 13. Administration.

This chapter shall be administered by the Office of Emergency Management which is responsible to, and which may receive delegations of authority from the Director of OEM.

Section 14. Civil Defense Advisory Board.

- A. The Director, Huslia OEM may establish and appoint members to a Civil Defense Advisory Board. This board will provide advice and assistance in the establishment of a viable civil preparedness program within the City. Membership of the board will include the Director (Chairman), or his designated representative, the Emergency Management Coordinator (Vice Chairman), a member of the City Council, the police chief, fire chief, and members selected from the business community and the general public.
- B. It shall be the duty of the Civil Defense Advisory Board, and it is hereby empowered to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and rules and regulations as are necessary to implement such plans and agreements. The Advisory Board shall meet upon the call of the Chairman; or in his absence from the City or inability to call such a meeting, upon call of the Vice Chairman.

Section 15. Severability:

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of the chapter are declared to be severable.

Section 16. Conflicting Orders, rules, ordinances and regulating suspended.

When the orders, rules and regulations made and issued under this Chapter are in effect, they shall supersede all existing ordinances, orders, rules and regulations.

CHAPTER 33

(RESERVED)

## CHAPTER 34

### PLANNING COMMITTEE

#### Sections:

1. Establishment of Planning Committee.
2. Planning committee duties.
3. Composition; terms.
4. Organization; meetings; quorum; order of business; special meetings.
5. Office space; compensation and expenses.
6. Vacancies.
7. Recommendations to be by resolution.

#### Section 1. Establishment of Planning Committee.

There shall be a planning committee for the City of Huslia.

#### Section 2. Planning Committee duties.

The Huslia Planning Committee have advisory duties. The Huslia Planning Committee may prepare and make recommendations to the City Council, which the Council may adopt, reject or amend on the following:

- A. Comprehensive plan;
- B. capital improvement program;
- C. zoning;
- D. flood protection and counter measures;
- E. erosion control;
- F. building permits;
- G. other matters that may come to the committee's attention that effect the health, safety and well being of the citizens of Huslia.

#### Section 3. Composition; terms.

The Planning Committee shall consist of:

- A. Two representatives from the Huslia City Council;

- B. two representatives from the K'oyitl'ots'ina Ltd.;
- C. two representatives from the Huslia IRA Council;
- D. the Mayor shall be an ex-officio member of this committee, but shall vote only in case of a tie.

Members shall be appointed by the body they represent. All members shall be residents of the City of Huslia.

Members shall be appointed for three year terms, except those first appointed shall be for one year, for two years and for three years. Members first appointed shall draw lots so that two members serve three year terms, two members serve for two years, two members for one year.

Section 4. Organization; meetings; quorum; order of business; special meetings.

The committee, after members are appointed, shall have an organizational meeting and designate a member as presiding officer to conduct the affairs of the committee and a deputy presiding officer to serve in the absence of the presiding officer.

The committee shall meet at least once each quarter, and as many additional times as are necessary to transact business.

Meetings shall be public and minutes shall be kept. Notice of meetings shall be given in the same manner as for city council meetings. The City Clerk or his designee shall act as clerk for the planning committee.

A majority of the voting membership constitutes a quorum. Any act of the committee requires a majority affirmative vote of those voting members present.

Meetings shall be conducted according to Robert's Rules of Order and other modified or amended rules as may be adopted by the committee. The order of business at regular meetings shall be:

- A. Roll call;
- B. approval of minutes of previous meetings as amended or corrected;
- C. reading and disposition of correspondence;
- D. unfinished business;
- E. new business; and

F. miscellaneous business.

The order of business at special meetings shall be prescribed by the presiding officer.

The City Council or the presiding officer may call a special meeting on at least twenty four (24) hours notice given to each member of the committee.

Section 5. Office space; compensation and expenses.

The Huslia Planning Committee shall be provided office space suitable for its needs and adequate to file its journal, resolutions, records, reference materials, correspondence, maps, charts, etc., all of which shall constitute public records of the City.

Compensation and expenses of the planning committee shall be paid as directed by the City Council. The planning committee shall present a budget of all anticipated expenses and costs to the City Council for the Council's approval.

Section 6. Vacancies.

Each representative organization shall appoint a replacement, when one or both member(s):

- A. Departs from the City with the intent to remain away for a period of ninety or more days;
- B. submits his resignation and the resignation is accepted by the presiding officer;
- C. is physically or mentally unable to attend committee meetings for a period of more than ninety days;
- D. misses two or more consecutive regular meetings unless excused by the committee; and
- E. his appointment is withdrawn by the organization he represents whatever the reason.

Section 7. Recommendations to be by resolution.

Recommendations to the City Council shall be by resolution submitted in the following form:

- A. The heading "Huslia Planning Committee";
- B. the space for a number to be assigned, "Resolution No. \_\_";
- C. a short and concise title descriptive of the resolution's subject and purposes;

- D. short premises or WHEREAS clauses descriptive of the reason for the resolution, if necessary;
- E. the resolving clause, "Be it resolved:";
- F. the text; and
- G. designated lines for the date of adoption, signature of the committee presiding officer and "Attest" by the City Clerk.

## CHAPTER 35

(Reserved)

Title VI. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

- |         |     |                                    |
|---------|-----|------------------------------------|
| Chapter | 36. | Water & Sewer Department           |
|         | 37. | AVEC Power Plant                   |
|         | 38. | (Reserved)                         |
|         | 39. | City Equipment                     |
|         | 40. | City Property; Inventory and Files |
|         | 41. | (Reserved)                         |
|         | 42. | (Reserved)                         |
|         | 43. | (Reserved)                         |
|         | 44. | (Reserved)                         |
|         | 45. | (Reserved)                         |

## CHAPTER 36

### HUSLIA WATER & SEWER SYSTEM

#### Sections:

1. Definitions
  2. Service Area
  3. Description of Service
  4. Ownership of Utility system
  5. Resale of Utilities
  6. Classification of Services
  7. Customers
  8. Main Extensions
  9. Services
  10. Water Meters
  11. Utility Rates
  12. Notices
  13. Security Deposit
  14. Billing and Payment
  15. Administration and Enforcement
  16. Discontinuance
  17. Restoration of Services
  18. Unusual Demands
  19. Access to property
  20. Responsibility for Equipment
  21. Fire Hydrants
  22. Manhole and Main Lines
  23. Individual Waste Disposal Responsibilities
  24. Penalties
  25. Suspension of Rules
  26. Constitutionality and Saving Clause
- Schedule A – Utility Rates and Fees

#### Section 1. Definitions

**APPLICANT:** The person or persons, firm or corporation making application for utility service from the City of Huslia under the terms of these rules and regulations.

**CROSS CONNECTION:** Any physical connection through which a supply of potable water could be contaminated. May include any actual or potential connection between a drinking water system and an unimproved water supply or other source of contamination.

**CUSTOMER or USER:** An applicant who has been accepted and who receives utility services from the City. By receiving services, a customer or user thereby agrees to abide by the terms set forth in these regulations.

**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.

**HONEYBUCKET WASTE:** Human waste products from a non-flushing toilet.

**PPOTABLE WATER:** Water that meets current standards set by Alaska Department of Environmental Conservation (ADEC) for public drinking water.

**SEPTIC LAGOON:** An open containment cell, or cells, for the disposal and treatment of septic waste.

**SEPTIC WASTE:** Waste material from a septic disposal system.

**SOLID WASTE:** Garbage, rubbish, paper and waste material including all animal and vegetable refuse from food or food preparation, and dead animals.

## Section 2. Service Area.

The service area shall be the developed area within the City of Huslia, Alaska. It shall be the Huslia Water & Sewer Service Area:

T4N R12E Sections: 25 through 29, the portions of 32 and 33 North of the, Koyukuk River, 34,35, and 36 T3N R12E Sections: 1,2,3, the portions of 4 and 9 East of the Koyukuk River 12, 11, and 12

## Section 3. Description of Service

The City of Huslia, hereinafter referred to as the “City”, shall use its best efforts to provide the following services:

- A. **Water System:** A water system that satisfies the following requirements:
  1. **Quantity:** a continuous and sufficient supply of water available to customers.  
**Limitation of Liability:** the City shall not be liable for damage resulting from interruption in water service due to improvements, repairs, customer misuse, acts of nature, shortages of supply, or other unforeseen circumstances. Whenever possible, and whenever time permits, all customers to be potentially affected by an interruption in service will be notified prior to shutdown through local notice posted in the Post Office, by local radio transmission, or direct notification.
  2. **Quality:** water that meets current ADEC drinking water standards.

Limitation of Liability: The City shall not be liable for injury that may result from contamination of water due to damage to the water system, acts of nature, or other unforeseen circumstances. Whenever possible, all customers to be potentially affected by contaminated water interruption are notified to boil water through local notice posted in the Post Office, by local radio transmission, or direct notification

- B. Sewer Collection System: A safe and fully operational sewer collection system to users. The sewer collection system shall be able to handle normal sanitary wastes discharged to it without plugging or otherwise affecting building drain lines under normal operating conditions.

Limitation of Liability: The City shall not be liable for damage resulting from interruption in sewer service due to improvements, repairs, customer misuse, freezing or other acts of nature, or other unforeseen circumstances. Whenever possible, and whenever time permits, all customers to be potentially affected by an interruption in service will be notified prior to shutdown through local notice posted in the Post Office, by local radio transmission, or direct notification.

- C. Septic Disposal: A septage lagoon for disposal and treatment of septic waste material.

Limitation of Liability: The City shall not be liable for damage resulting from the failure of the septage lagoon due to improvements, repairs, customer, misuse, freezing, or other acts of nature, or other unforeseen circumstances. Whenever possible, and whenever time permits all customers to be potentially affected by an interruption in service will be notified prior to shutdown through local notice posted in the Post Office, by local radio transmission, or direct notification.

#### Section 4. Ownership of Utility Systems

All utility system components including water and sewer mains, valves, fittings, equipment, and other appurtenances, except customer's service lines, as defined by section 1, are the property of the City.

#### Section 5. Resale of Utilities

Resale of a utility service by a customer is expressly prohibited except through special contract, in writing, between the City and customer. The City may directly sell services to individuals or businesses, but only in those cases where application is made to the City prior to the sale, and is not done at the expense of other users.

#### Section 6. Classification 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 and its administrative offices.
- C. Commercial Service: commercial services shall consist of all office, commercial or business establishments, multiple family dwelling units, tribal facilities, community facilities, and City owned building. If a customer is located in both a single family dwelling unit and a business 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 City. Where the requirement for services is large or unusual, or necessitates special services, equipment, or capacity, the City reserves the right to require a special contract, the provisions of which are different from and an exception to the regularly published utility rates and regulations. All special contracts shall be in writing, signed by the applicants, and approved by the City.

#### Section 7. Customers

- A. New Customers: A person or organization becomes a customer by first applying for service to the City. Each applicant for service shall sign an application form provided by the City 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. By signing the application, the customer agrees to abide by the rules and regulations of the utility, and to pay the fees established by the utility for the service requested. The application is a request for service and does not bind the City to furnish the service.
- B. Customers Receiving Service at the Time Ordinance Enacted: Customers receiving service at the time the provisions of this code section was enacted on 10-01-99 are not required to submit an application, but will be presumed to accept the rules and regulations of the utility, including the fees established for the service provided, if they remain customers and have not contacted the utility requesting disconnection. Customers who have been disconnected from the system prior to the enactment of the provisions of the code must submit an application as required by Section 7 A before service can be restored.
- C. Customers Desiring a Change in Service: Customers desiring a material change in the size, type, character, or extent of equipment or operations which would result in a material change in the service provided, shall give the City notice of such change prior to the change taking place. An amended application must be filed with the City and any changes to the rate or deposit amount will occur prior to the change in service. All customers desiring a change in the size, location, or the number of services shall fill out an amended application. The request for amended service may be denied if the applicant has an outstanding bill due to the City.

- D. Customer complaints: The Utility wants to resolve customer complaints as quickly as possible. The utility will respond to the substance of each service complaint or other customer complaint within ten working days of its receipt of notification. If the Utility does not resolve a complaint to the customer's satisfaction, the customer may refer the matter to the Regulatory Commission of Alaska, 701 West Eighth Avenue, Suite 300, Anchorage, Alaska 99501. The Commission's telephone number is (907) 276-6222, toll-free at 1-800-390-2782, or TDD (907)276-4533.

### Section 8. Main Extensions

Extensions of water distribution or sewer collection mains, to areas or houses not currently being served, shall be installed only after application to and authorization by the City. Utility main extensions may require advance payment by the applicant or group of applicants of the cost of the extension before the City can provide them.

The City will determine the proper location of main extensions. Easements of permits secured for main extensions across property not owned by the City shall be obtained in the name of the City along with all rights and title to the main at the time of installation.

