

CITY OF QUINHAGAK
CODE OF ORDINANCES

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TITLE 01: GENERAL PROVISIONS

CHAPTER 01.01: CODE ADOPTION

Section 01.01.010 City Designated.

- A. The City of Quinhagak shall continue as a municipal corporation and political subdivision of the State of Alaska as a second class city.
- B. The government of the city shall be that commonly known and designated as the city-mayor form of government.
- C. The boundaries of the city certified by the State of Alaska February 13, 1975, as described are the effective city limits as follows:

Beginning at the point where the mean low water line of Kuskokwim Bay intersects with the section line, extended, common to Sections 5, 6, 7, and 8, unsurveyed T5S, R74W, Seward Meridian, Alaska; thence east to the NE corner of Section 9, T5S, R74W; thence south to the SE corner of Section 16, T5S, R74W; thence west along the section line common to Sections 17, 18, 19, and 20, T5S, R74W to the point where it intersects with the mean low water line of Kuskokwim Bay; thence north along the mean low water line of Kuskokwim Bay to the point beginning, containing six square miles more or less.

- D. The city seal shall be as seen here:



The city seal shall be used as evidence of the official nature of city acts of documents.
The city seal shall be kept and used by the clerk.

Section 01.01.020 Code Adoption.

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

Section 01.01.030 Definitions.

The following definitions shall apply to this code, unless other definitions are provided.

- A. *City* means the City of Quinhagak, Alaska.
- B. *Clerk* means the City Clerk of the City of Quinhagak, Alaska.
- C. *Code* means the Code of Ordinances of the City of Quinhagak, Alaska.
- D. *Council* means the City Council of the City of Quinhagak, Alaska.
- E. *State* means the State of Alaska.

Section 01.01.040 Severability.

Every ordinance or chapter of this code shall be read as though it contains the following severability clause: "If any part of this code is invalidated, the remainder which is not invalidated remains valid."

Section 01.01.050 General Penalty.

Every act prohibited by this code is unlawful. Unless another penalty is expressly provided, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued thereby shall be punished by a fine not more than \$500, or not more than 30 days imprisonment, or both. Each act of violation and every day upon which such violation occurs constitutes a separate penalty offense.

Section 01.01.060 Grammatical Interpretation.

The following grammatical rules apply to this code:

- A. Any gender includes the other gender;
- B. The singular number includes the plural and the plural includes the singular, unless clearly inappropriate;

- C. The present tense includes the past and future tenses and vice versa, unless clearly inappropriate;
- D. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language;
- E. Common 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 that have acquired a peculiar and appropriate meaning in the law shall be construed and understood to such peculiar and appropriate meaning.

CHAPTER 01.02: ACTS OF THE COUNCILSection 01.02.010 Generally.

The council shall act only by ordinance, resolution, or motion.

Section 01.02.020 Ordinances.

- A. A law of a general, uniform, and permanent nature shall be written as a code ordinance. A law of a general and uniform but which are not permanent in nature shall be written as a non-code ordinance.

- B. A proposed ordinance may be introduced by the mayor or any two council members at a lawful council meeting. An introduced ordinance shall be published and the notice for a public hearing shall be published for at least five days. Following the public hearing, the council may adopt an ordinance with or without amendment. If amendments are so substantial as to change the ordinance's basic character, the ordinance shall be treated as a newly introduced ordinance.

- C. The council may adopt emergency ordinances to meet a public emergency. Emergency ordinances may remain in effect for a maximum of sixty days.

Section 01.02.030 Resolutions.

- A. Opinions, principles, facts, or propositions may be presented in the form of a resolution.

- B. Resolutions shall not be included in the code, but shall be kept separately by the clerk.

TITLE 02: ADMINISTRATION

CHAPTER 02.01: MAYOR

Section 02.01.010 Qualifications of Mayor.

- A. The mayor shall be a qualified city voter.
- B. If the mayor ceases to be eligible to be a city voter, he or she is no longer mayor or council member.
- C. The mayor shall be a city council member, and meet all of the qualifications there-of.

Section 02.01.020 Powers and Duties.

- A. The mayor is the chief executive officer of the City of Quinhagak. The mayor shall preside at council meetings, act as ceremonial head of the city, and sign documents on behalf of the city upon council authorization.
- B. The mayor is the chief administrative officer of the city. The mayor shall perform the administrative duties listed below, or may assign such duties to staff:
 - 1. Appoint city employees and administrative officers, unless otherwise provided by code, hire necessary administrative assistants, and authorize an appointed administrative officer to appoint, suspend, or remove subordinates;
 - 2. Suspend or remove by written order city employees and administrative officers, unless otherwise provided by code;
 - 3. Supervise enforcement of city law;
 - 4. Prepare annual budget and capital improvements program;
 - 5. Execute the budget and capital improvement program as adopted by the council;
 - 6. Make monthly financial reports to the council on city finances and operations;
 - 7. Report to the council at the end of the fiscal year.

Section 02.01.030 Vice Mayor.

The council shall elect a vice-mayor from among its membership to serve in the temporary absence of the mayor.

CHAPTER 02.02: CITY COUNCILSection 02.02.010 Qualifications of Council Members.

The council shall consist of seven members elected by the voters at large, with the following qualifications:

- A. Council members shall be qualified city voters.
- B. A council member who ceases to be eligible to vote in the city immediately forfeits his or her office.
- C. In order to serve as a council member, a person must be a resident of the city for one year immediately prior to the date of the election

Section 02.02.020 Oath of Office.

All council members, before entering upon the duties of office, shall affirm in writing the following oath and affirmation: "I _____ do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska and the Ordinances of the City of City of Quinhagak, Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of council member to the best of my ability." The oath is filed by the clerk.

Section 02.02.030 Compensation of Council Members.

All council members who attend each meeting shall be compensated at a rate of:

- A. Regular Meetings: \$146.19 (net after tax: \$125.00).
- B. Second Day of Regular Meeting or Travel Meeting: \$85.54 (net after tax: \$75.00).
- C. Special Meeting: \$85.54 (net after tax: 75.00).
- D. Travel Meeting: \$146.19 (net after tax: 125.00).
- E. Work Session: \$27.06 per hour.

Section 02.02.040 Vacancies.

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

- A. Fails to qualify or take office within thirty days after the election or appointment;
- B. Is physically absent from the city for a ninety day period unless excused by the council;
- C. Resigns and the resignation is accepted;

- D. Is physically or mentally unable to perform the duties of office;
- E. Misses three consecutive regular meetings unless excused; or
- F. Is convicted of a felony or of an offence involving a violation of his or her oath of office.

Section 02.02.050 Filling a Vacancy.

If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall designate a person to fill the vacant seat within 30 days. The person appointed shall serve until the next regular city election and until his or her successor has qualified.

Section 02.02.060 Conflict of Interest.

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

CHAPTER 02.03: CITY COUNCIL MEETINGS

Section 02.03.010 Regular Meetings.

The City of Quinhagak city council shall hold one regular meeting per month for the purpose of conducting all necessary city council business. The regular meeting shall be held on the first Thursday of each month at 5:00PM. If no quorum is present, the presiding officer shall reschedule the meeting. If the regular meeting falls on a holiday, the meeting shall be rescheduled to the following Thursday, or a date agreed upon by the city council.

