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# CODE OF ORDINANCE

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City of Port Lions

JULY 19, 2019  
CITY OF PORTLIONS  
PO Box 110, Port Lions, AK 99550

# City of Port Lions

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- 1.02 Form of Resolutions and Ordinances
- 1.03 General Penalty
- 1.04 Severability Clause

**Title 1**

**Chapter 1.01**

**General Provision**

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- 1.01.010 Name of Municipality - Form of Government
- 1.01.020 City Limits
- 1.01.030 Grammatical Interpretation
- 1.01.040 Ordinances Included in Code
- 1.01.050 Amendments of Code
- 1.01.060 Supplements or Revisions
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- 1.01.170 Codes of Regulations
- 1.01.180 Formal Acts by Resolutions
- 1.01.190 Resolutions



## City of Port Lions

### 1.01.200 Rules and Regulations

#### **1.01.010 Name of Municipality - Form of Government**

The City of Port Lions shall continue as a municipal corporation under the name: 'The City of Port Lions'.

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

#### **1.01.020 City Limits**

On October 24, 1982, the City of Port Lions submitted a petition for annexation pursuant to 19 AAC 10.450 to the Alaska Department of Community and Regional Affairs.

Pursuant to 19 AAC 10.580., the Local Boundary Commission (Commission) reviewed, amended and approved the petition on December 17, 1982.

Pursuant to AS 29.68.010., the Commission submitted its recommendation for the expansion of the boundaries of the City of Port Lions to the First Session of the Thirteenth Legislature within the first 10 days of the legislative session. Effective March 13, 1983, the Legislature tacitly approved the recommendation pursuant to AS 29.68.010(a).

The post annexation boundaries of the City of Port Lions are described as follows:

Beginning at the northwest corner of the NE ¼ of the SE ¼ of protracted Section 30, T26S, R22W, Seward Meridian (S.M.); thence due south to the Southwest corner of the SE ¼ of the NE ¼ of protracted section 7, T27S, R22W, S.M.; thence due east to the southeast corner of the NW ¼ of protracted Section 9, T27S, R22W, S.M.; thence north to the southeast corner of the SW ¼ of protracted Section 4, T27S, R22W, S.M.; thence due east to the southeast corner of the SW ¼ of protracted Section 3, T27S, R22W, S.M.; thence due north to the southwest corner of the NE ¼ of protracted Section 34, T26S, R22W, S.M.; thence due east to the southeast corner of the NW ¼ of protracted Section 35, T26S, R22W, S.M.; thence due north to the northeast corner of the SW ¼ of protracted Section 26, T26S, R22W, S.M.; thence due west to the northwest corner of the NE ¼ of the SE ¼ of protracted Section 30, T26S, R22W, S.M., the true point of beginning, containing 8.75 square miles more or less; in the Third Judicial District of the State of Alaska.

#### **1.01.030 Grammatical Interpretation**

The following grammatical rules shall apply in the City of Port Lions Municipal Code and the Ordinances of the City:

- A. Gender. Any gender includes the other gender;
- B. Singular and Plural. The singular number includes the plural and plural includes the singular;
- C. Tenses. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable;

D. Use of Words or Phrases. Words or phrases not specifically defined shall be construed according to the context and approved usage of the language;

E. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

**1.01.040 Ordinances Included in Code**

The Mayor, with the assistance of a legal advisor, shall cause each ordinance and resolution having the force and effect of law to be printed as promptly as possible following its adoption in the following manner:

A. Ordinances enacted by the City Council shall be inserted in the City of Port Lions Municipal Code when properly prepared and authenticated by the municipal clerk.

B. Emergency Ordinances and resolutions shall not be included in the City of Port Lions Municipal Code, but 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.

**1.01.050 Amendments of Code**

Amendatory Language

A. All ordinances passed subsequent to this code which amend, repeal or in any way affect this code, may be provided with numbers in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the code by omission from the printed pages affected thereby.

B. Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the section number of this code in the following language: "That section \_\_\_\_\_ of the City of Port Lions Municipal Code is hereby amended to read as follows: ."The provisions shall then be set out in full as desired.

C. 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.

**1.01.060      Supplements or Revisions**

The City of Port Lions Municipal Code shall be supplemented at regular intervals, or if the council deems that supplementation shall be unnecessary, the code shall be reviewed and printed every five years.

**1.01.070      Right of Entry**

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is a reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the City of Port Lions, any authorized official of the Police Department or the Fire Department, may upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; PROVIDED, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours written notice of the authorized officials intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon the issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**1.01.080      Acts of Council**

The council shall act only by ordinance, resolution or order. Laws of a general, uniform and permanent nature shall be reduced to ordinance; laws of a temporary or special character shall be reduced to resolution.

When the council expresses anything by way of command, the form of expressions shall be "ordered"; when it expresses opinions, principles, facts or propositions, the form shall be "resolved".

**1.01.090      Acts Required by Ordinance**

In addition to other actions which Alaska Statute Title 29 requires to be by ordinance, the council shall use ordinances to:

- A. Establish, alter or abolish municipal departments;
- B. Fix the compensation of members of the council;
- C. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- D. Provide for the levying of taxes;
- E. Make appropriations and supplemental appropriations or transfer appropriations;
- F. Grant, renew, or extend a franchise;

- G. Regulate the rate charged by a public utility;
- H. Adopt, modify, or repeal the comprehensive plan, zoning, and subdivision ordinances, building and housing codes, and the official map;
- I. Approve the transfer of a power to a borough from the city;
- J. Designate the borough seat.

**1.01.100 Ordinance Procedure**

A. An ordinance may be presented for consideration only by a member of the council or by the mayor at any regular or special meeting of the council;

1. The proposed ordinance shall be reduced to writing and each council member shall, upon demand, be entitled to receive a copy of the proposed ordinance;
2. Upon presentation to the council, an ordinance shall be rejected, deferred, or accepted as introduced;
3. Upon acceptance, an ordinance shall be set for public hearing by an affirmative vote of a majority of the council members;
4. Promptly after it is set for public hearing, a proposed ordinance shall be published together with a notice of the time and place for the public hearing;
5. The public hearing shall follow the publication by at least five (5) days and may be held at either a regular or special meeting of the council;
6. At the public hearing copies of the ordinance shall be made available to all persons present, or in the alternative, the ordinances shall be read in full;
7. The council shall hear all interested persons wishing to be heard on the proposed ordinance;
8. After the public hearing, the council shall consider the ordinance and adopt it with or without amendment except that if the ordinance is amended after the public hearing as to any matter of major substance it shall be treated as a newly introduced ordinance;
9. The council shall print and make available copies of the adopted ordinances.

B. Ordinances shall take effect upon the adoption or at a later date as specified in the ordinance.

C. As used in this section, the term publish shall mean that the proposed ordinance and notice of hearing shall be posted in four (4) public places, two of which shall be the building where the council commonly meets and the U.S. Post Office Building at least five days prior to the public hearing.

**1.01.110 Ordinance Form and Content**

All ordinances enacted by the council shall be substantially the following form;

- A. The proposed ordinance shall have a heading and number;
- B. Title: A short summary of the ordinance's provisions shall be included in a title at the head of the ordinance. The title shall make reference to any penalties imposed by the ordinance;
- C. Enacting clause: The enacting clause shall read: "BE IT ENACTED BY THE COUNCIL OF THE CITY OF PORT LIONS";
- D. Substantive part of the ordinance: The provisions of the ordinance will follow the enacting clause;
- E. Signatures: Appropriate places shall be provided for the signature of the mayor and the attestation of the City Clerk;
- F. Attestation: The enactment and passage date of the ordinance shall be attested to by the clerk;
- G. Code section numbers: Ordinances which amends, add to or repeal sections of the City of Port Lions Municipal Code shall refer to the code sections by number.

**1.01.120 Emergency Ordinances**

A. To meet a public emergency the council may adopt ordinances effective on adoption. Every emergency ordinance must 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 membership, whichever is less, is required for adoption. The council must print and make available copies of adopted emergency ordinances.

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

C. Emergency ordinances are effective for sixty (60) days.

**1.01.130 Signature**

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

**1.01.140 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.

**1.01.150 Repeal of an Ordinance**

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

**1.01.160 Acts by Agents**

When an act is required by ordinances and the act may be done as well by an agent as by the principal, such requirement shall be construed as to require and include all such acts performed by an authorized agent.

**1.01.170 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 ordinance nor its amendments need be distributed to the public or read in full at the hearings. For a period of fifteen (15) days before the adoption at least five (5) copies of the code must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The council shall provide for the adopted code to be sold to the public.

**1.01.180 Formal Acts by Resolutions**

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

1. The heading "City of Port Lions, Alaska";
2. The space of a number to be assigned - "Resolution No. \_\_\_\_".
3. A short and concise title descriptive of its subject and purpose;
4. Short premises or whereas clauses descriptive of the reasons of the resolution, if necessary;
5. The resolving clause "Be it Resolved:";
6. Provision for signature after the date, and designated lines for the signature of the mayor and clerk; and
7. An attestation.

B. All resolutions adopted by the council whether at the instance of and presented by third parties, or on the motion at the instance of the council, shall conform to the requirements set forth in (A) above.

C. Resolutions shall not be included in any municipal code of ordinances.

**1.01.190 Resolutions**

A. Every resolution shall be introduced in writing and may be orally read. If the resolution is not orally read, ample copies must be available for the public. The reading must be

waived by motion referencing the resolution number and title and approved by a majority vote of the council. (Ord. 13-02, §2, APR-2013)

B. On any vote for passage of the resolution, all persons interested who appear shall be given an opportunity to be heard. After such hearing, the council may finally pass such resolution with or without amendments. First reading of any resolution shall be final and no further passage shall be required.

C. After final passage, every resolution shall be posted in full on the city council bulletin board. Every resolution, unless it shall specify a later date, shall become effective following final passage.

### **1.01.200 Rules and Regulations**

Any rule or regulation made by any administrative officer or board or commission shall be published by posting a copy thereof for ten days following its approval by the city council on the city bulletin board in the city council building.

## **Title 1**

### **Chapter 1.02**

#### **Form of Resolution and Ordinances**

Sections:

- 1.02.010 Language
- 1.02.020 Title
- 1.02.030 Numbering System
- 1.02.040 Signatures
- 1.02.050 Date of Adoption

#### **1.02.010 Language**

Ordinances and Resolutions adopted by the Port Lions City Council shall be written as simply as possible, and in plain English, unless legal form or language is necessary. The Resolution and Ordinance shall include the following language; “the City of Port Lions is an incorporated Second Class City recognized by the State of Alaska and located within the Kodiak Island Borough,” and “the Port Lions City Council is the governing body of the City of Port Lions”. (Ord. 13-02, §2, APR-2013)

#### **1.02.020 Title**

Each ordinance and resolution shall show a brief title which explains the purpose of the Resolution. The title shall be capitalized. (Ord. 13-02, §2, APR-2013)

#### **1.02.030 Numbering System**

Each Ordinance and Resolution shall show a number which indicates the year of adoption and the order of the Ordinance or Resolution, for example; RESOLUTION NO 2013-01 and ORDINANCE NO 2013-01 and so on in sequential order. Ordinances and

Resolutions are established according to a calendar year and NOT by fiscal year. (Ord. 13-02, §2, APR-2013)

**1.02.040 Signatures**

Each ordinance and resolution shall show the signature of the Council member introducing it, Mayor, and City Clerk (attest).

**1.02.050 Date of Adoption**

Each ordinance and resolution shall show the date of adoption (for resolutions), or dates of introduction and public hearing/adoption (for ordinances). Ordinances shall contain wording setting an effective date.

**Title 1**

**Chapter 1.03**

**General Penalty**

Sections:

1.03.010 General Penalty

1.03.020 Aiding and Abetting

**1.03.010 General Penalty**

Every act prohibited by the ordinances of this city is unlawful. Unless another penalty is expressly provided by an ordinance, every person convicted of a violation of any of the ordinances of this city, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

**1.03.020 Aiding and Abetting**

The prohibition of any act in the ordinances of this city, and in any rule or regulation adopted thereunder shall include the causing, securing, aiding and abetting of another person to do such act.

**Title 1**

**Chapter 1.04**

**Severability Clause**

Sections:

1.04.010 Severability

**1.04.010 Severability.**

Any ordinance for the City of Port Lions enacted before or after this ordinance and which does not have a severability clause shall be considered to include the following languages: "If any provision of this ordinance, or the application of any provision to any



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person or circumstance is held invalid, the remainder of the ordinance and the application to other persons or circumstances shall not be affected by any such holding."

**Title 2 City Administration**  
Chapters

- 2.01 Providing for City Council
- 2.02 Providing for Mayor
- 2.03 Amending Mayor's Term and Compensation
- 2.04 City Council Meetings
- 2.05 Providing for Council Procedures
- 2.06 Providing for Office of City Clerk/Treasurer
- 2.07 Allowing Combination of Police and Fire Chief

**Title 2**

**Chapter 2.01**

**City Council**

Sections:

- 2.01.010 City Council Composition
- 2.01.020 Qualifications of Council Members
- 2.01.030 Election of Council Members - Terms
- 2.01.040 Oath of Office
- 2.01.050 Compensation of Council Members
- 2.01.060 Conflict of Interest
- 2.01.070 Vacancies

**2.01.010 City Council Composition.**

The council shall consist of seven members elected by the voters at large. However, the city council may at any time by ordinance provide for election of members other than on at-large basis for all members.

**2.01.020 Qualifications of Council Members.**

The council members shall be qualified electors of the city. A council member who ceases to be eligible to be a city voter immediately forfeits his office.

**2.01.030 Election of Council Members - Terms.**

An election is held annually on the first Tuesday of October, to choose council members for three year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following the election.

The Council may provide by ordinance for different terms not to exceed four years, except that the current terms of incumbent council members shall not be altered.

**2.01.040 Oath of Office.**

All council members elected or appointed shall before entering upon the duties of their offices affirm in writing the following oath and affirmation:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the laws and ordinances of the City of Port Lions, and that I will faithfully discharge my duties as Council Member to the best of my ability."

This Oath shall be filed with the city clerk

**2.01.050 Compensation of Council Members.**

Each member of the council shall receive no compensation. No compensation shall be paid for attending special meetings of the council. The salary or compensation of a council member shall not be reduced during his terms in office.

**2.01.060 Conflicts of Interest.**

A council member or other officer of the city shall disqualify himself from participating in any official action in which he has a substantial financial interest.

**2.01.070 Vacancies.**

An elected city office is vacated under the following conditions. The council shall declare an elective office 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 a ninety day period, 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;
- E. Is removed from office;
- F. Misses three consecutive regular meetings unless excused; or
- G. Is convicted of a felony or of an offense involving a violation of his oath of office.

**2.01.080 Filling a Vacancy.**

If a vacancy occurs in the council, the council shall by vote of a majority of its remaining members designate a person to fill the vacancy until the next regular election and until a successor is elected and has qualified.

**Title 2**

**Chapter 2.02**

## Mayor

### Sections:

- 2.02.010 Mayor as Executive
- 2.02.020 Election and term of Mayor
- 2.02.030 Oath of Office
- 2.02.040 Mayor's Vote
- 2.02.050 Mayor Pro Tempore
- 2.02.060 Vacancy of Office of Mayor
- 2.02.070 Filling a Vacancy
- 2.02.080 Compensation of Mayor

### **2.02.010 Mayor as Executive.**

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

B. The mayor shall:

1. Appoint city employees and administrative officers, except as provided otherwise; except as otherwise provided he may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his department;
2. Suspend or remove by written order city employees and administrative officers, except as provided otherwise;
3. Supervise the enforcement of city law;
4. Supervise the preparation of the annual budget and capital improvement program for the council;
5. Execute the budget and capital program as adopted;
6. Require that monthly financial reports be made to the council on city finances and operations;
7. Report to the council at the end of each fiscal year on the finances and administrative activities of the city;
8. Supervise the preparation and make available for public distribution an annual report on city affairs;
9. Serve as city personnel officer unless the council authorized him to appoint a personnel officer,

10. Execute other powers and duties specified in A.S. Title 29 or lawfully prescribe by the council.

**2.02.020 Election and Term of Mayor**

A. Pursuant to changes in the Alaska Statutes, 29.20.230(b), the City of Port Lions mayor shall be elected by and from the Council for a term of one year and until a successor is elected and has qualified. (Ord. 77-08- §2, JUN-1977)

B. The mayor shall be qualified upon being elected to the Port Lions City Council and having been a resident of the City of Port Lions for at least three (3) years per AS 29.20.240(b).

C. The City Council shall meet on the first Monday after the certification of the regular election and elect a mayor who takes office immediately.

D. The Mayor of a second class city may serve only while a member of the council.

**2.02.030 Oath of Office**

The mayor shall before entering upon the duties of his office affirm in writing the following oath or affirmation: I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the laws and ordinances of the City of Port Lions, and that I will faithfully discharge my duties as Mayor to the best of my ability."

This oath shall be filed with the city clerk.

**2.02.040 Mayor's Vote.**

The mayor as a council member may vote on all matters. The mayor shall have no veto power.

**2.02.050 Deputy Mayor**

In the event of a temporary absence or inability to serve, the Port Lions Deputy Mayor shall act as the chief executive officer of the City. The Deputy Mayor shall be elected by and from the Port Lions City Council at the same meeting at the same meeting in which the Mayor is elected. The Deputy Mayor shall be elected for a term of 1 year. The Deputy Mayor shall be qualified to hold this office upon being elected and sworn in as a member of the Port Lions City Council. In the event of the absence of both the Mayor and the Deputy Mayor the Mayor shall appoint another Council member to act as the Chief Executive Officer representing the City of Port Lions. (Ord. 19-01, §2, FEB-2019)

**2.02.060 Vacancy of the Office of Mayor.**

The office of mayor shall be deemed vacated if the conditions of Title 2 Chapter 01 Section 070 of the Port Lions City Code are met.

**2.02.070 Filling a Vacancy.**

If a vacancy occurs in the office of mayor, the council shall elect one of its number to succeed to the office of mayor.

**2.02.080 Compensation of Mayor.**

The Mayor of the City of Port Lions shall receive a stipend of (\$200.00) \$500.00 per month for duties and work performed each month. The salary or compensation of the mayor shall not be reduced during his term of office. (Ord. 1985-2, §1, 7, 1985; Ord. 1981-1, §2, 2, 1981)

**Title 2**

**Chapter 2.04**

**City Council Meeting**

Sections:

- 2.04.010 Public Meetings
- 2.04.020 Regular Council Meetings
- 2.04.030 Special Meetings
- 2.04.040 Emergency Special Meetings
- 2.04.050 Executive Session
- 2.04.060 Absences

**2.04.010 Public Meetings.**

Except as provided in Section 050 of this Chapter, all city council meetings shall be open to the public;

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

**2.040.020 Regular Council Meetings.**

A. All regular meetings of the council shall be held on the second Thursday of every month at 6:00 p.m.(Ord. 19-02, §2, FEB-2019; Ord. 07-02, §1, NOV-2007; Ord. 03-02, §2, DEC-2003);

B. The usual place of the council meetings shall be at the Community Hall Building; provided, however, that in the event of any condition which renders this meeting place unfit to conduct any regular meeting of the council, the meeting may be moved to a place to be declared by the Mayor or his alternate. (Ord. 07-02, §1, NOV-2007)

C. When the council intends to hold a regular meeting at a public location other than the usual place of the council meeting, the city clerk shall give notice of the council meeting. Such notice shall be published at least three (3) days prior to the scheduled meeting. (Ord. 07-02, §1, NOV-2007)

**2.04.030 Special Meetings.**

Special meetings of the council are those meetings which are called by the city clerk, on the request of the mayor or any two members of the council for a time different than that

fixed for the regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings.

Advance notice of at least twenty-four hours preceding a special meeting shall be given to each council member. The notice shall specify the time, place and subject matter of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice shall be served personally on each member of the council or left at his usual place of business or residence by the city clerk or his designee.

**2.04.040 Meetings - Emergency Special Meetings - Waivers.**

In an emergency, any special meeting shall be a legal meeting if all council members are present, or there is a quorum present and all absent members have waived in writing the required notice. Such waivers may be made before or after the time of the meeting and any waivers may be made a part of the record of the special meeting.

**2.04.050 Executive Session.**

The Council may, at any time, go into an executive session at a public meeting. While in executive session, Council may only discuss those subjects stated in the motion for the session and no ordinance, resolution, or order shall be passed or voted upon or claim allowed at such session. The general public may be excluded from the executive session by a vote of four Council Members. (Ord. 06-02, §1, MAY-2006)

**2.04.060 Absences.**

No member shall absent himself from any meeting except for good and sufficient reason.