### Section 9. Services

- A. The customer shall own and maintain the customer service line.
- B. Service Installation Charge: At the time the applicant files for service, where no service previously existed, or for a change in service size or location, or if he/she applies for re-connection of an existing service, the applicant shall submit a service connection fee with the application that is based on the actual cost of the installation. In the case of a new service, this fee will include all costs from the main to the dwelling, including the costs of a pit orifice and tapping saddle at the main and arctic box at the dwelling, if necessary. The service line can be installed by either the customer or the City. Service installation charges may be waived at the discretion of the City.
- C. Service Installation Procedures: all connections to the City water and sewer system shall be made at the expense of the customer. Costs of the connection and the terms of the work governing the installation, including the use of self-help and use of City equipment, shall be established by the City. The City Council reserves the right to determine if the customer is capable of installing the service himself, and the City reserves the right to bill the customer for additional work incurred by the City to correct inappropriate, deficient, or inadequate connections.
- D. Service Installation Codes: All individual water and sewer connections, repairs, and modifications shall be made only under the terms and conditions of the Uniform Plumbing Code currently in effect within the State of Alaska, as well as any further

regulations the City may require. Any electrical improvements shall be made in accordance with applicable Electrical Codes and Regulations.

E. Customer Plumbing:

1. The customer's plumbing, which shall include the customer service line from the main to the house, and all plumbing, piping, fixtures, and other appurtenances intended to carry water, sewage, waste water, and drainage, shall comply with the Uniform Plumbing Code (UPC). Special attention shall be given to the elimination of any possible cross connections. All water users will be required to install and maintain a backflow prevention device between the water service connection and the first plumbing fixture or drain. The minimum requirement shall be a dual check valve assembly or as required by the UPC.
2. Customer freeze-ups, or other leaks that affect the efficiency of the City water or sewer system or the public health, are to be immediately repaired by the customer. The City reserves the right to make the repairs and bill the customer for repairs and for any excess water usage that might have resulted from the situation, should the customer be unable to make the repairs; or should the customer have abandoned the service location without proper notification to the City; or should the customer be away from the service location temporarily. It is the responsibility of the customer to notify the City immediately of any problem with the customer's plumbing that could have an adverse effect upon the city system.
3. It shall be a violation of these rules and regulations for customers to operate, cause, or permit unauthorized operations or appurtenances on the service connections.
4. It shall be a violation of these rules and regulations for any customer to make, or remake a service connection without the prior knowledge and approval of the City as detailed by this ordinance.
5. It shall be a violation of this ordinance for any individual to take bulk water from the City without prior arrangements having been made.

Section 10. Water Meters

- A. Meter Requirement: The City is authorized to require installation of a water meter at the expense of any user upon the customer's line and to charge for such service at the established meter rate set out in Schedule A.
- B. Location of Meters: Meters shall be placed either inside or under a heated building at suitable convenient places approved by the City. The meter will not be placed where freezing or damage to the meter or its related parts may occur; nor where damage to the meter could result in a loss of water from the system.

- C. Joint use of Meters: The joining of several customers to take advantage of single minimum charges and/or large quantity rates is prohibited except under special contract, in writing, from the City.

### Section 11. Utility Rates

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

### Section 12. Notices

- A. Notices to Customers: Notices to customers from the City will normally be in writing and will be mailed or delivered to the customer at his/her last known address. Where conditions warrant, and in an emergency, the City may notify customers by telephone, messenger, or radio.
- B. Notices from Customers: Notices from the customer to the City may be given in writing, or verbally by the customer or his authorized representative at the City office. However, notices that result in a change in service or in work being performed by the City for the customer must be accompanied by the appropriate application required by Section 7.C or a signed repair order or work order.

### Section 13. Security Deposit

At the time of application for service, the applicant shall establish his/her credit with the City. Credit will be deemed to be established if the applicant makes a deposit one month's advance payment for service, plus an estimate of the cost for service installation and connection fees. No interest shall be paid on the deposit money. In no case will the deposit be considered as payment on the account, the deposit will be applied toward the closing bill, with any excess refunded to the customer at termination of service.

If an account becomes delinquent and it is necessary to discontinue the service, the deposit amount shall be applied to the unpaid balance of the account. Service will not be restored to the premises until such time as the security deposit is replaced, along with all delinquent amounts due, and payment for labor and materials expended by the city for the service disconnect/reconnect. The account is assumed to reside with the person signing the Utility Application Form, not the premises served.

### Section 14. Billing and Payment

- A. Monthly Bills: All bills will be mailed on or before the 25<sup>th</sup> of each month. The bill will contain a statement of present charges due. All bills are due and payable prior to the end of the following month.

- B. Delinquent Bills: All bills not paid by the end of the following month of billing will be considered delinquent. The City may charge a late payment penalty fee on delinquent sums due to the city to the maximum extent permissible under the law.
- C. Delinquent Notice: At the discretion of the City Council, a notice of delinquency shall be mailed to each delinquent account on or after seven days from the date the account becomes delinquent.
- D. Water Turn-Off Notice: If a water utility bill has not been paid a week after the Delinquent Notice, the City shall send a Water Turn-Off Notice to the customer, stating the date and time at which the service may be terminated. The notice shall be sent to the customer by certified or registered mail, return receipt requested. If the receipt has not been received in the City office within ten days of mailing, notice shall be made by a City employee or agent, delivering or posting notice, at the customer's residence or place of business. The City may terminate the service at any time after the date and time indicated in the turn-off notice without further notification, unless written payment arrangements are made by the customer and approved by the City Council. The City reserves the right to reject offers of payment that are for less than the full amount due.
- E. Deposit for Reconnection: In all cases where service has been disconnected due to delinquency, the customer must file a new application and again meet the security deposit requirements set forth in Section 13 before service will be reconnected.
- F. Responsibility for Payment of Utility Bills: In all cases the person signing the utility application form is responsible for the utility bills regardless of who owns the property served. However, in the case of multi-family housing or business complexes with more than one unit the City reserves the right to bill the owner of the facility for all of the services provided by the utility.

#### Section 15. Administration and Enforcement

- A. These rules and regulations shall be administered and enforced by the City Council, or the person designated by the City Council to manage the utility. The City Council shall have the authority to establish and regulate rates for the water and sewer system and collection services for all customers.
- B. A current file of rates adopted by the City Council under this code shall be available for public inspection during regular business hours at the City office. Monies collected for water, sewer and waste disposal services shall be used for maintenance, extension, repair, capital improvement, and operation of the water, sewer and waste disposal systems. Monies will be accounted for separately by the city.
- C. The City Council may adopt such additional regulations, provisions, and procedures pertaining to water, sewer, and waste disposal services as the Council deems proper.

## Section 16. Discontinuance or Termination of Service

- A. Discontinuance by Customer Order: Each customer about to vacate any premises supplied with water, sewer, or waste disposal services by the City shall give at least one week written notice of his or her intentions and state the date the service is to be discontinued. Otherwise, a customer will be responsible for all services supplied to the premises until a written notice is received.

Within one week of the date stated in the notice to discontinue service, a total bill (minus and deposits due to the customer) will be prepared and delivered which is due and payable immediately. The amount of the bill for the current billing period will be determined by prorating the number of days of service received in the given month (including the date of disconnect) divided by the total number of days in the month, times the usual monthly charge for the customer. There will be no charge for disconnection of the utility.

- B. Discontinuance for Non-payment of Bills: A customer's water, sewer, or waste disposal services may be discontinued if their bill is not paid in accordance with the procedures listed in section 14.

- C. Discontinuance for Unsafe Customer Facilities:

1. Unsafe Facilities or Unsanitary Facilities: The City may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment, using water or discharging waste water, are dangerous, unsafe, or not in conformance with standard plumbing practice.
2. Cross Connections: A cross connection as defined in Section 1 is unlawful. The City will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated.

- D. Discontinuance for Water Waste: Where water is wastefully or negligently used on a customer's premises seriously affecting the general service, the City may discontinue service if such conditions are not corrected after notice by the City. Allowing water to run continuously rather than providing reasonable and proper insulation is considered wasting water. At the option of the City Council, a customer may be allowed to continue service if a meter is installed at the customer's expense (as prescribed in Section 10) and he/she pays a rate based on consumption.

- E. Discontinuance for Service Detrimental to Others: The City may refuse to furnish water or sewer, restrict water or sewer service, or immediately terminate service to any premises where excessive demands by a customer will result, or have resulted, in inadequate service to other customers. The determination of excessive demand may vary depending on current City water or sewer resources and water and sewer system equipment conditions.

- F. Discontinuance for Fraud or Abuse: The City will refuse or discontinue service to any customer or premises where it is deemed necessary to protect the City from fraud or abuse of service. Discontinuance of service for one or both of these causes will be made immediately upon receipt of knowledge by the City that such condition or conditions exist. The City may seek additional legal remedies in such cases, including the imposition of penalties as provided in Section 24 of this code.
- G. Discontinuance for Unauthorized Turn-on: Where water or sewer service has been discontinued for an reason and the water or sewer is turned on by the customer or another unauthorized person, the water or sewer may then be turned-off at the main without notice to the customer. The charges for shut-off at the main will be billed at the actual cost for labor and materials plus 50% billed to the offending customer. The charges for water or sewer consumed through such illegal connection will be at 150% of the regular rate for the period of time, as estimated by the City Council, that such illegal or unauthorized connection existed. The City may seek additional legal remedies in such cases, including the imposition of penalties as provided in Section 24 of this code.
- H. Discontinuance for Non-compliance: Unless otherwise specified by specific sections of these rules and regulations, a customer may have service discontinued for violation of any provision of these rules and regulations following five days notification of such impending termination of service. Proper notice is specified in section 12 of these regulations.

#### Section 17. Restoration of Services

Restoration of service following discontinuance by customer order shall not require a reconnection fee if the voluntary discontinuation was for more than sixty (60) days. Restoration of service for any other reason shall require a reconnection fee. Restoration of service following discontinuance for non-payment of bills shall be made only after payment of current and past due charges, the reconnection fee, and a security deposit as herein provided.

Restoration following discontinuance because of unsafe facilities, water waste, fraud, abuse, or non-compliance with these 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 City have been paid;
- c) any penalties that were levied have been paid;
- d) a new application for service has been received with the appropriate deposits; and
- e) the City has received written assurance that the irregularity will not occur again.

The property owner shall provide access to arctic boxes for connection or reconnection of services including the removal of all snow drifts around the box.

The customer is responsible for insuring that services are in good condition prior to restoration of services. The customer shall pay any cost for cleaning or thawing a service line prior to reconnection.

#### Section 18. Unusual Demands

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

#### Section 19. Access to Property

All duly appointed employees or agents of the City shall have free access at all reasonable hours of the day to exterior parts of a customer's building related to utility service (i.e. arctic box, electric meter, etc.) for the purpose of reading meters, inspecting connections, piping and fixtures, discontinuing service under the provisions of Section 16, and to determine the manner and extent to which the utility is being used. When it is necessary to enter a customer's building for the same purposes, the customer will be given notice in accordance with Section 12. The City does not assume the duty of inspecting the customer's service line, plumbing, or equipment and shall not be responsible for these services.

In the event that a customer refuse to provide access to the City in a reasonable period of time, the service may be discontinued for non-compliance with these Regulations in accordance with Section 16.

#### Section 20. Responsibility for Equipment

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

liable for any damage or loss to the City main lines or other parts of the water and sewer system caused by customer freeze – up.

#### Section 21. Fire Hydrants

- A. Operation: No person or persons other than those designated and authorized by the City shall attempt to draw water from a hydrant belonging to the City or in any manner damage or tamper with hydrant. Any violation of this regulation will be penalized according to these Regulations. In cases where temporary service has been granted from a fire hydrant, an auxiliary external valve will be used to control the flow of water.
- B. Damage to Fire Hydrants: any person who damages a fire hydrant shall be responsible for the cost of its complete repair and return to service. This is in addition to the penalties outlined Section 24.

#### Section 22. Manholes and Main Line

- A. Operation: No person or persons other than those designated and authorized by the City shall place any substance including, but not limited to, animal and fish carcasses, refuse or trash, rocks, 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 Mainlines: Any person who damages a manhole or main line or any of the attachments or appurtenances thereof, shall be responsible for the cost of its complete repair and return to service. These charges are in addition to any penalties that may be imposed under Section 24.
- C. Dumping Refuse, Chemicals, or Trash in Sewer Lines: Any person who damages a sewer main or interrupts sewer service through placing trash, refuse, animal carcasses, rocks or other matter not intended to be placed in a sewer will be responsible for all damages and repairs to the sewer lines and treatment works that are a consequence of his/her act. These charges are in addition to any penalties that may be imposed under Section 24.

#### Section 23. Individual Waste Disposal Responsibilities

In the event that city does not provide a solid waste or honey bucket waste pick-up service, the users are responsible to see that waste material is stored in 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 Council.

#### Section 24. Penalties

Any person violating these rules and regulations shall, upon adjudication by the City and after notice and opportunity to be heard, be subject to a civil penalty not to exceed \$300.00 which

amount shall be spelled out in a separate schedule A. Each separate incidence and each separate day upon which an offense occurs shall be a separate offense.