Section 02.03.020 Special Meetings.

Special meetings of the city council may be called as necessary if the business cannot wait until a regularly scheduled meeting.

- A. The mayor and/or two city council members may call special meetings, or a person or persons from an agency may request a meeting.
- B. Special meeting notice must be posted in three places at least 24 hours in advance. All city council members must be notified.

Section 02.03.030 Emergency Meetings.

In the case of an emergency, a special meeting may be called on less than 24 hours' notice if all members are present or if there is a quorum and all absent members have waived in writing the required notice, either before or after the meeting. Waivers shall be attached and made a part of the meeting minutes.

Section 02.03.040 Executive Sessions.

Executive sessions may be called when the need arises, in compliance with Alaska Statute 44.62.310. The following subjects may be considered in an executive session:

- A. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- B. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- C. Matters which by law, municipal charter, or ordinance are required to be confidential; or
- D. Matters involving consideration of government records that by law are not subject to public discourse.

Section 02.03.050 Notice.

Reasonable public notice shall be given for all meetings, except emergency meetings as provided in Section 02.03.030. Reasonable public notice shall include a statement containing the date, time, and place of the meeting, and shall be posted in at least three public places, not less than 24 hours before the time of the meeting.

Section 02.03.060 Travel Meetings.

General travel meetings are authorized by city council action. Travel meetings for grant or project purposes may be authorized by the mayor or the city council.

CHAPTER 02.04: CITY COUNCIL PROCEDURES**Section 02.04.010 Presiding Officer.**

- A. The mayor shall be the presiding officer at all meetings of the council. The mayor shall preserve order among council members and is responsible for efficient conduct of all meetings according to the rules of the council.
- B. The council shall select a vice-mayor from among the council to preside in the mayor's absence or disability.
- C. In the temporary absence or disability of both the mayor and vice-mayor, any member of the council may call the meeting to order at any properly-noticed meeting to elect an acting mayor from among its members. The acting mayor shall exercise all powers of the mayor only during such a temporary absence or disability of the mayor or vice-mayor.

Section 02.04.020 Minutes.

Minutes of all regular and special meetings shall be taken. All minutes shall be kept in the council meeting journal. The minutes shall be available to the public for inspection.

Section 02.04.030 Rules of Conduct.

City council meetings shall follow the basic rules of Robert's Rules of Order, except when otherwise provided in code. A failure to follow Robert's Rules of Order does not in and of itself invalidate actions of the council.

Section 02.04.040 Voting.

- A. A quorum is necessary for the council to conduct any business.
- B. All members of the council shall vote on all matters before the council, unless excused from the vote due to a conflict of interest in accordance with Section 02.02.060.

CHAPTER 02.05: CITY CLERKSection 02.05.010 Appointment and Hours.

The city clerk shall be hired and work as needed by the mayor and as required by the city. The city clerk shall work scheduled hours and in accordance with personnel policies and procedures, under the supervision of the mayor and the city council.

Section 02.05.020 Duties.

The city clerk shall be responsible for all duties described by Alaska Statute and duties assigned by the mayor and council, including specifically:

- A. Preparing all council meeting materials, i.e. agenda and correspondences; and
- B. Maintain codified ordinances, city council meeting minutes, and resolutions and ordinances for permanent records.

Section 02.05.030 At-Will Employment.

If for any reason the city council or mayor are not satisfied with the duties done by the city clerk, it shall be up to the mayor, with the approval of the city council, to fire the city clerk and replace the city clerk with someone else.

Section 02.05.040 Acting Clerk.

The council may appoint an acting clerk in the temporary absence of the clerk. The acting clerk has all of the powers, duties, and obligations of the clerk.

CHAPTER 02.06: CITY TREASURERSection 02.06.010 Appointment.

The city treasurer shall be a council member appointed by a majority vote of the city council.

Section 02.06.020 Duties.

The city treasurer shall be responsible for all duties described by Alaska Statute and duties assigned by the mayor and council.

Section 02.06.030 Replacement.

If for any reason the city council or mayor are not satisfied with the duties done by the city treasurer, the council may by majority vote replace the treasurer with another member of the council.

Section 02.06.040 Acting Treasurer.

The council may appoint an acting treasurer in the temporary absence of the treasurer. The acting treasurer has all of the powers, duties, and obligations of the treasurer.

CHAPTER 02.07: CITY ADMINISTRATOR**Section 02.07.010 Hiring and Firing.**

The city council shall be responsible for hiring and firing the city administrator. The city administrator shall be responsible for hiring and firing all other city workers with the approval and confirmation of the mayor and/or city council.

Section 02.07.020 Supervision.

Supervision of all city personnel shall be the responsibility of the city administrator. The city administrator shall be under the direct supervision of the mayor and/or city council.

Section 02.07.030 Duties.

The duties of the city administrator shall be assigned by the mayor/city council as follows:

- A. Supervise all city personnel;
- B. Prepare all budgets and reports;
- C. Maintain all city financial records;
- D. Maintain proper files in support of city financial records;
- E. Keep city council advised of all grants, contracts, and other financial matters;
- F. Review all incoming correspondences and inform the city council of appropriate action;
and
- G. Attend all city council meetings.

The city administrator shall delegate and assign duties to city staff as needed.

Section 02.07.040 Salaries.

Salaries shall be set by the city council through resolution and pay scale as position salaries are needed. Salaries shall be approved through annual budget procedures and may be changed by city council action as needed due to cost of living increases or funding limitations.

TITLE 03: PERSONNEL

CHAPTER 03.01: PERSONNEL POLICIES AND PROCEDURES

Section 03.01.010 Employee Handbook Adoption.

The City of Quinhagak Personnel Policies and Procedures manual is hereby adopted as the employee handbook for all city employees. The manual may be amended by resolution of the city council.

TITLE 04: ELECTIONS

CHAPTER 04.01: REGULAR ELECTIONS

Section 04.01.010 Election Date.

A general election shall be held each year on the first Tuesday of the month of October for the purpose of electing city council members.

Section 04.01.020 Council Seats and Terms of Office.

The city council shall be made up of seven council seats, each serving staggered three-year terms.

Section 04.01.030 Candidate Eligibility.

All candidates for city council must be:

- A. A resident of the City of Quinhagak for at one year;
- B. At least 18 years of age;
- C. A citizen of the United States; and
- D. A registered voter in the State of Alaska.

Section 04.01.040 Nominating Petition.

All candidates for city council must file a nominating petition not more than 30 days nor later than 10 days prior to the election. The nominating petition must contain signatures of ten registered voters in support of the candidate.

Section 04.01.050 Notice of Election.

The city clerk shall post notice of election in three public places 30 days prior to the election. The notice shall contain the election date, time, and polling place for the election.

Section 04.01.060 Election Judges.

The city council shall select an election judge to work during the election. The judge shall be paid \$200 per day.

Section 04.01.070 Certification of the Election.

The Quinhagak City Council shall examine the results of the election and certify the election within seven days of the election. Each candidate elected must receive the highest number of votes cast in order to be certified by the council.

Section 04.01.080 Run-Off Election.