**Title 2**

**Chapter 2.05**

**Council Procedure**

Sections:

- 2.05.010 Mayor as Presiding Officer
- 2.05.020 Meeting-Order of Business
- 2.05.030 Minutes
- 2.05.040 Council Rules
- 2.05.050 Motions-Second Required
- 2.05.060 Motions- Dispositions - Withdrawals
- 2.05.070 Motions-Reductions to Writing
- 2.05.080 Motions-Rescinding Vote
- 2.05.090 Quorum-Vote
- 2.05.100 Duties of Clerk at Meetings

**2.05.010 Mayor as Presiding Officer at Council Meetings.**

The mayor shall preside at all meetings of the council. He shall preserve order among the council members, and is responsible for the conduct of all meetings according to the rules of council. He may at any time make such rules as he considers proper to preserve order among the spectators during the sessions of the council.

In the temporary absence or disability of the mayor, or the deputy mayor, any member of the city council may call the council to order at any duly called meeting to elect a president pro tempore from among its number and the president pro tempore shall exercise all the powers of the mayor during such temporary absence or disability of the mayor. The president pro tempore may vote.

**2.05.020 Meeting - 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. Minutes of the previous meeting;
- D. Reports;
- E. Communications and appearance request;
- F. Hearing, Ordinance and Resolution;
- G. Bids;
- H. Old Business;
- I. New Business;
- J. Audience Participation;
- K. Council Comments;
- L. Adjournment

**2.05.030 Minutes.**

Minutes of all regular and special meetings shall be taken. All minutes of regular and special meetings shall be kept in the journal of the proceedings of the council. The minutes are public record and are to be made available to anyone at reasonable times for inspection and copying upon request.

**2.05.040 Council Rules - Speaking - Rules of Conduct.**

A council member about to speak shall respectfully address the mayor or 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.

**2.05.050 Motions - Second Required.**

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

**2.05.060 Motions - Dispositions - Withdrawals.**

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

**2.05.070 Motions - Reductions to Writing.**

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

**2.05.080 Motions - Rescinding Vote.**

Any previous vote on a motion may be rescinded by vote of the majority of the council at any time, provided the subject has not passed out of the control of the council.

**2.05.090 Quorum - Voting.**

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

B. The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote.

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

D. Every member who shall be present when a question is put, where he is not disqualified by personal interest, shall vote, unless the council for special reason permits him to abstain. Applications to be so excused from voting must be made before the vote and shall be decided without debate.

**2.05.100 Duties of the Clerk at Council Meetings.**

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

**Title 2**

**Chapter 2.06**

**Office of the City Clerk-Treasurer**

Sections:

## City of Port Lions

2.06.010 City Clerk- Appointment- Term

2.06.020 Oath of Office

2.06.030 City Clerk

2.06.040 Additional Duties of Clerk

2.06.050 Acting City Clerk

2.06.060 City Treasurer

2.06.070 Additional Duties of the City Treasurer

### **2.06.010 City Clerk - Appointment - Term.**

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

### **2.06.020 Oath of Office.**

The city clerk shall before entering upon the duties of the Office of city clerk shall affirm in writing the following oath and affirmation:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Alaska, and the laws and ordinances of the City of Port Lions, and that I will faithfully discharge my duties as City Clerk to the best of my ability."

This oath is to be filed with the city clerk.

### **2.06.030 City Clerk.**

A. The city clerk shall:

1. Give notice of the time and place of council meetings to the council and public;
2. Attend the council meetings and keep a journal of the minutes;
3. Arrange for publication of notices, ordinances, and resolutions;
4. Maintain and make available for public inspection and indexed file that includes the city ordinances, resolutions, rules, regulations, and codes;
5. Attest deeds and other documents;
6. Perform other duties specified in this title or prescribed by the mayor or the council.

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

### **2.06.040 Additional Duties of the City Clerk**

A. The city clerk shall record and verify all actions of the council;

B. The city clerk shall be the custodian of the city seal and the official records of the city;

- C. The city clerk shall have the power to administer all oaths required by law;
- D. The city clerk shall give to the power officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements;
- E. The city clerk shall be the city election registrar and shall be responsible for the calling and supervisions of all city elections.

**2.06.050 Acting City Clerk**

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

**2.06.060 City Treasurer.**

- A. There shall be a city treasurer who shall be appointed by the council;
- B. The treasurer is the custodian of all city funds. He shall keep an itemized account of money received and disbursed;
- C. The treasurer shall give bond to the municipality in a sum which the council directs; the City may bear the cost of this bond.

**2.06.070 Additional Duties of the City Treasurer.**

The Treasurer shall:

- A. Be responsible for all matters pertaining to the maintenance of all accounts of the city and the records of maintenance and care of all property used by the city;
- B. Compile the annual budget of the city based upon detailed departmental estimates and work programs and control it under the direction of the mayor;
- C. Prepare and submit to the mayor such financial reports and other data as may be required;
- D. Prescribe and control such procedures as are necessary to protect city funds and property;
- E. Perform such other duties as the mayor or council may require.

**Title 2**

**Chapter 2.07**

**Combination of Police Chief, Fire Chief, and Harbormaster**

Sections:

2.07.010 Information of City Powers

**2.07.010 Information on City Powers.**

Nothing shall preclude the city council from appointing the same individual to serve the city in the offices of Police Chief, Fire Chief and Harbormaster.

**Title 3 Personnel**  
Chapters

- 3.01 Employment Preference on Public Work Project
- 3.02 Personnel Policies and Procedures

**Title 3**

**Chapter 3.01**

**Employment Preference on Public Work Projects**

Sections:

- 3.01.010 General Provisions
- 3.01.020 Employment Preference Clause
- 3.01.030 Economic Disaster Area

**3.01.010 General Provisions.**

Alaska Statute 36.10.010 empowers the City Council to provide contract bid documents that contain clear and sufficient notice to bidders requiring local employment preference on public works projects.

**3.01.020 Employment Preference Clause.**

In the performance of contracts let by the City of Port Lions for construction, repair, preliminary surveys, engineering studies, consulting, maintenance work or any other retention of services necessary to complete any given project, 95 percent residents shall be employed where they are available and qualified. In all cases of public works projects, preference shall be given to residents

**3.01.030 Economic Disaster Area.**

In an area which has been designated as an area impacted by an economic disaster, residents of that area shall be given employment preference as provided in Alaska Statutes 44.33.390, followed by other residents of the state.

**Title 3**

**Chapter 3.02**

**Personnel Policies and Procedures**

Sections:

- 3.02.010 Personnel Policies and Procedures

**3.02.0101 Personnel Policies and Procedures.**

The City of Port Lions Personnel Policies and Procedures is adopted as the personnel code for the city for regulating the positions classification and description, salary, administration, recruitment, selection, performance evaluation, leave time, allocation,

## City of Port Lions

termination, separation, grievance procedure, and all other matters, whether substantive or procedural, relating to all City employees is made a part of this chapter as though set forth in full.

**Title 4 City Elections**  
Chapters

- 4.01 City Elections Disclosure Requirements Exemption
- 4.02 Nomination of Elected Officers
- 4.03 Regular and Special Elections
- 4.04 Canvassing of Ballots
- 4.05 Certification of City Elections

**Title 4**

**Chapter 04.01**

**City Election Disclosure Requirement Exemption**

Sections:

- 4.01.010 Disclosure Requirements
- 4.01.020 Proposition on Ballot
- 4.01.030 Effective Date

**4.01.010 Disclosure Requirements.**

Municipal officers, school board members, and candidates for municipal office in the City of Port Lions shall be exempted from the requirements of Section 39.50 of the Alaska Statutes which established reporting and disclosure requirements for financial and business interests of municipal officers and otherwise prohibits activities determined to be in conflict with the municipal interest represented by the officer, effective 1975.

**4.01.020 Proposition on Ballot.**

At the next general municipal election of the City of Port Lions, the proposition to exempt municipal officers and candidates from the financial reporting and disclosure requirements of Alaska Statutes Section 39.50, shall appear on the ballot.

**4.01.030 Effective Date.**

This ordinance becomes effective on the date of adoption by authority of Alaska Statute 29.48.140

**Title 4**

**Chapter 4.02**

**Nominations of Elected Officers**

Sections:

- 4.02.010 Qualification of Nominees

## City of Port Lions

4.02.020 Nomination of Elected Officers

4.02.030 Filing Deadline

### **4.02.010 Qualification of Nominees.**

Nominees must be a citizen of the United States, at least eighteen (18) years of age, qualified to vote in State elections and has been a resident to the municipality for 30 days immediately preceding the elections, and have registered before the election as required under Section 15.07.010 Alaska Statutes.

### **4.02.020 Nomination of Elected Officers.**

Qualified electors must be nominated by a petition which has the signatures of ten (10) municipal voters, and filing a Declaration of Candidacy with the City Clerk.

### **4.02.030 Filing Deadline.**

The signed petitions and Declarations of Candidacy of each nominee must be filed with the City Clerk no later than 12:00 p.m. (noon), ten (10) days before the election.

## **Title 4**

### **Chapter 4.03**

#### **Regular and Special Elections**

Sections:

4.03.010 General Provisions

4.03.020 Election Dates

4.03.030 Voter Qualification

4.03.040 Election Notice

4.03.050 City Clerk's Duties

4.03.060 Election Judge's Duties

4.03.070 Canvass Board

4.03.080 Majority Election

4.03.090 Election Contest and Appeal

4.03.100 Appeal Absentee Voting

### **4.03.010 General Provisions.**

An election held by the City of Port Lions shall have at least three (3) Election Judges appointed by the Port Lions City Council for each polling place. The designated polling place for the City of Port Lions shall be the Port Lions Community Hall.

### **4.03.020 Election Dates.**

The date of the Regular municipal election is the first Tuesday of October annually.

If no regular election occurs within 75 days after the certification of a petition, the governing body shall hold a special election within 75 days, but not sooner than 45 days after certification.

On election day, precinct polls shall open for voting at eight o'clock in the morning and shall remain open continuously until eight o'clock in the evening; except, on those election days when Municipal and State elections are held concurrently, the precinct polls shall open for voting at seven o'clock in the morning.

**4.03.030 Voter Qualifications.**

A person may vote only if he is a United States citizen who is qualified to vote in State elections and has been a resident of the municipality for thirty (30) days immediately preceding the election and who is registered to vote in State elections in the precinct in which that person seeks to vote in the municipal election and is not disqualified under Article V of the State of Alaska Constitution.

**4.03.040 Election Notice.**

Notice of the Regular municipal election shall be posted in three (3) public places within the City of Port Lions at least thirty (30) days prior to the election.

**4.03.050 City Clerk's Duties.**

The City Clerk shall cause all notices of municipal elections to be posted at the proper time, make and receive all nominations and Declarations of Candidacy, prepare and account all ballots, post sample ballots, supervise the elections, receive the final tally of the election judges and provide the tally to the canvass board, and post all results of the election. The City Clerk shall administer Oaths of Office as required by law.

**4.03.060 Election Judge's Duties.**

The Election Judge shall have the polling place open for the times specified in Section 4.03.020. One of the three judges shall be an election board chairperson who supervises the voting process. Election judges must be qualified voters of the City of Port Lions. Election judges shall count municipal ballots with two tally sheets provided by the City Clerk. Ballots will be counted only if they are properly marked as stated on the ballot. Voted ballots, spoiled ballots and destroyed blank ballots will be counted to equal the number of ballots the City Clerk submitted to the Election Judges prior to the election. Tallies and ballots and questioned ballots will be turned over to the City Clerk for review by the Canvass Board.

**4.03.070 Canvass Board.**

The City Council shall act as the Canvass Board. The Canvass Board shall meet the Tuesday following the election to review the tallies, determine if questioned, absentee, or challenged ballots are valid and count said valid ballots to be added to the tally. The City Council shall then certify the election results and record the results in the minutes of that meeting.



**4.03.080 Majority Elections**

Candidates vacant Council Seat shall be declared the winning candidate by the canvass board upon certification of the election. No runoff election will be required if the winning candidates receive less than 40% of the vote for that Council Seat.

**4.03.090 Election Contest and Appeal.**

A. The election may be contested only upon the filing, before or at the time of the first canvass of ballots by the City Council, by a person qualified to vote in the municipality of his written affidavit specifying with particularity the grounds for the contest or invalidity of the election.

B. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contested is more than two percent.

C. No person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the municipality, has exhausted his administrative remedies before the Council and has commenced, within ten days after the Council has finally declared the election results, an action in the Superior Court in the judicial district in which the municipality is located. If no such action is commenced within the ten day period, the election and election results shall be conclusive, final and valid in all respects.

D. Unless otherwise provided by ordinance, the Council shall declare the election results at the first meeting to canvass the election and record the results in the minutes of that meeting.

**4.03.100 Absentee Voting.**

A. Not more than ten days, nor less than one day before the Regular City election, any properly registered voter who expects to be absent from the city on election day may request from the clerk an absentee ballot. If done by mail, the request should be in writing signed by the applicant, showing his place of residence.

B. If the voter is qualified, determined by checking the latest voter registration list, the clerk will provide the voter with an absentee ballot and affidavit and envelopes.

C. The voter may return the cast ballot and affidavit to the City Clerk by mail or in person. If delivered in person, the clerk must receive the ballot by the time the polls close in Election Day. If it is mailed, the envelope containing the ballot shall be postmarked no later than the day of the election.

D. All absentee ballots are held unopened until the City Council first meets to canvass the election. The Council shall approve or reject absentee ballot affidavits. The Council may reject ballots of persons who are not qualified.

E. The results of a separate count of absentee ballots by the Council shall then be added to the total votes found by the judges before certification of the election is issued by the Council.

## **Title 4**

### **Chapter 4.04**

#### **Canvassing of Ballots**

Sections:

4.04.010 General Provisions

4.04.020 Ballots Declared Valid

#### **4.04.010 General Provisions.**

The Canvass Board will determine if questioned, absentee or challenged ballots are valid and add the count of valid ballots to the tally.

#### **4.04.020 Ballots Declared Valid.**

The Canvass Board will declare ballots to be valid if the voter has met all voter qualification requirements in Chapter 4.03.030 of the Port Lions City Code and has been registered within the Port Lions Precinct by the State of Alaska at least 30 days before the City Election is held.

## **Title 4**

### **Chapter 4.05**

#### **Certification of Election**

Sections:

4.05.010 Time of Certification

4.05.020 Canvass Board Recount

4.05.030 Tie Vote Recount

4.05.040 Final Certification

#### **4.05.010 Time of Certification.**

As soon as possible after completion of the canvass, the City Council shall meet in public session to receive the report of the canvass board. If, after considering said report, the City Council determines that the election was validly held, the election shall be certified by resolution and entered upon the minutes of the meeting.

#### **4.05.020 Canvass Board Recount.**

If the canvass board reports an apparent discrepancy in the returns of the election, the City Council may order a recount of the votes cast in said election. Such recount shall be

conducted immediately by the canvassing board and the results reported to the City Council.

**4.05.030 Tie Vote Recount.**

In case of failure to elect because of a tie vote, the City Council shall immediately cause the canvass board to recount the votes. If there is still a failure to elect because of a tie after completion of the recount, the election shall be determined fairly by "lot" from among the candidates tying in a meeting of the City Council and under its direction.

**4.05.040 Final Certification.**

Final Certification will be made by the City Council after completion of a recount. Upon certification of a valid election the City Council shall direct the clerk to deliver to each person elected to office a "Certificate of Election" signed by the clerk and authenticated by the seal of the City.

**Title 5 Reserved**

**Title 6 Budget & Finance**  
Chapters

- 6.01 Fiscal Policies
- 6.02 Form and Scope of Budget
- 6.03 Adoption of Budget
- 6.04 Accounting of City Assets and Disbursement
- 6.05 City Purchase Agent
- 6.06 Processing Claims
- 6.07 City Department Line Item Changes
- 6.08 Indirect Rate

**Title 6**

**Chapter 6.01**

**Fiscal Policies**

Sections:

- 6.01.010 Budget and Construction Program
- 6.01.020 City Obligations
- 6.01.030 Fiscal Year
- 6.01.040 Funds Designated
- 6.01.050 Audit of City Government Account

**6.01.010 Budget and Construction Program.**

The mayor shall arrange for the preparation of a budget and construction program. The budget and construction spending proposals shall be submitted as an ordinance.

After public hearing, the council may approve budgets with or without amendments and shall appropriate the funds required.

**6.01.020 City Obligations.**

A bond, contract, lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be made by ordinance and approved by the voters.

The council may make supplemental and emergency appropriations. No payment may be authorized or made and no obligation incurred unless an appropriation has been made by ordinance.

**6.01.030 Fiscal Year.**

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

**6.01.040 Funds Designated.**

Funds designated for the city:

1. General Fund;
2. Federal Revenue Sharing Fund;
3. Construction Project Fund;
4. Debt Retirement Fund;
5. Other funds may be created as needed by resolution.

**6.01.050 Audit of City Government Accounts.**

Prior to the end of each fiscal year the council shall designate a qualified individual who, at the end of the fiscal year, shall make an independent audit or a statement of income and expenses. Such person shall have no personal interest, direct or indirect, in the financial affairs of the city or of any of its officers.

**Title 6**

**Chapter 6.02**

**Form and Scope of City Budget**

Sections:

- 6.02.010 Scope of Budget
- 6.02.020 Anticipated Revenues
- 6.02.030 Proposed Expenditures
- 6.02.040 Proposed Expenditures
- 6.02.050 Budget Summary

**6.02.010 Scope of Budget.**

A. The budget shall be a complete financial plan for all the operations of the municipality, showing dollar reserves, anticipated revenues, and proposed expenditures.

B. The budget shall include a comparative statement of actual expenditures and actual revenues for the preceding fiscal year and the budgeted current fiscal year.

C. Proposed expenditures shall not exceed total anticipated revenues and reserves.

**6.02.020 Anticipated Revenues.**

Anticipated revenues shall be composed of "taxes", "licenses and permits", "intergovernmental revenue", "charges for services", "fines and forfeits", "miscellaneous revenue", and "cash reserves".

**6.02.030 Proposed Expenditures.**

Proposed expenditures shall be itemized by category total.

**6.02.040 Proposed Expenditures Compared With Other Years.**

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

**6.02.050 Budget Summary.**

At the head of the budget there shall appear a summary of the budget, which needs not to be itemized. Principal sources of anticipated revenues, and kinds of expenditures by department, shall be stated in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

**Title 6**

**Chapter 6.03**

**Adoption of City Budget**

Sections:

- 6.03.010 Budget - Public Record
- 6.03.020 Publications of Notice of Public Hearing
- 6.03.030 Public Hearing on Budget
- 6.03.040 Further Consideration of Budget
- 6.03.050 Adoption of Budget - Vote Required

**6.03.010 Budget - Public Record.**

The budget, the budget message, the construction improvement program, and all supporting schedules shall be a public record in the office of the clerk, open to public inspection by anyone. The mayor shall cause to be prepared for distribution to interested persons, copies of the budget and budget message.

**6.03.020 Publication of Notice of Public Hearing.**

The council shall determine the place and time of the public hearing on the budget, and shall post such notice in four places in the city. The council shall include in the notice a summary of the budget and capital improvement program and a statement setting out the time and place for a public hearing. This notice shall be posted at least two weeks prior to the hearing.

**6.03.030 Public Hearing on Budget.**

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

**6.03.040 Further Consideration of Budget.**

After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law.

**6.03.050 Adoption of the Budget - Vote Required.**

The budget shall be adopted by favorable votes of at least a majority of all the members of the council preferable by May first but no later than June thirtieth (30).

**Title 6**

**Chapter 6.04**

**Accounting of City Assets and Disbursements**

Sections:

- 6.04.010 Treasury
- 6.04.020 Accounting
- 6.04.030 Checks
- 6.04.040 Insufficient Funds in Bank Account
- 6.04.050 Definition
- 6.04.060 Monetary Threshold Amount
- 6.04.070 Record of City Capital Assets

**6.04.010 Treasury.**

A. The treasurer shall be responsible for the collection, custody and disbursement of all monies from whatever source.

B. Operating cash shall be kept in one financial institution to be designed by resolution.

C. The treasurer shall invest city money upon directive of the council in any of the following types of investments:

1. Bonds, notes or other obligations;
2. Certificates of deposit or saving accounts of any bank.

**6.04.020 Accounting.**

A. All accounting functions for the city departments and offices are the responsibility of the treasurer.



B. The treasurer shall provide on a monthly basis to the council the following statements:

1. Summary statement of cash receipts and disbursements;
2. Reconciliation statement—banks--investments--funds;
3. Statements of expenditures compared with appropriations.