#### Section 25. Suspension of Rules

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

#### Section 26. Constitutionality and Saving Clause

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

CITY OF HUSLIA  
SCHEDULE A- UTILITY RATES & FEES

A1—Security Deposit

A.	Residential Service	\$100.00
B.	School Service	\$0
C.	Commercial Service	\$0
D.	Contract Service	\$0

A2—Water and Sewer Rates

A.	Residential Service, water, sewer;	\$100.00
B.	School Service (flat monthly)	\$1500.00
C.	Commercial Service	\$0
D.	Contract Service	\$0

A3—Non Recurring Water & Sewer Fees

A.	Water Service reconnect	\$50.00
B.	Water Service Disconnect	\$50.00
C.	Customer Request disconnect fee	\$50.00
D.	Late Payment Penalty	\$0

A4—Washeterial Fees

A.	Washing Machine	
	Large capacity	\$4.00
B.	Drying Machine (none)	NA
C.	Shower	\$1.50

## CHAPTER 37

### AVEC POWER PLANT

#### Sections:

1. City expenditures not to exceed AVEC reimbursement.
2. Basic salary of AVEC operator, bonus.
3. Alternate operator pay.
4. Federal or State funding of operator.
5. Alternate operator weekend pay.
6. Application of Sections 1, 2, and 3.

#### Section 1. City expenditures not to exceed AVEC reimbursement.

City expenditures for AVEC power plant operation shall not exceed reimbursements from AVEC, Inc. The reimbursement rate set in contract may be amended by AVEC, Inc. and resolution of the City Council.

#### Section 2. Basic salary of AVEC operator, bonus.

The reimbursement rate less administrative fees, payroll taxes, and any fringe benefits paid on behalf of the operator shall be the basic salary of the AVEC Plant Operator. The plant operator shall also be paid a bonus if AVEC, Inc. sends a bonus to the City under the Operating Incentive Agreements.

#### Section 3. Alternate operator pay.

- A. Alternate plant operator shall receive the same rate of pay paid to the AVEC Plant Operator. If the AVEC Plant Operator is paid a fixed sum each month, the alternate shall receive a proportionate part of that sum for any day or period not worked by the AVEC Plant Operator.

For purposes of determining proportionate part of the sum, the number of days in the month shall govern. For example, in February of any non-leap year, the pay for each day shall be 1/28 of the monthly pay.

- B. If the AVEC Plant Operator is paid an hourly rate, the alternate shall receive the same hourly rate for any day or period not worked by the AVEC Plant Operator.

#### Section 4. Federal or State funding of operator.

If the plant operator is paid by any federal or State funded program and the wages he receives are greater than the fixed sum of money paid to the City by AVEC, Inc; he shall not be paid by the

City for week-end work since the wages he receives are greater than the salary that he would have received had he been paid by the City.

Section 5. Alternate operator weekend pay.

If the AVEC plant operator is paid as in Section 4 and he takes weekends off, the City shall pay the alternate plant operator according to the formula in Section 3.

Section 6 Application of sections 1, 2, and 3.

If both the plant operator and the alternate plant operator are paid by the City; Sections 1, 2, and 3 shall be applied.

Section 7. AVEC Utility Board.

There shall be a three member AVEC utility board elected for one year terms at the AVEC annual meeting. The board shall consist of the chairman, the secretary and the delegate as elected. The delegate is the AVEC meeting delegate and shall chair the utility board meetings. The board shall meet monthly and monthly report to AVEC and the City Council. Compensation shall be as determined by AVEC.

CHAPTER 38

(RESERVED)

## CHAPTER 39

### CITY EQUIPMENT

#### Sections:

1. Recognition.
2. Use of equipment.
3. Rental of equipment.
4. City clerk.

#### Section 1. Recognition.

The City Council of Huslia recognizes that:

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

#### Section 2. Use of equipment.

Individuals, contractors, agencies of the State of Alaska or the United State government may make application to the City Council of Huslia for use of city equipment. The Council shall review their application and may or may not grant use on such terms as the Council considers fit.

#### Section 3. Rental of equipment.

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

#### Section 4. City Clerk.

The City Clerk shall keep a file of blank rental agreements, completed and current rental agreements and rental rates.

## CHAPTER 40

### CITY PROPERTY; INVENTORY AND FILES

#### Sections:

1. Inventory; files.
2. Ancillary files.
3. Register

#### Section 1. Inventory; files.

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

At a minimum these files shall contain:

- A. the date of acquisition of the property, improvement, or equipment;
- B. the condition at time of acquisition;
- C. the serial number or other identifying information;
- D. the original cost whether borne by the City or paid by a granting agency such as PHS, Village Safewater or another state or federal agency including a budget breakdown by categories of individual costs such as labor, materials, freight, etc.;
- E. costs of subsequent repairs and improvements after acquisition;
- F. a listing of past, current and future repair, renovation, replacement or improvement needed, and in the case of current or future repair, renovation, replacement or improvement, estimates or quotations of costs;
- G. location of the property or name of department who has control of the property or equipment.

#### Section 2. Ancillary files.

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

Section 3. Register.

The City Clerk shall maintain a register which lists the locations, costs, dates of acquisition, serial numbers, etc. of all non expendable city properties individually valued at more than \$50.00 as of the date of acquisition. The City Clerk may provide for property control numbers or such other system of labeling city properties as the Council considers appropriate.

CHAPTER 41

(Reserved)

CHAPTER 42

(Reserved)

CHAPTER 43

(Reserved)

CHAPTER 44

(Reserved)

CHAPTER 45

(Reserved)

Title VII. GENERAL WELFARE

- |         |     |  |
|---------|-----|--|
| Chapter | 46. | Intoxicating liquors or beverages.                             |
|         | 47. | Alcohol Local Option Election.                                 |
|         | 48. | (Reserved).  |
|         | 49. | Dog Control.   |
|         | 50. | (Reserved).  |
|         | 51. | Curfew.  |
|         | 52. | (Reserved).  |
|         | 53. | (Reserved).  |
|         | 54. | Garbage and Human waste.                                       |
|         | 55. | Protection of Watershed.                                       |
|         | 56. | Offenses against property.                                     |
|         | 57. | Offenses by or against public officers and government.         |
|         | 58. | Offenses against public peace.                                 |
|         | 59. | (Reserved)   |
|         | 60. | (Reserved)   |
|         | 61. | Motor vehicles.  |
|         | 62. | Control of firearms, deadly weapons, explosives,<br>fireworks. |
|         | 63. | (Reserved)   |
|         | 64. | (Reserved)   |
|         | 65. | (Reserved)   |

## CHAPTER 46

### INTOXICATING LIQUORS OR BEVERAGES

#### Sections:

1. Prohibitions.
2. Consumption in public place.
3. Open container.
4. Definitions.
5. Penalty.

#### Section 1. Prohibitions.

- A. It shall be unlawful for any person to motivate or induce another person to furnish him with an alcoholic beverage, or for a person to furnish an alcoholic beverage to another person within the city limits.
- B. It shall be unlawful for any person(s) under the age of twenty-one (21) years of age to consume, to have possession of, buy, barter, traffic in alcoholic beverage or to procure any alcoholic beverage by falsely representing age or otherwise within the city limits.
- C. It shall be unlawful for any person(s), firm, company, corporation or any party to sell, barter, induce, deliver or give any alcoholic beverage to any person(s) under twenty-one (21) years of age within the city limits.
- D. It shall be unlawful for any person(s), firm, company, organization, corporation or any party to sell, barter, exchange or traffic in alcoholic beverages with or without a license within the city limits.

#### Section 2. Consumption in public place unlawful.

It shall be unlawful for any person to consume any alcoholic beverage in any public place.

#### Section 3. Open container.

It shall be unlawful for any person in the City of Huslia to carry, conceal or transport any open bottle, can, or other container of alcoholic beverage on any person in a public place; automobile; boat; snowmobile; three wheeler or any other motorized vehicle.

#### Section 4. 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 one percent (1 %) or more of alcohol, whether produced commercially or privately.

Open container means any container, bottle, or can which has a broken seal or which is in some other way obviously open.

Public place is any location within the city limits that is an alley; street; any building owned by the city, state or federal government; school building and its grounds; any religious establishment and its grounds; or any business establishment.

#### Section 5. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person(s), companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

## CHAPTER 47

### ALCOHOL LOCAL OPTION ELECTION

Sections:

1. Statutes.
2. Authority.
3. Consultation.
4. Options.
5. Election.

#### Section 1. Statutes.

AS 04.21.010(a) allows the city to adopt ordinances governing the importation, barter, sale and consumption of alcoholic beverages within the city limits and may ban possession of alcoholic beverages under AS 04.11.498(d) or (e).

These statutes are commonly known as "Alcohol Local Option Laws".

An ordinance adopted under this section may not be inconsistent with Title 4 or regulations adopted under Title 4.

#### Section 2. Authority.

The City of Huslia may adopt ordinances under Title 4 as such times as the people or the City Council of Huslia considers appropriate to address cultural, emotional, family, mental, and physical health of its residents; to address harmful, destructive, and debasing behavior of its residents; to address abusive consumption and use of intoxicating or alcoholic beverages within the city limits; or any human activity which is caused or affected by the consumption, use, sale, barter, trade, or importation of alcoholic beverage.

#### Section 3. Consultation.

The Council shall consult with the Department of Community and Regional Affairs; Division of Elections; and the Alcohol Beverage Control Board prior to drafting of, holding an election, or adopting any ordinance, petition, initiative, or referendum relating to alcoholic beverages.

#### Section 4. Options.

A. AS 04.11.490 Prohibition of the sale of alcoholic beverages.

Under this option, it is illegal to sell alcoholic beverages; but it is legal to import alcoholic beverage into the city limits and to have possession of same.

The only question on the ballot must read:

"Shall the sale of alcoholic beverages in the City of Huslia, Alaska be prohibited? (Yes or No)".

B. AS 04.11.492 Community liquor license; complete prohibition.

Under this option, it is illegal to sell alcoholic beverages without a license, except that the city may be the only one to have a license to sell alcoholic beverages within the city limits.

The only question on the ballot must read:

"Shall the sale of alcoholic beverages be prohibited in the City of Huslia, Alaska unless sold by (either a beverage dispensary or package store, or both) operated under a city liquor license? (Yes or No)".

C. AS 04.11.496 Prohibition of sale and importation of alcoholic beverages.

Under this option, it would be illegal to either sell or import (bring in) alcoholic beverages into the city limits. However, the possession would still be legal.

The only question on the ballot must read:

"Shall the sale and importation of alcoholic beverages be prohibited in the City of Huslia, Alaska? (Yes or No)".

D. AS 04.11.498 Prohibition of possession of alcoholic beverages.

Under this option, no person may possess any amount of alcoholic beverage within the city limits; except priests or those who have traditionally used sacramental wine for religious purposes.

The only question on the ballot must read:

"Shall the possession of alcoholic beverages be prohibited in the City of Huslia, Alaska? (Yes or No)".

E. AS 04.11.500 Prohibition of the sale of alcoholic beverages except by selected licenses.

Under this option, the Alcohol Beverage Control Board would issue only certain types of licenses for the sale of alcoholic beverages within the city limits. For instance, licenses may be limited to restaurants or bars, or sale could be limited to wine and beer.

The only question on the ballot must read:

"Shall the sale of alcoholic beverages be prohibited in the City of Huslia, Alaska except by (listing the types of licenses allowed)? (Yes or No)".

Section 5. Election.

The city conducted an election on March 14, 1989 with a vote of 37-13 to ban the sale of alcoholic beverages, Section 4 (A) of this chapter, which is commonly understood to mean 'damp' . The results of the election became effective on April 1, 1989.

CHAPTER 48

(Reserved)

## CHAPTER 49

### DOG CONTROL

#### Sections:

1. Coverage.
2. Keeping dogs confined.
3. Loose ownerless dogs.
4. Loose owned dogs.
5. Rabid dogs.
6. Rabies; loose dogs under emergency situations.
7. Disposal of dogs.
8. Penalties.

#### Section 1. Coverage.

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

#### Section 2. Keeping dogs confined.

- A. All dogs six (6) months of age or older shall be securely confined so as to pose no threat to life or property within the City limits. Owners are responsible for the actions of any unconfined dog(s) including those younger than six (6) months.
- B. All pet dogs shall be attached to a leash when taken for walk within the city limits.

#### Section 3. Loose ownerless dogs.

Any loose dog(s) posing a threat to a person or property within the City of Huslia or any loose unattended and unidentifiable dog will be considered wild, abandoned or ownerless and will be subject to disposal within forty-eight (48) hours of notification of the owner.

#### Section 4. Loose owned dogs.

In the case of a loose, unattended dog, where ownership can be determined, a city employee, official, or the VPSO shall give the owner notice in writing of the dog's condition so that the owner may secure the dog in proper fashion. The notice shall state the date, time and to whom delivered. The notice shall give the owner a reasonable time from receipt in which to secure an unconfined dog. A copy of the notice as delivered shall be kept in the Village Public Safety Officer's records. Upon expiration of the notice, if an unconfined dog is still not secured, written notice shall again be given the owner in the same fashion as the first notice. If at the expiration

of the second notice, a dog is still unconfined, it shall be disposed of by the Village Public Safety Officer.

Section 5. Rabid dogs.

Any dog(s) believed to be sick with rabies shall be observed for fourteen (14) days and shot if found to be sick with rabies. If the dog in question has bitten anyone, the Community Health Aide and the Village Public Safety Officer shall be notified immediately.

Section 6. Rabies; loose dogs under emergency situations.

If loose unattended dog(s), or periodic outbreaks of rabies among the fox population near Huslia, or outbreaks of parvo virus, cause hazards to public health and safety, the Council may declare an emergency by resolution. During emergency all loose and unattended dogs, whether ownership is known or not, shall be disposed of without individual notice. Notice of emergency shall be given by posting notice in three (3) public places, and by radio if possible. During such emergency, it is the duty of all owners to confine their dogs.