In case no candidate receives at least the highest number of votes cast for that office, the city council shall set a date within 30 days for a run-off election.

Section 04.01.090 Swearing-In of Elected Officials.

All newly elected council members shall be sworn into office by the city clerk at the next regular council meeting or within 30 days. All newly elected officials must complete an oath of office and an affidavit of candidate disclosure.

CHAPTER 04.02: SPECIAL ELECTIONSSection 04.02.010 Authorization.

The city council shall pass a resolution to hold a special election on a date different from the regular general meeting, as needed.

Section 04.02.020 Notice Requirements.

Notices shall be posted in three public places at least 20 days before a special election.

Section 04.02.030 Procedures.

All procedures for a special election, other than those noted in this chapter, shall be the same as those for a regular election.

TITLE 05: REVENUE AND FINANCE

CHAPTER 05.01: FINANCIAL POLICIES AND PROCEDURES

Section 05.01.010 Financial Handbook Adoption.

The City of Quinhagak Financial and Administration Policies and Procedures manual is hereby adopted as the financial handbook for the city. The manual may be amended by resolution of the city council.

CHAPTER 05.02: USE AND RENTAL FEESSection 05.02.010 Rental of City-Owned Equipment.

- A. The city council shall assign and/or hire an authorized operator to operate city owned equipment.
- B. Equipment rental rates shall be set by resolution of the city council.
- C. Rates shall be changed by resolution whenever cost of living increases or due to any other factors which might affect the cost of operation.

Section 05.02.020 Copy Charges.

- A. The city administrator shall supervise the use of the city-owned copy machine and the collection of any and all user fees.
- B. The copy charge for the use of the copy machine shall be \$0.50 per copy.

CHAPTER 05.03: MANAGEMENT OF MUNICIPAL LANDSection 05.03.010 Rights and Powers of City.

The city shall have and may exercise the rights and powers of acquisition, ownership, holding, and disposal of real property in any manner provided herein.

Section 05.03.020 Acquisition of Land.

- A. The city may acquire, own, and hold real property or any interest in real property inside or outside city boundaries by lease, exchange, transfer, or purchase. Unless otherwise directed by the city council, the mayor has authority to negotiate the terms of acquisitions, subject to council approval. Except as provided in Subsections B and C of this section, and unless otherwise provided by law, all acquisitions shall be by resolution approved by a majority vote of the total membership of the city council. Real property shall be held in the name of the City of Quinhagak.
- B. Upon passage of a resolution approved by the majority vote of the total membership of the city council, the mayor may act on behalf of the city to execute those documents required in the acquisition of real property or interest in real property when that property to be acquired is conveyed from the Native Village Corporation in partial satisfaction of the required Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA). Such a resolution shall include a statement identifying the amount of land being acquired, the legal description of the property, and that the acreage shall be deducted from the amount of 14(c)(3) lands to be conveyed by the Native Village Corporation. The conveyance document shall contain a statement that the conveyance is made pursuant to 14(c)(3) and a statement that the grantee must pay the grantor all “net revenues” derived from sale or surface resources harvested or extracted from the property. When the conveyance is for full and complete satisfaction of the requirements of 14(c)(3), a non-code ordinance shall be passed which shall include the following:
1. A statement identifying the amount of land to be acquired;
 2. A legal description;
 3. A statement that the conveyance, in conjunction with any previous partial re-conveyances, is in complete satisfaction of 14(c)(3) obligations;
 4. A finding that the lands are sufficient for existing and foreseeable community needs; and
 5. A statement of facts supporting that finding.
- C. The city council may approve and authorize the purchase of real property or interest in real property by contract of sale, deed, deed of trust, or lease. The local government body (city or IRA) shall have first right of refusal to purchase property if residents wish to sell

their land. The village corporation Qanirtuuq Inc. has second right of refusal. Then the interested party may make an offer.

Section 05.03.030 Temporary Use of City Lands.

- A. The mayor has the authority to issue special land use permits for the exclusive temporary use of city lands. A special land use permit does not convey an interest in the land and may be revoked for cause within 30 days' notice. Unless otherwise agreed to in writing, the land shall be revoked to its original condition upon expiration or revocation of the permit. Easements may not be granted under a special use permit.
- B. Public comment shall be sought before the issuance of a special land use permit in those situations where, in the opinion of the mayor, a hazardous or obnoxious use might significantly affect the surrounding area. Notice of the proposed action shall be published and a period for public comment shall be provided. When significant adverse comment is received, a public hearing shall be held.
- C. A special land use permit shall not be granted for a term exceeding one year. Special land use permits shall not be transferable or renewable. Upon expiration, a special land use permit may be re-issued for a term not exceeding one year.
- D. If a fee is charged for the issuance of a special land use permit, the fee schedule shall be established by the city council.

Section 05.03.040 Casual Use of City Lands.

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

Section 05.03.050 Disposal of Real Property.

The city may dispose of real property or an interest in real property which has been found to be no longer necessary for municipal purposes. All disposals shall be by non-code ordinance. The minimum time between introduction and adoption of non-code ordinances for disposal other than by sealed bid or public outcry or lottery shall be 25 days longer than required for other non-code ordinances. The ordinance shall include:

- A. A finding that the real property or interest in real property is no longer necessary for municipal purposes and a statement of facts upon which such a finding is based;
- B. A legal description of the property;
- C. Type of interest in property to be disposed as defined in Section 05.03.060;
- D. The purpose of the disposal;
- E. The procedure for conducting the disposal and the time, place, and manner in which the proposed disposal shall occur; and
- F. The value of the property – the city council may determine the value of land or cost for lease purposes. The value of the property may include the price for surveying the property and the cost of recording the necessary paperwork. If necessary, the city council may hire a qualified appraiser or assessor to determine the fair market value of the property to be sold or leased.

Section 05.03.060 Purpose of Disposal.

- A. Disposal for public purposes: The city council may dispose of real property or an interest in real property to a municipality, state, federal, nonprofit, or tribal entity, when the recipient is providing a necessary public service to residents of the municipality, without seeking bids and for less than the fair market value of the real property or interest in real property. If a disposal is made under this section, the non-code ordinance authorizing the disposal shall include, in addition to the requirements of Section 05.03.050:
 - 1. A finding that the disposal to the entity is for provision of a necessary public service and a statement of facts upon which such a finding is based; and
 - 2. A requirement that the conveyance of the property or property interest disposed include a condition that the title shall revert to the municipality in the event the property is no longer used for the necessary public service justifying the disposal.
- B. Disposal for economic development: The city council may dispose of real property or an interest in real property to any person or entity in furtherance of local trade or industry without seeking bids and for less than the fair market value of that real property or interest in real property as determined under Subsection 05.03.060(B). If the disposal is made to further economic development, the non-code ordinance authorizing the disposal shall include, in addition to the requirements of Section 05.03.050:
 - 1. A finding that the property or property interest which is the subject of the disposal shall be used in furtherance of local trade or industry; and

2. A requirement that the conveyance of the property or property interest disposed include a condition that title shall revert to the municipality in the event the property is no longer used for the local trade or industry justified in the disposal.
- C. Miscellaneous disposals: The city council may settle disputed claims or litigation by authorizing disposal of real property, trading real property, or an interest in real property.
- D. Disposal to settle claims of equitable interest: Upon a finding by the city council that it is in the public interest, the city may convey real property or interest in real property for less than fair market value to a person who has a valid claim of equitable interest in the property or a substantial improvement located upon the property. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance.
- E. Disposal for residential purposes: Upon a finding by the city council that there is a current residential housing shortage in the community and that making land available for residential purposes at less than market value is in the public interest, the city may convey real property or an interest in real property for less than fair market value (no less than \$10) to a domiciled city resident who seeks a parcel for development and use as a personal place of residence. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance. When real property or interest in real property is disposed of pursuant to this subsection, the deed or lease shall contain a condition subsequent which ensures that if the land is used for any use other than residential use for a period of five years after the disposal, the title shall revert to the city. In addition, disposals under this subsection shall include a requirement for the construction of a habitable dwelling within two years after disposal, or title shall revert to the city. Small home-based businesses are allowed.

