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- 68. (RESERVED)
- 69. (RESERVED)

Section 5. Effective date.

This ordinance becomes effective upon its adoption by the council and signature of the mayor.

Date Introduced: 1 NOV 3 1951  
 Public Hearing: MAR 5 1952

PASSED and APPROVED by the WALES CITY COUNCIL this 5<sup>th</sup> day of Jan, 19 52.

\_\_\_\_\_  
(MAYOR)

ATTEST:

\_\_\_\_\_  
(CLERK)

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Date Introduced: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

PASSED and APPROVED by the WALES CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
(MAYOR)

ATTEST:

\_\_\_\_\_  
(CLERK)

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Title I. GENERAL PROVISIONS

- Chapter 1. General Provisions
2. City Information
3. Ordinances - Resolutions  
- Regulations

CHAPTER 1  
GENERAL PROVISIONS

Sections:

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

Section 1. Code cite and designation.

The ordinances in the following Chapters and Sections shall be called the "Code of Ordinances, City of Wales, Alaska".

Section 2. Definitions.

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

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

Section 3. Grammatical interpretation.

- A. Tense. Words in the present tense include the past and future tense, and words in the future tense include the present tense.
- B. Number. Words in the singular number include the plural, and words in the plural number include the singular.
- C. Gender. Words of the masculine gender include the feminine and neuter and when the sense so indicates, words of the neuter gender may refer to any gender.

Section 4. Effect of repeal of ordinances.

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

Section 5. Severability of ordinances and parts of Code.

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

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

Section 6. General penalty.

- A. Every act prohibited by ordinance of this City is unlawful. Unless other penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority.
- B. The penalty provided by this section shall, unless any other penalty is expressly provided, apply to the amendment of any section of this Code, whether or not such penalty is re-enacted in the amendment ordinance.

Section 7. Laws of Alaska; Violations.

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

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

- A. All ordinances passed after the adoption of this Code which amend, repeal, or in any way affect this Code shall be numbered according to the numbering system of this Code. Repealed Chapters, Sections and subsections or any part thereof shall be excluded from the Code.
- B. Amendments to this Code shall be made by specific reference to the section number of this Code in substantially the following language:

"Chapter \_\_\_\_\_, Section \_\_\_\_\_ of the Code of Ordinances of the City of Wales, Alaska, is hereby amended to read as follows:".

- C. If a new Chapter or Section is to be added to this Code, substantially the following language shall be used:

"The Code of Ordinances of the City of Wales, Alaska, is hereby amended by addition of the following Chapter (or Sections):".

Any provisions to be repealed must be specifically repealed by Section or Chapter number.

Section 9. Distribution.

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

Section 10. Supplements.

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

Section 11. Time ordinances take effect.

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

CHAPTER 2  
CITY INFORMATION

Sections:

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

Section 1. Name of City and form of government.

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

Section 2. City limits.

- A. That the boundaries of the said city are:

Beginning at the Southeast corner of the new school 125 ft. to the high water mark on the shores of the Bering Strait; thence 1,000 ft. Southerly following meanders of the shoreline to Cape Prince of Wales; thence East in a straight line one mile; thence North in a straight line two miles; thence West in a Straight line 1-11/16 miles to the high water mark on the shores of the Bering Strait; thence Southerly 1-3/4 miles following the meanders of the shoreline to the point of beginning."

- B. The map on the following page of this Code shows the location of these boundaries.
- C. The boundaries of the City as above described were the effective city limits as of incorporation of the City of Wales on the 16th day of April, 1964.

Section 3. City seal described.

The City shall have a seal consisting of two concentric circles bearing the words in the upper half of the outer circle "City of Wales, Alaska"; and in the bottom half of the outer circle "incorporated April 16, 1964".

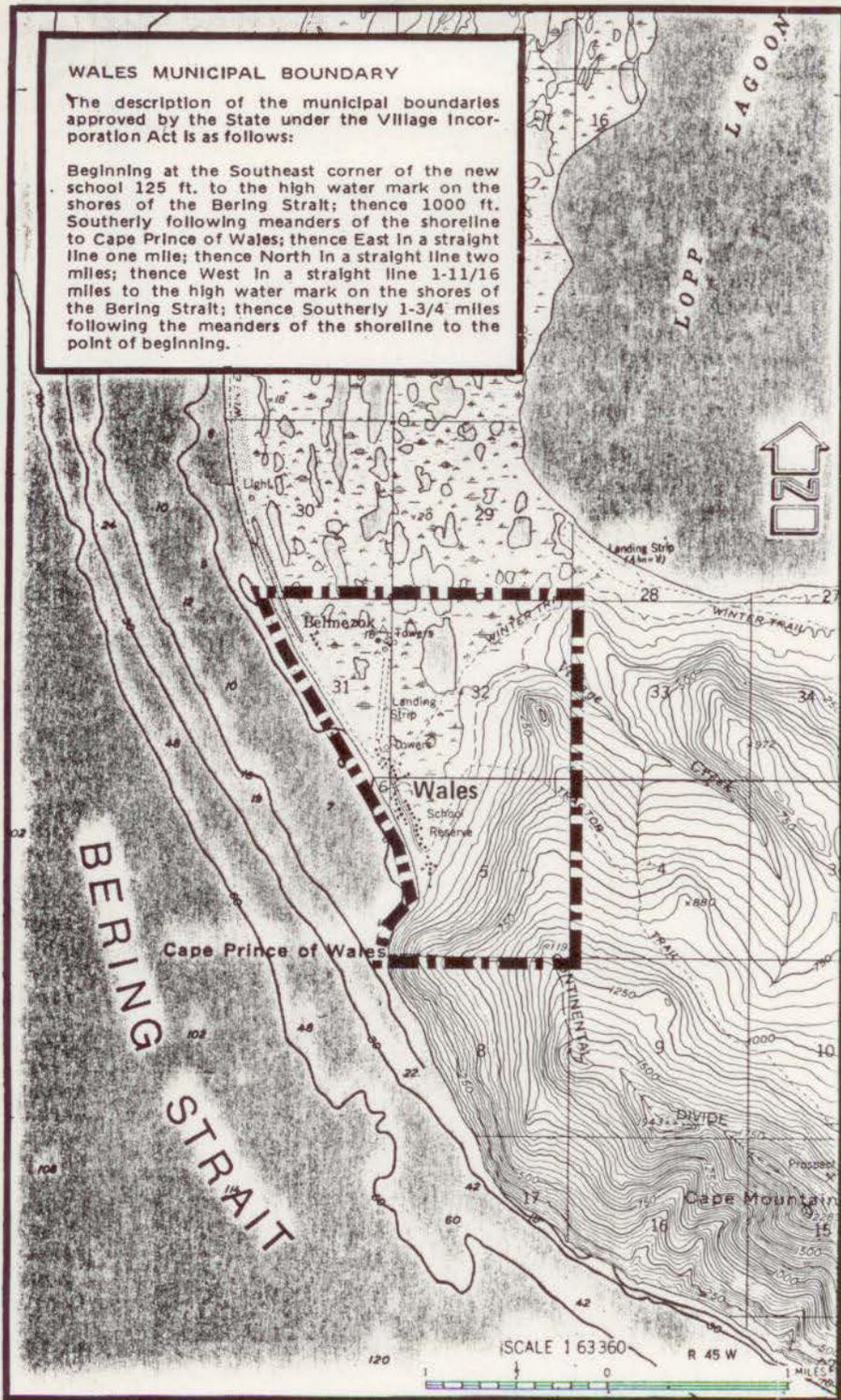
Section 4. Use of seal.