**6.04.030 Checks.**

All checks drawn on the treasury of the city shall be signed by the treasurer and mayor or by such other person designated by the council. All checks prior to issuance shall be approved to be within budget allowances made by the council.

**6.04.040 Insufficient Funds in Bank Account.**

No city check may be written at any time when funds are insufficient. Willful violation of this provision and conviction shall result in a fine of not more than five-hundred (\$500.00) dollars.

**6.04.050 Definition**

A City Capitol Asset is defined as the following:

A long term, tangible asset, and which is expected to be held for more than one (1) year; depreciating over time; to be held for business or municipal use; and not expected to be converted to cash in the current or upcoming year. Capitol Assets are land, land improvements, easements, infrastructure, equipment, vehicles, machinery, furniture, construction in process, buildings and building improvements. (Ord. 11-03, §2, JUN-2011)

**6.04.060 Monetary Threshold Amount**

The monetary asset threshold amount to qualify as a City Capitol Asset will be set at Five Thousand Dollars, (\$5,000.00). (Ord. 11-03, §2, JUN-2011)

**6.04.070 Record of City Capital Assets**

A record of City Capitol Assets will be maintained within the Port Lions City Offices and added to appropriately with the acquisition of any City Capitol Asset which meets the definition and monetary threshold amount as designated in Section 6.04.050 and 6.04.060. City Capital Assets will also be withdrawn from this record as they are disposed of. (Ord. 11-03, §2, JUN-2011)

**Title 6**

**Chapter 6.05**

**City Purchasing Agent**

Sections:

6.05.010 Purchasing Agent

6.05.020 Purchasing Agent - Scope of Authority

**6.05.010 Purchasing Agent.**

A. There shall be a purchasing agent of the city to make all purchases of supplies, materials, equipment, and contractual services for the offices, departments, and agencies of the city government.

B. The mayor or his designee shall be the city purchasing agent.

**6.05.020 Purchasing Agent - Score of Authority.**

A. The purchasing agent shall have the power and it shall be his duty to purchase or contract for supplies and contractual services needed by any using agency of the city and sell surplus personal property of such using agencies, in accordance with the ordinances of the city and such rules and regulations as shall be prescribed by the mayor and approved by the council.

B. The purchasing agent shall have the authority to join with other units of government in cooperative purchasing ventures when the best interests of the city would be served.

**Title 6**

**Chapter 6.06**

**Processing Claims Against the City**

Sections:

6.06.010 Claims for Injuries

**6.06.010 Claims for Injuries.**

The city shall not be liable in damages for injury to person or property by reason of negligence of the city unless, within four months after such injury occurs, the person damaged or his representative's causes a written notice to be served upon an officer of the city upon whom process may be served. Such notice shall state that such person intends to hold the city liable for such damages and shall set forth substantially the time and place of the injury, the manner in which it occurred, the nature of the act of defect complained of, the extent of the injury so far as known, and the names and addresses of witnesses known to the claimant.

No person shall bring action against the city for damages to person or property arising out of any of the reasons or circumstances aforesaid unless such action is brought within the period prescribed by law, nor unless he has first presented to the mayor a claim in writing and under oath, setting forth specifically the nature and extent of the injury and the amount of damages claimed. The mayor shall promptly present such claim to the council for action.

Failure to give notice of injury or to present a claim within the time and in the manner provided, shall bar any action upon such claim.

This section shall not be deemed to waive any defense of immunity which the city may have from claims for damages arising out of negligence, but shall apply in all cases where such defense is not available to the city.

## **Title 6**

### **Chapter 6.07**

#### **City Department Line Items Changes**

Sections:

6.07.010 General Provisions

6.07.020 Line Item Changes

6.07.030 Authorization

#### **6.07.010 General Provisions.**

Each individual City Department which has an adopted budget total allocated to it must have a departmental line item expenditure breakdown. The total line items must equal the Department's adopted budget total.

#### **6.07.020 Line Item Changes.**

Each department may adjust their line items during the budget year by decreasing one line item to increase other line items. Line item changes may be adjusted only once each quarter per department.

#### **6.07.030 Authorization.**

Line item changes must be authorized by a Resolution adopted by favorable votes of at least a majority of a quorum of the City Council.

## **Title 6**

### **Chapter 6.08**

#### **Indirect Rate**

Sections:

6.08.010 Indirect Rate

6.08.020 Computation of Indirect Rate

6.08.030 Audits

6.08.040 Authorization

#### **6.08.010 Indirect Rate.**

An Indirect Rate shall be applied to all grants, construction programs, and capital improvement projects at a rate of 10% of the amount of the grant, program and/or project.

**6.08.020 Computation of Indirect Rate.**

The Indirect Rate shall be based upon the following consumable supplies, office space, administrative and accounting personnel and utilities and telephone. The following list is provided for the indirect costs:

Accounting, Advertising, Budgeting for Project, Communications, Disbursing Service, Legal Expenses, Printing & Reproduction, Transportation Expense.

**6.08.030 Audits.**

The indirect rate will not include extra expense of an audit incurred for a grant program or capital project. Audit funds shall be identified as a separate expense besides the Administrative Indirect Rate. Audits may identify the indirect rate from each grant, program or project.

**6.08.040 Authorization.**

Authorization of the Indirect Rate shall be made by Resolution by a majority of a quorum of the Port Lions City Council.

**Title 6**

**Chapter 6.09**

**Transient Accommodation Tax**

Sections:

- 6.09.001 Definitions
- 6.09.002 Payment and Collection of Tax-Exemption
- 6.09.003 Operators exempt from collecting tax
- 6.09.004 Operators certificate of registration
- 6.09.005 Receipts-Segregation
- 6.09.006 Returns-Payments-Penalties
- 6.09.007 Records-Confidentiality
- 6.09.008 Records-Maintenance and Inspection
- 6.09.009 Suits for collection
- 6.09.010 Prohibited Acts
- 6.09.011 Penalties for violations
- 6.09.012 Regulations
- 6.09.013 Refunds

**6.09.001 Definitions**

- A. "Mayor" means the City of Port Lions Mayor or his/her designee.
- B. "City Clerk/Administrator" mean the Clerk/Administrator of the City of Port Lions.
- C. "Deputy Clerk" means the Deputy Clerk of the City of Port Lions.
- D. "Guest" means a person who rents a hotel-motel room for a term of less than 30 consecutive days.
- E. "Hotel-Motel Room" is a structure or part of a structure or vessel rented, or offered for rent, for a term of less than thirty (30) consecutive days for dwelling, lodging, or sleeping purposes, but excludes a structure or part of a structure or vessel rented or offered for rent solely in connection with a principal business or institutional purpose other than providing meals, lodging, entertainment or recreation, for example a hospital or University Dormitory.
- F. "Operator" is a person who offers hotel-motel rooms for rent and to whom rent for a hotel-motel is payable, either directly or through an agent or employees.
- G. "Quarter means any one of the four consecutive three-month periods in a calendar year, the first of which commences January 1.
- H. "Rent"
  - 1. "To Rent" a room or other accommodation means to obtain the right to use or occupy the room or other accommodation.
  - 2. "Rent" is a monetary consideration paid to rent an accommodation.

**6.09.002 Payment and Collection of Tax-Exemption.**

- A. The City levies a tax on all accommodations rent payable to an operator and not exempt from taxation under Subsection (B) of this section in the amount of five percent (5%) of the accommodations room rent. The guest shall pay the tax to the operator at the time the rent is paid. The operator shall collect the tax when the operator collects the rent. The operator shall state the tax on separate item of the guests' bill.
- B. When qualified for exemption in accordance with Subsection (C) of the section, the following rents are exempt from the tax levied by Subsection (A) of this section:
  - 1. Rent paid directly by the United States or State of Alaska so far as they are immune from taxation;
  - 2. Rent paid by or on behalf of a guest who is an officer or employee of a foreign government who is exempt from taxation by law or treaty;
  - 3. Rent payable to an operator that is exempt from collection the tax in accordance with Section 3.

**6.09.003 Operators Exempt From Collecting Tax.**

A. When qualified for exemption in accordance with this section an operator exempt from federal income taxation under 26 USC Sec. 5D1 (c) (3), whose income in under 26 USC Sec. 512, is exempt from collection the tax levied by Section 2.

B. An operator qualifies for exemption under Section (A) of this section by registering as an operator under Section four (4) and presenting evidence satisfactory to the City of Port Lions that the United States Internal Revenue Service has determined that the operator is exempt from federal income taxation under 26 USC Sec. 512.

**6.09.004 Operator's Certificate of Registration.**

A. No person man engage in business as an operator without obtaining a certificate of registration under this section. An operator shall display its certificate of registration under this section. An operator shall display its certificate of registration prominently at their registered place of business.

B. Application for a certificate of registration shall be made to the Deputy or City Clerk/Administrator. If an operator engages in business as an operator at more than one location, the operator shall obtain a certificate of registration for each location. There shall be no charge for issuing a certificate of registration.

C. A certificate of registration shall bear the name of the operator, the address of the registered place of business, and the state whether the operator is exempt from collection the tax under Section 3.

D. If an operator ceases to engage in business as an operator, ceases to engage in business as its registered place of business, changes its form of business organization, or ceases to be exempt from collecting the tax under Section 3, its certification of registration expires. An operator shall surrender an expired certificate of registration to the Deputy or City Clerk for cancellation.

**6.09.005 Receipts—Segregation.**

Title to the rental taxes collected pursuant to this chapter shall vest in the City upon collection. Such taxes shall be segregated by the operator from the funds of the operator or the business entity subject to the tax and safeguarded until transmitted to the city as here in after provided. A separate account shall be maintained for all taxes collected.

**6.09.006 Returns—Payments—Penalties.**

A. On or before thirty (30) days after the end of each quarter, each operator not exempt under Section 3 shall prepare and submit to the Deputy or City Clerk/Administrator a return for the preceding quarter upon forms furnished by the Deputy or City Clerk/Administrator setting forth the amount received for:

1. Rents collected for transient accommodations within the City of Port Lions.
2. The amount of nontaxable rents collected.
3. The amount of taxable rents collected; and

4. The taxes collected.

In addition, the operator shall submit such other information and supporting papers as may be required by regulations issued by the Deputy or City Clerk/Administrator.

The operator shall sign the return and transmit it together with the taxes collected to the Deputy or City Clerk/Administrator on or before the due date.

A. Return shall be filed even if none of the reported rents were taxable.

B. Taxes collected by an operator as provided by this chapter 9 shall be due thirty days after the end of each quarter. If taxes collected by an operator have not been received by the Deputy or City Clerk/Administrator on or before the due date, the operator shall incur a penalty equal to eight percent (8%) of the taxes which are due and shall be charged interest at the rate of eight percent (8%) per annul for each day the tax is delinquent.

C. When an operator fails to file a return under Subsection (A) of this section or when the Deputy or City Clerk/Administrator finds that return filed by an operator is not supported by the records to be maintained pursuant to Section eight (8), the Deputy or City Clerk/Administrator may prepare and file a return on behalf of the operator. Taxes estimated on a return filed on behalf of an operator under this subsection may be premised upon any information that is available to the Deputy or City Clerk/Administrator including among other things, comparative data for similar businesses. An operator for whom an involuntary return is filed under this subsection shall be liable for the taxes stated on the return, as well as the penalties and interest provided in Subsection (B) of this section and in Section eleven (11).

D. An Operator that has qualified for exemption under Section 3 shall report to the Deputy or City Clerk/Administrator in writing any final determination by the United States Internal Revenue Service affecting the operators exemption qualification within thirty (30) day of receiving notice of the determination from the Internal Revenue Service.

**Title 7 Disposal and Acquisition of Real Property**  
Chapters

- 7.01 Disposal of Real Property
- 7.02 Donation of Property to Kodiak Island Housing Authority
- 7.03 Donation of Property to Kodiak Island Housing Authority
- 7.04 Authorizing the Mayor to Prepare & Submit a Petition for the Annexation of Certain Territory
- 7.05 Donation of Property to the Port Lions Traditional Tribal Council
- 7.06 Donation of Property to the Port Lions Traditional Tribal Council for Kizhuyak Oil Sales
- 7.07 Disposal of Personal Property

**Title 7**

**Chapter 7.01**

**Disposal of Real Property**

Sections:

- 7.01.010 In General
- 7.01.020 Sales
- 7.01.030 Leases
- 7.01.040 Public or Charitable Conveyances

**7.01.010 In General.**

A. Purpose-To provide a uniform and efficient procedure for the sale, lease and other disposition of real property owned by the City of Port Lions, all in conformity with State law.

**7.01.020 Sales.**

A. Public Sale - Resolution and Notice Required. All real property, including tide, submerged or shore lands, in which the City has right, title and interest as owner or lessee, or to which the City may become entitled, may be sold as provided in the ordinance. The City Council shall have the authority to authorize by resolution at a regular meeting the sale of said property. Notice of a proposed public sale of real property shall be published at least once in a newspaper of general circulation within the City and/or shall be posted on at least three (3) public places within the municipality. Both commencement of publication and/or posting shall be accomplished not less than thirty (30) days prior to the date fixed for public sale.



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B. Appraisal. When real property or an interest in real property is to be sold, the City shall cause the property or interest therein to be valued by a qualified appraiser within the sixth month period immediately preceding the date of the council resolution authorizing same. An estimate of value of said property by the borough assessor may fulfill the requirements of this section at the discretion of the City Council and to whatever extent permitted under State law.

C. Qualification of Applicants or Bidders. An applicant or bidder for the lease or for the sale is qualified of the applicant or bidder:

1. is a person who is a citizen of the United States at least nineteen (19) years of age;
2. is a group, association, or corporation with is authorized to conduct business under the laws of Alaska, or
3. is acting as an agent for another and is qualified by filing with the city clerk a proper Power of Attorney or Letter of Authorization, creating such agency. The agent shall represent only one principle, to the exclusion of himself.

The City may require such written information as is deemed necessary from said applicants or bidders and may impose a filing fee by separate ordinance.

D. Procedure. The Council in the resolution authorizing the sale of real property shall set forth the terms and conditions of the public sale including whether the sale shall be by sealed bid or public outcry auction. To discourage land speculation and encourage construction or development or real property sold by the City, the terms and conditions of the public sale may include the requirements for specific improvements to be concluded by the bidder within a particular period of time before title may pass. The Council may reserve the right to reject any and all bids received. The resolution shall provide that the sale is for cash, or a cash deposit and installment purchase agreement. The Council shall approve or disapprove all sales of real property at the next regular meeting following the sale and shall further approve or disapprove any purchase agreement prior to its execution by the City. A successful bidder who does not timely comply with the terms and conditions in the resolution of the council authorizing the sale shall forfeit any cash deposit paid to the City, unless return of all or any portion of such cash deposit is expressly authorized by the Council.

E. Sale by Sealed Bid. All real property or interest therein offered for public sale by sealed bid may be sold to any person submitting an offer in writing to the Council. Such offer must be accompanied by a check or money order made payable to the City in an amount called for in the resolution authorizing said sale. Bids below the appraised value shall not be considered.

All real property bids received prior to 12:00 noon on a Friday preceding a regular meeting of the Council, shall be opened by the Council at their next regular meeting. If there is

more than one acceptable bid for a particular lot or group of lots, the lot or lots shall be sold to the highest bidder. The highest bidder shall be the one whose bid represents the highest price per square foot. In the event two or more parties submit high but not identical bids, the Council may accept any bid or reject all bids.

Lands not sold at public sale will be available at future sales and under terms and conditions determined by the council at that time.

**7.01.030 Leases.**

A. Property Available for Leasing. All real property, including tide, submerged or shore lands, in which the City has right, title and interest as owner or lessee, or to which the City may become entitled, between this ordinance and any regulation or other ordinances or a State law specifically governing the lease of tide and submerged lands the latter shall prevail.

B. Lease Term. The City Council shall carefully consider each application to lease City property on its own merits. The length of individual lease terms shall be based on factors which shall include the nature of the proposed use, the type and cost of improvements to be placed upon the premises and the period of time required to amortize such improvements, the benefit to the City and whether the improvements are consistent with City planning, together with such other criteria as the Council may deem appropriate or relevant to the fixing of any lease term.

C. Lease Auction: Notice. Unless otherwise provided in this ordinance, property shall be leased to the highest responsible bidder at a public lease auction or by sealed bids as set forth in Subsection H of this Section. The City Council shall be authorized to determine at a regular or special meeting the desirability of leasing of said property. Unless otherwise provided herein, notice of the proposed lease of real property shall be published at least once in a newspaper of general circulation within the city and/or shall be posted in at least three (3) public places within the municipality. Both publications and posting shall be accomplished not less than thirty (30) days prior to the date fixed for the lease auction.

D. Appraisals. No property shall be leased or a renewal lease issued unless the leasehold interest has been appraised by a qualified appraiser or the borough assessor within the sixth month period immediately preceding the council resolution authorizing the lease. The property shall be reappraised and rentals adjusted at intervals established in the lease, but in no case shall the interval exceed five (5) years.

No lease shall be made for less than the appraised value of said property provided, however, that with the approval of the council, a lease of property may be made for a rental less than the appraised value to a state or federal agency, state political subdivision or non-profit organization as may be determined by the council to be fair and proper considering the public interest in the nature of the public use or function of the lease premises.

## City of Port Lions

All appraisals shall be for the property in the conditions as it is found on the date of the appraisal and shall be for the highest and best use of such property without regard to developments existing thereon.

E. Qualification of Applicants or Bidders. An applicant or bidder for a lease is qualified if the applicant or bidder:

1. is a person who is a citizen of the United States and at least nineteen (19) years of age, or
2. is a group, association or corporation which is authorized to conduct business under the laws of Alaska, or
3. is acting as an agent for another and has qualified by filing with the city clerk a proper Power of Attorney or Letter of Authorization, creating such agency. The agent shall represent only one principle to the exclusion of himself.

F. Applications to Lease. The city may require such written information as is deemed necessary from said applicants or bidders and may impose a filing fee by separate ordinance.

G. Procedure. The council in the resolution authorizing the lease of real property shall set forth the terms and conditions of the lease auction. The council may reserve the right to reject any and all bids received at the auction. The resolution shall provide for a cash deposit equivalent to at least the total of the first and last month's rental to be paid in cash or certified check within twenty-four (24) hours from the announcement of this successful bid. The council shall call for monthly rental payments computed on an annual basis with each month's rental payments computed on an annual basis with each month's rental being 1/12th of the successful bid. The council shall approve all leases of real property at the next regular meeting following the auction and any lease document prior to its execution by the city. The successful bidder who does not timely comply with the terms and resolutions of the council authorizing the auction shall forfeit any sums paid to the city unless return of all or any portion of such sums is authorized by the council.

H. Lease by Sealed Bid. All real property or interest therein offered for lease by sealed bid may be leased to any persons submitting an offer in writing to the city in an amount equal to at least the first and last month's minimum rental as set council. Such offer must be accompanied by a check or money order made payable to forth in the notice and/or resolution. Bids below such minimum shall not be considered. If there is more than one bid for a particular lot or group of lots, the lot or lots shall be leased to the highest and best bidder. The highest and best bidder shall be the one whose bid represents the highest price per square foot and who has presented, in the council's opinion, the most satisfactory development plan. In the event that two or more parties submit high but identical bids, the council may accept any bid, or reject all bids.

I. Negotiation. Should no acceptable bid be received at a lease auction or should not an acceptable sealed bid be received, the council may authorize the city officials to negotiate

a lease of such property or interest therein and shall prescribe the terms thereof. Such authority shall be provided by resolution in the same manner as a resolution provided for lease by auction.

J. Industrial Properties. The city, in order to make sites available for either inside or outside the corporate limits and may sell, lease or dispose of it to beneficial new industries, or expansion thereof, may acquire and hold real property, persons, firms or corporations who agree to operate a beneficial new industry. Said disposal of said properties for industrial purposes shall not be subject to the sale and lease requirements of this chapter.

**7.01.040 Public and Charitable Conveyances**

A. Public and Charitable Conveyances. The City may sell, donate or exchange with the United States, the State of Alaska, any political subdivision, or a non-profit organization, municipality owned real property without a public sale and for less than the fair market value whenever in the judgment of the council expressed by ordinance when it is advantageous to the city to make the conveyance.

**Title 7**

**Chapter 7.02**

**Donation of Property to Kodiak Island Housing Authority**

Sections:

- 7.02.010 Utilities
- 7.02.020 Kodiak Area Native Association
- 7.02.030 Specific Properties
- 7.02.040 Time Limits

**7.02.010 Utilities.**

The extension of municipal utilities and electrical service and the construction of homes is a beneficial purpose.