Section 05.03.070 Leases.

A disposal of interest in real property by lease shall follow the requirements of Section 05.03.050. The terms and conditions of leases shall be established by the city council for such disposal.

Section 05.03.080 Easements.

The disposal of interest in real property by easement shall follow the requirements of Section 05.03.050-060. The terms and conditions of easements shall be established by the city council for each such disposal.

Section 05.03.090 Definitions.

For the purpose of this chapter, the following definitions shall apply:

- A. *Abstract of title*: A condensed history of the title to the land together with a statement of all liens, charges, or liabilities to which the land may be subject.
- B. *ANCSA 14(c)(3)*: Obligation of the Native Village Corporation to convey to the municipality 1,280 acres of land (surface property).
- C. *Appraisal*: An estimation of value of property by a qualified appraiser.
- D. *Casual use*: The temporary, safe, non-exclusive, and non-surface-disturbing use of city land, including but not limited to such uses as hiking, hunting, fishing, short-term camping, picnicking, skiing, snow machining, or berry picking.
- E. *City boundaries*: The city limits, inside of which all city ordinances are enforceable.
- F. *Competitive disposal*: A disposal of property wherein no preference is shown to any prospective bidder or group of bidders.
- G. *Condition subsequent*: An event that occurs after transfer of title which shall act to restore title to the maker of the condition.
- H. *Contract of sale*: A contract between a willing seller and a willing buyer to transfer title to property.
- I. *Deed of trust*: An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum of money or the performance of other conditions.
- J. *Disposal*: The act of giving away or selling; the transfer of interest in property.
- K. *Disputed claims*: Claim for property that is protested by another, or for property which is also claimed by another.
- L. *Domiciled resident*: One who has resided in the city for at least thirty days previous, maintains an address in the city, and intends to make the city his/her permanent residence.
- M. *Easement*: A right or privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.

- N. *Economic development*: To promote the growth of the local economy; increase income of residents.
- O. *Evaluate*: To judge the quality of.
- P. *Federal entity*: The federal government or an agency thereof.
- Q. *Hazardous use*: A use involving danger, peril, or risk to human health and well-being.
- R. *Interest*: In property: a right, claim, title, or legal share in that property. Refers to the “bundle of rights”, which may be transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easement.
- S. *Inventory*: A list of property, containing a description of each article of property.
- T. *Lease*: Leases are used to dispose of specific interests in real property without transferring ownership of that property; a contract for exclusive possession of lands or tenements for a determinate period.
- U. *Legal description*: That part of the conveyance document which identifies the land or premises intended to be affected by that conveyance.
- V. *Litigation*: Contest in a court of justice for the purpose of establishing a right.
- W. *Municipality*: A unit of local government organized under the law of the State of Alaska.
- X. *Non-code ordinance*: An ordinance that is not part of the permanent city code.
- Y. *Nonprofit*: An organization formed under the laws of the State of Alaska not to obtain a profit but to supply an essential service to its constituents.
- Z. *Obnoxious use*: A use which people may find objectionable, disagreeable, offensive, or displeasing.
- AA. *Public interest*: Something in which the public, the community at large, has some pecuniary interest (having to do with money), or some interest by which their legal rights or liabilities are affected.
- BB. *Public service*: Activities and enterprises which specifically serve the needs of the general public.
- CC. *Revert*: With respect to ownership, a title to go back to and lodge in former owner.

DD. *Right of refusal:* The group or organization that has higher chance of getting the property before it goes to someone else.

EE.*State:* The State of Alaska or an agency thereof.

FF.*Substantial improvement:* An exclusive use of city land which has a duration of one year or less, involving minimal disturbance to the land, and does not allow permanent structures or improvements exceeding \$5,000 without approval of the city council.

GG. *Valid claim:* A legal enforceable claim by a third party.

TITLE 06: BUSINESS TAXES AND REGULATIONS

CHAPTER 06.01: SALES TAX

Section 06.01.010 Definitions.

For the purpose of this chapter, sales and services shall be defined as any and all sales made or originating within the city limits of the City of Quinhagak. Be it also further defined as a retail sale or service resulting from an offer made from the seller to the buyer within the city and/or retail sales taking place wholly within the city limits.

Section 06.01.020 Levy of Tax.

Sales tax is levied on all sales and services made in the city at a rate of three percent (3%) of the selling price. The burden of this tax rests upon the buyer.

Section 06.01.030 Exemptions.

The following sales are exempt from sales taxation:

- A. Casual sales: sales not made in the regular course of business; i.e. sales of handmade craft items unless part of a bona fide business enterprise.
- B. Federal/state exemptions: all sales made to the federal or state government are exempt from taxation.
- C. Sales of raw fish.
- D. Non-profit corporations: Sales made by non-profits which do not have paid employees and who do not keep normal business hours.
- E. All items exempt from sales taxation by Alaska Statute 29.45.650(f-k).

Section 06.01.040 Seller to Collect.

A seller shall add the three percent (3%) sales tax to the selling price which the seller collects at the time of the sale or at the time of collection of credit transaction. The tax shall be stated separately on any sales receipt, invoice, or other form of sales receipt.

Section 06.01.050 Tax Schedule.

The seller shall add to the selling price an amount determined by the following scales:

<u>Selling Price</u>	<u>Amount of Sales Tax</u>
\$0.00 to 0.16	None
\$0.17 to 0.49	\$0.01
\$0.50 to 0.83	\$0.02
\$0.84 to 1.16	\$0.03

Section 06.01.060 Tax and Return.

Seller shall file returns and send in the tax collected monthly. Unless otherwise provided, the seller shall, on or before the 15th day of the month following the end of the former month, remit all taxes collected. Taxes may be remitted quarterly upon written permission from the city administrator.

Section 06.01.070 Procedures on Delinquent Taxes.

A penalty of five percent (5%) shall be added to the amount collected from the seller if tax payment is past due by 30 days. The penalty shall be collected from the seller at the same time the tax is collected.

Section 06.01.080 Penalty.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$500.00, nor more than \$1,500.00, and shall pay the cost of prosecution.

TITLE 07: HEALTH AND SAFETY

CHAPTER 07.01: FIREARMS AND EXPLOSIVES

Section 07.01.010 Discharge of Firearms.