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

### WALES MUNICIPAL BOUNDARY

The description of the municipal boundaries approved by the State under the Village Incorporation Act is as follows:

Beginning at the Southeast corner of the new school 125 ft. to the high water mark on the shores of the Bering Strait; thence 1000 ft. Southerly following meanders of the shoreline to Cape Prince of Wales; thence East in a straight line one mile; thence North in a straight line two miles; thence West in a straight line 1-11/16 miles to the high water mark on the shores of the Bering Strait; thence Southerly 1-3/4 miles following the meanders of the shoreline to the point of beginning.



CHAPTER 3  
ORDINANCES - RESOLUTIONS - REGULATIONS

Sections:

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

Section 1. Acts of the council.

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

Section 2. Acts required to be by ordinance.

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

1. Establish, alter or abolish municipal departments;
2. amend or repeal an existing ordinance;
3. fix the compensation of members of the council;
4. provide for the sale of city property;
5. provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
6. provide for levying of taxes;
7. adopt the city budget;
8. make appropriations and supplemental appropriations or transfer appropriations;
9. grant, renew, or extend a franchise;

10. regulate the rate charged by a public utility;
11. approve the transfer of a power to a borough;
12. adopt, modify or repeal the comprehensive plan, zoning, and subdivision ordinances, building and housing code, and the official map;
13. provide for the retention or sale of tax-foreclosed property;
14. exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.025.

### Section 3. Ordinance procedure.

- A. A proposed ordinance is introduced in writing by the mayor or other councilmember, or by a committee of councilmembers, at any lawful council meeting.
- B. After the ordinance is introduced, the council votes on whether to set the time and date for a public hearing on the ordinance. If there are at least four votes in favor of setting a public hearing, then the council shall publish a summary of the proposed ordinance and notice setting out the time and place for the public hearing on the proposed ordinance. The public hearing on the proposed ordinance shall follow the date the notice was published by at least five days. The public hearing may be held at any lawful council meeting.
- C. At the public hearing copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. All persons shall have an opportunity to be heard at the public hearing. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The council shall type or print and make available copies of the adopted ordinance.
- D. If the proposed ordinance is amended after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly introduced proposed ordinance.

### Section 4. Ordinance form and content.

- A. All ordinances enacted by the council shall be in substantially the following form:
  1. The heading: "City of Wales, Alaska";
  2. the "Ordinance Number";

3. the title, which summarizes the ordinance's provisions and includes any penalty imposed;
4. the enacting clause which shall read:

"BE IT ORDAINED AND ENACTED  
BY THE WALES CITY COUNCIL AS  
FOLLOWS:"

5. the provisions of the ordinance;
  6. the dates of introduction (first reading) and public hearing;
  7. the date of adoption;
  8. space for the signature of the mayor; and
  9. space for the clerk's signature as an attestation to the signature of the mayor.
- B. The form appearing at the end of this Chapter illustrates the form set out in this section and is suggested for use by councilmembers.

Section 5. Amendments to Code - Effect of new ordinances  
- Amendatory language.

- A. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, shall 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 reprinted 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 Wales City Code is hereby amended to read as follows:"

The new Section shall then be set out in full as desired.

- C. In the event a new Section not heretofore existing in the Code is to be added by an ordinance, the following language shall be used:

"That the Wales City Code is hereby amended to add a Section, to be numbered \_\_\_\_\_, which said section reads as follows:"

The new Section shall then be set out in full as desired.

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

Section 6. Supplements or revisions to the Wales City Code.

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

Section 7. Emergency ordinances.

- A. To meet a public emergency the council may adopt ordinances effective on adoption. Every emergency ordinance must contain a statement by the council why an emergency exists and a statement of the facts which describe the emergency. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The council must type or print and make available copies of adopted emergency ordinances.
- B. An emergency ordinance may not be used to levy taxes; to grant, renew or extend a franchise; or to regulate the rate charged by a public utility for its services.
- C. Emergency ordinances are effective for 60 days.

Section 8. Ordinances confined to single subject.

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

Section 9. Requirements for passage.

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

Section 10. Signature.

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

Section 11. Repeal shall not revive any ordinance.

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

Section 12. Formal acts by resolution.

- 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 Wales, Alaska";
  2. the space for a number to be assigned:  
"Resolution No. \_\_\_\_\_";
  3. a short and concise title descriptive of its subject and purpose;
  4. short premises or WHEREAS clauses descriptive of the reasons for the resolution, if necessary;
  5. the resolving clause "Be it Resolved:";
  6. provision for signature by the mayor after the date;
  7. an attestation by the clerk.
- B. All resolutions adopted by the council whether at the request of a third party or on the motion of the council shall conform to the requirements set forth in "A" above.
- C. Resolutions shall not be included in the Code, but shall be kept separately by the clerk and available for public inspection.
- D. The form appearing at the end of this Chapter illustrates the form set out and is suggested for use by councilmembers.

Section 13. Procedures for resolutions.

- A. Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.
- B. On any vote to pass the resolution, all persons interested shall be given an opportunity to be heard. After such hearing, the council may finally pass such resolution with or without amendments.
- C. After adoption, every resolution shall be posted in full on the city bulletin board and in other places as the council may direct. Every resolution, unless it shall specify a later date, shall become effective following adoption. If the resolution is submitted at a city election when State law requires, then after a majority of favorable votes of the city voters has been certified by the council, the resolution may be adopted.

Section 14. Requirements for passage of resolutions.

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

Section 15. Rules and regulations.

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

Section 16. Codes of regulations.

The council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of fifteen (15) days before adoption of the regulations at least five (5) copies of the code of regulations must be made available for public inspection at a time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The council may sell the adopted code to the public.

Chapter 3, Section 4(B)

CITY OF WALES, ALASKA

ORDINANCE NO. \_\_\_\_\_

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

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

Section 1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section 2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section 3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

PASSED and APPROVED by the WALES CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

Chapter 3, Section 12(D)

CITY OF WALES, ALASKA  
RESOLUTION NO. \_\_\_\_\_

A RESOLUTION \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREAS, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREAS, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AND WHEREAS, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BE IT RESOLVED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PASSED and APPROVED by the WALES CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

Title II. ADMINISTRATION

- |         |     |                          |
|---------|-----|--------------------------|
| Chapter | 4.  | City Council             |
|         | 5.  | Mayor                    |
|         | 6.  | Council Meeting          |
|         | 7.  | Council Procedures       |
|         | 8.  | City Clerk               |
|         | 9.  | City Treasurer           |
|         | 10. | City Attorney            |
|         | 11. | Public Safety Department |
|         | 12. | Library                  |
|         | 13. | Repair Shop              |
|         | 14. | Washeteria               |
|         | 15. | Freezer                  |
|         | 16. | (RESERVED)               |
|         | 17. | (RESERVED)               |
|         | 18. | (RESERVED)               |
|         | 19. | (RESERVED)               |

CHAPTER 4  
CITY COUNCIL

Sections:

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

Section 1. City council - Composition.