Section 7. Disposal of dogs.

The City of Huslia disclaims any responsibility for disposal of dogs belonging to owners in violation of any provisions of this Chapter. All dogs shall be disposed of in a designated place in the dump and burned.

Section 8. Penalties.

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

CHAPTER 50

(Reserved)

## CHAPTER 51

### CURFEW

#### Sections:

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

#### Section 1. Curfew effective.

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

#### Section 2. Area of curfew.

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

#### Section 3. Curfew hours.

No person under the age of eighteen (18) may remain, congregate, or loiter in or upon any public place, vacant lot or city roads, sidewalks, or alleys between the hours of 9:00 P.M. and 6:00 a.m., Sunday through Thursday, and 12:00 A.M. through 6:00 A.M., Friday and Saturday, unless accompanied by a parent or adult guardian.

#### Section 4. Vacations and holidays.

During any declared school holiday or vacation, the curfew hours established shall be 1:00 A.M. to 6:00 A.M. on all days of the week except that Sunday curfew hours shall be in effect the last day of such vacation immediately prior to the next school day.

#### Section 5. Exceptions.

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

and the hours of employment.

Section 6. Parental responsibility.

It is unlawful for any parent or other adult person having the custody of a minor to allow the minor on the public streets or in any other public place in the City during the prohibited hours described in this Chapter unless the minor is accompanied by a parent, or guardian, or an adult person charged with control of the minor, or the minor has in his or her possession a note signed by the parent or guardian authorizing said minor to be out and enroute home. The signed note shall state specifically the time the minor is to be home. The presence of a minor on or in a public street or place as described above, in violation of this Chapter shall be primary evidence of the guilt of the parent or other adult person having the custody or control of the minor.

Section 7. Enforcement.

The VPSO shall enforce the provisions of this Chapter according to State law.

Section 8. Penalty.

A. Curfew violations by a minor shall be punished according to the following schedule:

1. First violation . . . . . verbal warning;
2. second violation. . . . .written warning;
3. Referral to the Huslia Tribal Court;

B. If a violation by a minor occurs which is more than three months in time from another violation, then that violation is considered the first violation.

CHAPTER 52

(RESERVED)

CHAPTER 53

Reserved

## CHAPTER 54

### GARBAGE/SOLID WASTE DISPOSAL

#### Sections:

1. Purpose.
2. Definitions
3. Solid waste disposal.
4. Solid waste storage.
5. Contractor responsibility.
6. Enforcement.
7. Penalty.

#### Section 1. Purpose.

It is hereby declared to be the purpose of this chapter to regulate the storage, collections, processing, recovery and disposal of solid waste in order to protect the public safety, health and welfare, and to enhance the environment of the people of Huslia. The City Council hereby establishes a solid waste disposal utility for the use of all residential and commercial establishments in the city. It is illegal to dump garbage anywhere but the city dump.

#### Section 2. Definitions.

As used in this chapter, each of the following terms shall have the meaning herein stated:

- A. "Mayor" is the Mayor of Huslia or designee.
- B. "Hazardous or toxic waste" is waste that requires special handling to avoid illness or injury to persons or damage to property.
- C. "Putrescible solid waste" is organic solid waste matter capable of being decomposed by microorganisms, this includes fish and animal waste and carcasses.
- D. "Secured load" means a load of solid waste that has been tied or covered in the vehicle in a manner that will prevent any part of the solid waste from leaving the vehicle while the vehicle is moving
- E. "Solid waste" is useless, unwanted or discarded material with insufficient liquid content to be free flowing.
- F. "Solid waste collection" is the act of removing solid waste from the central storage point of a primary generating source to a place of solid waste disposal.

- G. "Solid waste disposal" is the orderly process of finally disposing of solid waste.
- H. "Solid waste storage" is the interim containment of solid waste, in an approved manner, after generation and prior to collection and disposal.
- I. "Commercial activity" refers to each governmental entity or each business or subsidiary thereof that generates solid waste caused by normal activity of business, such as a bar, or a store, or an airline, or an office building.
- J. "Construction and demolition" debris (C&D) is waste that is generated during the construction or demolition of a structure. This typically includes wood, bricks, rubble, dry wall, roofing materials, tiles, insulation, and concrete.

### Section 3. Solid Waste Disposal.

Honey buckets or slop pails may only be disposed of in an outhouse or toilet. It is illegal to dump honey buckets or slop pails in the open within city limits. Every person or business residing in or occupying a building within the City shall use the Huslia landfill for the disposal of solid waste. The City does not provide a collection service, and is not responsible for the collection and/or transport of solid waste to the landfill.

### Section 4. Solid waste storage.

Solid waste shall not be stored outdoors except in designated locations at the landfill. No person shall deposit solid wastes upon any street, alley, city or private property or in any container unless he does so with the permission of the City. It is unlawful to dump refuse, including fish waste and animal carcasses, or other solid waste within the corporate limits of the City except in designated locations at the City landfill. Failure to comply with this section shall constitute a misdemeanor, punishable, upon conviction, by a fine not to exceed \$300.

### Section 5. Contractor responsibility

- A. Contractor will be responsible in cleaning up the construction site before/after the construction period is completed.
- B. Contractor will be responsible in backhauling any hazardous waste and/or C&D debris generated during the construction period; hazardous waste and/or C&D debris generated during the construction period will not be offloaded or disposed anywhere within the city limits or at the landfill.
- C. Contractor will be responsible in backhauling any bulky solid waste and/or C&D debris that is generated during the construction period. Contractor will have the option of leaving any solid waste and/or C&D debris that may be reusable to the community members or entities, waste that is no longer useful will not be allowed at the local landfill or within the city boundaries.

D. Equipment used during the construction period that is no longer useful will not be abandoned within the city limits or at the landfill; equipment that is no longer useful will be backhauled.

E. Contractor will use the safe disposal method when handling hazardous and/or C&D debris items, hazardous items generated during the period will not be allowed at the landfill or within the city limits.

F. Contractors will be responsible and liable in cleaning up a site that is polluted or contaminated with hazardous waste and/or C&D debris.

G. Contractor will not be allowed to burn any hazardous waste within the city limits or at the landfill and/or C&D debris.

Section 6. Enforcement. The VPSO shall enforce this chapter.

Section 7. Penalty. Violation of this chapter shall result in the following penalties:

- |    |                   |                        |
|----|-------------------|------------------------|
| A. | First violation:  | \$20.00 up to \$300.00 |
| B. | Second violation: | \$40.00 up to \$300.00 |
| C. | Third violation:  | \$60.00 up to \$300.00 |

## CHAPTER 55

### PROTECTION OF WATERSHED

#### Sections:

1. Definitions.
2. Location of watershed.
3. Prohibited acts.
4. Penalty.

#### Section 1. Definitions.

As used in this chapter,

A. "Pollution" means the contamination or altering of waters, land, or subsurface land within a watershed in a manner which creates a nuisance or makes waters, land, or subsurface land unclean, or noxious, or impure, or unfit for human use, so that they are actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, subsistence, or recreational use, or to wild animals, birds, fish or other aquatic life.

B. "Refuse" means garbage, sewage, ashes, cinders, litter, surplus construction materials or debris, offal, dead animal or animal part, oil, tar, petroleum distillate, chemical, radioactive material, industrial waste and all other liquid or solid wastes, from all public and private establishments and residences.

C. "Watershed" means the area or areas of land surrounding and draining into the lakes, ponds, lagoons, springs, creeks, rivers or other bodies of water which have been designated by the Council as principal sources of domestic water supply for the City.

#### Section 2. Location of Watershed.

The watershed used by the City is the same boundary as the City limits as written in Chapter 2, Section 2 of this code.

#### Section 3. Prohibited Acts.

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

- A. Dump or discharge refuse in any form within the watershed; or
- B. Use the watershed in any manner or engage in any activity that would cause pollution of the watershed.

Section 4. Penalty.

Any person, company, firm, corporation or other entity upon conviction of a violation of the provisions of this Chapter shall be fined a sum not to exceed three hundred dollars.

## CHAPTER 56

### OFFENSES AGAINST PUBLIC PROPERTY

#### Sections:

1. Injury to sewer and water system.
2. Injury to public library books or property.
3. Injury to roads and trails.
4. Injury to public property or equipment.
5. Injury to property of other utilities.
6. Penalty.

#### Section 1. Injury to sewer and water system.

It is unlawful for any person to willfully, maliciously or wantonly remove, carry away, or tamper with or attempt to destroy any portions of the city sewer and water system including customer service connections into the system.

#### Section 2. Injury to public library books or property.

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

#### Section 3. Injury to roads and trails.

It is unlawful for any person to willfully, maliciously or wantonly injure, remove or destroy any trail, including winter trails, road, or bridge, or place or cause to be placed any obstruction on any such trail, road, or bridge, or willfully obstruct or injure any public road or trail.

#### Section 4. Injury to public property or equipment.

It is unlawful for any person to willfully, maliciously or wantonly injure, destroy or tamper with any public property or equipment whether within or outside of the city limits of Huslia.

#### Section 5. Injury to property of other utilities

It is unlawful for any person to willfully, maliciously or wantonly injure, destroy or tamper with any post or pole used in connection with any system of electric lighting, telephone or cable system; or break down and destroy or injure and deface any electric light, telephone or cable instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto or to willfully tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any

wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, or water plant; or to aid or abet any other person in so doing.

Section 6. Penalty.

Any person, company, firm, corporation or other entity upon conviction of a violation of the provisions of this Chapter shall be fined a sum not to exceed three hundred dollars (\$300.00).

## CHAPTER 57

### OFFENSES AGAINST PUBLIC OFFICERS

#### Sections:

1. Interference with city officers.
2. Falsely assuming to be an officer.
3. Penalty.

#### Section 1. Interference with city officers.

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

#### Section 2. Falsely assuming to be an officer.

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

#### Section 3. Penalty.

Any person, company, firm, corporation or other entity upon conviction of a violation of the provisions of this Chapter shall be fined a sum not to exceed three hundred dollars.

## CHAPTER 58

### OFFENSES AGAINST PUBLIC PEACE

#### Sections:

1. Disturbance of peace.
2. Penalty.

#### Section 1. Disturbance of peace.

- A. No person shall act in a violent manner toward another whereby any person is placed in danger of safety of his life, limb or health.
- B. No person shall act in a violent manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.
- C. No person shall address abusive language or threats to any person present which creates a clear and present danger of violence.
- D. No person shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.
- E. No person shall make unreasonably loud noise:
- (1) With intent to disturb the peace and privacy of another not physically on the same premises, or with reckless disregard that this conduct is having that effect after being informed that it is having that effect; or
  - (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 this conduct is having that effect after being informed that it is having that effect;
  - (3) As used in this subsection E "noise" is "unreasonably loud" if, considering the nature and purpose of the defendant's conduct and the circumstances known to him or her, including the nature of the location and the time of day or night, this conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. "Noise" does not include speech which is constitutionally protected.
- F. This section shall not apply to peaceful picketing, public speaking or other lawful expressions of opinion not in contravention of other laws.

#### Section 2. Penalty.

Any person, company, firm, corporation or other entity upon conviction of a violation of the provisions of this Chapter shall be fined a sum not to exceed three hundred dollars.

CHAPTER 59

(Reserved)

CHAPTER 60

(Reserved)

## CHAPTER 61

### MOTOR VEHICLES

#### Sections:

1. Definitions.
2. Coverage.
3. Speed limit.
4. Unsafe Operation.
5. Obstructing airstrip.
6. Required equipment.
7. Minors under twelve years of age.
8. Passengers in a cart/trailer.
9. Penalties.

#### Section 1. Definitions.

A. "Street" means a way used by the public for traffic of vehicles.

B. "Vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power unaided by internal combustion engines or other such mechanical devices for the generation of energy. Devices designed primarily for travel over snow or ice by means of skis, belts, cleats, or low pressure tires are deemed "Vehicles". Boat, canoes, barges and any other water based craft are vehicles when referred to in this Chapter.

C. "All Terrain Vehicle" or ATV includes 3-or 4-wheeled motorized vehicle, wheeled or tracked vehicles, and snowmachines, and any motorized vehicle capable of travelling on a non-road terrain.

#### Section 2. Coverage.

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

### Section 3. Speed limit.

It shall be unlawful for any vehicle to travel at a speed greater than 15 miles per hour within the city limits. Regardless of any posted limit, it is also unlawful to drive a land based vehicle at a speed greater than is reasonable under the existing road or weather conditions.

### Section 4. Unsafe operation.

- A. No person shall drive, operate, stop or move any vehicle, be it water or land based, in a careless, reckless, or negligent manner so as to endanger or be likely to endanger the safety of any person or property of any person.
- B. It shall be unlawful for any person to disregard the STOP and CAUTION signs. Any resident who is observed to continually disregard the STOP and CAUTION signs shall be served notice by the City Council or by the VPSO of a violation and fined accordingly.

### Section 5. Obstructing airstrip.

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

### Section 6. Required equipment.

No person shall drive or operate a vehicle or an ATV unless it is equipped with the following.