Firearms may be discharged within the corporate limits of the city specifically designated by the council. The safety of all person(s) shall come first at all times.

Section 07.01.020 Exemptions.

It shall be unlawful for any person(s) or organizations to discharge firearms or explosives within the city limits except as follows:

- A. For subsistence purposes;
- B. New Year's celebrations; or
- C. Military funerals.

Section 07.01.030 Concealed Weapons.

It shall be unlawful for any person(s) to carry a concealed weapon on or about his or her person in any manner be it a revolver, pistol, or any deadly weapon.

Section 07.01.040 Aimed Weapons.

It shall be unlawful for any person(s) to discharge any firearm or air rifle, or intentionally point or aim any firearm or another weapon loaded or otherwise at any person(s).

Section 07.01.050 Penalty.

Person(s), companies, firms, partnerships, corporations, or any other entity violating the provisions of this ordinance shall, upon conviction thereof, be fined not to exceed the sum of \$500.

CHAPTER 07.02: DAMAGE TO PROPERTY**Section 07.02.010 Damage to Property Unlawful.**

It is unlawful to damage or destroy the property of others. This includes personal property, buildings, boats, snow-go's, sleds, and any other property.

Section 07.02.020 Compensation for Damage.

Any person(s) who damages or destroys the property of others shall replace or pay the owner the equivalent to the cost/value of the damaged property.

Section 07.02.030 Non-Cooperation.

Any person(s) who does not cooperate with the fining authority regarding damaged property shall be referred to legal services in Bethel, Alaska

Section 07.02.040 Reserved (Penalty).

CHAPTER 07.03: CONTROL OF FIREARMS AND EXPLOSIVESSection 07.03.010 Unattended Firearms.

It shall be unlawful for any person(s) to leave any firearm(s), rifles(s), pistol(s), or ammunition unattended in a boat or skiff.

Section 07.03.020 Removal by Village Police.

Any firearm(s), rifles(s), pistol(s), or ammunition left unattended in a boat or skiff may be removed and brought to the police station by the village police.

Section 07.03.030 Retrieval.

The owner(s) of any firearm(s), rifles(s), pistol(s), or ammunition removed by the village police due to a violation of Section 07.03.010 may retrieve the firearm(s), rifles(s), pistol(s), or ammunition at the police station at no charge.

CHAPTER 07.04: CURFEWSection 07.04.010 Ages Affected.

All children are subject to this curfew chapter up to and including high school students. This shall include students over the age of 18 if they are enrolled in school

Section 07.04.020 Winter Curfew.

All students and preschoolers shall be home during winter from Sunday through Thursday by the following times:

- A. Grammar School: 9:00PM
- B. High School: 10:00PM

Section 07.04.030 Weekend Curfew.

The following hours shall be observed on Friday and Saturday:

- A. Grammar School: 10:00PM
- B. High school: 11:00PM

Section 07.04.040 Summer Curfew.

Summer curfew for all ages shall be 11:00PM Sunday through Saturday.

Section 07.04.050 Enforcement and Penalties.

The Village Police Department shall be responsible for enforcing the above mentioned curfew. Violators shall be subject to the following restrictions and penalties:

- A. All violators shall be restricted from school activities.
- B. Repeated violations shall be punished by community service work.

CHAPTER 07.05: TRAFFIC AND VEHICLES**Section 07.05.010 ATVs; Motorcycles; Snow Machines; Trucks; Car Traffic.**

- A. Persons under the age of sixteen years shall not operate ATVs, motorcycles, snow machines, trucks, cars, or other motorized vehicles on tribal, city, or state roads.
- B. Violators of this section shall be subject to the provisions of sections 050 and 060 of this chapter.

Section 07.05.020 Speed Limits.

- A. All persons driving motorized vehicles on tribal, city, or state maintained roads shall observe posted speed limits as follows:
 - 1. Airport to within 500 feet of the high school: 20 MPH.
 - 2. Area within 500 feet of the high school: 15 MPH.
 - 3. Beginning of Arolik Road to Arolik River: 20 MPH.
- B. All drivers shall observe stop signs and look both ways before entering or turning onto the street.

Section 07.05.030 Headlights.

All persons driving motorized vehicles on tribal, city, or state maintained roads within city limits shall observe the following:

- A. Headlights shall be turned on half hour after sunset and half hour before sunrise.
- B. Headlights shall be turned on during the daylight when visibility is less than 1,000 feet due to fog, smoke, snow storms, or otherwise.
- C. Violators shall be subject to the provisions of section 050 and 060 of this chapter.

Section 07.05.040 Airport Traffic.

At no time shall there be allowed any traffic on the airstrip, between the runway lights from the apron area to the north end of the airstrip. Authorized city and tribal vehicles shall be allowed on the airstrip by permit from the Alaska Department of Transportation.

Section 07.05.050 Enforcement.

The Quinhagak Tribal Police shall patrol all areas of the village for violations under this chapter. All first offenders shall receive a warning ticket or other enforcement procedure by the police department. In the case of minors under age sixteen caught driving, vehicles used shall be confiscated immediately and the minor taken home. Fines and penalties enumerated under section 060 of this chapter shall apply.

Section 07.05.060 Fines and Penalties.

- A. Fines and penalties shall be assessed as follows:
1. First offenses shall receive a warning ticket.
 2. Second offenses shall receive a fine up to \$500 to be assessed by the tribal judge.
 3. Continued offenses shall be punished by impoundment (confiscation). Owners of vehicles may retrieve their vehicles with payments received as follows:
 - i. First offense: \$150.00.
 - ii. Second offense: \$300.00.
 - iii. Third and subsequent offenses: vehicles shall be confiscated and a fine of \$500.00.
- B. Local police shall confiscate a vehicle regardless of the title holder or owner unless reported stolen by the offender in violation of this section for a period determined by the village tribal court.
- C. Community service in lieu of payment of fine and/or impoundment shall be assessed by the local court.
- D. Minors under the age of sixteen caught driving shall be stopped immediately, vehicle confiscated, and minors taken home. Parents shall pay no more than \$20.00 to retrieve vehicles. Second and subsequent offenses shall require a higher fine amount to be determined by the local court.

CHAPTER 07.06: DOGSSection 07.06.010 Dog Control.

All dogs shall be tied not less than twenty feet from any established boardwalk, road, or right-of-way as to pose no threat to life or property within the city.

Section 07.06.020 Vicious Loose Dogs.

Any loose dogs posing a threat to person or property within the city, unattended, unidentified shall be considered wild and shall be shot without notification of the owner.

Section 07.06.030 Loose Dogs.

In case of a loose, unattended dog, where ownership can be determined, the owner shall be informed of the dog's condition so that the owner may, within half hour, tie the dog in proper fashion. If the owner fails to do so, the dog shall be shot.

Section 07.06.040 Rabid Dogs.

Any dog believed to be sick with rabies or bitten by a wild animal shall be observed for fourteen days and shot if found to be sick with rabies. If the dog in question has bitten anyone, the community health aide and the village police shall be notified immediately so that the dog's head can be tested.

Section 07.06.050 Enforcement.

Only the village police may shoot within city limits.

Section 07.06.060 Penalties.