**7.02.020 Kodiak Area Native Association.**

The KANA Housing Authority is eligible to receive the donation of municipal properties for beneficial purposes.

**7.02.030 Specific Properties.**

The following properties shall be donated by Quitclaim Deed to KANA Housing Authority for the purpose of housing development:

Second Addition, Port Lions, Alaska Subdivision

Block 1 Lots 1 – 8 = 8

Block 2 Lots 1 - 10 = 10

## City of Port Lions

Block 3Lots 1, 3 - 9 = 8

Block 4Lots 1, 2, 3 = 3

### Port Wakefield Subdivision

Block 1Lots 6 - 11 = 6

Block 3Lots 9 - 13 = 5

#### **7.02.040 Time Limits.**

A. Any properties which are not developed, development include water, sewer, and electrical service installation and home construction, within a period of two (2) years from the date of passage of this ordinance shall revert to the ownership of the City of Port Lions.

B. Extension of Time Limits. An extension of time limits until September 9, 1982 is authorized to provide for final completion of the Port Lions Housing Project. This extension begins on March 18, 1982.

C. General Provisions. The Kodiak Island Housing Authority has demonstrated that the Port Lions Housing Project will be available for occupancy with water, sewer, electric service and home construction in the summer of 1982. The existing time limit of donating those properties for the Housing Project (CC7.2.4) will expire on March 18, 1982. An amendment of the time limit by Section additions is necessary.

D. Section Addition (CC. 7.2.4b). Section 4 becomes Section 4a. Time Limit. Section 4b, Extension of Time Limit is added to read "An extension of the time limit until September 9, 1982 is authorized to provide for final completion of the Port Lions Housing Project. This extension begins on March 18, 1982.

## **Title 7**

### **Chapter 7.03**

#### **Donation of Property to Kodiak Island Housing Authority**

Sections:

7.03.010 Utilities

7.03.020 Kodiak Area Native Association

7.03.030 Specific Properties

7.03.040 Time Limits

#### **7.03.010 Utilities.**

The extension of municipal utilities and electrical services and the construction of homes is a beneficial purpose.

**7.03.020 Kodiak Area Native Association.**

The KANA Housing Authority is eligible to receive the donation of municipal properties for beneficial purposes.

**7.03.030 Specific Properties.**

The following properties shall be donated by Quitclaim Deed to KANA Housing Authority for the purpose of housing development:

Port Wakefield Subdivision

Block 1Lot 12

Block 2Lot 4

**7.03.040 Time Limit.**

Any properties which are not selected for development, development includes water, sewer, and electrical service installation and home construction, shall revert to the ownership of the City of Port Lions.

**Title 7**

**Chapter 7.04**

**Trespass**

Sections:

7.04.010 Trespass - Unlawful

7.04.020 Trespass - Defined

7.04.030 Posting

7.04.040 Enforcement

7.04.050 Penalties & Remedies

**7.04.010 Trespass - Unlawful.**

It is unlawful for any person, firm or corporation to commit a trespass upon property owned or controlled by the City.

**7.04.020 Trespass - Defined.**

Any of the following acts, by any person, firm or corporation, are among those that constitute trespass and are a violation of the provisions of this chapter.

A. An unauthorized entry or remaining upon City property in violation of a notice posted or exhibited at the main entrance to the premises;

B. The pursuit of any course of conduct or action in violation of a notice posted or exhibited at the main entrance to City property or at any point of approach or entry, or given orally or in writing by an authorized agent of the City;

- C. A failure or refusal to depart from City property upon request to do so orally or in writing by an authorized agent of the City;
- D. The cutting down, injury or removal of trees or timber from City property without written permission from an authorized agent of the City;
- E. The digging, taking, quarrying or removal of minerals, earth, or stone from the City property without written permission from an authorized agent of the City;
- F. Littering in or on City property.

**7.04.030 Posting.**

The Mayor or his designee is authorized to cause the posting of signs on or around the City property, buildings, or other areas advising that such property, building or area is restricted as to public use or access.

**7.04.040 Enforcement.**

Appropriate action may be taken by the Mayor or his designee at any time, or from time to time, to enforce the provisions of this chapter or to prevent violations thereof.

**7.04.050 Penalties and Remedies.**

- A. A person who violates the provisions of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than three hundred dollars.
- B. Notwithstanding the availability of any other remedy, the City or any aggrieved person may bring a civil action to enjoin any violation of this chapter, or to obtain damages for any injury the plaintiff suffered as a result of the violation.
- C. Each act or condition violating this chapter, and each day during which the act or condition exists, continues or is repeated shall be a separate and distinct violation.
- D. The penalties provided for violation of this chapter are in addition to and not in lieu of any other penalty provided for in state law or any civil remedy available to the City.

**Title 7**

**Chapter 7.05**

**Donation of Property to the Port Lions Traditional Tribal Council**

Sections:

- 7.05.010 Purpose
- 7.05.020 Port Lions Tribal Council
- 7.05.030 Specific Properties

**7.05.010 Purpose**

The Purpose of this chapter is to donate property to the Port Lions Tribal Council so that they may continue to operate community orientated programs and to relief the financial burden of the City of Port Lions.

**7.05.020 Port Lions Tribal Council.**

The Port Lions Tribal Council is eligible to receive the donation of municipal properties for beneficial services.

**7.05.030 Specific Properties.**

The following property shall be donated to the Port Lions Tribal Council for the purpose of providing community orientated programs:

A 90' x 65' single story structure known as the BIA School, together with all goods and chattels. Structure is located on the School Reserve, Port Lions Subdivision, according to Plat 65-12 filed in the Kodiak Recording District, Third Judicial District, State of Alaska.

**Title 7**

**Chapter 7.06**

**Donation of Property to the Port Lions Traditional Tribal Council for Kizhuyak Oil Sales**

Sections:

- 7.06.010 Public and Charitable Conveyances
- 7.06.020 Non Profit Status
- 7.06.030 Industrial Properties Section
- 7.06.040 Donation of Industrial Property
- 7.06.050 Time Limits

**7.06.010 Public and Charitable Conveyances**

The Port Lions City Cods of Ordinances provides for donation of property to non-profit organizations whenever the City Council has expressed by Ordinance that such donation is advantageous for the City to make such conveyances.

**7.06.020 Non Profit Status.**

The Port Lions Traditional Tribal Council is a non-profit organization. The Tribal Council has need of property to construct a "Fuel Distribution System" for the benefit of the community. Donation of property to the Port Lions Tribal Council is advantageous to the City of Port Lions.

**7.06.030 Industrial Properties Section.**

The City, in order to make sites available to beneficial industry may sell, lease or dispose of it to persons, firms or corporations who agree to operate an industry. Said disposal of



said properties for industrial purposes shall not be subject to the sale and lease requirements of City Code Chapter 7.01.

**7.06.040 Donation of Industrial Property.**

The specific industrial property to be donated to the Port Lions Traditional Tribal Council shall be the following:

A portion of land within Tract "C", Port Wakefield, Plat No. 68-11, Kodiak Recording District, Kodiak Island Borough, State of Alaska, more particularly described as follows:

Beginning at corner 5, U.S. Survey 2005;

Thence S 20 degrees 01' 27" W, 441.98 feet to the Point of Beginning;

Thence S 44 degrees 09' 00" E, 320.00 feet; Thence S 45 degrees 51' 00" W, 374.18 feet; Thence N 44 degrees 09' 00" W, 90.84 feet;

Thence along a curve to the left, radial bearing

N 68 degrees 14' 19" W, central angle 24 degrees 19' 41", radius 390 feet, curve length 165.60 feet;

Thence N 45 degrees 51' 00" E, 124.55 feet to the Point of Beginning.

Containing 2.00 acres, more or less.

And a 10 foot easement south to the Port Lions City Dock.

**7.06.050 Time Limit.**

Property not used by the Port Lions Traditional Tribal Council within a five year period from the date of this agreement, for the purpose of a Fuel Distribution System, shall revert to the ownership of the City of Port Lions. Further, if the Port Lions Traditional Tribal Council abandons or ceases operation of the Fuel Distribution System for one year after startup, the ownership of the property will revert to the City of Port Lions. The Quitclaim deed shall be as "fee simple defensible estate" to the Port Lions Traditional Tribal Council.

**Title 7**

**Chapter 7.07**

**Disposal of Personal Property**

Sections:

7.07.010 Definitions

7.07.020 Disposal Authority-Valued at Less than One Thousand Dollars

7.07.030 Procedure

7.07.040 Advertisement

7.07.050 Disposal Authority- Valued at over One Thousand Dollars

City of Port Lions

- 7.07.060 Procedure
- 7.07.070 Advertisement
- 7.07.080 One Bid per Bidder
- 7.07.090 Basis on which Property is Sold
- 7.07.100 Acceptance or Rejection of Bid
- 7.07.110 Sale when no Bid received
- 7.07.120 Reference to Chapter- Familiarity with Provisions Required

**7.07.010 Definitions**

A. Personal Property means any surplus property which is owned by the City of Port Lions. This can be defined as items such as pilings, culverts, building materials, equipment, vehicles, tools, office equipment, furniture, and any other surplus material not needed or used by City Departments. (Ord. 12-04, §1, JUN-2012)

**7.07.020 Disposal Authority- Valued at Less than One Thousand Dollars**

A. The Council may, by motion, authorize the Mayor to dispose of any Personal Property or equipment valued at less than one thousand dollars. (Ord. 12-04, §1, JUN-2012)

**7.07.030 Procedure**

A. The Mayor will take into consideration the value of an article and the reasons for disposal when setting a price. Items for disposal under these terms may be disposed of on a first come, first serve basis. (Ord. 12-04, §1, JUN-2012)

**7.07.040 Advertisement**

A. Items will be advertised in at least three public places within the City Limits, one of which will be the City Offices. The Posting will include the object offered for sale and the purchase price as well as language which indicates the items are sold on a first come first serve basis. (Ord. 12-04, §1, JUN-2012)

B. Persons who indicate an interest in advertised items must make payment to the City Office immediately. (Ord. 12-04, §1, JUN-2012)

**7.07.050 Disposal Authority- Over One Thousand Dollars**

A. Sale of personal property, material or equipment of which the estimated value is over one thousand dollars shall be authorized for sale by motion of the City Council. (Ord. 12-04, §1, JUN-2012)

**7.07.060 Procedure**

A. Items authorized for sale in this category will be given an estimated value by the council based on purchase price, estimated value at the time of the sale, and the condition of the item up for sale if applicable.

B. Disposal of items in this category shall be by sealed bid.

C. Bids shall be sealed and accompanied by a deposit of not less than ten percent, (10%) of the bid amount.

D. No conditions of sale shall be considered except payment in full within seventy two hours after acceptance of bids. Deposits of the three highest bidders will be held up to seventy two hours or until the balance is paid on the bid of first successful bidder. If bid is not completed, sale shall be made to next highest bidder, and so on.

E. No bid may be withdrawn subsequent to the opening of bids, and in the event a successful bidder does not complete the purchase, the deposit shall become the property of the City as liquidated damages. (Ord. 12-04, §1, JUN-2012)

**7.07.070 Advertisement**

A. Advertisement for items in this category will be posted for a period of not less than 14 days prior to the date of sale. Advertising shall be in three public places within the City Limits, one of which will be the City Offices. Council may, if it deems necessary, advertise the items for sale in the Kodiak Newspaper for up to 2 consecutive issues.

B. All Advertisements shall contain the following information;

- A. Reference to this chapter
- B. Object Offered for sale
- C. Reference to sealed bids
- D. Deadline for submissions of bids
- E. Amount of deposit on bids
- F. Date and Place of Opening

C. The following form shall be used:

“Pursuant to Title 7, Chapter 7.09 of the Port Lions City Code, the City of Port Lions offers for sale and will accept sealed bids on \_\_\_\_\_(object description) until 3:00 PM on \_\_\_\_\_(date) at the City Offices. All bids must be accompanied by a deposit of at least 10% of the total amount bid. Bids shall be publically opened and read at \_\_\_\_\_PM, on \_\_\_\_\_(date) in the Community Hall. Final acceptance of the successful bid shall be at such time as the council shall determine on the above date or later.”

Posting shall be properly dated at least 14 days prior to the date of opening and will be signed by the Mayor or the City Clerk. (Ord. 12-04, §1, JUN-2012)

**7.07.080 One Bid per Bidder**

No bidder may submit more than one bid on any object to be sold. (Ord. 12-04, §1, JUN-2012)

**7.07.090 Basis on which Property is Sold**

All property, material, or equipment are sold on an “as is-where is” basis, and no guarantee of any sort, express or implied, by a City official or employee of the City shall be binding upon the City. Bidder shall inspect the offered object in his own manner, and the submitting of the bid shall be conclusive that he has satisfied himself as to the condition and location of the object bid upon. (Ord. 12-04, §1, JUN-2012)

**7.07.100 Acceptance or Rejection of Bids**

The City reserves the right to reject any and all bids. The Council shall at the time of bid award determine those bids which are acceptable and on which deposits will be held seventy- two hours and authorize the return of deposits to the other bidders. (Ord. 12-04, §1, JUN-2012)

**7.07.110 Sale when no Bid Received**

Any material, equipment or property that has been put up for bid in the manner set forth in this chapter at least twice and which has received no bids acceptable to the council, may be sold thereafter by the Mayor with approval of the City Council in a non bid sale. (Ord. 12-04, §1, JUN-2012)

**7.07.120 Reference to Chapter- Familiarity with Provisions Required**

All advertisements and personal property sales agreements shall refer to this chapter, and it shall be the obligation of the bidder to familiarize himself with the provisions of the rules as set forth in this chapter. (Ord. 12-04, §1, JUN-2012)

**Title 8 City Utilities, Solid Waste & Sewage Disposal**  
Chapters

8.010 Regulation of Water & Sewer Facilities

8.020 Water Rates

8.030 Sewer Rates

8.040 Solid Waste Rates

8.050 Advance Payment for City Utilities

8.060 Senior Citizen Rates

**Title 8**

**Chapter 8.01**

**Regulation of Water & Sewer Facilities**

Sections:

8.01.001 Service Area

8.01.002 Definitions

8.01.003 Description of Service

8.01.004 Service Irregularities and Limitation of Liability

8.01.005 Ownership of Utility System

8.01.006 Resale of Utility Services

8.01.007 Classification of Services

8.01.008 Customers

8.01.009 Main Extensions

8.01.010 Notices

8.01.020 Use of Water Sources Other than City Water System

8.01.030 Disposal of Sewer and Liquid Waste

8.01.040 Operation of Individual Systems

8.01.050 Illegal Discharges

8.01.060 Alterations of Individual Systems

8.01.070 Cold Weather Maintenance

8.01.080 Connection to City Water System and Sewer System

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- 8.01.090 Approval of Application Appeal
- 8.01.100 Installment of Service Lines
- 8.01.105 Disconnection Shut Off
- 8.01.110 Maintenance of Plumbing System/Responsibility of Consumer
- 8.01.120 Misuse of Water and Sewer Facilities
- 8.01.130 Authorized Inspection
- 8.01.140 Administration and Enforcement
- 8.01.150 Public Inspection of Rates
- 8.01.160 Billing and Payment
- 8.01.170 Use of Monies Collected
- 8.01.180 Additional Regulations
- 8.01.190 Utility Operator
- 8.01.200 Quarterly Report
- 8.01.210 Service Connections
- 8.01.220 Consequences of Non-Payment of Service Charges
- 8.01.230 Temporary Disconnections
- 8.01.240 Discontinuance or Termination of Service
- 8.01.250 Restoration of Services
- 8.01.260 Unusual Demands
- 8.01.270 Fire Hydrants
- 8.01.280 Manholes and Main Lines
- 8.01.290 Suspension of Rules
- 8.01.300 Constitutionality and Saving Clause

### **8.01.001 Service Area**

The boundaries of the Service Area are those of the city limits and Provided for in section 1.01.020 of the City of Port Lions Code of Ordinance book. (Ord. 18-01, §1, MAY-2018; Ord. 06-01, §3, MAY-2006)

### **8.01.002 Definitions-Customer Service Line**

ADEC: The Alaska Department of Environmental Conservation.

APPLICANT: Any person(s), firm or corporation requesting service from the Utility.

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

**CUSTOMER or USER:** An applicant who has been accepted and who receives utility services from the Utility.

**CUSTOMER SERVICE LINE:** The customer service line shall be that part of the piping from the property line to the dwelling or point of use for water and sewer utilities. (Ord. 18-01, §1, MAY-2018; Ord. 06-01, §3, MAY-2006)

**DELINQUENT:** Past due amounts and associated finance and late charges that are not received by the Utility within 40 days after the date the bill that is past due was rendered.

**DEPOSIT:** Money paid to the Utility by a customer and held by the Utility for a certain time and later returned to the customer if all the requirements for refund are met.

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

**PAST DUE:** Payment that has not been received by the Utility within 25 days from the date the bill is rendered.

**POLICY BOARD:** Port Lions City Council

**POTABLE 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.

**SERVICE CONNECTION:** Physically separated customer locations that are connected to the plant by a distribution or collection system; (Ord. 06-01, §3, MAY-2006)

### **8.01.003 Description of Service**

The City of Port Lions, hereinafter referred to as the "Utility", shall use its best efforts to provide the following services:

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

B. Sewer Collection System: A safe and fully operational sewer collection system 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.

C. Septic Disposal: A septage lagoon for disposal and treatment of septic waste material. (Ord. 06-01, §3, MAY-2006)

**8.01.004 Service Irregularities and Limitation of Liability**

A. Irregularity or Failure of Service: The Utility will exercise reasonable diligence to furnish and deliver adequate sewer service and a continuous supply of potable water to the customer. However, the Utility will not be liable for damage resulting from interruptions, shortages, irregularities or failures due to accidents, interference by third parties, acts of nature, or other conditions beyond the control of the utility. Whenever possible, and whenever time permits, all customers to be potentially affected by an interruption or irregularity in service will be notified prior to shutdown by direct notification, through local notice posted in the Post Office, or another commonly used method.

B. Interruptions for Repairs or Modifications: The Utility reserves the right to temporarily suspend the delivery of service when necessary for the purpose of making repairs, modifications, inspections or improvements to the system. The Utility will make reasonable attempts to provide customer notice through the use of public media or by direct customer contact. Repair work will be completed expeditiously, and as far as possible, the work will be completed at a time of least inconvenience to the customer.

C. Credit for Interruptions: The Utility will provide a prorated credit of flat monthly usage charges or flat minimum charges for metered service for service interruptions extending longer than 48 hours, provided the interruption is not caused by customer damage to Utility facilities.

D. Priority of Service: In the event of an emergency water shortage, the Utility will notify customers to curtail water usage. The Utility will notify customers of the nature and duration of the required curtailment. The Utility will place a priority on the availability of water for drinking and sanitation purposes. Priority customers are assigned at the discretion of the Utility. (Ord. 06-01, §3, MAY-2006)

**8.01.005 Ownership of Utility System**

All utility system components including mains, valves, fittings, equipment, and other appurtenances, except customer service lines are the property of the Utility. (Ord. 06-01, §3, MAY-2006)

**8.01.006 Resale of Utility Services**

Resale of a utility service by a customer is expressly prohibited except through special contract between the Utility and the customer. (Ord. 06-01, §3, MAY-2006)

**8.01.007 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, its administrative offices, and other facilities owned/operated by the school that are not classified under a different class of service



C. Commercial Service: Commercial services shall consist of all office, commercial or business establishments, multiple family dwelling units, tribal facilities, community facilities, and Utility owned buildings. If a customer is located in both a single family dwelling unit and a business establishment, the higher rate shall apply.

D. Contract Service: Contract services shall consist of those services for industrial or independent uses under contracts authorized by the Utility.

Where the requirement for services is large or unusual, or necessitates special services, equipment, or capacity, the Utility reserves the right to require a special contract, the provisions of which are different from and an exception to the regularly published utility rates and regulations. Special contracts will only be given to customers in unique circumstances. All similarly situated customers will be offered the same rates and provisions. All special contracts shall be in writing, signed by the applicants, approved by the Utility, and filed with the Regulatory Commission of Alaska. (Ord. 06-01, §3, MAY-2006)

#### **8.01.008 Customers**

A. New Customers: A person or organization becomes a customer by first applying for service to the Utility. Each applicant for service shall sign an application form provided by the Utility giving the date of application, type 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.