- A. At least one headlamp so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions. The headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver; Lights (headlights, brake and tail lights) must be in proper working order and in use from dusk to dawn. Brake lights must be in proper working order. Failure to properly use lights within the city is punishable by fine set forth in section 11(A);
- B. a throttle in operating condition which, when released by hand, will return the engine speed to idle;
- C. standard mufflers for production models in operating condition which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for the operating of the vehicle, and no person shall use a muffler cut-out, by-pass, or similar device on said vehicles; and,

D. brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation;

E. it shall be unlawful to operate an All Terrain Vehicle (ATV) within the city limits without a safety helmet.

Section 7. Minors under twelve years of age.

It shall be unlawful for any person, being 18 years or older, having legal custody or control over a person under twelve (12) years of age to allow that person to operate an All Terrain Vehicle (ATV) within the city limits unless accompanied by a parent or any person over eighteen (18) years of age by permission of parent.

Section 8. Passengers in a cart/trailer.

It shall be unlawful to carry more than four (4) passengers in a cart/trailer towed by an All Terrain Vehicle (ATV). The cart/trailer must be equipped with a tail-gate that has a locking device. This lock must be in a locked position while people are being transported.

Section 9. Penalties.

Violations of provisions of this Chapter shall result in a fine as follows:

- A. First violation: \$20.00 up to \$300.00; Second violation: \$40.00 up to \$300.00, and Third violation: \$60.00 up to \$300.00.
- B. Fines/penalties for all other infractions, or for those infractions in excess of those listed above will be set by the Huslia City Council.
- C. Those persons receiving citations beyond the third offense will be required to attend the general city council meeting held on the third Tuesday of the month and a hearing will be held with further penalty imposed.
- D. A person receiving a citation may appear before the city council at its next regularly scheduled meeting to appeal the citation. A proof of the error may be needed to successfully appeal the citation.

## CHAPTER 62

### CONTROL OF, DEADLY WEAPONS, EXPLOSIVES AND FIREWORKS

#### Sections:

1. Definitions.
2. Carrying concealed weapons.
3. Carrying loaded firearms.
4. Discharging firearms.
5. Possession of firearms while intoxicated.
6. Fireworks.
7. Penalty

#### Section 1. Definitions.

"Dangerous weapon" means any firearm, air gun, pellet gun, or anything designed for and capable of causing death or serious physical injury, also including but not restricted to knives, axes, clubs, metal knuckles, sling shots or explosives.

#### Section 2. Carrying concealed weapons.

It is unlawful for any person to carry, concealed about his person in any manner, a revolver, pistol or other firearm or knife (other than an ordinary pocket knife) or any other dangerous weapon by the use of which injury could be inflicted upon the person or property of another, unless that person holds a valid permit to do so issued under applicable state law.

#### Section 3. Carrying loaded firearms.

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

#### Section 4. Discharging firearms.

It is unlawful for any person, except a peace officer performing a lawful duty, to fire or discharge any pistol, gun, rifle, or any other firearm within the corporate limits of the city except in places set designated by the city.

#### Section 5. Possession of firearms while intoxicated.

It is unlawful for any person, while under the influence of intoxicating liquor or any drug, to handle, use or discharge a firearm, or to carry a firearm on his person or in any vehicle occupied by him.

Section 6. Explosives.

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

Section 7. Fireworks.

No persons shall sell or offer for sale within the City any dangerous fireworks, and no person shall sell or offer for sale within the City any salable fireworks without first obtaining a permit from the City Council to do so.

No persons shall explode or cause to be exploded within the City any dangerous fireworks and no person shall explode or cause to be exploded within the City any salable fireworks without first obtaining a permit from the City Council to do so.

"Dangerous fireworks" and "salable fireworks" as used in this Chapter are defined as they are defined in Alaska Statute 18.72.050 or as otherwise defined in the Fire Safety Code of the State adopted and administered by the Division of Fire Prevention of the Department of Public Safety.

Section 8. Penalty.

Any person, company, firm, corporation or other entity upon conviction of a violation of the provisions of this Chapter shall be fined a sum not to exceed three hundred dollars (\$300.00).

CHAPTER 63

(Reserved)

CHAPTER 64

(Reserved)

CHAPTER 65

(Reserved)

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Title VIII. ELECTIONS

- |         |     |                                    |
|---------|-----|------------------------------------|
| Chapter | 66. | City Elections                     |
|         | 67. | Preparation for Election Day       |
|         | 68. | Election Day Procedures            |
|         | 69. | Absentee Voting                    |
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|         | 71. | Initiative, Referendum, and Recall |
|         | 72. | Election Forms                     |
|         | 73. | (Reserved)                         |

## CHAPTER 66

### ELECTIONS GENERAL

#### Sections:

1. Voter qualifications
2. Residence criteria
3. Precincts and voting places
4. Supervision by city clerk
5. Election board; workers; clerks
6. Oath of election officials
7. Offenses

#### Section 1. Voter qualifications.

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

- A. Is a United States citizen qualified to vote in state elections;
- B. Has been a resident of the city of Huslia for 30 days immediately preceding the election;
- C. Is registered to vote in state elections;
- D. Has not been convicted of a felony involving moral turpitude without later restoration of voting rights pursuant to A.S. 15.05.030; and

#### Section 2. Residence criteria.

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

- A. No person may be considered to have gained a residence solely by reason of his presence nor may he lose it solely by reason of his absence while in the civil or military service of the state or of the United States, or of his absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution of learning, while in an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the state, of the United States or of the high seas, while residing upon an Indian, Native Alaskan, or military reservation, or while residing in the Alaska Pioneers' Home.
- B. The residence of a person is that place in which his habitation is fixed, and to which,

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

- C. A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.
- D. A person does not lose his residence if he leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.
- E. A person does not gain residency by coming to the city without the present intention to establish his permanent dwelling in the city.
- F. A person loses his residence in the city if he votes in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until he again qualifies under this chapter.
- G. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- H. The address of a voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the director setting out his new voting residence.

### Section 3. Precincts and voting places.

Election precincts for city elections shall be the same as those established for state elections, except that all areas of state election precincts located outside the city limits are excluded.

### Section 4. Supervision by city clerk.

- A. The clerk is the supervisor of elections for the city of Huslia. The clerk may propose written procedures, for approval by the council, necessary to carry out the provisions of any election ordinance passed by the council.
- B. The clerk shall pay all necessary election expenses, including workers, securing polling places and providing ballot boxes, ballots, voting booths or screens and other supplies.

### Section 5. Election board; workers; clerks.

- A. There shall be an election board for each election precinct. The council shall, by resolution adopted at least ten days prior to each regular or special election, appoint three

workers to serve as the election board, and designate one of the workers to chair the board.

- B. Workers shall not be council members or candidates for office.
- C. If any worker fails or refuses to perform the duties of election worker on or during election day, the remaining workers shall choose a qualified voter to serve in his or her place. If more than one replacement worker is required to be chosen at any one time, the city clerk, together with the remaining workers (if any) shall choose qualified voters to serve in the place of the absent workers.
- D. The city clerk may, at the request of the workers and if necessary to conduct an orderly election or to relieve the workers of undue hardship, appoint up to three election clerks to assist the workers. Persons appointed as election clerks must be qualified to serve as workers.
- E. Each election worker or clerk shall sign the oath specified in Section 6 for this chapter and file it with the clerk on or before election day.

Section 6. Oath of election officials.

- A. The city clerk shall give the following written oath to all election workers on or before election day:

I, \_\_\_\_\_, do solemnly swear (affirm) that:

I will honestly, faithfully, and impartially perform the duties of election worker to the best of my ability;

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

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

- B. A form for administration of this oath is included in Chapter 72, Section 1.

Section 7. Offenses.

It is unlawful for any person, firm or corporation to do or to attempt to do any of the following acts, and any person, firm or corporation who does or attempts to do any of the following acts is guilty of a misdemeanor and shall be subject to a fine of up to five hundred dollars and/or

imprisonment for up to thirty days:

- A. To directly or indirectly use or threaten to use force, coercion, violence or restraint, or inflict or threaten to inflict damage, harm or loss, upon or against any person to induce or compel the person to vote or refrain from voting for any candidate in any election or for any election proposition or question;
- B. to give, or promise to give, or offer any money or valuable thing to any person, with the intent to induce him to vote for or restrain him from voting for any candidate at any election or election proposition or question;
- C. to write, print or circulate any letter, circular, placard, poster or other publication relating to any election or to any candidate at any election or to any election proposition or question without the same bearing on its face the name and address of the author, printer and publisher thereof;
- D. to willfully write, print, circulate or broadcast any statement containing any false charge or comment relating to any candidate at any election or to any election proposition or question or reflecting on the character, morality or integrity of any candidate at any election;
- E. to possess any official ballot outside of the voting room; provided, that this subsection shall not apply to election officials or other properly authorized persons having such possession in the course of their official duties, or to any absentee voter with respect to the single ballot issued to the voter by the city clerk;
- F. to possess any counterfeit of an official ballot;
- G. having been contracted or employed by the city to print or reproduce in any manner any official ballot, to willfully appropriate to him or herself, or to give or deliver to, or knowingly permit to be taken by anyone other than a person authorized by the city clerk, any official ballots, or knowingly print or reproduce or cause to be printed or reproduced any official ballots in any other form or with any other content other than that prescribed by ordinance or as directed by the city clerk;
- H. to refuse to allow an employee reasonable time off for the purpose of voting when the employee does not have a reasonable amount of time to vote before or after work, or after allowing the time off, to deduct the time from the compensation of the employee;
- I. to vote more than once at the same election;
- J. to vote in the name of another person or in any name other than his or her own;
- K. to sign any name other than his or her own to a petition proposing an initiative, referendum or recall;

- L. to willfully conceal, withhold, wrongfully change, mutilate, or destroy the election return;
- M. while the polls are open, to open any ballot received from a voter at any election, or to mark any ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how any voter marked his or her ballot, or allow the same to be done by any other person;
- N. to willfully delay the election returns;
- O. to induce by force, threat, intimidation, or offer of a reward any election official to fail in his or her duty;
- P. to willfully make a false affidavit or swear falsely under oath required in connection with any election or registration for voting or falsely affirm in lieu of so swearing;
- Q. to willfully fail to perform any election duty or knowingly do any unauthorized act with the intent to affect the election or its results;
- R. to willfully change or cause to be changed any official election documents, including ballots, tallies and returns, or attempts to do the same;
- S. to willfully permit or make any false count or report of the election returns;
- T. to persuade a person to vote for or against any candidate, question, or proposition on the ballot within 200 feet of any entrance to the polling place during the hours the polls are open.

## CHAPTER 67

### PREPARATION FOR ELECTION DAY

#### Sections:

1. Date of regular election
2. Special elections
3. Coincidence with other elections
4. Election place and hours
5. Notices of election
6. Nominations for office
7. Declaration of candidacy form
8. Declaration of candidacy filing
9. Determination of eligibility of candidate
10. Declaration of candidacy withdrawal
11. Ballots --form
12. Ballots --preparation
13. Other materials

#### Section 1. Date of regular election.

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

#### Section 2. Special elections.

The city council may call a special election to decide any question that must by law be decided by the voters at any time; provided, that the election date must be preceded by at least twenty days' public notice. As required by Section 5 the federal Voting Rights Act, the city shall submit a preclearance request to the federal Department of Justice.

#### Section 3. Coincidence with other elections.

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

#### Section 4. Election place and hours.

- A. Elections shall be held at the place or places specified by the council and stated in the Notice of Election.
- B. The polls shall be open from 8:00 a.m. until 8:00 p.m. on election day. Fifteen minutes before the time of closing the polls, the election board shall announce the present time

and the time at which the polls will close. At 8:00 p.m., the election board shall announce the time and that the polls are closing. All voters in line to vote at 8:00 p.m. shall be allowed to vote, but no person arriving at the polling place after 8:00 p.m. may be allowed to vote.

#### Section 5. Notices of election.

- A. Notice that an election will be held shall be prepared and posted by the clerk and shall contain all of the following which apply:
1. Whether the election is regular or special;
  2. Date of the election;
  3. Location of each city polling place;
  4. Time polling places will open and close;
  5. Offices to be filled;
  6. A statement describing voter qualifications;
  7. Times for filing declarations of candidacy;
  8. A statement of any questions or propositions to be placed on the ballot.

The clerk shall use the form in Chapter 72, Section 2 to prepare the Notice of Election.

- B. Notice of an election must be posted in three public places for 20 days before the election.

#### Section 6. Nominations for Office.

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

#### Section 7. Declaration of candidacy – Form.

- A. Declaration of candidacy forms shall be prepared by the clerk using the form in Chapter 72, Section 9 at least 40 days before the election. The declaration shall have spaces for the following: the candidate's full name; the office for which the candidate is running; that the candidate is a qualified city voter and has been a resident of the city for the required length of time for the office sought; the date the declaration is filed; and a statement that if elected, the candidate will serve the full term of office.
- B. A person shall not be a candidate for more than one elected city office at a time.
- C. The clerk shall review and keep the completed declarations of candidacy in the city files.
- D. Within four business days after a candidate files a declaration of candidacy the clerk shall either notify the candidate that it is in proper form, or return it to the candidate with a statement certifying how it is deficient.

#### Section 8. Declaration of candidacy – Filing.

A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the clerk. Declarations of candidacy may be filed no sooner than 40 days and no later than 15 days before the election.