The council shall consist of seven (7) members elected by the voters at large.

Section 2. Qualifications of councilmembers.

- A. Councilmembers shall be qualified city voters.
- B. A councilmember who ceases to be eligible to be a city voter immediately forfeits his or her office.
- C. A councilmember must be a resident of the City for one year preceding the election and a registered city voter.

Section 3. Election of councilmembers - Terms.

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

Section 4. Terms of councilmembers.

- A. All councilmembers elected subsequent to the adoption of this Code shall be elected to three-year terms.
- B. Councilmembers shall be elected as follows after expiration of their present terms:
  1. Seat A - three-year term expiring in 1984;
  2. Seat B - three-year term expiring in 1984;
  3. Seat C - three-year term expiring in 1984;
  4. Seat D - three-year term expiring in 1985;
  5. Seat E - three-year term expiring in 1985;
  6. Seat F - three-year term expiring in 1986;
  7. Seat G - three-year term expiring in 1986.

- C. Councilmembers as of the date of adoption of this Code shall serve out their terms notwithstanding subsection "A" above. The new seat designations in subsection "B" above are to be followed henceforth at the times specified in subsection "B" above.
- D. The term of office begins on the Monday after Certification of the councilmembers' election. On which day the council shall be sworn in, meet and elect one of their members as mayor.

Section 5. Oath of office.

- A. All councilmembers before entering upon the duties of office shall affirm in writing the following oath and affirmation:

"I, \_\_\_\_\_, do solemnly swear that I will support the Constitution and laws of the United States and the State of Alaska and the laws and ordinances of the City of Wales, Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of \_\_\_\_\_, so help me, God."

- B. The oath is filed with the clerk.

Section 6. Compensation of councilmembers.

- A. Each councilmember shall receive compensation according to the following schedule:

- 1. Regular Meetings. . . . . \$10.00;
- 2. Special Meetings. . . . . 10.00;
- 3. Work Sessions . . . . . 10.00.

- B. Compensation is paid only for meetings attended.

Section 7. Salaries of elected officers.

The council may change the compensation of the councilmembers at any time by ordinance, except the salary of the mayor may not be reduced during his term of office. An elected officer may not receive any other compensation for service to the City; except in emergency situations when he performs work for which a city employee would be compensated, or if the councilmember is the best qualified applicant for a job. Per diem payments or reimbursements for expenses are not considered to be compensation.

Section 8. Conflicts of interest.

A councilmember, the mayor, or other officer or employee of the City shall disqualify himself or herself from participating in any official action in which he or she has a substantial financial interest.

Section 9. Prohibitions.

No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position

because of race, color, sex, creed, national origin, religion, or because of political opinions or affiliations. Alaska Statutes 18.80.010-300 is applicable beyond the scope of this ordinance.

Section 10. Vacancies.

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

1. Fails to qualify or take office within thirty days after his or her election or appointment;
2. is physically absent from the city for a ninety day period, unless excused by the council;
3. resigns and his resignation is accepted;
4. is physically or mentally unable to perform the duties of his or her office;
5. is removed from office;
6. misses three consecutive regular meetings unless excused; or
7. is convicted of a felony or of an offense involving a violation of his or her oath of office.

Section 11. Filling a vacancy.

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

## CHAPTER 5

## MAYOR

Sections:

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

Section 1. Mayor as executive.

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

Section 2. Mayor as chief administrative officer.

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

1. Appoint city employees and administrative officers, subject to approval by the council. He or she may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his or her department, subject to approval by the council;
2. suspend or remove by written order City employees and administrative officers, subject to approval by the council;
3. supervise enforcement of City law;
4. prepare the annual budget and capital improvement program for the council;
5. execute the budget and capital program as adopted;
6. make monthly financial reports to the council on City finances and operations;
7. report to the council at the end of each fiscal year on the finances and administrative activities of the City;

8. prepare and make available for public distribution an annual report of City affairs;
9. serve as city personnel officer unless the council authorizes him or her to appoint a personnel officer;
10. draft personnel rules for City employees and officers as directed to do so by the council;
11. execute other powers and duties specified in Title 29 of the Alaska Statutes or lawfully prescribed by the council.

Section 3. Qualifications.

- 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 immediately forfeits his office.
- C. The mayor shall be a resident of the City for one year preceding the elections.

Section 4. Compensation of Mayor.

The mayor of the City shall receive no compensation other than payment for attendance of council meetings.

Section 5. Oath of office.

- A. The mayor before entering upon the duties of office shall affirm in writing an Oath of Office as provided for councilmembers in Chapter 4, Section 5 of this Code.
- B. The oath is filed with the clerk.

Section 6. Mayor's vote.

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

Section 7. Term of office.

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

Section 8. Vacancy.

A vacancy in the office of mayor is filled by and from the council, he shall serve until the next regular election and until a successor is elected and has qualified.

Section 9. Vice-Mayor.

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

Should the office of mayor become vacant or if the existing mayor is disabled or unable to act, the vice-mayor shall serve until the mayor resumes his or her official duties or until a new mayor is elected.

Section 10. Mayor is ex-officio officer.

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

CHAPTER 6  
COUNCIL MEETINGS

Sections:

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

Section 1. Meetings public.

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

Section 2. Regular council meetings.

- A. The council shall meet at 7:30 p.m. on the first Tuesday of each month, except that during April, May, June, July and August meetings may be held at other intervals of time when hunting, whaling and subsistence activity allow. Notice shall always be given of altered meeting times.
- B. The usual place of council meetings shall be at the city offices. In the event of any condition which renders the meeting place unfit to conduct any regular meeting of the council, the meeting may be moved to such other place as the council may choose, provided reasonable notice is given.

Section 3. Special and emergency meetings.

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

and made a part of the minutes for that meeting.

Section 4. Notice.

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

Section 5. Executive session.

A. The following subjects may be discussed in an executive session:

1. Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the City.
2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.

B. The following shall be discussed in executive session when the best interests of the City so require:

1. Negotiations with labor organizations representing City employees; and
2. discussions of pending or threatened lawsuits in which the City has an interest.

C. If expected subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting, and the question of holding executive session to discuss matters that come within the exceptions contained in subsections "A" and "B" of this Section shall be determined by vote of the council. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless pertaining to the main question. No action may be taken at the executive session.

CHAPTER 7  
COUNCIL PROCEDURES

Sections:

1. Mayor the presiding officer at council meetings.
2. Meeting - Order of Business.
3. Minutes.
4. Council rules - Speaking - Rules of Conduct.
5. Motions - Second required.
6. Motions - Disposition - Withdrawal.
7. Motions - Reduction to writing.
8. Motions - Rescinding vote.
9. Voting - Quorum.
10. Duties of the clerk at council meetings.