B. Customers Receiving Service at the Time Ordinance Enacted: Customers receiving service at the time the provisions of this code section was enacted are not required to submit an application, but will be presumed to accept the rules and regulations of the Utility, including the fees established for the service provided, if they remain customers and have not contacted the Utility requesting disconnection. Customers who have been disconnected from the system prior to the enactment of the provisions of this code must submit an application as required by Section 8(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 operation which would result in a material change in the service provided, shall give the Utility written notice of such change prior to the change taking place. An amended application must be filed with the Utility and any changes to the rate or security deposit amount will occur prior to the change in service. All customers desiring a change in the size, location, or the number of services shall fill out an amended application. The request for amended service may be denied if the applicant has an outstanding bill due to the Utility.

D. The City is authorized to require installation of a water meter at the user's expense on any industrial or commercial consumer line and to charge for such services at a similarly established meter rate, as set forth by resolution.

E. Customer Complaints: The Utility wants to resolve customer complaints as quickly as possible. The Utility will respond to the substance of each service complaint or other customer complaint within 10 working days of its receipt. If the Utility does not resolve a complaint to the customer's satisfaction, the customer may refer the matter to the Regulatory Commission of Alaska, 701 West Eighth Avenue, Suite 300, Anchorage, Alaska 99501. The Commission's telephone number is (907) 276-6222, toll-free at 1-800-390-2782. (Ord. 18-01, §1, MAY-2018; Ord. 06-01, §3, MAY-2006)

**8.01.009 Main Extensions**

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

The Utility will determine the proper location of main extensions. Easements or permits secured for main extensions across property not owned by the Utility shall be obtained in the name of the Utility along with all rights and title to the main at the time of installation. (Ord. 06-01, §3, MAY-2006)

**8.01.010 Notices**

A. Notices to Customers: Notices to customers from the Utility will normally be in writing and will be mailed to the customer at the address on file with the Utility. Where conditions warrant, and in an emergency, the Utility may notify customers by telephone, messenger, or radio.

B. Notices from Customers: Notices from the customer to the Utility must be given in writing by the customer or his authorized representative at the Utility Office. However, notices that result in a change in service or in work being performed by the Utility for the customer must be accompanied by the appropriate application required by Section 8(C) or a signed repair order or work order. (Ord. 06-01, §3, MAY-2006)

**8.01.020 Use of Water Sources Other than City Water System**

It shall be unlawful for any person to construct, maintain or utilize a source of water supply other than the City water system for drinking and sanitary purpose at any building which is located within 200 feet of lines of the City water system, unless an application for an individual water system is submitted and approved by the Policy Board.

**8.01.030 Disposal of Sewer and Liquid Waste**

It shall be unlawful for any person to dispose of sewer, liquid wastes, or human wastes from any building located within the City by any method other than the utilization of the City sewer disposal system, if the building is located within 200 feet of any community sewer line, provided that the building is at a higher elevation than the sewer line, unless application for an individual sewer is submitted to and approved by the Policy Board.

**8.01.040 Operation of Individual Systems**

It shall be unlawful for any person to operate or maintain an individual sewer disposal system, unless such systems is constructed and maintained in a fashion that does not contaminate any source of drinking, public or domestic water supply. Such systems shall comply with the applicable standards of the Alaska Department of Environmental Conservation.

**8.01.050 Illegal Discharge**

It shall be unlawful for any person to discharge sewer or other domestic wastes on any surface within the City. (Ord. 18-01, §1, MAY-2018)

**8.01.060 Alterations of Individual Systems**

It shall be unlawful for any person to construct, alter or extend an individual sewer disposal system except by permission of the Policy Board.

**8.01.070 Cold Weather Maintenance**

It shall be unlawful for any person using the City water service to fail to have his use protected from cold weather. Fine shall be assessed. (Ord. 18-01, §1, MAY-2018)

**8.01.080 Connection to City Water System & Sewer System**

All connection to the City water and sewer systems shall be made at the expense of the user. Costs of the connection and all appropriate regulations including the use of self-help and use of City equipment shall be established by the Policy Board.

Provisions of this ordinance become effective on October 1, 2008 and supersede any previous ordinances

Amended by resolution number 08-07-R

Connection to water or sewer systems for all material and labor used in making the connection will be cost plus 10%.

Adopted September 11, 2008

This resolution became effective on October 1, 2008

**8.01.090 Approval of Application Appeal**

A. If the City is satisfied that the application and the proposed connection complies with this ordinance and applicable regulations hereunder relating to the utilization of the community water and sewer system, it shall approve the application and provide for the connection, upon acknowledgement of the established fees.

B. Any person whose application for connection has been denied or conditionally approved may appeal to the Policy Board at its next regularly scheduled meeting.

**8.01.100 Installation of Service Lines**

A. All consumer lines to the point of connection to the City water and sewer lines shall be installed by the user, at his or her own expense, and remain his or her responsibility for maintenance and repair.

B. The point of connection shall be the water and sewer mains in all cases

**8.01.105 Disconnection – Shut Off**

The utility may disconnect/shut-off service in accordance with this

Title. City staff or authorized representatives of the city are the only

Personnel with authority to disconnect or shut-off service. Customers

Are prohibited from disconnecting service without notifying the

Utility and allowing authorized personnel to perform the

Disconnection as provided for in this title. (Ord. 18-01, §1, MAY-2018)

**8.01.110 Maintenance of Plumbing System/Responsibility of Consumer**

Each consumer of community water or sewer service shall maintain his or her individual water and waste facilities in good repair at his own expense. The consumer's responsibility for water and sewer facilities shall begin at the point of connection to the City's water and sewer main lines and shall include all facilities from that point throughout the building. In case of individual water and sewer systems, the consumer shall have complete responsibility for his own system.

**8.01.120 Misuse of Water and Sewer Facilities**

Water and sewer facilities may be corrected at the property owners expense by the City where defective fixtures or misuse may affect the safe and proper operation of the City water and sewer system, where there is a willful waste of water; where there is a refusal to permit an inspection by the City.

**8.01.130 Authorized Inspections**

The City through its designated representative(s) is hereby authorized to make inspections at reasonable times during daylight hours to determine satisfactory compliance with this ordinance and regulations hereunder.

**8.01.140 Administration and Enforcement**

This ordinance shall be administered and enforced by the Policy Board. The Policy Board shall have the authority to establish and regulate by resolution, monthly utility rates for water supply and sewer collection services, hook up fees, and security deposit fees, for all domestic and commercial consumers and industrial consumers.

**8.01.150 Public Inspection of Rates**

A file of all current rates adopted by the Policy Board by resolution shall be available for public inspection during regular business hours at the City Office.

**8.01.160 Billing and Payment**

A. Monthly Bills: All bills will be mailed on or before the 25th of each month. The bill will contain a statement of present charges due. All bills are due and payable 25 days from the date the bill was rendered. (Ord. 18-01, §1, MAY-2018)

B. All bills sent to a customer will include the following statement:

"You should contact us first if you have a complaint about your water or wastewater service. If you are not satisfied after contacting us, you may then file a complaint with the Regulatory Commission of Alaska. The Regulatory Commission of Alaska may be contacted toll-free at 1-800-390-2782, or TDD (907) 276-4533."

C. Delinquent Bills: All bills not paid within 15 days of the bill being rendered will be considered delinquent. The Utility may charge a late payment penalty fee on delinquent sums due to the Utility.

D. A notice of delinquency shall be mailed to each delinquent account.

E. Service Disconnection Notice: If a Utility bill has not been paid a week after the Delinquent Notice is rendered, the Utility will notify the customer of the Utility's intention to disconnect service. The notice of disconnection will be mailed at least 10 days before the scheduled date of disconnection. The notice shall be sent to the customer by certified or registered mail, return receipt requested. The Utility may terminate the service at any time after the date and time indicated in the turn-off notice without further notification, unless deferred payment arrangements are made.

F. Deferred Payment Agreements: If a residential customer demonstrates that economic hardship prevents payment in full of a delinquent bill that is not already covered by a deferred payment agreement, the Utility will restore or continue service to the customer if the customer agrees to a deferred payment contract, signed by both the Utility and customer. The contract will meet the following requirements.

1. The customer agrees to pay one-third (or less at the Utility's option) of the outstanding bill at the time the deferred payment agreement is signed.
2. The customer agrees to pay all future bills for Utility service in accordance with the provisions of this section.
3. The customer agrees to pay the remaining outstanding balance in installments over a period not to exceed 12 months.

The Utility will not require any deferred payment agreement to have a duration of less than 3 months. The Utility will offer comparable terms and conditions to customers with similar payment problems. In determining a reasonable deferred payment schedule, the Utility will discuss with the customer and consider the following conditions:

- a. size of the delinquent account;
- b. customer's ability to pay;
- c. customer's payment history;
- d. length of time the debt has been outstanding;

e. circumstances that resulted in the outstanding debt;

f. any other relevant factors related to the circumstances of the customer. If a customer fails to fulfill the terms of a deferred payment agreement, the Utility is not required to provide the customer with all the notices described in Section 8.01.160 prior to disconnection; however, at least three working days before disconnection the Utility will attempt to give written or telephone notice of the disconnection to the customer.

G. 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 hook up fee requirement before service will be reconnected.

H. 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 Utility reserves the right to bill the owner of the facility for all of the services provided by the utility. (Ord. 06-01, §3, MAY-2006)

**8.01.170 Use of Monies Collected**

All monies collected for water and sewer utilities will be used strictly for maintenance, extension, repair, capital improvement and operation of the systems. Except in cases where a money surplus is needed to aid the budgets of other existing departments only by Policy Board approval.

**8.01.180 Additional Regulations**

The Policy Board shall adopt such additional regulations, revision and procedures pertaining to water supply and sewer collection services as it deems proper.

**8.01.190 Utility Operator**

The Utility system shall be operated and maintained by a Utility Operator. The City Clerk shall act as the Utility System Treasurer.

**8.01.200 Quarterly Reports**

There shall be a monthly report given to the Policy Board. This report shall itemize all income sources and disbursements from the operation and maintenance of the Utility system. This report shall be approved and filed in the City records.

**8.01.210 Service Connections/Deposits/Fines**

No water from the City water supply shall be turned on or off for service into any premises by a person except such person or persons as the City shall authorize to perform this service. A hook- up fee and a disconnect fee shall be charged. A fine shall be assessed for any unauthorized person connecting or disconnecting to the city water system. Fees are established pursuant to section 8.01.140. (Ord. 18-01, §1, MAY-2018)

**8.01.220 Consequences of Non-Payment of Service Charges**

Interest at .83% per month will be charged on accounts overdue more than 30 days.

**8.01.230 Temporary Disconnections**

Temporary disconnections are allowed only if the user requests such disconnections in writing to the City Office. Billings will be discontinued upon that request if all past due amounts have been paid in full.

**8.01.240 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 Utility 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 any security deposit 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 8.01.160. (Ord. 18-01, §1, MAY-2018)

C. Discontinuance for Unsafe Customer Facilities:

1. Unsafe Facilities or Unsanitary Facilities: The Utility 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 Utility will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated.

D. Discontinuance for Water Waste: Where water is wastefully or negligently used on a customer's premises seriously affecting the general service, the Utility may discontinue service if such conditions are not corrected after notice by the Utility. Allowing water to run continuously rather than providing reasonable and proper insulation is considered wasting water. At the option of the Policy Board, a customer may be allowed to continue service if a meter is installed at the customer's expense (as prescribed in Section 11) and he or she pays a rate based on consumption.

E. Discontinuance for Service Detrimental to Others: The Utility may refuse to furnish service, restrict service, or immediately terminate service to any premises where excessive demands by a customer will result, or have resulted, in inadequate service to

other customers. The determination of excessive demand may vary depending on current Utility water or sewer resources and system equipment conditions.

F. Discontinuance for Fraud or Abuse: The Utility will refuse or discontinue service to any customer or premises where it is deemed necessary to protect the Utility from fraud or abuse of service. Discontinuance of service for one or both of these causes will be made immediately upon receipt of knowledge by the Utility that such condition or conditions exist.

G. Discontinuance for Unauthorized Turn-on: Where service has been discontinued for any reason and the service is turned on by the customer or another unauthorized person, the service may then be turned-off at the main, without notice to the customer. The charges for shut-off at the main will be billed at the actual cost for labor and materials plus 50% billed to the offending customer. The charges for use of service through such illegal connection will be at the regular rate for the period of time, as estimated by the Policy Board, that such illegal or unauthorized connection existed, plus an unauthorized usage fee, as defined in Schedule A.

H. Discontinuance for Non-compliance: Unless otherwise specified by specific sections of these rules and regulations, a customer may have service discontinued for violation of any provision of these rules and regulations following fifteen days notification of such impending termination of service. Proper notice is specified in Section 15(E) of these regulations.

I. Limitations on Reasons for Disconnection: The Utility will not disconnect service to a customer in the following circumstances:

1. for delinquency in payment for services rendered to a prior customer at the premises where service is being provided.
2. if the customer is unable to pay the full delinquent amount due, and is in compliance with a signed, or is in the process of timely negotiating a, deferred payment agreement with the Utility.
3. for nonpayment of a bill related to another class of service at a different service location.
4. for failure to pay a disputed amount due on a delinquent account if the customer complies with the rules on customer bill disputes and the dispute remains under investigation by the Utility or the Regulatory Commission of Alaska. However, the Utility may proceed to disconnect service in accordance with the above provisions if a customer fails to pay any undisputed amounts. (Ord. 06-01, §3, MAY-2006)

#### **8.01.250 Restoration of Services**

Restoration of service for any reason shall require a Hook Up fee. Restoration of service following discontinuance for non-payment of bills shall be made only after payment of current and past due charges, the Hook Up 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 Utility have been paid; c) a new application for service has been received with the appropriate (hook up fee and security deposit) deposits; and d) the Utility has received written assurance that the irregularity will not occur again.

The customer is responsible for insuring that services are in good condition prior to restoration of services. The customer shall pay any costs for cleaning or thawing a service line prior to reconnection. (Ord. 06-01, §3, MAY-2006)

#### **8.01160 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 Utility prior to taking the water. The Policy Board shall have the power to determine what constitutes an abnormally large quantity of water based on normal or average use. Permission to take water in large quantities will be given only if other customers are not unduly inconvenienced and measures have been taken to minimize any such inconvenience. Purchases of large quantities of water, even if to an existing customer, may be billed under a separate category and for a separate amount from the customer's usual rate. (Ord. 06-01, §3, MAY-2006)

#### **8.01.270 Fire Hydrants**

A. Operation: No person or persons other than those designated and authorized by the Utility shall attempt to draw water from a hydrant belonging to the Utility or in any manner damage or tamper with the hydrant. Any violation of this regulation will be penalized according to these Regulations. In cases where temporary service has been granted from a fire hydrant, an auxiliary external valve will be used to control the flow of water.

B. Damage to Fire Hydrants: Any person who damages a fire hydrant shall be responsible for the cost of its complete repair and return to service. (Ord. 06-01, §3, MAY-2006)

#### **8.01.280 Manholes and Main Lines**

A. Operation: No person or persons other than those designated and authorized by the Utility shall place any substance in any manhole or main line, or in any manner damage or tamper with the manhole or main line.

B. Damage to Manholes and Main Lines: Any person who damages a manhole or main line or any of the attachments or appurtenances thereof shall be responsible for the cost of its complete repair and return to service.

C. Dumping Refuse, Chemicals, or Trash into 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 or her act.

**8.01.290 Suspension of Rules**

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

**8.01.300 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.

**Title 8**

**Chapter 8.02**

**Water Rates**

Sections:

- 8.02.010 Residential Water Rates
- 8.02.020 Commercial Water Rates
- 8.02.030 Industrial Water Rates
- 8.02.040 Effective Date

**8.02.010 Residential Water Rates**

Water supplied to any connected service by the Port Lions water and sewer Utility will be charged a flat monthly rate pursuant to 8.01.140. The rates charged for water and sewer utilities may be changed from time to time by the Port Lions Policy Board. Any time a rate is changed, the new rates become effective immediately. Publication of the changes shall be posted in at least three public places. (Ord. 18-01, §1, MAY-2018; Ord. 06-01, §3, MAY-2006)

**8.02.020 Commercial Water Rates**

Water supplied to any connected service by the Port Lions water and sewer Utility will be charged a flat monthly rate in accordance with the resolution approved by the Policy Board. The rates charged for water and sewer utilities may be changed from time to time by the Port Lions Policy Board. Any time a rate is changed, the new rates become effective immediately. Publication of the changes shall be posted in at least three public places.(Ord. 06-01, §3, MAY-2006)

**8.02.030 Industrial Water Rates**

Water supplied to any connected service by the Port Lions water and sewer Utility will be charged a flat monthly rate in accordance with the resolution approved by the Policy Board. The rates charged for water and sewer utilities may be changed from time to time

by the Port Lions Policy Board. Any time a rate is changed, the new rates become effective immediately. Publication of the changes shall be posted in at least three public places. (Ord. 06-01, §3, MAY-2006)

**8.02.040 Effective Date**

Provisions of this ordinance become effective upon May 11, 2006 and shall supersede any previous water rates established by ordinance.

**Title 8**

**Chapter 8.03**

**Sewer Rates**

Sections:

8.03.010 Residential Sewer Rates

8.03.020 Commercial Sewer Rates

8.03.030 Industrial Sewer Rates

8.03.040 Effective Date

**8.03.010 Residential Sewer Rates**

Sewer service by the Port Lions water and sewer utility will be charged a flat monthly rate in accordance with the resolution approved by the Policy Board. The rates charged for water and sewer utilities may be changed from time to time by the Port Lions Policy Board. Any time a rate is changed, the new rates become effective immediately. Publication of the changes shall be posted in at least three public places. (Ord. 06-01, §3, MAY-2006)

**8.03.020 Commercial Sewer Rates**

Sewer service by the Port Lions water and sewer Utility will be charged a flat monthly rate in accordance with the resolution approved by the Policy Board. The rates charged for water and sewer utilities may be changed from time to time by the Port Lions Policy Board. Any time a rate is changed, the new rates become effective immediately. Publication of the changes shall be posted in at least three public places. (Ord. 06-01, §3, MAY-2006)

**8.03.030 Industrial Sewer Rates**

Sewer service by the Port Lions water and sewer Utility will be charged a flat monthly rate in accordance with the resolution approved by the Policy Board. The rates charged for water and sewer utilities may be changed from time to time by the Port Lions Policy Board. Any time a rate is changed, the new rates become effective immediately. Publication of the changes shall be posted in at least three public places. (Ord. 06-01, §3, MAY-2006)

**8.03.040 Effective Date**

Provisions of this ordinance become effective upon May 11, 2006 and shall supersede any previous sewer disposal rates established by ordinance.

**Title 8**  
**Chapter 8.04**  
**Solid Waste**

Sections:

- 8.04.010 Port Lions Landfill Purpose
- 8.04.020 Solid Waste Collections Service
- 8.04.030 Solid Waste Storage and Setout
- 8.04.040 Solid Waste Discard
- 8.04.050 Landfill Operations
- 8.04.060 Penalties
- 8.04.070 Billing and Collections

**8.04.010 Port Lions Landfill Purpose**

To protect the public safety, health and welfare of the people of Port Lions

To protect, preserve, and enhance the environment of the people of Port Lions

To provide a solid waste management program that is compliant with the State of Alaska Department of Environmental Conservation Solid Waste Permit SW3A169-20 for a Class III Community Municipal Solid Waste Landfill in Port Lions, Alaska. (Ord. 19-05, §2, 6-2019; Ord. 06-01, §3, MAY-2006)

**8.04.020 Solid Waste Collections Service**

Port Lions water, sewer, and refuse utilities are provided as a combined service account. Utility rates are set by the Port Lions City Council by Resolution. Any currently connected water service account will be charged a flat month rate for refuse, in accordance with the applicable City of Port Lions Resolution, even if the customer self-hauls refuse. The Port Lions City Council may change reuse rate from time to time. New rates become effective only after a thirty (30) day notice to customers has been published and posted in at least (3) public places. (Ord. 19-05, §2, JUN-2019; Ord. 06-01, §3, MAY-2006)

**8.04.030 Solid Waste Storage and Setout**

The City of Port Lions Public Works Department shall set a weekly Refuse Pick-up Schedule. Refuse customers are responsible for the placement of refuse containers for safe accessibility for pick up by the City of Port Lions. The City of Port Lions will not pick up refuse that is not properly and safely placed in a bag/box/container. Containers and bins are the responsibility of the customer and must be closed or covered to keep out weather and animals. The customer must clean up any solid waste discarded, scattered, littered, or strewn outside the refuse container or bin. (Ord. 19-05, §2, JUN-2019; Ord. 06-01, §3, MAY-2006)

**8.04.040 Solid Waste Discard**

Animal carcasses, medical waste, pressure-treated lumber, asbestos containing materials, used oil, oily waste, polluted soil, hazardous waste, lead-acid batteries, polychlorinated biphenyl's (PCV's), and bulk liquids (greater than one gallon size containers) are not permitted in solid waste to be collected by the City of Port Lions or self-hauled by the customer.