#### Section 9. Determination of eligibility of candidate.

- A. The clerk shall determine whether each candidate for office is qualified as provided by law. The clerk may disqualify any candidate whom the clerk finds is not qualified during the declaration of candidacy period as established in Section 8 of this chapter. If a candidate is not qualified but the candidacy period has passed and ballots have not been printed, the clerk shall not include the candidate on the ballot. If a candidate is not qualified but the candidacy period has passed and absentee ballots have been distributed the city council shall make a determination at the canvass committee meeting.
- B. Any person, including the clerk, may question the eligibility of a candidate who has filed a declaration of candidacy by filing a complaint with the clerk.
- C. The complaint must be in writing and include the name, mailing address, contact phone number, signature of the person making the complaint, and a statement describing the grounds on which the candidate's eligibility is being questioned.
- D. The clerk will review only those issues in the complaint related to candidate qualifications.
- E. Upon receipt of a complaint, or if the clerk questions the eligibility of the candidate, the clerk will send notification in writing to the candidate.
- F. The clerk shall review any evidence relevant to the candidate's qualifications, including, but not limited to, the candidate's residency, voter registration, declaration of candidacy, and any other document of public record or as required to be a qualified city voter. Based on the review of the documents, the clerk will determine whether a preponderance of evidence supports or does not support the eligibility of the candidate.
- G. If the clerk determines the preponderance of evidence supports the eligibility of the candidate, the clerk will issue a final determination supporting the candidate's eligibility.
- H. If the clerk determines the preponderance of evidence does not support the candidate's eligibility, notice to the candidate will identify any additional information or evidence that must be provided by the candidate. The clerk must receive the requested information no later than three calendar days from the date of notice, the burden is placed upon the person making the complaint to ensure it reaches the clerk in time. The clerk will consider any additional information provided and issue a final determination as to the candidate's eligibility no later than three calendar days from receipt of the additional

information.

- I. If the information requested by the clerk in subsection (H) of this section is not received by the specified deadline, the clerk will issue a final determination regarding the candidate's eligibility based on the information initially reviewed.
- J. The clerk will send notice of final determination in writing to the person making the complaint, if applicable, and to the candidate. The determination of the clerk is final.

#### Section 10. Declaration of candidacy – Withdrawal.

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

#### Section 11. Ballots – Form.

- A. The clerk shall design the ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of the election. The ballots shall:
  1. Be printed on plain white paper, stating at the top whether the election is regular or special.
  2. Include instructions on how to mark the ballots.
  3. List the offices for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office, listed in any order, and by a blank line or lines for write-in candidates. In regular and special elections, the number of blank lines provided for each office shall be equal to the number of persons who are to be elected to the office. A blank line or box for marking a vote shall be located next to each name and each blank line.
  4. List the questions or propositions to be voted on, if any. Each question or proposition shall have two blank lines or boxes next to or following the question or proposition, one marked “Yes” or “For” and the other “No” or “Against” as appropriate.
- B. In preparing the ballot, the clerk shall use the form in Chapter 72, Section 3 as a guide, adding and/or deleting such ballot sections as appropriate.

#### Section 12. Ballots – Preparation.

The clerk shall determine the eligibility of candidates according to Section 9 of this chapter and have ballots typed or printed at least 10 days before the date set for a regular or special election. There shall be at least three ballots, typed or printed on colored paper, with the word “Sample” printed on them, to be posted until election day and then given to the workers at each polling place.

Section 13. Other materials.

- A. At least 10 days prior to the day of the election, the clerk shall prepare or obtain the following materials:
1. An updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;
  2. Tally sheets, an example of which is illustrated the form in Chapter 72, Section 4;
  3. A form for the Report of Preliminary Election Results, prepared using the form in Chapter 72, Section 5;
  4. Envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots, prepared using the form in Chapter 72, Section 6;
  5. Two large envelopes for each polling place, one marked "Spoiled Ballots" and the other marked "Questioned Ballots;"
  6. Copies of the Notice of Election and the city's elections ordinances;
  7. Applications for absentee ballots, prepared in accordance with the form in Chapter 72, Section 7; and
  8. Ballot envelopes and return envelopes for absentee ballots, prepared in accordance with Chapter 69, Section 3.
- B. The clerk shall prepare for each polling place instructions for the guidance of voters covering the following:
1. How to obtain a ballot;
  2. How to mark a ballot;
  3. How to obtain additional information; and
  4. How to obtain a new ballot to replace any ballot destroyed or spoiled.

## CHAPTER 68

### ELECTION DAY PROCEDURES

#### Sections:

1. Distribution of ballots
2. Distribution of other election materials
3. Voting general procedure
4. Voting spoiled ballots
5. Voting questioned ballots
6. Voting absentee voters
7. Return of spoiled and unused ballots
8. Ballot count commencement
9. Ballot count watchers
10. Ballot count general procedure
11. Ballot count rules
12. Ballot count completion

#### Section 1. Distribution of ballots.

- A. Before the polls open on election day, the clerk shall deliver the ballots and sample ballots prepared pursuant to Chapter 67, Section 12 to an election worker at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election worker to which the package is delivered and given to the clerk. No ballots shall be taken from the polling place before the closing of the polls.
- B. The clerk shall keep the following records;
  1. The number of ballots delivered to the polling place;
  2. The name of the election worker to whom the ballots are delivered; and
  3. The time the ballots are delivered; and
  4. The receipt given for the ballots by the election worker.
- C. When the ballots are returned, the clerk shall record the following:
  1. The number of the ballots returned;
  2. The time when the ballots are returned;
  3. The name of the election worker returning the ballots; and
  4. The condition of the ballots.

#### Section 2. Distribution of other election materials.

- A. On election day, the clerk shall also furnish the election workers at each polling place with a voting booth and ballot box (with lock or sealing materials); and the following materials prepared pursuant to Chapter 67, Section 13: the updated Master Voter

Registration List; envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots; an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots; copies of the Notice of Election, the city's elections ordinances, a sufficient number of Instruction Sheets; and a sufficient supply of pens and envelopes.

- B. The clerk shall supply the election worker chairperson with tally sheets and forms for the Report of Preliminary Election Results, either before or on election day.
- C. Workers shall report to the polling place 30 minutes before the opening of the polls. Before the first ballot is cast, the workers will inspect the ballot box to make sure it is empty and then seal it or lock it and not open it until after the final ballot is cast and the polls have closed.

### Section 3. Voting – General procedure

- A. A voter shall give the workers or clerks his name, and sign his name on the Master Voter Registration list. The signing of the register is a declaration by the voter that he is qualified to vote. If the voter is not known to any worker or clerk present, the worker or clerk shall require the voter to produce a state voter registration card or other identification. If, in the opinion of the worker or clerk, there is doubt as to whether the person is registered to vote, the worker shall immediately challenge the voter.
- B. If the voter is not challenged, the worker or clerk shall give the voter a single ballot. The voter shall then retire alone to a voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for that purpose. The voter also shall mark the boxes to indicate his vote for or against questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner to maintain secrecy, and deposit the ballot in the ballot box.
- C. If a voter is challenged, the voter may cast a questioned ballot pursuant to Section 5 of this chapter.

### Section 4. Voting -- spoiled ballots.

If a voter improperly marks or otherwise damages a ballot, and discovers his mistake before the ballot is placed into the ballot box, he shall return it to the election officials, concealing from view the manner in which it is marked, and request a new ballot. The election official shall write the words "Spoiled Ballot" on the outside of the folded ballot, and place it in an envelope with the other spoiled ballots for return to the city clerk. The worker or clerk shall then issue a new ballot to the voter as provided in Section 3 (A) of this chapter. A voter may request replacement of a spoiled ballot no more than three (3) times.

#### Section 5. Voting – Questioned ballots.

- A. If a voter's name is not on the Master Voter Registration List or a voter's eligibility to vote is challenged or there is some other question regarding a voter's eligibility, and the voter believes that he or she is registered and eligible to vote, then the voter shall sign an envelope bearing the Oath and Affidavit of Eligibility and cast a questioned ballot.
- B. To cast a questioned ballot, a voter shall sign the register and be given a ballot as provided in Section 3 (A) and (B) of this chapter, except that the ballot shall not be placed into the ballot box.
- C. The questioned voter will insert the ballot into the blank envelope and seal it. This envelope shall be placed in the signed oath and affidavit envelope. The oath and affidavit envelope shall be sealed and inserted into a larger envelope with other questioned ballots. The large envelope containing all the questioned ballots cast at the polling place shall be delivered to the city clerk when the polls close. The clerk shall give the election board a receipt listing the total number of questioned ballots delivered and the names of the persons who cast them.
- D. The city clerk shall present the envelope containing all of the sealed oath and affidavit envelopes containing the questioned ballots to the city council at the meeting held pursuant to Chapter 70, Section 2.

#### Section 6. Voting --Absentee voters.

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

#### Section 7. Return of unused and spoiled ballots.

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

#### Section 8. Ballot count -- Commencement.

- A. When the polls are closed and the last vote has been cast, the election board and clerks shall immediately open the ballot box and count the ballots to determine whether the total

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

- B. All aspects of the ballot count, including the opening of the ballot box, the counting of the ballots in the box, and the tallying of the votes, shall be done in public and in full view of all persons present. The public may not be excluded from the area in which these activities are conducted; provided, however, that the workers shall not permit any person to in any way interfere with or distract the election officials from the performance of their duties.
- C. In all cases the election board shall cause the count to be continued without adjournment until the count is complete.

#### Section 9. Ballot count --Watchers.

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

#### Section 10. Ballot count – General procedure.

- A. The clerk may issue rules prescribing the manner in which the ballot count is accomplished so as to assure accuracy in the count and to expedite the process.
- B. The election board shall account for all ballots by specifying on tally sheets (1) the number of ballots received from the clerk; (2) the number of ballots voted; (3) the number of spoiled ballots returned to the clerk; (4) the number of questioned ballots delivered to the clerk; and (5) the number of unused ballots returned to the clerk.
- C. The election board shall count the ballots in a manner that allows watchers to see the ballots when opened and read.
- D. No person other than appointed election worker and clerks who have executed the oath provided by Chapter 66, Section 6 shall be permitted to handle the ballots. No person handling any ballot after it has been taken from the ballot box and before it is sealed in

the package with the other ballots at the conclusion of the board's ballot count may have a marking device in hand or remove a ballot from the immediate vicinity in which the ballots are being counted.

Section 11. Ballot count -- Rules.

- A. The election board shall count the ballots according to the following rules:
1. A voter may mark his ballot with any marks that are clearly spaced in the space opposite the name of the candidate or choice the voter desires to designate. The voter's mark shall be counted only if it is substantially inside the space provided, or touching the space so as to indicate clearly that the voter intended the particular square to be designated.
  2. A voter is not required to cast a vote for every office or on every proposition included on the ballot. No vote shall be tallied for those offices or propositions for which no choice is marked by the voter.
  3. A failure to properly mark a ballot as to one or more offices or propositions does not itself invalidate the entire ballot.
  4. If a voter marks fewer names than there are persons to be elected to an office, a vote shall be counted for each candidate properly marked.
  5. If a voter marks more names than there are persons to be elected to any office, no vote shall be counted for any candidate for that office shall be counted. If a voter marks both "for" and "against" or "yes" and "no" for a proposition or question, no vote on that proposition or question shall be recorded.
  6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.
  7. An erasure or correction invalidates only that section of the ballot in which it appears.
  8. In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided and mark the space opposite the candidate's name in accordance with (1) of this subsection. A write-in vote is not invalidated by writing in the name of a candidate whose name is printed on the ballot.
- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
- C. The Chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection (A) of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.
- D. If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and specify

the portion or portions of the ballot to which the objection applies.

- E. All defective ballots and all ballots objected to shall be sealed in a single envelope marked “Defective Ballots,” which shall be delivered to the city clerk.
- F. All decisions regarding the validity of all or any portion of a ballot or any other question arising during the course of the election or the ballot count shall be made by majority vote of the election workers.

Section 12. Ballot Count – Completion.

When the count of ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results, Chapter 72, Section 5. The report includes the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information prescribed by the clerk. Both copies of the certificate shall be signed by each election worker. The election board shall, immediately upon completion of the certificate, deliver to the clerk one of the two original certificates, the Master Voter Registration List, the tally sheets, the envelope containing the defective and objected-to ballots, and other election documents in one sealed package and, in a separate sealed package, all ballots properly cast.

## CHAPTER 69

### ABSENTEE VOTING

#### Sections:

1. Persons eligible
2. Ballot application; filing
3. Ballot and envelope form

#### Section 1. Persons Eligible.

Any qualified voter may cast an absentee ballot. An absentee ballot may be obtained by application to the clerk.

#### Section 2. Ballot application; Filing.

- A. A person who is eligible to cast an absentee ballot may apply to the clerk in person or by mail for a ballot. Applications for absentee ballots shall be made using the form in Chapter 72, Section 7 or by letter containing all of the information required to complete that form.
- B. An application made by mail must be received by the clerk not more than forty days and not less than three days before the day of the election. An application made in person must be filed with the clerk not more than forty days before the day of the election and no later than noon on the day preceding the election.
- C. Upon timely receipt of application for an absentee ballot, the clerk shall file the application and then verify the residence of the applicant by any means the clerk deems proper.