Any person, persons, or entity violating the provisions of this chapter shall be fined, imprisoned, or have their animal destroyed at the discretion of the fining authority.

CHAPTER 07.07: ALCOHOLIC BEVERAGESSection 07.07.010 Findings.

The city council finds that:

- A. The abuse of alcohol seriously interferes with the rights and privileges of tribal/city residents;
- B. The public health, safety, and welfare of residents suffers when alcohol abuse is not controlled. There is a strong correlation between alcohol consumption and poor health, fetal damage, suicide, domestic violence, accidental deaths, and crime;
- C. Strict regulation of alcohol is an effective tool for controlling the abuse of alcohol because the village/city is small and isolated, and lacks extensively developed law enforcement or health care facilities.
- D. Pursuant to Alaska Statute 04.11.491(a)(3), the people of Quinhagak held a special election on October 30, 1981, for the purpose of banning the importation and sale of liquor.
- E. Pursuant to Alaska Statute 04.11.493 and 04.11.491(a)(4), the people of Quinhagak held a regular election with a referendum to ban the possession of alcoholic beverages within the City of Quinhagak on October 6, 1987 (ban passed 71-27).

Section 07.07.020 Definitions.

- A. *Alcoholic beverages* means spirituous, vinous, malt, or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as beverage and that contain alcohol whether produced commercially or privately.
- B. *Board* means the State of Alaska's Alcoholic Beverage Control Board.
- C. *Community work* means and is limited to work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public lands, forests, parks, roads, highways, facilities, or education: community work may not confer a private benefit on a person except as may be incidental to the public benefit.
- D. *Possession* means having physical possession of or exercising dominion or control over alcoholic beverages, but does not include having alcoholic beverages within the digestive system of a person.

- E. *Public place* means any place where the public is invited, or where the public is present, other than a private residence, including but not limited to, such places as mercantile establishments, stores, meeting halls, movie theaters, armory, post office, sidewalks, recreation hall, or any place where school-related functions are taking place.
- F. *Intoxicated persons* means a person whose physical or mental conduct is substantially impaired as a result of the introduction of alcoholic beverages into the person's body and who exhibits those plain and easily observed or discovered outward manifestation of behavior commonly known to be produced by the overconsumption of alcoholic beverages.

Section 07.07.030 Prohibitions – Sales and Importation.

- A. The sale and importation of alcoholic beverages is prohibited, except for the importation of sacramental wine pursuant to subsection (B) of this section. Except as provided in subsection (B), a person may not knowingly send, transport, or bring in alcoholic beverage into the village/city, or have alcoholic beverage in his/her possession, in his/her residence or vehicle, or in any other place in the village/city within his/her dominion or control.
- B. Sacramental wine may be imported and possessed if it is:
 - 1. To be used for bona-fide religious purposes based on tenets or teachings of a church or religious body;
 - 2. Limited in quantity to the amount necessary for religious purposes; and
 - 3. Kept in the custody of and dispensed only for religious purposes by a person authorized by the church or religious body to dispense the sacramental wine.

Section 07.07.040 Prohibitions – Licenses.

- A. The board may not issue, renew, or transfer between holders or locations a license for licenses premises within the village/city.
- B. All licenses for licensed premises in the village/city are void.
- C. Licenses voided by this section may be reinstated if the village/city later elects to abandon the prohibition of liquor possession, sale, and importation option.

Section 07.07.050 Prohibitions – Carrying or Transportation.

A person may not carry or transport alcoholic beverages on his/her person, in a motorized vehicle, snow machine, truck, car, or by animal, wagon, sled, boat, or any type of conveyance.

Section 07.07.060 Prohibitions – Public Consumption.

A person may not consume alcoholic beverages in any public place as defined herein.

Section 07.07.070 Prohibitions – Inducements.

A person may not motivate or induce another person to furnish him/her with any alcoholic beverage or to import any alcoholic beverages for him/her.

Section 07.07.080 Prohibitions – Furnishing Alcoholic Beverages to Intoxicated Persons.

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

Section 07.07.090 Prohibitions – Furnishing Alcoholic Beverages to a Minor.

A person may not furnish or entice another person to furnish alcoholic beverages to any person under twenty-one years of age.

Section 07.07.100 Prohibitions – Consumption of Possession by Minor.

A person less than twenty-one years of age may not possess, attempt to possess, or consume alcoholic beverages.

Section 07.07.110 Prohibitions – Public Intoxications.

An intoxicated person may not loiter:

- A. In any public place in the village/city;
- B. In or about business establishments if the owner or person in charge of the business establishment has asked the person to leave; or
- C. In or about any residence or other property which is not owned or normally occupied by the person to the annoyance of the owner or occupants.

Section 07.07.120 Prohibitions – Possession of Alcoholic Beverages.

A person may not possess alcoholic beverages as defined in Section 020(A) and 020(D).

Section 07.07.130 Community Service, Arrest, or Citation of Violators.

- A. When a village police officer or other officer of the law stops or contacts a person concerning a violation of sections 030 or 050-120 of this chapter, the officer may, at the officer's discretion, issue a citation to the person as provided in AS 04.16.205(c) and section 150 of this ordinance. The officer may seize such evidence as is appropriate to support the charge, including but not limited to the alcoholic beverages involved and any aircraft, vehicle, vessel, or item used to transport the alcoholic beverages in violation of section 030.
- B. A person cited for a first or second offense pursuant subsection A of this section may, within 30 days after the date of citation:
1. Mail or personally deliver to the Native Village of Kwinhagak the amount of bail indicated on the citation and a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and all alcohol beverages seized are forfeited; or
 2. Perform community service work in lieu of forfeiting bail or a portion of bail pursuant to subsection (C) of this section, which means pay half and perform half of bail.
- C. Community work shall be performed under the direction of an authorized representative of the Native Village of Kwinhagak/City of Quinhagak council. The value of community work in lieu of a fine shall be no lower than the prevailing minimum wage. When the community work is completed, the person cited for the violation shall mail or personally deliver to the clerk of the court in which the citation is filed by the tribal judge:
1. A form, prescribed by the administrative director of the tribal court system and available from the tribal clerk or tribal judge, indicating completion of the work; and
 2. A copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, bail is forfeited or community work has been performed, and all alcoholic beverages seized are forfeited.
- D. When bail has been forfeited or proof of performance of community work has been filed with the court, a judgement shall be entered. Forfeiture of bail or filing proof of performance of community work shall provide the offender with a receipt stating that fact, if requested.
- E. If a person fails to pay the bail amount stated on the citation or fails to provide proof of community work to the court, the citation is considered a summons.
- F. Notwithstanding other provisions of law, if a person cited for a violation of sections 030 or 050-120, for which a bail amount has been established under section 130 of this chapter, appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense.

- G. Violation of the alcohol local option law banning possession of alcohol in the community is not a criminal violation. A person who breaks this law may be fined and/or have property taken away, but may not be put in jail. A person who contests the citation does not have a right to a jury trial or a court appointed lawyer.

Section 07.07.140 Penalties – Seizures and Forfeitures.