The City of Port Lions and/or the Native Village of Port Lions may accept waste oil for use in waste oil burning heaters. Contact either organization for more information.

Painted lumber must be separated and not deposited in the landfill burn box.

Customer should contact the City of Port Lions to schedule pick up of bulky items. Customers MUST contact the City of Port Lions before depositing white goods (large appliances), ATV/UTV/Motorcycles, and cars/trucks.

Private persons contractors and community organizations must contact the City of Port Lions PRIOR to depositing construction debris at the Port Lions Landfill. (Ord. 19-05, §2, JUN-2019; Ord. 06-01, §3, MAY-2006)

**8.04.050 Landfill Operations**

Hours of operation will be determined by the Port Lions City Council. Dumpster will be located outside the Port Lions Landfill for depositing refuse 24 hours per day, 7 days per week.

Ignition of any fire within the Port Lions Landfill must be done by authorized personnel ONLY. (Ord. 19-05, §2, JUN-2019)

**8.04.060 Penalties**

Under authorization granted by 29.25.070 of the Alaska Statutes 29 for Municipal Governments, the City of Port Lions may levy fines and penalties against anyone who does not overserve the processes and procedures outlined in this Ordinance. Penalties include a fine of up to \$1,000.00 and ninety (90) days of imprisonment. (Ord. 19-05, §2, JUN-2019)

**8.04.070 Billing and Collections**

The City of Port Lions issues monthly statement to its utility customers.

Late fees will be assessed at 1% monthly for any charges more than thirty (30) days past due. (Ord. 19-05, §2, JUN-2019)

**Title 8**

**Chapter 8.05**

**Advance Payment for City Utility**

*REPEALED*

(Ord. 18-01, §1, MAY-2018)

**Title 8**

**Chapter 8.06**

**Senior Citizen Rates**

Sections:

8.06.010 Residential Rate Reduction for Senior Citizens

8.06.020 Senior Citizen Vacates Property

8.06.030 Effective Date

**8.06.010 Residential Rate Reduction for Senior Citizens**

Whenever a person sixty-five (65) years of age or over applies for and is primarily responsible for the water, sewer, and garbage costs at a residence occupied by him or her and where he or she is the head of the household, the rate for water, sewer, and garbage usage shall be in accordance with the resolution set by the Policy Board. This rate does not apply to a Senior Citizen who is out of the community for more than 90 consecutive days per calendar year. The rate is intended for full time resident Senior Citizens. (Ord. 18-01, §1, MAY-2018; Ord. 06-04, §1, MAY-2006)

**8.06.020 Senior Citizen Vacates Property**

When a senior citizen who is qualified for the reduced utility rates vacates the property, he or she or their agent shall immediately notify the City Office. That household is then responsible to pay the current usual rate for water, sewer, and garbage. (Ord. 06-04, §1, MAY-2006)

**8.06.030 Effective Date**

Provisions of this ordinance become effective upon May 11, 2006 and supersede any previous senior citizen rates established by ordinance. (Ord. 06-04, §1, MAY-2006)

**Title 9 Emergency Preparedness and Civil Defense**  
Chapters

- 9.01 Intent and Purpose
- 9.02 Definitions
- 9.03 Succession to Office of Director, Office of Emergency Management
- 9.04 The Director, Office of Emergency Management
- 9.05 Violations and Penalties
- 9.06 Office of Emergency Management
- 9.07 Powers and Duties of the Office of Emergency Management
- 9.08 Financing
- 9.09 Compensation
- 9.10 No Governmental or Private Liability
- 9.11 Disaster Prevention
- 9.12 Limitations
- 9.13 Administration
- 9.14 Civil Defense Advisory Board
- 9.15 Severability
- 9.16 Conflicting Orders, Rules, Ordinances, and Regulations Suspended
- 9.17 Effective Date

**Title 9**

**Chapter 9.01**

**Intent & Purpose**

Sections:

- 9.01.010 Intent and Purpose
- 9.01.020 Coordinating Agency
- 9.01.030 Relief of Responsibility or Authority

**9.01.010 Intent and Purpose.**

It is the intent and purpose of this ordinance 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 service functions of the city with all other public agencies and affected private persons, corporations and organizations.

**9.01.020 Coordinating Agency.**

The Port Lions Office of Emergency Management (OEM) will 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 of OEM may exercise the authority and discharge the responsibilities vested in him by Chapter 20 ( Civil Defense ) or Title 26 of the Alaska Statutes, as amended and this ordinance.

**9.01.030 Relief of Responsibility or Authority.**

This ordinance 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.

**Title 9**

**Chapter 9.02**

**Definitions**

Sections:

- 9.02.010 Disaster
- 9.02.020 Civil Disorder
- 9.02.030 Civil Emergency
- 9.02.040 Civil Defense
- 9.02.050 Attack
- 9.02.060 Civil Defense Forces
- 9.02.070 Volunteer
- 9.02.080 Civil Defense Volunteer
- 9.02.090 Curfew
- 9.02.100 Intoxicating Liquor
- 9.02.110 Director
- 9.02.120 Coordinator
- 9.02.130 Regulation

The following definitions shall apply in the interpretation of this ordinance:



**9.02.010 Disaster.**

"Disaster " includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, earthquake, epidemic, tsunami, or other impending or actual calamity endangering or threatening to endanger health, life, property, or constituted government.

**9.02.020 Civil Disorder.**

Civil Disorder means a public disturbance involving:

A. 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 property or another person to the person of any other individual; or

B. A threat or threats of the commission of an act 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 threat 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.

**9.02.030 Civil Emergency. "Civil Emergency" means:**

A. A civil disorder

B. A natural or man-made calamity

**9.02.040 Civil Defense.**

"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 should include plans and preparation for protection from, and relief, recovery, and rehabilitation from, the effects of an attack on the city by force of an enemy nation or the agent's thereof, and it shall also include such activities in connection with a civil emergency as defined herein. It shall not however include any activity that is the primary responsibility of the military forces of the United States.

**9.02.050 Attack.**

"Attack" shall mean a direct or indirect assault against the city, its government, its environs, or the nation by forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare, or sabotage.

**9.02.060 Civil Defense Forces.**

"Civil Defense Forces" shall mean the employees, equipment and facilities of all city departments, boards, institutions and commissions; and in addition it shall include all volunteer persons or agencies.

**9.02.070 Volunteer.**

"Volunteer" shall mean contributing a service, equipment or facility to the civil defense organization without remunerations.

**9.02.080 Civil Defense Volunteer.**

"Civil Defense Volunteer" shall mean 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.

**9.02.090 Curfew.**

"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 civil emergency.

**9.02.100 Intoxicating Liquor.**

"Intoxicating Liquor" means whiskey, bourbon, 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.

**9.02.110 Director.**

"Director" shall mean the Mayor or his/her designated alternate duly appointed in accordance with law.

**9.02.120 Coordinator.**

"Coordinator" shall mean the Chief of the Public Safety Division or his/her designated alternate duly appointed in accordance with law.

**9.02.130 Regulation.**

"Regulation" shall include plans, programs, and other emergency procedures deemed essential to Civil Defense.

**Title 9**

**Chapter 9.03**

**Succession to Office of Director, Office of Emergency Management**

Sections:

9.03.010 Succession to Office of Director

**9.03.010 Succession to Office of Director.**

Should the Office of Director, Port Lions 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. Deputy Mayor shall assume the Office of Director, Office of Emergency Management.
- B. Should the Director and Acting Director be absent or unable to perform the duties of the OEM, the City Clerk shall assume the Office of Director, OEM.

**Title 9**

## Chapter 9.04

### The Director of Emergency Management

Sections:

9.04.010 Duties, Responsibilities, and Powers of the Director, Office of Emergency Management

#### **9.04.010 Duties, Responsibilities, and Powers of the Director, Office of Emergency Management.**

The duties, responsibilities, and powers of the Director, Office of Emergency Management shall be as follows:

A. The Director, OEM is responsible for meeting the dangers presented by disasters to the city and its people.

B. The Director, OEM may issue orders, proclamations, and regulations to carry out the purpose of this chapter, and amend and rescind them. These orders, proclamations and regulations have the force of law.

C. An order, proclamation, or regulation issued under this chapter shall be disseminated promptly by means calculated to bring it's contents to the attention of the general public and, unless prevented or impeded by circumstances attendant upon the disaster, a copy will by 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 proclaimed in accordance with the provision of this section 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 such additional periods of time as deemed necessary by resolution of the council. All proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened of 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 disaster emergency activates the disaster response and recovery aspects of the city disaster plans and constitutes authority for the deployment and use of any Civil Defense forces to which the plan or plans apply and for the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available under this chapter or any other provision 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. The Director, OEM may 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 provision of the ordinance, order, or regulation would prevent or substantially impede or delay action necessary to cope with the disaster emergency.

H. The Director, OEM may use all the resources of the city government as reasonably necessary to cope with the disaster emergency.

I. The Director, OEM may transfer personnel or alter the functions of city department and offices or units for the purpose or performing or facilitating the performance of Disaster Emergency Management.

J. The Director, OEM may, subject to any applicable requirements for compensation under section 9.07 of this ordinance, commandeer or utilize any private property for in this chapter if he considers them necessary to cope with the disaster emergency.

K. The Director, OEM may direct or 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.

L. The Director, OEM may prescribe routes, modes of transportation and destination in connection with necessary relocation.

M. The Director, OEM may control ingress and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in it.

N. The Director, OEM may suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, ammunition, explosives, and combustibles

O. The Director, OEM may make provisions for the availability and use of temporary emergency housing.

P. The Director, OEM may 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 para-medical personnel maintaining essential medical services, utility personnel maintaining essential public services, firefighters, members of the news media upon showing authorized press cars, 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 deems necessary in the interest of the public safety.

Q. The Director, OEM may allocate, ration, or redistribute food, water, fuel, clothing, and other items he deems necessary.

R. The Director, OEM 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.

S. The Director, OEM may order Civil Defense forces to the aid of other communities when requires in accordance with the statutes of the state and he may request the state or political subdivision of the state to send aid to the City of Port Lions in case of disaster when such conditions in the city are beyond the control of the city's civil defense forces.

## **Title 9**

### **Chapter 9.05**

#### **Violations & Penalties**

Sections:

9.05.010      Violations and Penalties

#### **9.05.010      Violations and Penalties.**

Is shall be a misdemeanor, punishable by a fine not to exceed the sum of five hundred dollars or imprisonment for a term not to exceed six months or both for any person during a proclaimed disaster emergency to willfully:

A. Obstruct, hinder, or delay any accredited member of the disaster and civil defense organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him/her by virtue of this chapter;

B. Do any act forbidden by any lawful 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 and property of inhabitants of the city, or to prevent, hinder, or delay the defense or protection thereof;

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

## **Title 9**

### **Chapter 9.06**

#### **Office of Emergency Management**

Sections:

9.06.010      Office of Emergency Management

9.06.020      Emergency Management Coordinator

9.06.030 Authority

**9.06.010 Office of Emergency Management.**

There is created in the Office of the Mayor an Office of Emergency Management possessing the powers and duties set out in Chapter 9.07 of this ordinance.

**9.06.020 Emergency Management Coordinator.**

The Chief of the Division of Public Safety shall be the Emergency Management Coordinator for the Port Lions Office of Emergency Management.

**9.06.030 Authority.**

The Office of Emergency Management will function as the disaster agency within the City of Port Lions as defined in AS 26.23.060.

**Title 9**

**Chapter 9.07**

**Powers & Duties of the Office of Emergency Management**

Sections:

- 9.07.010 Emergency Management
- 9.07.020 Coordinator Office of Emergency
- 9.07.030 Management City Emergency Plan
- 9.07.040 Regulations and Orders of the OEM
- 9.07.050 Approval of Emergency Plan

**9.07.010 Emergency Management Coordinator.**

The Emergency Management Coordinator shall be responsible to the Mayor on 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 and the authorities of other nearby political subdivisions as to insure the most effective operation of the Emergency Preparedness Plan.

**9.07.020 Office of Emergency Management.**

The Office of Emergency Management shall:

- A. Coordinate the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the city for civil defense purposes;
- B. Develop and coordinate plans for the immediate use of facilities, equipment, manpower, and other resources of the city for the purpose of minimizing or preventing the damage to persons or property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare;

C. 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 designated suitable buildings as public shelters;

D. Through public information programs, educate the public as the actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present;

E. 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;

F. Coordinate the activity of all other public and private agencies engaged in civil defense activities.

G. Determine requirements of the city for food, clothing and other necessities in the event of a disaster emergency;

H. Procure and pre-position supplies, medicines, materials and equipment;

I. Adopt standards and requirements for local plans and standard operating procedures;

J. Determine requirements and standards for local disaster communications;

K. 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;

L. Establish a register of persons with types of training and skills important in disaster prevention, preparedness, response and recovery skills;

M. Establish a resource manual of mobile and construction equipment, temporary housing and other resources available for use in disaster emergency;

N. Prepare for issuance by the Mayor, orders, proclamations and regulations as necessary or appropriate in coping with disasters;

O. Develop and carry out procedures and policies to effectively employ disaster relief funds made available by the Mayor's authority through the Alaska Division of Emergency Services; these procedures shall include application and documentation, review, verification and funding approval; and

P. Do other things necessary or proper for the implementation of this ordinance, including assuming such authority and conducting such activity as the Mayor may direct to promote and execute the emergency plan.

**9.07.030 City Emergency Plan.**

The Office of Emergency Management shall prepare and maintain a city emergency plan and keep it current. The plan may include provisions for:

A. Prevention and minimization of injury and damage caused by disasters;

- B. Prompt and effective response to disasters;
- C. Emergency relief;
- D. 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 and their impact;
- E. Assistance to local officials in designing local emergency action plans and standard operating procedures;
- F. Authorizations and procedures for the construction of temporary works designed to protect against or mitigate danger, damage or loss from disaster;
- G. Preparation and distribution to the appropriate local officials of catalogs or extracts listing federal, state, city and private assistance programs;
- H. Organization of manpower and command and control;
- I. Coordination of federal, state, and local disaster activities;
- J. Coordination of the city emergency plan with the disaster plans of the state government;
- K. matters necessary to carry out the purpose of this chapter.

**9.07.040 Regulations and Orders of the Office of Emergency Management.**

The city emergency plan or any part of it may incorporate in regulations or orders of the Office of Emergency Management (OEM). Regulations and orders of the OEM have the force of law when properly promulgated by the Mayor in accordance with Chapter 9.04.

**9.07.050 Approval of Emergency Plan.**

The basic plan and all amendments shall be submitted to the Mayor. If approved after the 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 the 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.

**Title 9**

**Chapter 9.08**

**Financing**

Sections:

9.08.010 Intent



City of Port Lions

9.08.020 Appropriations

9.08.030 Severability

**9.08.010 Intent.**

It is the intent of the Council and the Administration and declared to be policy of the city, that funds to meet disaster emergencies will always be available.

**9.08.020 Appropriations.**

Whenever, and to the extent that, money is needed to cope with disaster, the first recourse shall be to 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.

**9.08.030 Severability.**

Nothing in this chapter limits the Mayors authority to apply for, receive, administer, and spend grants, gifts or payments from any source, to aid in disaster prevention, preparedness response or recovery.

**Title 9**

**Chapter 9.09**

**Compensation**

Sections:

9.09.010 Personal Services Compensation

9.09.020 Property Compensation

9.09.030 Filing Claims for Compensation

9.09.040 Amount of Compensation

9.09.050 Death Benefits and Injury Compensation

**9.09.010 Personal Services Compensation.**

No personal services may be compensated by the city or agency of it, except in accordance with Alaska law or local ordinance.

**9.09.020 Property Compensation.**

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.

**9.09.030 Filing Claims for Compensation.**

Any person claiming compensation for the use, damage, loss or destruction of property occasioned by action taken under this ordinance shall file a claim for that compensation with the Port Lions Office of Emergency Management in the form and manner required by that office.

**9.09.040 Amount of Compensation.**

Unless the amount of compensation resulting from property damaged, lost or destroyed is agreed upon in writing between the claimant and the City Office of Emergency Management, the amount of compensation due for a taking of property under condemnation laws of the state.

**9.09.050 Death Benefits and Injury Compensation.**

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 injury or are killed while rendering aid under this ordinance, provided those members are not already covered by a comparable form of insurance or health benefits plan.

**Title 9**

**Chapter 9.10**

**No Governmental or Private Liability**

Sections:

9.10.010 Governmental Liability

9.10.020 Private Liability

**9.10.010 Governmental Liability.**

This ordinance is an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city nor agents and representatives of said city, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any agents thereof, in good faith carrying out, complying with or attempting to comply with an order, rule or regulations promulgated pursuant to the provisions of this ordinance, shall be liable for any damage sustained to persons or property as the result of said activity.

**9.10.020 Private Liability.**

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 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.

**Title 9**

**Chapter 9.11**

**Disaster Prevention**

Sections:

9.11.010 Disaster Prevention

**9.11.010 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 by 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 measure for the prevention or reduction of the harmful consequences of disasters.

**Title 9**

**Chapter 9.12**

**Limitations**

Sections:

9.12.010 Limitations

**9.12.010 Limitations.**

Nothing in this ordinance:

A. interferes with or allows interference with the course or conduct of a labor dispute, except that actions otherwise authorized by this ordinance 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. effects 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 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 provision of this ordinance.

## **Title 9**

### **Chapter 9.13**

#### **Administration**

Sections:

9.13.010 Administration

#### **9.13.010 Administration.**

This ordinance shall be administered by the Office of Emergency Management, which is responsible to, and which may receive delegations of authority from the Port Lions City Council.

## **Title 9**

### **Chapter 9.14**

#### **Civil Defense Advisory Board**

Sections:

9.14.010 Establishment of Civil Defense Advisory Board

9.14.020 Duties of Civil Defense Advisory

#### **9.14.010 Establishment of Civil Defense Advisory Board.**

The Port Lions City Council 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, Office of Emergency Management (Chairman), or his/her designated representative, The Emergency Management Coordinator

(Vice Chairman), a member of the City Council, Community Health Aid, School Principal, or his/her designated representative, and a member of the general public.

#### **9.14.020 Duties of the Civil Defense Advisory Board.**

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 the Chairman or, in his/her absence from the city or inability to call such a meeting upon call of the Vice Chairman.

**Title 9**

**Chapter 9.15**

**Severability**

Sections:

9.15.010 Severability

**9.15.010 Severability.**

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

**Title 9**

**Chapter 9.17**

**Effective Date**

Sections:

9.17.010 Effective Date

**9.17.010 Effective Date.**

This ordinance shall take effect on the day of the July 8, 1993 passed by the Port Lions City Council.

**Title 10 City Building Code**  
Chapters

10.01 Restricting Trailer Buildings

**Title 10**

**Chapter 10.01**

**Restricting Trailer Buildings**

Sections:

10.01.010 General Provisions

10.01.020 Variance to General Provisions

10.01.030 Existing Trailer Building's Exemption

**10.01.010 General Provisions.**

Construction of trailer buildings on any land zoned residential, business, industrial, conservation, watershed, and public within the corporate boundaries of the City of Port Lions will not be allowed.

**10.01.020 Variance to General Provisions.**

Temporary trailer buildings used for construction projects may be granted a variance, upon review by the city council. No variance will be granted for permanent trailer buildings.

**10.01.030 Existing Trailer Building's Exemption.**

Existing permanent trailer buildings on foundations within the city limits, on the effective date of this ordinance shall be exempt for the life of the trailer or until the trailer is removed, whichever occurs first. New permanent trailer buildings may not replace existing trailer buildings.

**Title 11 City Service Regulations, Fees & Permits**  
Chapters

- 11.01 Storage and Transport of Crab Pots and Other Fishing Gear
- 11.02 Community Hall
- 11.03 City Warehouse
- 11.04 Storage of Skiffs/ Trailers on City Property
- 11.05 City Heavy Equipment
- 11.06 City Shop Equipment
- 11.07 Ambulance Service Fees

**Title 11**

**Chapter 11.01**

**Storage and Transport of Crab Pots and Other Fishing Gear**

Sections:

- 11.01.010 Definitions
- 11.01.020 Storage Areas
- 11.01.030 Prohibited Area
- 11.01.040 Transport and Maintenance of Gear on City Dock
- 11.01.050 Public Safety Requirements
- 11.01.060 Storage Fees
- 11.01.070 City Transport Fees
- 11.01.080 Penalty Fees
- 11.01.090 Liability

**11.01.010 Definitions.**

The following definitions apply to Chapter 11.01:

Resident refers to any person who residence is within the Port Lions City limits which is their primary residence.