#### Section 3. Ballot and envelope form.

The ballot provided to absentee voters shall be identical to the ballots to be used on election day. The ballot envelope and the return envelope shall be designed to protect the secrecy of the ballot. The ballot envelope shall be marked "Ballot Envelope" and have no other marks upon it. The material set out using the form in Chapter 72, Section 8 shall be printed on the return envelope.

#### Section 4. Absentee voting procedure.

- A. The clerk shall provide each eligible absentee voter with an official ballot together with a ballot envelope and a prepaid return envelope. The ballot provided to absentee voters shall be identical to the ballot prepared for regular voters.
- B. The clerk shall not issue an absentee ballot sooner than 10 days before the election.

- C. The clerk may deliver an absentee ballot to a disabled person living within the city at any time until the polls close on election day.
- D. Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the clerk shall enter in the blank register the following information: the name of the voter to whom the ballot was issued, and the date on which the ballot was issued.
- E. If the absentee voter's ballot is personally delivered, the absentee voter shall secretly mark the ballot in the presence of the clerk, in a manner which permits the clerk to be certain that the voter personally marked the ballot, but which does not permit the clerk to see how the voter votes. The voter shall fold the ballot and seal it in the ballot envelope, and seal the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the face of the return envelope and deliver it to the clerk. The clerk shall certify to the affidavit on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the council for canvassing.
- F. Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear at the office of the city clerk, and there cast his ballot in the following manner: The voter first shall show the city clerk that his ballot has not been marked, then shall mark the ballot with pen and ink in the presence of the city clerk, in such a manner that the city clerk cannot see how it is marked. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the face of the return envelope, and deliver it, properly sealed, to the city clerk. The city clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the council for canvassing.
- G. At any time on or before the day of the election, any voter issued an absentee ballot may appear before any person authorized by law to administer oaths, and in the presence of such officer cast his ballot in the same manner he would cast it in the office of the city clerk under this section. After writing or stamping his name on the return envelope, the officer shall return it to the voter who shall mail it to the city clerk.
- H. To be counted, an absentee ballot must be postmarked on or before the date of the election, or returned to the clerk before the close of the polls on election day. An absentee ballot received by the city clerk after the time at which the clerk delivers the ballots to the council for canvass shall not be counted.

## CHAPTER 70

### POST-ELECTION PROCEDURE

#### Sections:

1. Posting result certificate
2. Final canvass by city council
3. Determine the winner
4. Recounts
5. Contest
6. Contest – appeal
7. Preservation of election material

#### Section 1. Posting result certificate.

The clerk shall post copies of the Report of Preliminary Election Results using the form in Chapter 72, Section 5 and a Notification of Special Meeting using the form in Chapter 72, Section 13 in three public places the day after the election results are known. The notice shall include:

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

#### Section 2. Final canvass by city council.

- A. The city council shall meet on the first Friday after the election and canvass all absentee ballots received after the close of the polls, and all questioned and defective ballots cast in the election. If the council is unable to obtain a quorum or complete the count on the Friday after the election, the canvass will be continued the following day and each day thereafter until completed.
- B. The city clerk shall submit to the council the election board's Report of Preliminary Election Results, the Master Voter Registration list, all regular ballots, oath and affidavit envelopes containing questioned ballots, defective ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials.
- C. The council shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the council may request the assistance of the clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the council's decision.

If the council determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the council upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.

- D. The ballot envelopes containing the absentee ballots shall be opened, and the ballots placed with the questioned ballots which the council has determined should be counted.
- E. The council, with the assistance of the clerk, shall count the votes of the questioned and absentee ballots collected pursuant to subsections (C) and (D) of this section.
- F. Council members shall examine the defective ballots to see whether the ballot should be counted and, if so, whether they can determine for whom the voter intended to vote.
- G. After a final determination is made by the council, the election results shall be read into the minutes. The statement of results read into the minutes shall include the following:
  - 1. the total number of ballots cast at the election;
  - 2. for each office voted on;
  - 3. the name of the office, the names of the candidates (including write-in candidates) voted for, and the number of votes cast for each;
  - 4. each proposition or question voted on, and the number of votes cast for and against each;
  - 5. the disposition of all questioned and defective ballots; and
  - 6. any other matter which the council deems necessary to preserve a complete record of the election.
- H. The clerk shall provide Certificate of Election forms to the council for each office and each proposition or question presented at the election. Such forms are illustrated by using the form in Chapter 72, Section 10 and 11. When the council has made its final determination, the clerk shall fill out, and the clerk and mayor shall sign, two certificates of election for each office, proposition, or question considered. One original of each Certificate of Election shall be given the successful candidate or the sponsor of the successful questions or propositions named thereon, and the other original of each certificate shall be kept by the city. The clerk shall post a copy of the signed Certificate of Election for public inspection.
- I. The clerk shall, within ten days after the election, prepare and mail to each voter whose ballot was rejected a summary of the reason the ballot was not counted.

### Section 3. Determine the winner.

- A. The candidate receiving the greatest number of votes for office shall be declared the winner of the election for that office.
- B. In the event of a tie vote, and after the recount of ballots that confirms the tie vote, the

council shall, in its first meeting after the election, call in the candidates receiving the tie votes and have the candidates draw straws or flip a coin to determine the winner. If one or more of the tied candidates does not appear before the council, the mayor shall direct the clerk or other non-interested person to draw straws or flip a coin to determine the winner.

#### Section 4. Recounts.

- A. A qualified voter who believes that a mistake has been made by an election official or by the council in counting or tabulating the votes in any election may make an application in writing to the council for a recount of the votes for any particular office or on any particular question. The application must be filed with the city clerk within twenty-four hours, excluding any Saturday, Sunday or holiday, after the council declares the results of the vote being questioned.
- B. The person or persons applying for a recount shall pay to the city any expenses or costs incurred in the recount if the difference between the winning and a losing vote on the result contested is more than two percent, if the recount fails to reverse any result of the election.
- C. The council shall begin the recount within twenty-four hours after receiving the application, excluding any Saturday, Sunday or holiday, shall proceed with it as rapidly as practicable, and shall declare the results thereof. The city clerk shall promptly issue another election certificate if a change in the results requires it.

#### Section 5. Contest.

- A. Any defeated candidate or any qualified voters who believe that prohibited practices have occurred, or that the election was conducted in a manner which did not comply with the requirements of this chapter and which affected the outcome with the requirements of this election, may contest the election by filing an Affidavit of Election Contest using the form in Chapter 72, Section 12 with the city clerk before or at the council meeting at which the ballots are canvassed, prior to the issuance of the Certificates of Election. The name of the person(s) contesting the election, the reason for the contest, and the council's decision shall be entered into the minutes of the meeting.
- B. The council may order an investigation or a recount of the ballots or declare the election, as to one or more offices or propositions or in its entirety, invalid, and order a new election.

Section 6. Contest – Appeal.

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

Section 7. Preservation of election material.

The clerk shall preserve all election certificates, tallies and registers, all voted ballots and declarations of candidacy for one year after the election. These materials may be destroyed after their retention period has lapsed unless an application for a recount has been filed and the recount has not been completed, or unless their destruction is stayed by an order of the court. Certificates of the canvass board are to be preserved as permanent records.

## CHAPTER 71

### INITIATIVE, REFERENDUM, AND RECALL

#### Sections:

1. Initiative and referendum
2. Recall
3. Petition application
4. Petition preparation
5. Petition circulation and filing
6. Petition certification; protest
7. Election

#### Section 1. Initiative and referendum.

- A. The powers of initiative and referendum may be exercised by city residents as provided by this chapter or otherwise in accordance with state law.
- B. The powers of initiative and referendum do not extend to matters restricted by Section 71 Article XI of the State Constitution. That section provides: "The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety."
- C. An application for an initiative or referendum petition shall be prepared, filed, and certified as provided in this section and section 3.
- D. A petition for initiative or referendum shall be prepared, filed, and certified as provided in this section and Sections 4 through 6.
- E. An application for initiative petition, and a petition for initiative, shall:
  1. embrace only a single comprehensive subject not restricted by subsection (B) of this section; and
  2. relate to a legislative rather than to an administrative matter.
- F. An application for initiative or referendum petition shall set out fully the ordinance or resolution sought to be enacted or referred. A petition for initiative or referendum shall set out fully the ordinance or resolution sought to be enacted or referred, and, in addition, shall set out a summary of the ordinance or resolution sought to be initiated or referred.
- G. When the clerk certifies as sufficient an initiative petition which seeks enactment of an

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

- H. Unless the council adopts substantially the same ordinance or resolution proposed in an initiative petition, or repeals the ordinance or resolution against which a referendum petition is directed, the clerk shall submit the matter to the voters at the next regular election occurring no sooner than 45 days after certification of the election.
- I. If the council adopts substantially the same ordinance or resolution proposed by an initiative petition, or repeals the ordinance or resolution proposed by a referendum petition to be repealed, the petition is void and an election shall not be held on the matter initiated or referred.
- J. The ordinance or resolution proposed by the petition to be enacted or repealed shall be published in full in the notice of election but may be summarized on the ballot to indicate clearly the proposal submitted.
- K. If a majority of those voting favor an initiated ordinance or resolution, it becomes effective upon certification of the election, unless a different effective date is provided in the ordinance or resolution. If a majority of those voting favor the repeal of a referred ordinance or resolution, it is repealed effective upon certification of the election; otherwise, the matter referred remains in effect, or, if it has been suspended, becomes effective upon certification of the election.
- L. If a sufficient petition for referendum is filed before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension the council may not enact an ordinance or resolution substantially similar to the suspended measure, but may repeal the suspended ordinance or resolution.
- M. The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition containing substantially the same measure has been filed. The council may not, for a period of two years, adopt legislation substantially similar to an ordinance or resolution repealed in a referendum election or repealed by the council after a petition containing substantially the same measure has been filed.
- N. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified.

## Section 2. Recall.

- A. Any official elected or appointed to an elective municipal office may be recalled by the voters after he or she has served 120 days of the term for which elected or appointed.
- B. Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties.
- C. An application for a recall petition shall be prepared, filed, and certified as provided in this Section and Section 3.
- D. A petition for recall shall be prepared, filed, and certified as provided in this section and Sections 4 through 7.
- E. A petition for recall may not be filed or supplemented within 180 days before the end of the term of office of the official sought to be recalled.
- F. An application for a recall petition, and a recall petition, shall each contain:
  - 1. the name (s) of the officer or officers to be recalled, and
  - 2. a statement in 200 words or less of the grounds for the recall, stated with particularity.
- G. A recall ballot shall contain:
  - 1. the grounds for recall as stated in the recall petition;
  - 2. a statement of 200 words or less by each officer who is subject to recall, if such a statement is filed with the clerk for publication and public inspection at least 20 days before the election;
  - 3. the following question: “Shall (name of person) be recalled from the office of (Office)? Yes [ ] No [ ]”.
- H. If a vacancy occurs in the office for which a recall petition has been filed, prior to the date of the recall election, the petition shall not be submitted to the voters.
- I. If an official is recalled from the governing body, the office of that official shall be filled in accordance with filling a vacancy on the city council, except that the official being recalled may not be reappointed to the governing body.
- J. If all members of the governing body are recalled, the governor shall appoint three qualified persons to the governing body. The appointees shall appoint additional members to fill remaining vacancies in accordance with A.S. 29.26.350.

## Section 3. Petition – Application.

- A. A petition for initiative, referendum, or recall is proposed by filing an application with the clerk.
- B. An application shall contain:

1. the matters required by Section 1 (E) and (F) or Section 2 (F);
  2. the address to which all correspondence relating to the proposed petition may be sent
  3. the signatures and residence addresses of 10 qualified voters who will sponsor the petition.
- C. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk.
- D. Within two weeks after the filing of the application, the clerk shall certify the application if the clerk finds that the application complies with this section and either Section 1 (E) and (F) or Section 2 (F), as appropriate. An application for initiative petition shall not be certified unless the clerk finds in addition that it would be enforceable as a matter of law.

#### Section 4. Petition – Preparation.

- A. Within two weeks after certification of an application for petition, the clerk shall prepare a petition.
- B. Each copy of the petition shall contain, in addition to the items specified in Section 1 (F) or Section 2 (F), the following:
1. The date on which the petition is issued by the clerk;
  2. (a) if the petition is an initiative or referendum petition, notice that the signatures on the petition must be secured within 90 days from the date the petition is issued; or (b) if the petition is a recall petition, notice that the signatures on the petition must be secured within 60 days from the date the petition is issued;
  3. spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;
  4. a statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and
  5. space for indicating the total number of signatures on the petition.
- C. If the petition consists of more than one page, each page shall contain the summary of the ordinance or resolution to be initiated, the ordinance or resolution to be referred, or the name(s) of the officer(s) to be recalled.
- D. Copies of the petition shall be provided to each sponsor by the clerk.

#### Section 5. Petition – Circulation and filing.

- A. The clerk shall determine the number of signatures required on a petition and inform each sponsor. The petition shall be signed by a number of qualified voters equal in number to 25 percent of the number of votes cast in the last regular election held in the

city before the petition was issued.