- A. Alcoholic beverages in the possession of any person in the city is in violation of sections 030 and 120, alcoholic beverages sold or offered for sale in violation of section 030, aircraft, vehicles, vessels, or items used to transport or facilitate the transportation of; alcoholic beverages imported into the city in violation of section 030 and materials and equipment used in the sale or offering for sale of alcoholic beverages in violation of section 030, are subject to forfeiture.
- B. Alcoholic beverages possessed, carried, or transported in violation of section 00 through 120 and seized as evidence are subject to forfeiture.
- C. Property subject to forfeiture under this section may be seized as provided by Alaska Statute 04.16.220(b) and forfeited as provided in Alaska Statute 04.16.220(c) through (h). Property forfeited under this section shall be placed in the custody of a police officer of the state for disposition at the direction of the court. The court shall order any alcoholic beverages forfeited under this section destroyed.

Section 07.07.150 Penalties – Fines.

- A. The bail amounts for:
1. Sections 030 and 050 through 100 at the discretion of the tribal judge in accordance with Alaska Statutes.
 2. Section 110 first offense \$100, second offense \$100, and subsequent offences up to \$300 each at the discretion of the tribal judge.
 3. The bail amount for section 120 first offense \$100, second offense \$100, and subsequent offenses mandatory court appearance and up to \$1,000 at the discretion of the tribal judge.

Section 07.07.160 Protective Custody.

- A. Any person who appears to be intoxicated in a public place may be taken into protective custody and/or assisted to his/her home. If the person is too intoxicated to be taken home, he/she may be placed in detention.
- B. A person placed in detention under subsection A of this section may be detained in accordance with following:

1. Until he/she is no longer intoxicated; or
 2. For a maximum of twelve hours, whichever occurs first.
 3. In any case, the detaining officer may release the detained person to the custody of a responsible adult at any time.
- C. Requirement of custody: A person detained under this section is in protective custody and the detaining officer shall make reasonable efforts to provide for and protect the health and safety of the intoxicated person. In taking a person into protective custody, a detaining officer may take reasonable steps to protect himself including a full protective search of the person detained.
- D. Protective custody does not constitute an arrest and no entry or other record may be made to indicate the person detained has been arrested or charged with a crime, except that records that will help the council evaluate the effects of this chapter will be kept including the following records to be turned in monthly: name, gender, age, time in/out.
- E. Cost of care – a person detained under (A) of this section may be billed for the actual cost of his/her care while in detention. The cost may include the salary of the protective officer as well as the cost of necessary food, bedding, and other necessities. If a person is unable to pay the actual cost of care, he/she may satisfy the debt by performing community service work for the tribe or city at an hourly rate of not less than the current minimum state wage.
- F. Referral to counseling – referral to alcohol counseling shall be at the discretion of the tribal judge.

CHAPTER 07.08: SMOKINGSection 07.08.010 Smoking Restricted.

It shall be unlawful for any person(s) to smoke, unless in designated smoking areas, in all city-owned public facilities, as enacted by Alaska Statute 18.35.300.

Section 07.08.020 Penalty.

Person(s) violating the provisions of this chapter shall be fined \$50 per violation.

CHAPTER 07.09: GAMBLING

Section 07.09.010 Unlawful to Gamble.

It shall be unlawful for any person(s) to or organization who shall set up or keep any table or gambling device of any kind, including adaptive device, designated for the purpose of playing any game of chance for money or property. This includes enticing or permitting any person to bet or play at or upon any such setting including a gambling table, floor, or gambling device on the side or against the keeper.

Section 07.09.020 Prohibited.

It shall be unlawful for any person(s), group(s), or organization(s) who shall bet any money or property upon any setting including gambling tables, floors, banks, or device prohibited by the foregoing section or upon any game with cards.

Section 07.09.030 Violation.

Any person(s) companies, firms, partnerships, corporations, or any entity violating the provisions of this ordinance shall, upon the first offense, be convicted, fined, and penalized under Section 07.09.050.

Section 07.09.040 Enforcement.

The Village Police Department shall patrol all areas of the city for violations under this chapter.

Section 07.09.050 Fines and Penalties.

Fines and penalties shall be assessed as follows:

- A. First offense: \$25.00
- B. Second offense: fine not to exceed \$300 or not more than ten days imprisonment as set at the discretion of the local court.

Section 07.09.060 Exempt Controlled Fund Raising Activities.

All fund raising activities are exempt from this title.

CHAPTER 07.10: UNLAWFUL DUMPINGSection 07.10.010 Solid Waste Disposal Unlawful.

It shall be unlawful for any person, company, or organization to dispose of garbage, refuse, or trash of any kind within the limits of the city in any place other than those designated by the city council.

Section 07.10.020 Designated Solid Waste Locations.

The area designated for disposal of garbage, waste, and other refuse, as designated by the city council.

Section 07.10.030 Penalty.

Any person, company, or organization violating the provisions of this chapter shall, upon conviction, and in addition to being expected to clean the unlawfully dumped area, be fined as follows:

- A. First offense: verbal warning.
- B. Second offense: written warning.
- C. Third and further offenses: Fine not to exceed \$500 or imprisonment for a period not longer than 30 days, or both.

CHAPTER 07.11: VHF RADIO DISCIPLINESection 07.11.010 Misuse of VHF Radios.

It shall be unlawful for any person(s) to talk on the VHF in an intoxicated or profane manner. This includes harassment, threats, and retaliations over VHF.

Section 07.11.020 Warnings.

Any person(s) in violation of this chapter shall be issued a verbal warning by the Village Police Department and cease the illegal use of the VHS unit.

Section 07.11.030 Fines and Penalties.

Any person(s) in violation of this chapter who does not heed the warning of the Village Police Department shall be cited as follows:

- A. Disorderly conduct involving VHF radio;
- B. Fined up to \$300.00; or
- C. VHF may be confiscated for a period of three to six months.

TITLE 08: RESERVED (PLANNING AND ZONING)

TITLE 09: DEPARTMENTS

CHAPTER 09.01: WATER AND SEWER UTILITY

Section 09.01.010 Piped Water and Sewer Service.

- A. Piped water and sewer services are owned by the City of Quinhagak.
- B. Piped water and sewer services are managed by the Alaska Rural Utility Cooperative (ARUC) through a Memorandum of Agreement (MOA).
- C. Ordinances pertaining to piped water and sewer services shall be adopted by reference, as provided by ARUC.

Section 09.01.020 Water Delivery Service.

- A. Water delivery services shall be owned and managed by the City of Quinhagak.
- B. Water delivery service rates shall be established by resolution of the city council.

Section 09.01.030 Flush and Haul Service.

- A. Flush and haul services shall be owned and managed by the City of Quinhagak.
- B. Flush and haul service rates shall be established by resolution of the city council.

CHAPTER 09.02: FUEL TANK FARMSection 09.02.010 Authority.

The City of Quinhagak, through its city council, is empowered to purchase, construct, establish, maintain, and operate necessary facilities for the purpose of providing for fuel needs. In emergency situations, the City of Quinhagak may provide fuel services in the city.

Section 09.02.020 Rates.

The city council shall set fuel rates through resolution or motion.

CHAPTER 09.03: SOLID WASTE DISPOSALSection 09.03.010 Definitions.