Section 1. Mayor the presiding officer at council meetings.

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

Section 2. Meeting - Order of Business.

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

1. Call to order;
2. roll call;
3. invocation;
4. minutes of previous meeting;
5. reports;
6. communications and appearance requests;
7. hearings, ordinances and resolutions;
8. old business;
9. new business;
10. public participation;
11. council comments; and
12. adjournment.

Section 3. Minutes.

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

Section 4. Council rules - Speaking - Rules of conduct.

- A. A councilmember 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.
- B. Every member while speaking shall discuss only the subject under debate and shall not refer to any other member of the council except in a respectful manner.

Section 5. Motions - Second required.

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

Section 6. Motions - Disposition - Withdrawal.

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

Section 7. Motions - Reduction to writing.

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

Section 8. Motions - Rescinding vote.

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

Section 9. Voting - Quorum.

- A. Four councilmembers constitute a quorum. Four affirmative or "YES" 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. All councilmembers present shall vote unless the council, for special reasons, permits a member to abstain.
- C. The mayor or presiding officer shall declare all votes and the result.

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

Section 10. Duties of the clerk at council meetings.

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

CHAPTER 8  
CITY CLERK

Sections:

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

Section 1. Appointment - Term.

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

Section 2. Clerk.

A. The clerk shall:

1. Give notice of the time and place of council meetings to the council and to the public;
2. attend council meetings and keep the journal;
3. arrange publication of notices, ordinances, and resolutions;
4. maintain and make available for public inspection an indexed file including the city ordinances, resolutions, rules, regulations and codes;
5. attest deeds and other documents; and
6. perform other duties specified in this Code or prescribed by the mayor or the council.

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

Section 3. Additional duties of the clerk.

The clerk shall:

1. Record and certify all actions of the council;
2. have the power to administer all oaths required by law;

3. be custodian of the city seal and the official records of the city;
4. give to the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements; and
5. be the city election registrar and shall be responsible for the calling and supervision of all city elections.

Section 4. Acting clerk.

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

Section 5. Clerk's pay.

The council shall determine the pay of the clerk or acting clerk.

CHAPTER 9  
CITY TREASURER

Sections:

1. Appointment.
2. Duties.

Section 1. Appointment.

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

Section 2. Duties.

The treasurer shall:

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

CHAPTER 10  
CITY ATTORNEY

Sections:

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

Section 1. City attorney.

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

Section 2. Duties of city attorney.

The city attorney may:

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

CHAPTER 11  
PUBLIC SAFETY DEPARTMENT

Sections:

1. Creation.
2. Appointment of Chief (VPSO).
3. Powers, Duties, and Responsibilities of the Department.
4. CHIEF (VPSO).
5. Rules and Regulations.
6. Conduct of Members.
7. Custody of Public and Stolen Property.
8. Officers - Regular and Special.

Section 1. Creation.

There shall be a public safety department for the city. The Village Public Safety Officer is the Chief of the Department.

Section 2. Appointment of Chief (VPSO).

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

Section 3. Powers, Duties, and Responsibilities of the Department.

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

A. Law Enforcement:

It is the duty of the department 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 may be provided by law, and turn these violators over to the proper authorities; and in all respects to perform all duties pertaining to the office of policeman.

B. Fire Prevention:

It is the duty of the department to (supervise all activities of the Wales Volunteer Fire Department); extinguish fires; rescue persons endangered by fire; promote fire

- B. establish and enforce rules and regulations for the conduct of department members;
- C. direct the police, fire protection and emergency rescue work of the city;
- D. train and drill the members of the department including fire drills or emergency response drills if necessary;
- E. be responsible for the maintenance and care of all property used or in the custody of the department;
- F. maintain and staff the city jail or other holding facilities and be responsible for the prisoners;
- G. 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 department and make periodic written reports to the city council;
- H. provide arrangements and equipment for reporting emergency situations and for notifying all members of the department to assure prompt response to such incidents;
- I. supervise fire and public safety hazard inspections;
- J. recommend to the city council needed fire protection, emergency medical and search and rescue equipment;
- K. prepare and submit, upon request, a tentative department budget for the department to the city council;
- L. communicate directly with and coordinate, where possible department activities, with those of other regulatory and enforcement agencies about matters related to department business;
- M. perform such other duties as may be required by the city council.

Section 5. Rules and Regulations.

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

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. The department shall register with the State Fire Marshall's office as a formally constituted fire department.

C. 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 department 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 administer first aid to persons injured in case of an emergency. Departmental response to an emergency medical situation will be under the general direction of the local primary health care provider (health aide, etc.). In the absence or unavailability of any recognized primary health care provider, the VPSO (Chief) or his designee will exercise that authority. The Chief and the primary Health Aide will cooperate in devising protocol for dealing with emergency medical situations.

D. Search & Rescue:

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

Section 4. Department Chief.

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

- A. Determine the organization of the department and provide for its staffing;

Section 6. Conduct of members.

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

Section 7. Custody of Public and Stolen Property.

- A. The Chief shall have custody of all department property and equipment which comes into possession of the department. The Chief shall be responsible for an inventory (list) of all such property, equipment and supplies and the proper maintenance of same;
- B. Under the direction of the council, the Chief shall establish rules and regulations for the storage of department property;
- C. No person shall use any department equipment for any private purpose, nor shall any person without proper authority take away any department property;
- D. The above section includes all lost, stolen, abandoned or otherwise unclaimed property which comes into possession of the department, except vehicles which are otherwise provided for by State law.

Section 8. Department members - Regular and Special.

- A. The number of regular and special department 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 department are salaried city employees and are subject to all benefits which may apply thereto.
- C. Special members of the department may include special purpose or special response teams such as:
  1. Volunteer fire department;
  2. Search and rescue teams;
  3. Emergency medical response teams.

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 city council. From time to time, as the council deems advisable, payments may be made to reimburse members for clothing damage incurred while fighting fires or serving in other department capacities. For purposes of this section, temporary jail guards are considered special members of the department.

Section 9. Search and Rescue - Cost Repayment

Person or persons causing a search and rescue operation to take place because of the person or persons abuse of drugs and/or alcohol shall be subject to repay the cost of the search and rescue operation up to the sum of \$500.00.

## CHAPTER 12

### LIBRARY

#### Sections:

1. Establishment of library.
2. Librarian.
3. City Council.
4. Hours.

#### Section 1. Establishment of library.

There is hereby established a community library, available to residents of the City of Wales and all other persons who desire its use.

#### Section 2. Librarian.

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

#### Section 3. City Council.

The city council shall be the library board to govern generally the operation of the library.

#### Section 4. Hours.

The library shall be open during Learning Center hours and shall be located at the Learning Center.

CHAPTER 13  
REPAIR SHOP

Sections:

1. Use.
2. Cost.

Section 1. Use.

Hours and days when the machine repair shop may be used will be determined and periodically reviewed by the council.

Section 2. Cost.