Fishing gear refers to any/all types of fishing gear including crab pots, seines, lines, buoys, reels, and other gear removed from a vessel for storage.

Storage areas refers to those areas designated and approved by the City of Port Lions for fishing gear storage.

Prohibited areas refers to all City owned lands not designated or approved as fishing gear storage areas. (Ord. 04-02, §2, JUL-2004)

**11.01.020 Storage Areas.**

The Port Lions City Council will designate area(s) of City property where fishing gear storage will be maintained. The Department of Harbors & Ports will supervise all fishing gear storage areas on City Property. (Ord. 04-02, §2, JUL-2004)

**11.01.030 Prohibited Areas.**

All City properties not designated as a storage area shall not have any gear or pots stored upon those properties. Storage of any fishing gear, on any city docks, floats or the causeway is prohibited.

**11.01.040 Transport and Maintenance of Gear of City Docks.**

Transporting and maintenance of fishing gear and pots on City docks will be permitted only during the following periods:

Ten (10) days before the opening date of the fishing season(s); During the fishing season(s);

Ten (10) days after the closing date of the fishing season(s).

**11.01.050 Public Safety Requirements.**

Pots stored on City property that interfere with city operations or endanger public safety or property will be removed by the city by officials of the Department of Harbors & Ports to approve storage areas. Owners will be returned their pots and gear upon request, provided payment of any hauling fee, or other costs to the city is made.

**11.01.060 Storage Fee.**

Storage fees for any/all types of fishing gear will be as follows:

**11.01.061 Resident Storage Fees.**

Resident storage fees for any/all types of fishing gear will be charged at eleven cents (\$.11) per square foot/per year.

**11.06.062 Non-Resident Storage Fees.**

Non-Resident storage fees for any/all types of fishing gear will be charged at twenty-two cents (\$.22) per square foot/per year.

**11.01.070 Handling and Hauling Fees.**

Fishing gear handling and hauling fees will charged at sixty-five dollars (\$65.00) per hour.

**11.01.080 Penalty Fees.**

A penalty fee for violations of this Chapter will be applied at the rate of five cents (\$.05) per square foot/per day.

**11.01.090 Liability.**

The City is not liable for personal injuries caused by stored gear or property damage to stored gear.



**Title 11**  
**Chapter 11.02**  
**Community Hall**

Sections:

- 11.02.010 Advance Notice
- 11.02.020 Deposit (cleaning)
- 11.02.030 Financial Responsibilities
- 11.02.040 Hall Rental
- 11.02.050 Overnight Lodging
- 11.02.060 Port Lions Native Corporation
- 11.02.070 Port Lions V.P.S.O Office

**11.02.010 Advance Notice.**

Any person or group wishing to use the Hall, must arrange for the rental five (5) days in advance with the City Office

**11.02.020 Deposit (Cleaning).**

A deposit of fifty dollars (\$50.00) shall be paid in advance to the City Office, prior to using the Hall, except for City activities. This deposit will be entirely refunded if the hall it's left in at least as good condition as it was found: clean, lights off, windows and doors shut and locked, heater on low, dishes and Kitchen area cleaned, and no damage to the facilities.

**11.02.030 Financial Responsibilities.**

One individual shall sign to be financially responsible for any major damage done to the facility. The statement will be attached to the cleaning and damage deposit form.

**11.02.040 Hall Rental.**

To provide funds for the operation and maintenance of the Community Hall, a person or group using the facility shall pay a fee set forth by the Port Lions City Council. This fee set by resolution must be paid in advance, to the Port Lions City Office. City, School or educational, religious, Senior Citizen's activities, and Public Meetings or recreational activities do not have to pay this fee. Other groups may be excused from the fee also, after applying to the City Office five (5) days in advance. (Ord. 98-02, §2, JUN-1998)

**11.02.050 Overnight Lodging.**

The Community hall is not for use for overnight lodging, except during extreme emergencies, authorized by the Mayor of the City Office.

**11.02.060 Port Lions Native Corporation.**

Port Lions Native Corporation shall have use of office space and other community hall facilities for business purposes only for one hundred (\$150.00) dollars per month. REPEALED (Ord. 98-02, §2, JUN-1998)

**11.02.070 Port Lions V.P.S.O.**

The Port Lions Village Public Safety Officer shall have the use of one office, consisting of at least 100 square feet. REPEALED (Ord. 98-02, §2, JUN-1998)

**Title 11.03**

**City Warehouse**

Sections:

11.03.010 Lease Space

11.03.020 Fee Schedule

11.03.030 Liability

11.03.040 City Authority

11.03.050 Alterations

11.03.060 Signatures

**11.03.010 Lease Space.**

Locker space and other space in the city warehouse may be leased as it is available on a first-come first served basis with first option being given to those who presently occupy space and those who wish to renew leases.

**11.03.020 Fee Schedule.**

Space will be leased by the square foot per year at a rate to be determined by resolution of the city council. Fees are payable in advance. Failure to renew a lease within thirty days of its expiration will result in forfeiture of the space. The lease of incidental or short-term space may be negotiated with the city.

**11.03.030 Liability.**

The lessees will agree to hold the City of Port Lions free from any liability for goods stored in the warehouse including by not limited to damage or loss from fire, water, vandalism, theft, or structural failure.

**11.03.040 City Authorization.**

The city will have the authority to remove any goods which are occupying space which has not been leased and/or to bill for the costs of storage and removal.

**11.03.050 Alterations.**

Persons leasing space for periods of not less than one year may make alterations to existing internal structure at their own expense in order to improve the security or protection of their goods.

**11.03.060 Signatures.**

In order to be valid, a lease agreement must be signed by the city and the lessee.

**Title 11**

**Chapter 11.04**

**Storage of Skiffs/Trailers on City Property**

Sections:

- 11.04.010 Definitions
- 11.04.020 Storage Areas
- 11.04.030 Prohibited Areas
- 11.04.040 Public Safety Requirements
- 11.04.050 Storage Fees
- 11.04.060 Penalty Fees
- 11.04.070 Liability

**11.04.010 Definitions.**

Storage area refers to those areas designated and approved by the City of Port Lions for skiff/trailer storage.

Prohibited areas refers to all City owned lands not designated or approved as skiff/trailer storage areas. (Ord. 04-04, §1, SEP-2004)

**11.04.020 Storage Areas.**

The Port Lions City Council will designate area(s) of City property where skiffs/trailers storage will be maintained. The Department of Harbors & Ports will supervise all skiffs/trailers storage areas on City Property. (Ord. 04-04, §1, SEP-2004)

**11.04.030 Prohibited Areas.**

All City Properties not designated as a storage area shall not have any skiffs/trailers stored upon those properties. Storage of any skiffs/trailers on any City dock & floats is prohibited. (Ord. 04-04, §1, SEP-2004)

**11.04.040 Public Safety Requirements.**

Skiffs/Trailers stored on City Property that interfere with City operations or endangers public safety or property will be removed by the City by officials of the Department of Harbors & Ports to an approved storage area. Owners will be returned their property upon request, provided payment of any hauling fee, storage fee, or other costs to the City is made. (Ord. 04-04, §1, SEP-2004)

**11.04.050 Storage Fees.**

Storage fees for any/all types of skiffs/trailers is set at a rate of five dollars (\$5.00) per day or thirty dollars (\$30.00) per month. (Ord. 04-04, §1, SEP-2004)

**11.04.060 Penalty Fees.**

A penalty fee for violations of this Chapter will be applied at the rate of five cents (\$0.05) per square foot/day. (Ord. 04-04, §1, SEP-2004)

**11.04.070 Liability.**

The City is not liable for personal injuries, property damage, or loss of stored skiff/trailers on City property. (Ord. 04-04, §1, SEP-2004)

**Title 11**

**Chapter 11.05**

**City Heavy Equipment**

Sections:

11.05.010 General Provisions

11.05.020 Definitions

11.05.030 Operation Charge

11.05.040 Long Term Rental

11.05.050 Liability

**11.05.010 General Provisions.**

City heavy equipment may be rented under the following conditions. (Ord. 12-05, §2, AUG-2012)

**11.05.020 Definitions.**

City Heavy Equipment is defined as all large wheeled and tracked vehicles owned by the City of Port Lions. (Ord. 12-05, §2, AUG-2012)

**11.05.030 Operation Charge.**

City Equipment rented and operated by City Personnel will be charged a fixed operator rate per one (1) hour as set by a Resolution of the Port Lions City Council.

Any City Heavy Equipment rented and operated by persons who are not City personnel will be charged a flat rate at a minimum of one (1) hour. The rate will be set by a Resolution of the City Council of Port Lions and on a job by job basis.

Any persons operating City Heavy Equipment who are NOT City Personnel will be covered under a separate liability insurance policy. A copy of this policy must be given to the City Office prior to renting and operating City Heavy Equipment. The City reserves the right to rent City Heavy Equipment with an Operator only. (Ord. 12-05, §2, AUG-2012; Ord. 04-02, §2, JUL-2004)

**11.05.040 Long Term Rental.**

Any long term rental of City Heavy Equipment will be reviewed on a case by case basis and is subject to equipment availability and approval by the Port Lions City Council. Any approved Long Term Rental of City Heavy Equipment will be done by contract with the rental rate being set forth within the individual contract. (Ord. 12-05, §2, AUG-2012)

**11.05.050 Liability.**

If City Heavy Equipment is rented on a long term basis by contract, then the lessee assumes all liability for equipment operations and operators. Lessee also thereby agrees to pay all City Costs plus 20% for all repairs resulting from equipment operation while under contract. All fuel, oil and routine maintenance will be performed by the lessee at no cost to the City. (Ord. 12-05, §2, AUG-2012)

**Title 11**

**Chapter 11.06**

**City Shop Equipment**

Sections:

11.06.010 Definitions

11.06.020 Rental Rates

11.06.030 Equipment Operator Charge

11.06.040 Liability

**11.06.010 Definitions.**

City Shop Equipment is defined as small equipment including but not limited to welders, pressure washers, rotor router, jack hammer, cement mixer, generator, and any other City shop equipment available for rent. (Ord. 12-05, §2, AUG-2012)

**11.06.020 Rental Rates.**

All City owned Shop Equipment rental rates shall be set by a Resolution of the Port Lions City Council. (Ord. 12-05, §2, AUG-2012)

**11.06.030 Equipment Operator Charge.**

All City Shop Equipment rented and needing an operator shall be charged at the current rental rate plus the City's cost including wages, taxes, and employer's tax contribution. (Ord. 12-05, §2, AUG-2012)

**11.06.040 Liability.**

Any person who rents City Shop Equipment and operates it themselves assumes all liability for equipment operations. Lessee also agrees to pay all City costs plus 10% for any repairs resulting from equipment damage while under lease. (Ord. 12-05, §2, AUG-2012)

**11.06.050 Liability REPEALED (Ord. 12-05, §2, AUG-2012)**

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**11.06.060 Weekly Rate REPEALED (Ord. 12-05, §2, AUG-2012)**

**11.06.070 Equipment Description REPEALED (Ord. 12-05, §2, AUG-2012)**

**Title 11**

**Chapter 11.07**

**Ambulance Service Fees**

*REPEALED* (Ord. 12-05, §2, AUG-2012)

**Title 12 Small Boat Harbor**

**Title 13 City Docks and Floats**  
Chapters

13.01 Regulations

**Title 13**  
**Chapter 13.01**  
**Regulations**

Sections:

- 13.01.010 General Provisions
- 13.01.020 Reserved Moorage
- 13 .01.030 Annual Transient Moorage
- 13.01.040 Daily Transient Moorage
- 13.01.050 Refusal of Moorage Facilities
- 13.01.060 Loading Areas
- 13.01.070 Unlawful Acts
- 13.01.080 Reporting Violations
- 13.01.090 Payments
- 13.01.100 Disclaimer of Responsibility
- 13.01.110 Moorage Provisions for City Dock
- 13.01.120 Delinquent Payments

**13.01.010 General Provisions.**

The assignment of stall is under the exclusive control and regulation of the City of Port Lions, specifically through the office of the harbormaster. No person may "sell", "sublease", "rent" or otherwise charge to another person for the use of a stall. When a boat owner or operator is no longer in permanent possession of a vessel he must relinquish rental privileges of that stall to the city or contact the harbormaster and/or city office to make other arrangements.

**13.01.020 Reserved Moorage.**

A. Reserved moorage grants the boat owner/operator a reserved mooring space on the city float(s). Possession of a reservation is a guarantee that the reserved space shall be available for the use of the holder of the reservation during those periods when the subject boat is within the boat harbor facilities. The harbormaster may temporarily assign another boat to a reserved mooring space as he determines it expedient and only when the boat assigned to a reserve mooring space is away from the harbor area.



B. In the event that a holder of a reserved mooring space returns to the harbor and finds his reserved mooring space occupied, the holder shall contact the harbormaster. The harbormaster shall cause the boat temporarily assigned to the reserved mooring space to be moved to another location.

C. Nothing in this section limits the harbormaster's authority to use the holders reserved space during the absence of the holder's boat and to move moored boats to other locations in the event of fire or other emergency requiring such action.

**13.01.030 Annual Transient Moorage.**

A. Transient vessels may be assigned to use a reserved stall when the stall is vacant on a "first-come-first served basis", or a transient vessel may be required to tie abreast of another vessel as available space requires. The harbormaster may move or require to owner/operator to move the transient vessel as the situation may require.

B. No boat shall be moored to another boat without that boat owners permission; in no case shall boats be moored more than two abreast.

C. Annual transient vessels will be allowed only when payment for the year is made in advance.

**13.01.040 Daily Transient Moorage.**

A. Boats may be moored at the float as Daily Transient vessels of the daily fee is paid each day and provided space is available.

B. Vessels paying "daily transient" fees may not moor at the float for more than eight (8) days at any one time.

C. All other provisions of "Annual Transient Moorage" apply to Daily Transient vessels.

D. Eight hours free moorage will be allowed for boats 25 feet and under on a space available basis designated by the harbormaster. This section of the regulations is specifically for the benefit of harbor users from outside the City of Port Lions.

**13.01.050 Refusal of Moorage Facilities.**

The harbormaster may refuse mooring facilities to aircraft, boathouses, floats, scows, rafts, pile drivers and other cumbersome floating structures, or to any boat, vessel or floating structure which is or may become or create a fire hazard or otherwise become a menace or nuisance to the safety and welfare of other boats and their occupants.

**13.01.060 Loading Areas.**

No vessel shall remain moored in a designated loading area on the city dock or float for any period longer than is posted.

**13.01.070 Unlawful Acts.**

It shall be unlawful for any person using the harbor facilities to:

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A. Operate or cause to be operated any boat within the harbor facilities that causes a wake or wave action which will damage, endanger, or likely to endanger any other boat or boat harbor facilities.

B. Throw or otherwise cause to be deposited gasoline, oil, litter, trash, garbage or refuse on any float, dock or into the waters of the harbor.

C. Allow or permit dogs or animals to run at large on any boat harbor facilities or become a nuisance therein.

D. Deposit and leave any cargo, merchandise, supplies, freight, articles, or fishing gear upon any float, ramp, or dock except as designated by the harbormaster and in accordance with Title 11.01. Any unauthorized gear shall be impounded by the City of Port Lions. To claim said gear, all hauling fees, storage charges and/or fines shall be paid in full. Any impounded gear not claimed within six (6) months shall be auctioned off by the City of Port Lions.

E. Fail to register with the harbormaster any boat occupying any of the boat harbor and port facilities.

F. Tap, connect, disconnect or interfere with any electrical wiring, outlets or electrical device installed and maintained by the city without first obtaining the permission of the harbormaster; or to interfere with or tamper with any wharf, float, ramp, associated water system or any other items of the boat harbor facilities.

G. Tie up, enter or otherwise use an open or a reserved mooring space except as provided in this Title.

H. Operate motorized vehicles on the city float(s).

I. Refuse to comply with any lawful order of the harbormaster.

### **13.01.080 Reporting Violations.**

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

### **13.01.090 Payments.**

All charges for port and harbor facilities shall be in accordance with the fees set by the city council by resolution. All charges shall be paid to the order of the City of Port Lions, in advance, at the city office.

### **13.01.100 Disclaimer of Responsibility.**

The city assumes no responsibility for safekeeping of property and shall not be liable for any loss or damage to property.

### **13.01.110 Moorage Provisions for City Dock.**

No vessel shall be moored at the city dock except for the purposes of loading or unloading passengers, cargo or fish gear, or unless the vessel has a specific prior contract with the City of Port Lions, or permission of the harbormaster.

**13.01.120 Delinquent Payments.**

Delinquent accounts of 90 days for stall rentals are cause to have the lease cancelled and are subject to collection as provided by the Port Lions City Council, and applicable state law.

**Title 14 Health and Safety**  
Chapters

14.01 Establishing a Healthy Department

**Title 14**

**CHAPTER 14.01**

**Establishing a Health Department**

Sections:

14.01.010 Health Department

14.01.020 Purpose

14.01.030 Department Composition

14.01.040 Powers and Duties of Health Department

14.01.050 Smoking Prohibited

14.01.060 No Smoking Signs Posted

**14.01.010 Health Department.**

Pursuant to AS 29.48.130 (a)(1), this section provides for a Health Department in and for the City of Port Lions. Hereinafter, future references to the Health Department will be made by use of the word, "Department".

**14.01.020 Purpose.**

It is the express purpose of the Department to advise the City Council on both fiscal and administrative matters, and to act on behalf of the Council on these matters on the direction of the Council.

**14.01.030 Department Composition.**

The Department shall consist of a Health committee of seven members appointed by the mayor to serve equal terms not exceeding one year in length. (Hereinafter referred to as the "committee".) Vacancies on the committee shall be filled by the mayor. A quorum of four members must be present and voting at committee meetings to conduct business. The committee shall elect a Chairman and Secretary.

**14.01.040 Powers and Duties of Health Department.**

A. The department shall, on the direction of the city council establish and maintain a separate accounting of health activities to be known as the Health Fund. At the direction of the city council the committee shall expend health funds for the purposes of:

1. Maintaining the health facility;
2. Providing health services;
3. Amortizing the costs of clinic construction or improvements.

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B. The health committee shall be responsible to the council for the following reports:

1. Annual report of Income and Expenditures of Health funds during the fiscal year.
2. Annual budget for revenues and expenditures (May presentation to the council).

C. In addition, the health committee may act on direction of the council in the following areas:

1. Insurance negotiation;
2. Loans negotiation for construction or improvement;
3. Lease negotiation (PHS);
4. Administration of PHS lease income, State Revenue Sharing Health Funds, construction funds, and miscellaneous income generated by health services in accordance with state law and the city code.
5. This ordinance is effective the date of passage.

**14.01.050 Smoking Prohibited.**

Smoking is prohibited in all building and offices owned or leased by the City of Port Lions at all times. (Ord. 02-02, §2, AUG-2002)

**14.01.060 No Smoking Signs Posted.**

The Mayor shall cause notices to be posted and maintained throughout the City buildings. (Ord. 02-02, §2, AUG-2002)



B. No temporary policeman of the City of Port Lions shall be subject to the training and examination procedures established by the Alaska Police Standards Council pursuant to A.S. 18.65.240.

**15.01.040    Policemen - Regular and Special - Appointment.**

The number of regular and special policemen shall be determined by, and each such policeman shall be appointed by the City Council. Special policemen shall have the powers vested in the regular city policemen. Such special policemen shall, however, serve on a temporary basis and only when and as specifically requires by the police chief. They shall assist the police chief whenever called upon. No special policeman shall be on duty as a special policeman at any time or any place without being ordered to do so by the police chief, and no special policeman shall be paid for police services directly by any person other than the appropriate city official.

**15.01.050    Conduct.**

Every member of the police department shall conduct himself or herself in the proper and law-abiding manner at all times and shall avoid the use of unnecessary force.

**15.01.060    Duties of the Police Department.**

It shall be the duty of the police department to apprehend and arrest and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays, and unlawful assemblies which come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of policemen.