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

- A. *Business establishment* means any building or component parts thereof, wherein there is conducted any type of commercial business for retail, wholesale, professional, or otherwise.
- B. *City* means the City of Quinhagak.
- C. *Combustible refuse* means all prepared garbage, trash, and refuse which can be consumed or largely consumed by fire.
- D. *Container* means metal cans, plastic cans and bags, or metal boxes with lids commonly referred to as dumpsters.
- E. *Hazardous waste* means wastes defined in Section 060 of this chapter.
- F. *Noncombustible refuse* means all ashes and refuse which cannot be consumed or largely consumed by fire.
- G. *Person* means any person, firm, partnership, association, institution, corporation, or governmental agency.
- H. *Prepared solid waste* means waste material from kitchens, dining rooms, and similar places from which liquids have been drained and solid matter separately wrapped or contained.
- I. *Raw solid waste* means waste material not prepared as in subsection H of this section.
- J. *Trash or refuse* are terms used interchangeably in this chapter, meaning the same thing. They include but are not limited to rubbish, garbage, ashes, diapers, and other general debris as more specifically defined herein:
 - 1. Rubbish such as paper, cardboard, waste, floor sweepings, packaging, cloth, or plastics;
 - 2. Garbage such as food wastes, vegetable and meat waste, or putrescible (something that is liable to decay);
 - 3. Ash such as wood stove or burn barrel ashes; or
 - 4. Diapers such as plastic disposable diapers.

K. *Residence* means any private dwelling

Section 09.03.020 Collection and Landfill Rates.

The city provides collection of trash and landfill services under a rate schedule designed to cover sufficient revenues from all customers. Revenues shall be used for providing the trash haul service and landfill maintenance. Utility rates, found in “Schedule A”, charged for the various classification of services, shall be adopted by resolution of the council and published separately. “Schedule A” shall be reviewed and revised as necessary. Amendments to “Schedule A” must be posted for at least five consecutive days prior to their adoption by the city council.

Section 09.03.030 Solid Waste Collection and Disposal System.

The city shall provide for and establish a solid waste collection and disposal system for the citizens and occupants of residential, commercial, governmental, and industrial premises in the city, which shall include collection and disposal services at or near each occupied premises on a regularly scheduled basis.

Section 09.03.040 Enforcement and Disputes.

The mayor (or designee) shall represent the city in the coordination of solid waste collection and disposal services and the enforcement of the regulations and guidelines provided in this chapter. The council shall have full authority to resolve any disputes between the city and any person occupying a residential, commercial, government, or industrial premises regarding solid waste collection and disposal services.

Section 09.03.050 Separation and Recycling.

The city reserves the right to, and may at its option, require the separation of solids and liquids, glass, plastic, paper, metal, or other component parts of refuse, and may require the deposit thereof in separate containers or receptacle and prescribe the method of disposal thereof.

Section 09.03.060 Hazardous Waste/Prohibited Substances.

It is prohibited for any person to place or deposit, or permit another to place or deposit, in a collection container, refuse receptacle, or dumpster the following items: household hazardous waste, paint, batteries, antifreeze, chlorine, acetylene, tires, pressurized cans/tanks/canisters, any poisonous or hazardous wastes (including insecticides and garden chemicals), saturated oily wastes, liquid petroleum products, bulk liquids, septic tank pumpings, commercial fish or meat processing waste, radioactive material, asbestos, liquid solvents, strong acids or bases, explosives, polychlorinated biphenyls, and any hazardous waste defined and regulated under

40CFR 261, as amended, or prohibited by permit stipulation of the Quinhagak Landfill Facility. Violators shall be liable for any cost incurred by the city for environmental cleanup or illegally disposed waste described in this section.

Section 09.03.070 Prohibited Acts.

It shall be unlawful for any person to engage in the following actions:

- A. Throw, place, dispose of, sink, or case to be thrown, placed, sunk, or disposed of, any solid waste upon the margin of, or into, any body or water within the city limits, which includes the zone of influence of the city watershed;
- B. Abandon any type of, or parts of, any vehicle, boat, trailer, building, appliance, furniture, or bulk waste of any sort upon any premises, road, turnout, or rock pit, either public or private or adjacent thereto, within the city limits;
- C. Cast, leave, or keep on any road, turnout, or rock pit within the city limits solid waste, ashes, sawdust, or rubbish of any kind so as to obstruct the road or so it can be blown away by the wind;
- D. Throw, place, or scatter any solid waste, rubbish, trash, or refuse, over or upon any premises, rock, turnout, or rock pit, either public or private, or adjacent thereto, either with or without the intent to remove or burn the same, or to suffer or permit any premises owned, occupied, or controlled by such person, from accumulation of refuse, to become or remain unsanitary, unsightly, or unsafe to public health or hazardous by fire;
- E. Stop or permit the storage of solid waste on or about their premises occupied by them, unless such refuse is kept separately in those certain containers provided for in Section 080 below;
- F. Deposit or permit to fall from any vehicle any solid waste, refuse, or ashes on any public road, turnout, or rock pit within the city limits. This shall not be construed to be placing solid waste, refuse, or ashes in a container complying with the provisions of the chapter preparatory to having such material collected and disposed of in the manner provided herein;
- G. Residentially dispose of or store solid waste in refuse containers unless such solid waste has been prepared for collection, removal, and disposition in compliance with the definition of "prepared solid waste", provided that fruit and vegetable waste resulting from canning, preserving, and pickling operations which contain high moisture content and are not susceptible to ready draining shall be deposited and segregated with noncombustible refuse;

- H. Tamper with, remove, or deposit any refuse in any collection container other than their own;
- I. Dump or place any solid waste, refuse, or ashes on any premises within city limits without the consent of the owner of such premises;
- J. Dispose of any solid waste other than at an approved solid waste disposal site.

Section 09.03.080 Containers.

- A. A person occupying a residential, commercial, governmental, or industrial premises shall at all times keep or cause to be kept portable containers for the disposal therein of solid waste and shall cause to be deposited therein such solid waste. Nonmetal and metal containers shall be watertight and not more than fifty pounds full weight. All containers shall be properly closed so as to prevent spillage. Such containers shall be kept in sanitary condition, and the outside thereof free from accumulated grease and decomposed matter.
- B. On collection day all containers, refuse, or debris shall be placed by the road.

Section 09.03.090 Construction or Demolition Materials.

Materials resulting from demolition, renovation, remodeling, or construction of buildings or structures shall not be deposited in containers. The collection, removal, and disposal of such materials shall be made by separate arrangement with the city.

Section 09.03.100 Disposal Site.

The city shall deliver all solid waste that the city collects to an approved solid waste disposal site.

Section 09.03.110 Violation and Penalty.

Any person violating any of the provisions of this ordinance shall be liable for any and all costs incurred in the cleanup and/or rectify the violation. These costs shall include but not be limited to cost of cleanup, legal or professional fees or expenses, and all costs to the city relating to the violation.

CHAPTER 09.04: RESERVED (LIBRARY)

CHAPTER 09.05: RESERVED (VOLUNTEER FIRE DEPARTMENT)

CHAPTER 09.06: RESERVED (POLICE DEPARTMENT)

CHAPTER 09.07: RESERVED (CITY DOCK)