Users' fees will pay for the cost of operation of the machine repair shop. The council shall periodically review the costs of operation of the shop and from this information determine the rates to be charged users.

CHAPTER 14

WASHETTERIA

Sections:

1. Use.
2. Cost.
3. Accounting.
4. Attendant.
5. Maintenance Man.

Section 1. Use.

Hours and days when the washetteria may be used will be determined and periodically reviewed by the council. These hours shall be posted.

Section 2. Cost.

Users' fees will pay for the cost of operation of the washetteria. The council shall periodically review the costs of operation of the washetteria and from this information determine the rates to be charged users.

Section 3. Accounting.

Washetteria accounts shall be kept separately from regular city accounts. A report on washetteria finances shall be given at the regular council meeting.

Section 4. Attendant.

A washetteria attendant may be hired by the council. The council shall determine his compensation.

Section 5. Maintenance Man.

A maintenance man may be hired by the council. The council shall determine his compensation.



City of Wales  
P.O. Box 489  
Wales, Alaska 99783-0489  
Phone: (907)664-3501  
Fax: (907)664-2359

ORDINANCE NO. 14-03

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WALES, ALASKA AMENDING CHAPTER FOURTEEN, SECTION TWO OF THE CITY CODE OF ORDINANCE.  
BE IT ORDAINED AND ENACTED BY THE WALES CITY COUNCIL AS FOLLOWS:

Section 1.

Chapter Fourteen Section Two of the code of Ordinance of the City of Wales Alaska, is hereby amended to read as follows:

Section 2.

Cost: In order to collect funds for water sales we need to establish cost per gallon. This ordinance will set that Cost at \$.25 per gallon.  
The Council shall periodically review the costs of operation of the Washateria and from this information determine the rates to be charged users.

Section 3.

Section Two of Chapter Fourteen is Repealed:  
Section Two of Chapter Fourteen is hereby repealed:

DATE INTRODUCED: 4-22-14  
PUBLIC HEARING: 5-14-14

PASSED and APPROVED by the WALES CITY COUNCIL this 14<sup>th</sup> day of MAY, 2014.

  
MAYOR

ATTEST:

  
CLERK

## CHAPTER 15

## FREEZER

Sections:

1. Use.
2. Cost.
3. Accounts.
4. Personnel.

Section 1. Use.

Hours when the freezer may be used will be determined and periodically reviewed by the council. These hours shall be posted.

Section 2. Cost.

Users' fees will pay for the cost of operation of the freezer. The council shall periodically review the costs of operation of the freezer and from this information determine the rates to be charged users. Fees sufficient to pay for operation, repair and replacement of parts shall be charged.

Section 3. Accounts.

Freezer accounts shall be kept separately from the regular city accounts. A report on freezer finances shall be given at the regular council meeting.

Section 4. Personnel.

The council may hire and shall determine the rate of pay for such personnel as are needed to maintain the freezer in good operating condition.

CHAPTER 16  
(RESERVED)

AN ORDINANCE ADOPTING A NEW CHAPTER TITLED, SANITATION UTILITY, TO REGULATE HONEY BUCKET WASTE DISPOSAL WITHIN THE LIMITS OF THE CITY.

BE IT ENACTED BY THE CITY COUNCIL OF WALES, ALASKA:

**Section 1.**                **This is a code ordinance.**

**Section 2.**                **Adoption of Chapter 17. The Code of Ordinances of the City of Wales, Alaska, is hereby amended by addition of the following Chapter:**

CHAPTER 17  
SANITATION UTILITY

Sections:

1. Background.
2. Purpose.
3. Responsibility.
4. City operation and finance of sanitation service.
5. Customer records/billing and payment.
6. Billing/collection procedures.
7. Ownership.
8. Prohibited acts.
9. Sanitation utility reports.
10. Penalties.

Section 1.                Background.

The City of Wales has acted to establish the City of Wales Sanitation Utility to provide for safe and healthy honey bucket waste disposal within the community.

Section 2.                Purpose.

The City of Wales shall operate, maintain, manage and administer a honey bucket haul service in designated service areas within the community. The City Council shall provide for and assume responsibility for the operation, management, administration, repair and replacement of the haul system. This system is known as the Sanitation Utility of the City of Wales.

Section 3.                Responsibilities.

The Sanitation Utility shall provide for sewage pick-up at designated container bins located at sites in the community. The Utility employee will be responsible for hauling the container bins to the sewage lagoon in a safe and responsible manner. Homeowners and residents are responsible for hauling individual honey buckets to the container bins and

dumping them in a safe, careful manner to avoid health hazards. Each customer shall submit a signed and completed Service Agreement as required by the City Council.

Section 4. City operation and finance of sanitation service.

The Sanitation Utility service shall be financed from service fees. Fees will be established by the council and charged to all customers receiving services within the community. Fees will be reviewed each year and changed as necessary.

Section 5. Customer records/billing payment.

Each customer will be expected to pay his/her fees monthly. Customers shall be provided a receipt by the city clerk as proof that payment has been made. The city clerk shall keep records of customer charges and money received from each customer. The customer must pay what is due or, in the case of extreme hardship, make arrangements to pay what is due or collection procedures may be started against the customer if charges are more than 90 days past due.

Section 6. Billing/collection procedure.

The city will bill each customer monthly at the end of each month \$20.00 for their utility fee. Payment of \$20.00 is due to the city the 15<sup>th</sup> of each month. If the customer has not paid within 30 days of the bill being sent, interest at the rate of 6% shall begin accruing on the unpaid balance in addition to any other penalties and interest provided for in these ordinances.

If payments are past due more than 90 days and no arrangements have been made for payment, the City may begin a process to collect the monies due. Reporting the debt to a collection agency, garnishing the PFD, or garnishing wages are some of the options that the City could use.

Section 7. Ownership.

The City of Wales owns the container bins, sewage haul vehicles, sewage lagoon and any other tools, facilities or equipment used to operate a sewage haul system.

Section 8. Prohibited acts.

Only human waste and toilet paper and gray water shall be dumped by household users into the container bins. No dangerous chemicals, trash (solid waste), animal parts, or poisons shall be placed into the container bins.

Vandalism of any village (city) owned Sanitation Utility facilities, equipment, tools or buildings is prohibited.

It shall be unlawful to discharge human and gray water in any manner other than that provided by the Sanitation Utility unless service is unavailable through the Utility. In these cases the manner of sewage and waste disposal must be approved by the Council and not violate State and Federal regulations.

## CHAPTER 17 SANITATION UTILITY

### Sections:

1. Background.
2. Purpose.
3. Responsibility.
4. City operation and finance of sanitation service.
5. Customer records/billing and payment.
6. Billing/collection procedures.
7. Ownership.
8. Prohibited acts.
9. Sanitation utility reports.
10. Penalties.

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### Section 4. City operation and finance of sanitation service.

The Sanitation Utility service shall be financed from service fees. Fees will be established by the council and charged to all customers receiving services within the community. Fees will be reviewed each year and changed as necessary.