**15.01.070    Chief of Police.**

A. The chief of police shall be the commanding officer of police force. He shall:

1. See that the ordinances, rules and regulations of the city and all statutes applicable therein are faithfully enforced;
2. Preserve the public peace, prevent infractions of the law, and arrest violators thereof;
3. Protect the rights of persons and property;
4. Cause the streets and alleys of the city to be inspected regularly, and cause all nuisances or impediments herein to be removed, and cause offenders to be prosecuted when necessary to abate such nuisances;
5. Unless otherwise directed by council, submit a monthly report to the city council outlining the number and type of arrests for state offenses, the number and types of cases involving violations of city ordinances, and the number of arrests made and cases reported by each police officer;

6. Observe and report immediately to the mayor all defects, and want of repair in streets and sidewalks, and all defective street lights;
7. See to the proper service of all summons, subpoena, citations, executions, attachments, and rules of the city council;
8. Arrange for the attendance of one or more police officers at every fire, to preserve order and prevent injury, theft and destruction;
9. Investigate, or cause to be investigated, the cause and circumstances of any accident occurring for which the city may be liable. Whenever the attention of any police officer shall in any manner have been called to any accident for which the city may be liable, it shall be the duty of such officer to communicate such facts and information as he may have to the chief of police;
10. Attend all meetings of the city council and all trials before the Magistrate's court.
11. Perform such other duties as shall be required of him by the council

B. The chief of police shall receive compensation at the rate determined by the council.

**15.01.080 Disposition of Stolen, Abandoned, or Impounded Property.**

A. All personal property which comes into the custody of the police department where said property has been stolen or impounded or where the ownership is unknown, shall be held for a period of 60 days awaiting claim by its owner. The owner of said property shall have the right to have such property returned to him.

B. If after the expiration of 60 days the property is unclaimed, the chief of police shall advertise for sale by posting in three public places notices of sale of unclaimed property. Such posting shall take place at least seven days before the date set for such sale and shall give description of the property to be sold and specify the time and place of sale. If the property is still unclaimed by the time of the sale, it shall be sold as advertised and the proceeds shall be placed in the city treasury.

**Title 15**

**Chapter 15.02**

**Public Safety Division**

Sections:

- 15.02.010 Creation
- 15.02.020 Appointment of Chief (VPSO)
- 15.02.030 Powers, Duties and Responsibilities of the Division
- 15.02.031 Law Enforcement
- 15.02.032 Fire Prevention



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15.02.033 Emergency Medical Response

15.02.034 Search and Rescue

15.02.040 Chief VPSO

15.02.050 Rules and Regulations

15.02.060 Conduct of Members

15.02.070 Custody of Public and Stolen Property

15.02.080 Officers - Regular and Special

### **15.02.010 Creation.**

There shall be a Public Safety Division for the city. The Village Safety Officer is the Chief of the division.

### **15.02.020 Appointment of the Chief.**

The chief is appointed by the city council and serves at its pleasure. The chief is administratively responsible to the chief executive officer (Mayor).

### **15.02.030 Powers, Duties and Responsibilities of the Division.**

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

### **15.02.031 Law Enforcement.**

It is the duty of the division 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 or State law as proper authorities; and in all respects to perform all duties pertaining to the office of policeman.

### **15.02.032 Fire Prevention.**

It is the duty of the division to supervise all activities of the Port Lions Volunteer Fire Department; extinguish fires; rescue persons endangered by fire; promote fire prevention; enforce all ordinances pertaining to fires, fire prevention and safety of persons threatened by fire; and in all respects to perform all duties pertaining to the office of fireman.

### **15.02.033 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 division emergency medical technicians to undertake immediate response in traumatic accident situations; where qualified stabilize the condition of the victim in preparation for transport; transport the victim to the nearest primary health care facility (i.e. local clinic); and resuscitate and administrate first aid to persons injured in case of an emergency. Response to an emergency medical situation will be under the general direction of the local primary health care provider (doctor, health aid, etc.). In the absence or in availability of any recognized primary health care provider, the VPSO (Chief) or his designee will

exercise that authority. The chief and the primary health aid will cooperate in devising protocol for dealing with emergency medical situations.

**15.02.034 Search and Rescue.**

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

**15.02.040 Division Chief.**

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

1. determine the organization of the division and provide for its staffing;
2. establish and enforce rules and regulations for the conduct of division members;
3. direct the police, fire protection and emergency rescue work of the city;
4. train and drill the members of the division including fire drills or emergency drills if necessary;
5. be responsible for the maintenance and care of all property used or in the custody of the division;
6. maintain and staff the City Jail or other holding facilities and be responsible for the prisoners;
7. prepare and maintain records of all arrests, fines; search and rescue operations and responses to emergencies, and other information about the work and status of the division and make periodic written reports to the City Council;
8. provide arrangements and equipment for reporting emergency situations and for notifying all members of the division to assure prompt response to such incidents;
9. supervise fire and public safety hazard inspections;
10. recommend to the City Council needed fire protection, emergency medical and search and rescue equipment;
11. prepare and submit, upon request, a tentative division budget for the division to the city council;
12. communicate directly with and coordinate, where possible division activities, with those of other regulatory and enforcement agencies about matters related to division business;
13. perform such other duties as may be required by the City Council.

**15.02.050 Rules and Regulations.**

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

B. The rules and regulations adopted for the division 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 division.

**15.02.060 Conduct of Members.**

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

**15.02.070 Property and Equipment and Supplies.**

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

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

C. No person shall use any division equipment for any private purpose, nor shall any person without proper authority take away and division property;

D. The above section includes all lost, stole, abandoned or otherwise unclaimed property which comes into possession of the division, except vehicles which are otherwise provided for by State law.

**15.02.080 Division Members - Regular and Special.**

A. The number of regular and special division members shall be appointed by the city council unless this power to appoint, suspend or remove is delegated to the chief.

B. Regular members of the division are salaried employees and are subject to all benefits which may apply thereto;

C. Special members of the division may include special purpose or special response teams such as:

1. volunteer fire department
2. search and rescue teams
3. emergency medical response teams.

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

**Title 16 Fire  
Chapters**

16.01 Fire Department

**Title 16  
Chapter 16.01  
Fire Department**

Sections:

- 16.01.010 Fire Department - Fire Chief
- 16.01.020 Fire Chief - Oath of Office
- 16.01.030 Powers and Duties of the Fire Department
- 16.01.040 Fire Chief as Commanding Officer
- 16.01.050 Volunteer Fireman Department
- 16.01.060 City Owned Equipment
- 16.01.070 Certification to State Fire Marshall for Workman's Compensation Benefits

**16.01.010 Fire Department - Fire Chief.**

There shall be a fire department in and for the city to be known as the "Port Lions City Fire Department". The fire department shall consist of the fire chief and such subordinate officers and firemen as the council may from time to time appoint.

**16.01.020 Fire Chief - Oath of Office.**

The fire chief shall before entering upon the duties of the officer of fire chief affirm in writing the following oath and affirmation;

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the laws and ordinances of the City of Port Lions, and that I will faithfully discharge my duties as fire chief to the best of my ability."

This oath shall be filed with the City Clerk.

**16.01.030 Powers and Duties of the Fire Department.**

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

**16.01.040 Fire Chief as Commanding Officer.**

The fire chief shall be the commanding officer of the fire department.

A. He shall:

1. See to the proper and speedy extinguishment of all accidental and intentionally caused fires within the city limits;
2. Investigate the causes of all extended or destructive fires occurring within the city limits and submit a report on each such fire to the State Fire Marshall;
3. At least one time per month provide suitable drills covering the operation and handling of all equipment essential for efficient department operation. In addition, he shall provide, at least one time per year, sessions of instruction to include such subjects as first aid, water supplies, and other subjects relating to fire suppression;
4. Keep a record of all apparatus, equipment, personnel, training, inspections, fires, and other departmental activities.

B. The fire chief shall receive compensation at a rate determined by the council.

**16.01.050 Volunteer Fireman Department.**

Volunteer firemen shall be appointed by the council and shall be organized and disciplined as a fire department by the fire chief.

The functions and duties of the officers of the Volunteer Fireman Department shall not interfere with those of the regular department officers who are charged with responsibility for all fire services activities of the department.

**16.01.060 City Owned Equipment.**

A. The fire chief shall be responsible for the upkeep of all city fire fighting equipment. He shall be responsible to the council for recommending such apparatus or other fire fighting equipment as may be required to maintain department efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the department to assure prompt response to such incidents.

B. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.

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 the special permission of an officer or authorized member of the department.

**16.01.070 Certification to State Fire Marshall for Workman's Compensation Benefits.**

A. The fire chief shall submit a complete list of all members, including volunteers, of the Port Lions City Fire Department to the State Fire Marshall.

B. The fire chief shall notify the State Fire Marshall of any additions or deletions to this list within 10 days of each addition or deletion.

**Title 17 Vehicles and Traffic**

Chapters

17.01 Driving any Vehicle While Under the Influence of Intoxicating Liquors or Drugs

17.02 Reckless and Negligent Driving

17.03 Speed Limits for all Motorized Vehicles and Traffic

17.04 Motor Vehicle Operations & Driver /Passenger Safety

**Title 17**

**Chapter 17.01**

**Driving any Vehicle While Under the Influence of Intoxicating Liquors or Drugs**

Sections:

17.01.010 Driving

**17.01.010 Driving While Under the Influence of Intoxicating Liquor or Drugs.**

It is unlawful for a person to drive or operate an automobile, motorcycle or other motor vehicle within the city limits while under the influence of an intoxicating liquor, depressant, hallucinogenic or stimulant drugs or narcotic drugs as defined in A.S.17.10.230(13) and A.S.17.12.150(3).

**Title 17**

**Chapter 17.02**

**Reckless and Negligent Driving**

Sections:

17.02.010 Reckless Driving

17.02.020 Negligent Driving

**17.02.010 Reckless Driving.**

A person who drives any automobile, motorcycle, or other motor vehicle within the City of Port Lions carelessly, heedlessly, or in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection, or at a speed or in any manner so as to endanger or be likely to endanger any person or property, is guilty of "reckless driving".

**17.02.020 Negligent Driving.**

It is unlawful for any person to operate a motor vehicle in a negligent manner within the City of Port Lions. To operate in a "negligent manner means the operation of a vehicle upon the highways in such a manner as to endanger any persons or property.

The offense of operating a vehicle in a negligent manner is a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner.

## **Title 17**

### **Chapter 17.03**

#### **Speed Limits for All Motorized Vehicles and Traffic**

Sections:

17.03.010 Vehicle and Traffic Definitions

17.03.020 Posted Speed Limits

17.03.030 Enforcement

17.03.040 Penalties and Remedies

#### **17.03.010 Vehicle and Traffic Definitions.**

This Chapter applies to all motorized vehicles or traffic that have two, three, four, or more wheels or tracks or snow tracks, and transports people.

#### **17.03.020 Posted Speed Limits.**

Speed Limit signs are posted on City and State streets and roads throughout Port Lions. Violations of the posted speed limits, by any of the defined vehicles or traffic are subject to enforcement and/or fines and penalties.

#### **17.03.030 Enforcement.**

Appropriate action may be taken by the Village Public Safety Officer, to enforce the provisions of this chapter or to prevent violations thereof.

#### **17.03.040 Penalties and Remedies.**

A. A person who violates the provision of this chapter is guilty of a misdemeanor and is punishable by a fine of not less than \$25.00 for the first offense or more than \$50.00 for a second offense within a year. Citations not paid within 30 days, will be submitted to the district court.

B. Notwithstanding the availability of any other remedy, the City or any aggrieved person may bring a civil action to enjoin any violation of this Chapter, or to obtain damages for any injury the plaintiff suffered as a result of the violation.

C. Each act of condition violating this Chapter, and each time during which the act or condition exists, continues or is repeated shall be a separate and distinct violation.

D. The penalties provided for violation of this Chapter are in addition to and not in lieu of any other penalty provided for in state law or any civil remedy available to the City.

## **Title 17**



## Chapter 17.04

### Motor Vehicle Operations and Driver/Passenger Safety

Sections:

17.04.010 State Statute or Regulation

17.04.020 Definitions

17.04.030 Helmet Use Requirement

17.04.040 Penalties and Remedies

#### **17.04.010 State Statute or Regulation.**

The provision of the Alaska Statutes, Title 29, as amended and all regulations promulgated there under by the Commissioner of Public Safety are hereby incorporated by reference into these sections. (Ord. 05-01, §1, JUN-2005)

#### **17.03.020 Definitions**

The following definitions apply to Chapter 17.04.

A. A driver/passenger is all persons under the age of eighteen (18)

B. A motor vehicle is all motorized vehicles powered by human, fuel or electric power and having 2, 3, 4, or more wheels, tracks, or snow tracks, and transports people. This excludes all automobiles, trucks, and commercial vehicles. (Ord. 05-01, §1, JUN-2005)

#### **17.04.030 Helmet Use Requirement.**

All drivers/passengers of any motor vehicle, under the age of eighteen (18), shall be required to wear a DOT approved crash helmet. (Ord. 05-01, §1, JUN-2005)

#### **17.03.040 Penalties and Remedies.**

A. A driver/passenger in violation of this section may receive a verbal and written warning for the first offense, a penalty of \$50.00 for the second offense, and a penalty of \$75.00 for the third offense. Third time offenders also lose all driver/passenger privileges of any \*motor vehicle within Port Lions city limits. Citations not paid within thirty (30) days, will be submitted to the district court.

B. Each violation of this Chapter, and each time the violation exists, continues, or is repeated shall be a separate and distinct violation.

This Ordinance Title 17, Chapter 17.04 becomes effective June 3, 2005 by a duly constituted quorum of the Port Lions City Council. (Ord. 05-01, §1, JUN-2005)

**Title 18 Public Peace Morals and Welfare**

Chapters

18.01 Firearms

18.02 Malicious Destruction of Property and Trespass

18.03 Intoxicating Beverages in Public Buildings of the City

**Title 18**

**Chapter 18.01**

**Firearms**

Sections:

18.01.010 Discharge of Firearms or Other Explosives

18.01.020 Shooting Exhibitions

18.01.030 Possession of Firearms While Intoxicated

18.01.040 Firearms Aimed at People

**18.01.010 Discharge of Firearms or Other Explosives.**

It is unlawful for any person or organization to discharge any firearm, firecracker or other explosive within the city limits of Port Lions except that:

A. The Mayor or the City Council may designate an area within the city limits where firearms may be sighted in; (Rifle range on lots 6 and 7, Block 2, Port Lions Second Addition Subdivision).

B. Subsistence hunting shall be permitted where it can be conducted without endangering others

C. Fireworks during the following designated Holidays may be used for:

January 1st - New Years Day

January 14th - Russian New Years Day

July 4th - Independence Day

for a period of 72 hours preceding and following the designated Holidays.

**18.01.020 Shooting Exhibitions.**

Nothing in the previous section shall prevent the City Council from authorizing a shooting exhibition or the use of fireworks provided however, that such a shooting exhibition are to be authorized by the Mayor or his designee and are properly supervised by the Village Public Safety Officer.

**18.01.030 Possession of Firearms While Intoxicated.**

It is unlawful for any person under the influence of alcohol to have in his possession firearms of any type.

**18.01.040 Firearms Aimed at People.**

It is unlawful for any person to intentionally point or aim firearms or other weapons, loaded or otherwise at any other person.

**Title 18**

**Chapter 18.02**

**Malicious Destruction**

**Sections:**

18.02.010 Malicious Destruction or Injury

18.02.020 Trespass

**18.02.010 Malicious Destruction or Injury.**

It is unlawful for any person to maliciously destroy or injure any public property or any private property not his own.

**18.02.020 Trespass.**

It is unlawful for any person to trespass upon the private property of another without his consent.

**Title 18**

**Chapter 18.03**

**Intoxicating Beverages in Public Buildings of the City**

**Sections:**

18.03.010 General Provisions

18.03.020 Variance to General Provision

18.03.030 Authority by Alaska Statute 18.03.030 Penalty for Violation

18.03.040 Effective Date

**18.03.010 General Provisions**

It shall be unlawful for anyone to have upon their person or to drink: wine, beer, liquor or any other intoxicating beverage while within the confines or upon the property of any public building of the City of Port Lions.

**18.03.020 Variance to General Provisions**

The Port Lions City Council may, upon review, grant a variance to persons or groups renting the Community Hall for public or private social gatherings. The Port Lions City

reserves the right to strictly stipulate, by contract, the number of people, date, time, amount and type of alcohol allowed. (Ord. 10-01, §2, APR-2010)

**18.03.030 Authority by Alaska Statute.**

The Alaska Statute 29.35.010 “General Powers” provide for the enforcement and penalty for violation of an ordinance. Alaska Statute 29.35.080 “Alcoholic Beverages” provide for a municipality to regulate the barter, sale, importation and consumption of alcoholic beverages. (Ord. 10-01, §2, APR-2010)

**18.03.040 Penalty for Violation.**

The penalty for violation of this ordinance shall be \$50.00. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. (Ord. 10-01, §2, APR-2010)

**18.03.050 Effective Date.**

Provisions of this ordinance become effective on the date of Adoption, and supersede any previous ordinance. (Ord. 10-01, §2, APR-2010)

**Title 19 Libraries & Cultural Enrichment**

Chapters

19.01 Establishing a Library Department

**Title 19**

**Chapter 19.01**

**Establishing a Library Department**

Sections:

19.01.010 Library Department

19.01.020 Purpose

19.01.030 Department Composition

19.01.040 Department Finances

**19.01.010 Library Department.**

Pursuant to Title 29, of the State of Alaska Statutes, the City of Port Lions has created a Library Department as a part of the Municipal Government of the City of Port Lions for the purpose of cultural enrichment for the residents of the City of Port Lions. (Ord. 16-04, §2, SEP-2018; Ord. 12-06, §2, AUG-2012)

**19.01.020 Purpose.**

The express purpose of the Library Department is to establish and maintain a public library, and to advise the City Council on fiscal and administrative matters concerning this Department and to act on decisions made by the Port Lions City Council concerning this department. In addition, the Library Departments purpose is to provide the library assistance in achieving the mission through the realization of its goals and strategic plans, as well as promote the library's role and enhance its effectiveness in the educational process.

(Ord. 16-04, §2, SEP-2018; Ord. 12-06 § 2, AUG-2012)

**19.01.030 Department Composition.**

The Department shall consist of a Library Board made up of five (5) members appointed by the Mayor, one of which may be a City Council Member. The Board will elect by majority vote a Library Director, Assistant Library Director, and Secretary from its members. The election of committee members will take place at the first meeting held by the Library Department. A quorum of two thirds (2/3) of the Library Board Members must be present and voting in the Library Board meeting in order to conduct business. (Ord. 16-04, §2, SEP-2018; Ord. 12-06 § 2, AUG-2012)

**19.01.040 Department Finances.**

Any funds raised by this Department shall be accounted for within the City of Port Lions General Fund, with the budgetary line item, "Library Fundraisers", and shall be used accordingly towards the Library Department needs.

(Ord 12-06 § 2, AUG-2012)

**19.01.050 Powers and Duties of the Library Department**

The Library Board may, at the Direction of and with approval of the City Council work to obtain funds on behalf of the library through grant research, grant writing, and fundraising opportunities as well as any other methods available. The Library Board will build partnerships and assist in connecting the library with the community focusing on community priorities as noted in the Port Lions Community Plan and other local documents. The Library Board may represent the library in the community through interaction with the local school and Tribal Entity. The Library Board will report any issues which effect the operations of the Library, including but not limited to, any changes in State Library Policies, to the Port Lions City Council. The Library Board will provide the library with assistance in reviewing, recommending, and enhancing library policies, programs and community visibility. The Library Board will make recommendations to the Port Lions City Council who will have the final vote on any changes to library procedures and policies. (Ord. 16-04, §2, SEP-2018)

**Title 20 Animals**  
*REPEALED*

(Ord. 96-01, §2, JAN-1996)

**Title 21 Parks and Recreation**

Chapters

21.01 Destruction of the Environment

**Title 21**

**Chapter 21.01**

**Destruction of the Environment**

Sections:

21.01.010 Temporary Shelters

21.01.050 Enforcement

**21.01.010 Temporary Shelters.**

Camping in a tent, lean-to, automobile, camper, recreational vehicle, or other temporary shelter outside areas designated for this purpose by ordinance is prohibited within the corporate limits of the City of Port Lions.

**21.01.050 Enforcement.**

The enforcement of the designated area will be by the Port Lions Village Public Safety Officer. The officer may determine that temporary shelters will be safe, and not harm the public safety, health and welfare of the community. The V.P.S.O may enforce trespassing of Public and private lands that do not allow temporary shelters or camping. Improper disposal of a carcass, discharge of firearms and other violations of City ordinances shall be enforced by the Village Public Safety Officer.