- B. The signatures on an initiative or referendum petition shall be secured within 90 days after the date the clerk issues the petition. The signatures on a recall petition shall be secured within 60 days after the date the clerk issues the petition. Signatures shall be in ink or indelible pencil.
- C. When signing a petition, each voter shall, after his or her signature, print his or her name and write or print the date of signing the petition and his or her residence and mailing address.
- D. All copies of a petition shall be assembled and filed with the clerk as a single instrument.
- E. An initiative or referendum petition may not be filed if a substantially similar petition has been defeated by the voters within the preceding six months. A recall petition may not be filed if a petition seeking the recall of the same official has been defeated by the voters within the preceding six months.

Section 6. Petition --certification; protest.

- A. When a petition has been filed, the clerk shall within 10 days certify on the petition whether it is sufficient, and, if it is insufficient, identify the insufficiency and notify the sponsors at the address provided on the petition by certified mail.
- B. To determine whether the petition is sufficient, the clerk shall first determine whether the petition complies with the applicable requirements of Sections 1 through 5. In determining whether the petition bears the required number of signatures, illegible signatures shall not be counted unless accompanied by a legible printed name, and signatures not accompanied by a legible residence address shall not be counted. The clerk shall count only those signatures which can be determined, from the information on the petition and other information known or available to the clerk, to be the signatures of qualified voters. Illegible signatures, unless accompanied by a legible printed name, shall be rejected by the clerk. The clerk shall certify on the petition within 10 days of the filing date whether it is accepted or rejected. Until the petition is accepted, a petition signer may withdraw his or her signature upon written application to the clerk.
- C. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected. A recall petition may not be supplemented unless it contains an adequate number of signatures, counting both valid and invalid signatures.
- D. A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under subsection (C) of this section within 10 days after a supplementary filing, the clerk shall recertify the petition. If it is still insufficient, the petition is

rejected and filed as a public record.

- E. Failure to secure sufficient signatures does not preclude the filing of a new initiative, referendum, or recall petition. However, a new initiative or referendum petition seeking to enact or repeal substantially the same measure, or a new application for a petition to recall the same official, may not be filed sooner than six months after a petition is rejected as insufficient.
- F. If the clerk certifies the petition as being insufficient, a signer of the petition may file a protest with the mayor within seven days after the certification. The mayor shall then present the protest to the council at the next regular meeting for hearing and decision of the protest.
- G. If the clerk certifies an initiative or referendum or recall petition as sufficient, the clerk shall immediately submit it to the council at the next regular meeting or at a special meeting held before the next regular meeting.

#### Section 7. Election.

- A. If a regular election or previously scheduled special election occurs within 75 days of the clerk's submission of a certified sufficient petition, the council shall submit the issue raised by the petition at that election.
- B. If no regular election or previously scheduled special election will occur within 75 days of the clerk's submission of a petition, the council shall hold a special election within 75 days of submission.
- C. Procedures for conducting an initiative, referendum, or recall election are those of a regular election.
- D. If a majority of those voting favor the proposal, it becomes effective when the election results are officially declared.

## CHAPTER 72

### ELECTION FORMS

#### Sections:

1. Oath of election official
2. Notice of election
3. Official ballot
4. Tally sheet
5. Report of preliminary election results
6. Oath and affidavit of eligibility
7. Application for absentee ballot
8. Absentee ballot return envelope
9. Declaration of candidacy
10. Certificate of election --officer
11. Certificate of election --ballot proposition
12. Affidavit of election contest
13. Notification of special meeting – final canvass and certification of election
14. Ballot Instructions

Section 1. Oath of Election Official.

City of Huslia  
OATH OF ELECTION OFFICIAL

I, \_\_\_\_\_, do solemnly swear (affirm) that:

I will honestly, faithfully, and impartially perform the duties of election worker to the best of my ability;

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

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

SIGNED: \_\_\_\_\_  
Election Worker or Clerk

Witnessed :

\_\_\_\_\_  
City Clerk

Section 2 Notice of Election.

City of Huslia, Alaska

NOTICE OF ELECTION

NOTICE: A regular (special) election will be held in the City of Huslia on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ for the purpose of filling three (3) seats on the City Council, as follows:

City Council Seat \_\_\_\_\_, 3-year term

City Council Seat \_\_\_\_\_, 3-year term

City Council Seat \_\_\_\_\_, 3-year term

The polls will be located at: \_\_\_\_\_

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

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

Candidates for office must file a Declaration of Candidacy form with the City Clerk no later than \_\_\_\_\_, 20\_\_\_\_\_. Declaration of Candidacy forms may be obtained from the City Clerk at the city offices from 9:00 a.m. to 5:00 p.m., Mondays through Fridays.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
City Clerk

[City  
Seal]

Section 3. Official Ballot

City of Huslia, Alaska

OFFICIAL BALLOT

Regular Election of October \_\_\_\_, 20\_\_

Mark your votes by making an "X" mark in the space next to each candidate or choice you wish to vote for. To vote for a person whose name is not printed on the ballot, write his or her name in the blank space and place a mark in the space provided. If you make a mistake or change your mind, DO NOT erase or cross out any mark you have made. Your vote cannot be counted if there is any erasure or correction. Instead, fold this ballot and give it back to the election worker or clerk. You will be given another ballot.

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

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

---

CITY COUNCIL SEAT E  
(Vote for one only)

Joe Smith.....\_\_\_\_\_

Irene Candidate.....\_\_\_\_\_

Fred Friendly.....\_\_\_\_\_

\_\_\_\_\_  
(Write-in)

CITY COUNCIL SEAT F  
(Vote for one only)

Arnold Jones, Sr.....\_\_\_\_\_

Bill Brown.....\_\_\_\_\_

\_\_\_\_\_  
(Write-in)

CITY COUNCIL SEAT G  
(Vote for one only)

Martha Mitchell.....\_\_\_\_\_

Jim John, Jr.....\_\_\_\_\_

\_\_\_\_\_  
(Write-in)

INITIATIVE 06-1

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

For.....\_\_\_\_\_

Against.....\_\_\_\_\_

Prepared by \_\_\_\_\_, City Clerk

Section 4. Tally Sheet

City of Huslia  
TALLY SHEET

Election Date: \_\_\_\_\_ Date of Vote Count: \_\_\_\_\_

Number of ballots:

- |  |       |     |
|--|-------|-----|
| 1) Received from City Clerk:               | _____ | 100 |
| 2) Voted:                                  | _____ | 40  |
| 3) Spoiled and returned to City Clerk:     | _____ | 5   |
| 4) Questioned and delivered to City Clerk: | _____ | 5   |
| 5) Unused and returned to City Clerk:      | _____ | 50  |

Candidate	Votes as Counted	Votes
COUNCIL SEAT <u>E</u> :		
Joe Smith _____	IIII II _____	7 _____
Irene Candidate _____	IIII _____	5 _____
Fred Friendly _____	II _____	2 _____
_____	_____	_____
_____	_____	_____
(No vote for this seat)	_____	_____
		Total: _____

COUNCIL SEAT _____:		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(No vote for this seat)	_____	_____

COUNCIL SEAT \_\_\_\_:

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

(No vote for this seat)

Total: \_\_\_\_\_

PROPOSITION/QUESTION \_\_\_\_\_:

For/Yes

Against/No

(No vote for this question)

_____	_____
_____	_____
_____	_____

Total: \_\_\_\_\_

PROPOSITION/QUESTION \_\_\_\_\_:

For/Yes

Against/No

(No vote for this question)

_____	_____
_____	_____
_____	_____

Total: \_\_\_\_\_

Section 5. Report of Preliminary Election Results

City of Huslia, Alaska

REPORT OF PRELIMINARY ELECTION RESULTS

The tally below is a true and accurate record of all regular votes cast in the \_\_\_\_\_  
election held in the City of Huslia , Alaska on \_\_\_\_\_, 20\_\_\_\_.

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

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

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

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

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

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





Section 7. Application for Absentee Ballot.

City of Huslia, Alaska  
APPLICATION FOR ABSENTEE BALLOT

I, \_\_\_\_\_, a qualified voter and resident of the city of Huslia , Alaska hereby apply for an absentee ballot for the city election to be held on \_\_\_\_\_, 20\_\_\_\_\_.

Residence address:

\_\_\_\_\_

Mailing address:

\_\_\_\_\_

(If other than residence address)

Voter identifier, such as voter number, last four social security numbers, date of birth, or driver's license number: \_\_\_\_\_

Address to which absentee ballot should be mailed:

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

PLEASE MAIL THIS APPLICATION TO: Office of the City Clerk, City of Huslia , P.O. Box 10, Huslia, AK 99746

Section 8. Absentee Ballot Return Envelope

City of Huslia, Alaska

STATE OF ALASKA )  
 ) ss.  
UNITED STATES OF AMERICA )

\_\_\_\_\_, deposes and says: I am a resident of and a registered voter in the city of Huslia, Alaska, and I hereby enclose my ballot in compliance with the election ordinance of said city.

\_\_\_\_\_  
(Signature of Voter) (Residence address with City)

Voter identifier, such as voter number, last four social security numbers, date of birth, or driver's license number: \_\_\_\_\_

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

\_\_\_\_\_  
(Official's Signature) (Title of Officer)  
(SEAL)

NOTICE - After receiving this sealed envelope from the person taking your affidavit, when voting outside the office of the Huslia city clerk, you must immediately return it by mail, postage prepaid, to Office of the City Clerk, City of Huslia, P.O. Box 10, Huslia, AK 99746.

Section 9. Declaration of Candidacy

City of Huslia, Alaska  
DECLARATION OF CANDIDACY

\_\_\_\_\_  
Clerk: Insert date of filing

I, \_\_\_\_\_, hereby declare my candidacy for the office of  
(Insert full Name)

\_\_\_\_\_ of the City of Huslia, Alaska. I am a qualified city voter.  
(city council seat)

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

If elected to the above office, I will serve for the full term of \_\_\_\_\_ years,  
(length of term)

Ending on \_\_\_\_\_, 20\_\_\_\_\_.  
(date term of office ends)

I request that my name be printed on the official ballot for the municipal election to be held in the City of Huslia, Alaska on \_\_\_\_\_, 20\_\_\_\_\_.  
(date of election)

Voter identifier, such as voter number, last four social security numbers, date of birth, or driver's license number: \_\_\_\_\_

\_\_\_\_\_  
Signature

Section 10. Certificate of Election- Officer

City of Huslia, Alaska  
CERTIFICATE OF ELECTION – OFFICER

THIS IS TO CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
\_\_\_\_\_ was elected to the office of City  
Councilmember, Seat\_\_\_\_ of the City of Huslia, Alaska, as confirmed by the City Council of the  
City of Huslia upon completion of the final canvass of ballots on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

[City  
Seal]

Section 11. Certificate of Election – Ballot Proposition

City of Huslia, Alaska

CERTIFICATE OF ELECTION – BALLOT PROPOSITION

THIS IS TO CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
The ballot proposition relating to \_\_\_\_\_  
\_\_\_\_\_, a true and correct copy of which is attached  
hereto, was approved by the voters of the City of Huslia, as confirmed by the City Council of the  
City of Huslia, upon completion of the final canvass of ballots on the \_\_\_\_\_ Day of  
\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

[City  
Seal]

Section 12. Affidavit of Election Contest

City of Huslia, Alaska

AFFIDAVIT OF ELECTION CONTEST

STATE OF ALASKA                    )  
  ) ss.  
FOURTH JUDICIAL DISTRICT    )

I believe that prohibited practices occurred at the election held on \_\_\_\_\_, 20\_\_\_\_\_.  
I believe that the following laws were violated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The above provisions of the law were violated in the following manner: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Signature of Person Contesting

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_

[Notary  
Seal]

Section 13. Notification of Special Meeting – Final Canvass and Certification of Election

City of Huslia, Alaska

NOTIFICATION OF SPECIAL MEETING – FINAL CANVASS AND CERTIFICATION OF  
ELECTION

THIS IS TO NOTIFY ANY INTERESTED PERSONS that, on FRIDAY, the \_\_\_\_\_ day of  
OCTOBER, 20\_\_\_\_\_,

The Huslia city council will hold a special meeting to canvass all absentee, questioned, and  
defective ballots received in the election. This is in accordance with Chapter 70, Section 2. If  
the council is unable to obtain a quorum, or complete the count on Friday after the election, the  
canvass will be continued the following day and each day thereafter until complete.

This notice is to be attached to and posted with the Report of Preliminary Election Results in  
accordance with City of Huslia Chapter 70, Section 1.

Section 14. Ballot Instructions

BALLOT INSTRUCTIONS

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

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

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

Place your ballot into the ballot box.

---

CITY COUNCIL SEAT E  
(Vote for one only)

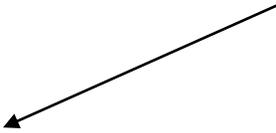
Joe Smith.....\_\_\_\_\_

Irene Candidate..... X

Fred Friendly.....\_\_\_\_\_

\_\_\_\_\_  
(Write-in)

Good. Only  
one mark per  
seat



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

CITY COUNCIL SEAT G  
(Vote for one only)

Stan Smith.....\_\_\_\_\_

Bartholomew Simpson \_\_\_\_\_

Anna Able .. X  
(Write-in)

Good. Write in the  
candidate and place a  
mark indicating your  
choice



CHAPTER 73

(Reserved)