### Section 5. Customer records/billing payment.

Each customer will be expected to pay his/her \$20.00 fees monthly. Customers shall be provided a receipt by the city clerk as proof that payment has been made. The city clerk shall keep records of customer charges and money received from each customer. The customer must pay what is due or, in the case of extreme hardship, make arrangements to

pay what is due or collection procedures may be started against the customer if charges are more than 90 days past due.

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Vandalism of any village (city) owned Sanitation Utility facilities, equipment, tools or buildings is prohibited.

It shall be unlawful to discharge human and gray water in any manner other than that provided by the Sanitation Utility unless service is unavailable through the Utility. In these cases the manner of sewage and waste disposal must be approved by the Council and not violate State and Federal regulations.

Section 9. Sanitation utility reports.

The city clerk shall report to the council monthly on the activities and finances of the Utility. Revenues and expenses shall be in compliance with the Council-approved budget for the Utility and reported monthly.

The city clerk shall submit a proposed annual Utility budget to the Council as part of the city budget process.

Employee meetings will be conducted by the city clerk with Utility employees periodically. Concerns of the employees, problems with equipment, management concerns, and communication with other agencies and organizations shall be discussed. Results of these meetings shall be discussed by the city clerk at the monthly council meetings.

Section 10. Penalties.

Violation of any section of this ordinance may result in a citation being issued to the guilty party and possible fines and penalties as provided in these ordinances.

Any person damaging Utility equipment, buildings, or property shall be liable for the cost of replacement or repair and possible fines and penalties as provided for in these ordinances.

CHAPTER 18

(RESERVED)

CHAPTER 19  
(RESERVED)

Title III. CITY PERSONNEL

- Chapter 20. Responsibility of officers  
and employees
21. Personnel Rules and Policy
22. RESERVED
23. RESERVED
24. RESERVED

## CHAPTER 20

## RESPONSIBILITY OF OFFICERS AND EMPLOYEES

Section:

1. Conduct in office - Investigations  
- Oath - Records - Reports.

Section 1. Conduct in office - Investigations - Oath  
Records - Reports.

- A. The council, the mayor, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, officer, or employee of the City and to investigate municipal affairs and compel the production of books, papers and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee of the City.
- B. All officers of the City shall, before entering upon the duties of office, individually take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his or her office and trust, which oath shall be filed with the clerk. The oath is provided in Chapter 4, Section 5 of this Code.
- C. All records and accounts of every office and department of the City shall be open to inspection by any person, except that records and documents the disclosure of which would tend to defeat the lawful purpose for which they were intended may be withheld from inspection. Such records as are required by State law or city ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the preservation of all public records under his or her jurisdiction and shall provide a system of filing. No public records, reports, correspondence, or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the city clerk.
- D. Every department head shall make monthly report to the council of the activities of the department for the preceding month and present a calendar of activities for the upcoming month. Subject to the mayor's approval, the department head may appoint someone familiar with the activities of the department to prepare and make a monthly report to the council, or the department head may submit a written report and calendar to the mayor in advance of the council meeting.

CHAPTER 21  
PERSONNEL RULES AND POLICY

Sections:

1. Coverage.
2. Classification plan.
3. Pay plan.
4. Regular work week.
5. Compensation time.
6. Holidays.
7. Probationary period.
8. Suspensions, demotions, dismissals.
9. Appeals.
10. Personal leave.
11. Miscellaneous leave.
12. Travel regulations.
13. Travel for employee convenience.
14. Interruption of travel.
15. Use of privately owned transportation.
16. Unused tickets.
17. Special conveyance.

Section 1. Coverage.

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

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

Section 2. Classification plan.

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

Section 3. Pay plan.

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

The regular work week for City employees shall be forty (40) hours per week.

Section 5. Compensation time.

When special circumstances require an employee to work more than forty (40) hours a week, this work must be with the supervisor's approval. All hours worked above forty (40) hours a week during a pay period shall be compensated for, hour for hour, with time off during the next pay period.

Section 6. Holidays.

- A. Employees shall have days off with pay on customary legal holidays. These days are:
1. The first of January, known as New Year's Day.
  2. The 12th of February, known as Lincoln's Birthday.
  3. The third Monday in February, known as Washington's Birthday.
  4. The last Monday in March, known as Seward's Day.
  5. The 16th day of April celebrating the date of incorporation of Wales as a city, known as Cape Prince of Wales Day.
  6. The last Monday in May, known as Memorial Day.
  7. The Fourth of July, known as Independence Day.
  8. The First Monday in September, known as Labor Day.
  9. The 18th of October, known as Alaska Day.
  10. The 11th of November, known as Veteran's Day.
  11. The fourth Thursday in November, known as Thanksgiving Day.
  12. The 25th of December, known as Christmas Day.
  13. Every day designated by public proclamation by the President of the United States or the Governor of the State of Alaska as a legal holiday.
- B. If any of the designated holidays fall on a Sunday, the following Monday shall be observed as the holiday. If any of the holidays fall on a Saturday, the preceding Friday shall be observed as the legal holiday. If an employee's regular day off falls on the holiday, the day immediately preceding or following the day off shall be considered the employee's holiday.

- C. Holidays falling during vacations. If a holiday falls within a vacation period, it is not counted as part of the vacation allowance.

Section 7. Probationary period.

- A. All appointments and promotions in the Classified Service shall be probationary for six (6) months. During this period, the employee may be terminated at the discretion of the mayor with the approval of the council.
- B. Any employee dismissed under this section shall not have the right to appeal or to have a hearing on the dismissal or reinstatement except on grounds that dismissal was due to discrimination on the basis of race, religion, sex or political affiliation.

Section 8. Suspensions, demotions and dismissals.

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

Section 9. Appeals.

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

Section 10. Personal leave.

All permanent employees in the Classified Service are allowed vacations on the request of the employee, subject to the approval of the mayor and the council and depending on the work load. Vacations are computed on the following basis:

- A. Regular classified employees shall accrue 1-1/2 days (12 hours) personal leave a month.
- B. This leave may be used either as sick leave or vacation leave.
- C. Accumulation limit. Unused personal leave may be accumulated up to and including thirty (30) days; no employee shall accrue more than thirty (30) days.
- D. Pay in lieu of time off. There shall be no pay in lieu of personal leave except upon termination of an employee.
- E. Temporary or part-time employees are paid for hours actually worked and do not receive personal leave.

## Section 11. Miscellaneous leave.

This section shall include leave without pay, jury duty, military training and maternity leave.

- A. Time served on jury duty shall be leave with pay and will not be charged against the employee's vacation account provided all compensation received from the Court shall be paid to the City.
- B. Employees who desire additional leave for vacation over and above the earned vacation time may be granted leave by the mayor and the council. But such leave shall be leave without pay.
- C. A regular employee who has completed his probationary period and who is a member of any reserve component of the United States Armed Forces will be allowed leave of absence for required training or duty for a period not exceeding fifteen (15) working days during any calendar year. Such military leave shall be with pay provided all compensation received from the military shall be paid to the City.
- D. Immediately preceeding and following childbirth, a female employee is entitled to take a total of nine (9) weeks leave. This leave shall be charged to personal leave then leave without pay for the balance of the period of nine (9) weeks. The City is not responsible for providing working conditions or hours for a pregnant employee which are different than her working conditions or hours prior to her pregnancy.
- E. Upon application and under extenuating circumstances, additional leave may be granted by the appointing authority. A physician's certificate shall be required to support the additional leave request.

## Section 12. Travel regulations.

- A. Employee's time spent at official conferences, meetings or training sessions shall be considered time worked on the usual daily time basis. Reimbursements for travel outside the City shall be determined by the following guidelines:
  - 1. An employee may receive an advance on travel expenses.
  - 2. All official travel shall be authorized by the mayor and the council.
- B. Definitions:
  - 1. Travel Status: An employee is on travel status when he is away from Wales on official business for twenty-four (24) hours. Time spent traveling is included.

2. Per diem: Per diem shall mean a guaranteed flat daily rate of payment to an employee on travel status. Per diem begins when an official leaves the City for the purpose of travel on official business and terminates upon the end of official business when an employee could return to the City.
3. Subsistence: Subsistence shall mean the actual cost of lodging and meals paid in whole or in part by the City on behalf of its employees attending special training sessions. Subsistence may be paid in place of per diem when it is advantageous to the City and will not adversely affect the employee's well being.
4. Employees shall not receive per diem for any periods of time when they are on travel status and fail to attend to or conduct City business at the times it is possible to do so.
5. The council shall periodically review and by resolution determine per diem rates for the City.

#### Section 13. Travel for employee convenience.

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

#### Section 14. Interruption of travel.

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

#### Section 15. Use of privately owned transportation.

Where privately owned transportation is used for the convenience of any employee, reimbursement for transportation expenses shall be limited to what the lowest available fare would cost by common air carrier. Any additional time away from duty that may be required for such travel shall be charged to annual leave or leave without pay.

#### Section 16. Unused tickets.

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

Section 17. Special conveyance.

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

CHAPTER 22  
(RESERVED)

CHAPTER 23

(RESERVED)

CHAPTER 24  
(RESERVED)

Title IV. REVENUE AND FINANCE

- Chapter 25. Assets - Disbursements  
26. Budget Form and Scope  
27. Budget Procedures  
28. Sales Tax  
29. RESERVED

## CHAPTER 25

### ASSETS - DISBURSEMENTS

#### Sections:

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

#### Section 1. Treasury.

- A. The treasurer shall be responsible for the collection, custody and disbursement of all moneys from whatever source.
- B. Operating cash shall be kept in one financial institution to be designated 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, and
  2. certificates of deposit or saving accounts of any bank.

#### Section 2. Accounting.

- A. All accounting functions for all 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 statements of cash receipts and disbursements;
  2. reconciliation statement: banks - funds - investments; and
  3. statement of expenditures compared with appropriations.

#### Section 3. Checks.

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

#### Section 4. Insufficient funds in bank account.

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

Section 5. Loans.

Loans may be made available to residents of Wales during times of emergency when no other funds are available. Residents desiring a loan for emergency purposes shall present a written statement to the city clerk explaining the purpose of the loan and the monthly payment the person shall make to repay the loan, if it is made. The statement shall include the signatures of two councilmembers.

## CHAPTER 26

## BUDGET FORM AND SCOPE

Sections:

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

Section 1. Scope of Budget.

- A. The budget shall be a complete financial plan for the operation of the City, 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.
- C. Proposed expenditures shall not exceed anticipated revenues and reserves.

Section 2. Anticipated revenues.

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

Section 3. Anticipated revenues compared with other years.

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

Section 4. Proposed expenditures.

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

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

Section 5. Proposed expenditures compared with other years.

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

Section 6. Budget summary.

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

CHAPTER 27  
BUDGET PROCEDURES

Sections:

1. Budget public record.
2. Publication of notice of public hearing.
3. Public hearing on budget.
4. Further consideration of budget.
5. Adoption of budget - Vote required.
6. Effective date of budget - Certification.

Section 1. Budget public record.

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

Section 2. Publication of notice of public hearing.

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

Section 3. Public hearing on budget.

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

Section 4. Further consideration of budget.

After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the budget, except items on proposed expenditures fixed by law. The council may not vary the titles, descriptions, or conditions of administration specified in the budget.

Section 5. Adoption of budget - Vote required.

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

Section 6. Effective date of budget - Certification.

Upon adoption of a budget, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be signed by the mayor and certified by the clerk and filed in the office of the clerk. The certified budget shall be available to all persons in the City.

Read  
2/14/07  
MUT

Sections:

1. Historical data.
2. Sales tax schedule.
3. Definitions.
4. Taxable sales.
5. Exempt sales.
6. Clerk.
7. When payable by the buyer.
8. Records.
9. Registration.
10. Forms.
11. Records confidential.
12. Returns.
13. Deficient payment.
14. Penalties.
15. Severability.

Section 1. Historical data.

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

## A. That, the question:

"Shall the City of Wales levy and collect a sales tax of one percent (1%). YES (), NO ()."

appeared on a separate ballot at the 1968 regular city election.

## B. That a majority of the votes cast on the question were YES;

## C. that the sales tax went into effect on January 1, 1969;

## D. that this Chapter upon adoption by the city council amends and replaces any former provisions for sales tax.

Section 2. Sales tax schedule.

There shall be levied and collected a sales tax equal to the sum of one (1%) percent on the selling price of all retail sales made within the City of Wales when the sales amount to one dollar (\$1.00) or more.

Section 3. Definitions.

- A. "Buyer": means the person, who in the ordinary meaning of the term, takes title to, takes possession of, or buys property or receives services for consideration.

- B. "Seller": means every person whether acting as principal or agent making sales at retail to a buyer.
- C. "Sale": means any transfer of the ownership of, title to, or possession of, property for a valuable consideration, at retail and includes the sale or charge made for performing certain services; sales include installment or credit sales and every transaction conditional or otherwise, for the consideration constituting sale.
- D. "Retail Sales": shall include every sale of tangible personal property made to a buyer or to any person for any purpose other than for resale in the original form within the city limits of the City of Wales.
- E. "Clerk": means the City Clerk, or his designee, of the City of Wales.

#### Section 4. Taxable sales.

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

All sales, rents, services and purchases of property at retail by persons and businesses normally engaged in business for a profit and possessing a business license including but not limited to the following:

- A. All retail sales;
- B. upon telephone services for local exchanges, service receipts;
- C. for gas and oil for commercial or domestic use;
- D. gross receipts derived from rents paid to hotels, motels, lodges, and rooming houses;
- E. gross receipts derived from sales of all reindeer products including meat, horns, tallow and skins;
- F. all gross receipts received by persons who run or operate places of entertainment or amusement, and entertainment and amusement devices of all types, provided that entertainment and amusement devices offered for non-profit services or fraternal organizations shall be exempt from taxation;
- G. gross receipts received by a person who owns or operates coffee shops, restaurants, cafe and catering services including board;
- H. for service furnished and sold for domestic or commercial use by laundries and cleaners, carpenters, painters and decorators, scavengers, taxies and vehicle rentals, repairmen, machinists and mechanics, plumbers, barbershops, contractors and photographic processes;

#### Section 5. Exempt sales.

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

- A. Sales of gold to any banking house.
- B. Services rendered by any banking house.
- C. All sales and services to and from the United States Government, State of Alaska, its departments and institutions, and political subdivisions thereof, all sales and services to and from the City of Wales, Alaska, provided that persons serving under the governments shall not be exempt from taxation merely because they serve.
- D. All sales from Interstate Commerce.
- E. Gross receipts or purchase price paid in the sale of real property by owner/seller not usually engaged in real estate business.
- F. Incidental sales made by a person not ordinarily engaged in retail business.
- G. All sales by religious, charitable non-profit, fraternal or youth groups made for fund raising purposes.
- H. All sales of electricity.
- I. Gross receipts or purchase price paid to rents pursuant to written lease should said lease provide for a rental period in excess of thirty (30) days. All other gross receipts shall be taxable.

Section 6. Clerk.

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

Section 7. When payable by the buyer.

All taxes imposed on the buyer by this article shall be due and payable to the seller on all cash sales at the time of sale and on all credit sales at the time the account is due and payable.

Section 8. Records.

It shall be the duty of every "Seller", or any other person making sales at retail to a buyer, to keep and preserve suitable records of all sales made by him necessary to determine the amount of tax for the collection, and to preserve such records for three (3) years. Such records shall be open for examination by the clerk or his duly authorized agent.

Section 9. Registration.

- A. Every person desiring to engage in or to conduct business as a seller in the city shall file with the clerk an application for a certificate of registration for each business in the city. The application shall be filed within thirty (30) days after such person becomes responsible to register as a seller under this Chapter.
- B. Every application for a certificate of registration shall be made upon a form prescribed by the clerk and shall set forth the name under which the applicant transacts or intends to transact business, the location of his business, and such

other information as the clerk requires. The application shall be signed by the owner, if a natural person, in the case of an association or partnership, by a vender or a partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.

- C. Registration shall be renewed by the 30th of January of each new year and is solely for the purposes of maintaining records of which sellers in the City of Wales are liable for collection and payment of sales tax and ascertaining if any changes in their business have occurred that might affect this liability.
- D. The form at the end of this Chapter illustrates the Certificate of Registration to be used.

#### Section 10. Forms.

- A. The clerk shall make forms available at the city office with which sellers can report and pay this sales tax.
- B. The form appearing at the end of this Chapter illustrates the form to be used.

#### Section 11. Records confidential.

Except in accordance with proper judicial order, and except incident to necessary communications with city officials, employees or attorneys, or as provided by law, it is unlawful for any official or employee of the city to make known any information, or any other particulars set forth or disclosed in any returns required by this Chapter.

#### Section 12. Returns due.

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

#### Section 13. Deficient payment.

- A. If the amount paid is less than the amount due, the difference, together with the interest at one percent (1%) per month from the time the return is due shall be paid within ten days after a notice or demand by the clerk.
- B. If any part of the deficiency is due to negligent disregard to the rules and regulations, but without intent to defraud or intent to evade the tax, there shall be added ten percent (10%) of the amount of the deficiency which shall be paid with the deficiency within ten days of notice or demand by the clerk.
- C. If any part of the deficiency is due to fraud or intent to evade the tax, then there shall be added twenty-five (25%) of the total amount of the deficiency, and in such cases the whole amount of tax unpaid.

Section 14. Penalties.

- A. Any person, persons, companies, firms, partnerships, corporations or any other entity violating any provisions of this Chapter shall upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00) together with the costs of prosecution. Such fines shall be set at the discretion of the fining authority.
- B. Any person, firm, organization, co-partnership, and any other business taxable under State or Federal law who willingly or intentionally fails or neglects or refuses to collect and pay to the City the sales tax described by this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with State Law, Alaska Statutes 29.48.200.

Section 15. Severability.

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

Chapter 28  
§9 (D)

CITY OF WALES  
WALES, ALASKA 99783

Code of Ordinances  
City of Wales, Alaska

CERTIFICATE OF REGISTRATION

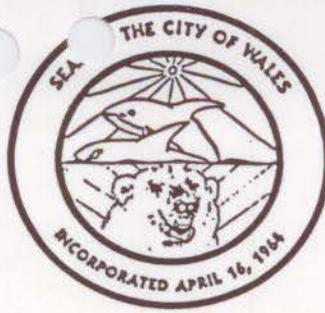
All questions must be answered. Please print.

1. Name of applicant: \_\_\_\_\_  
(Individual, partners', Names or Corporate Name)
2. Address: \_\_\_\_\_
3. Telephone No: \_\_\_\_\_
4. Type of Business: \_\_\_\_\_  
(nature of articles or services sold)
5. If you have a State of Alaska Business License,  
enter number: \_\_\_\_\_
6. Person responsible for filling out  
Seller's Monthly Return of Sales Tax  
Collected: \_\_\_\_\_
7. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FOR CITY USE ONLY

Month	Date Return Received	Date Payment Rcvd	Date of Notice by Clerk	Deficiency Amount	Penalty Amount
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					

City of Wales  
Wales, Alaska 99783



(907) 664-3671

CITY OF WALES, ALASKA  
RESOLUTION NO. 85-09

A RESOLUTION Proposing a Tax Rate Increase!

WHEREAS, The day to day operating cost, has increased steadily since City Tax Inception in 1968; AND

WHEREAS, City generated tax revenues have failed to increase along with operating cost; AND

WHEREAS, A one percent sales tax has not proved to be a particular burden on or residents; And

WHEREAS, The tax that is collected is of a sufficient amount that if it were tripled it would greatly enhance the operating capability of the City.

NOW THEREFORE BE IT RESOLVED: That the Wales City Council on a vote of        yes to        no hear by request a TAX RATE INCREASE OF 3% be entered onto this November's ballot.

BE IT FURTHER RESOLVED: That the wording is to be as follow's "SHALL THE CITY OF WALES LEVY AND COLLECT A SALES TAX OF THREE PERCENT (3%). YES        , NO        ."

PASSED and APPROVED by the WALES CITY COUNCIL this  
4<sup>th</sup> day of June, 1985.

Gilbert Ormish  
MAYOR

ATTEST:

Ellen J. Richard  
CLERK

CITY OF WALES  
Wales, Alaska  
99783

OFFICE USE ONLY

Rec'd \_\_\_\_\_, 19 \_\_\_\_

By \_\_\_\_\_

Chapter 28 § 10 (B)  
Code of Ordinances - City of Wales

Receipt No: \_\_\_\_\_ Amt. Rec'd: \_\_\_\_\_

SELLER'S MONTHLY SALES TAX RETURN WALES Code of Ordinances Chpt 28  
(available in the office of the  
city clerk)  
DUE ON OR BEFORE THE 15th OF EACH MONTH

NAME: \_\_\_\_\_ For Month Ending: \_\_\_\_\_  
Individual or Firm

ADDRESS: \_\_\_\_\_, 19 \_\_\_\_

GROSS RECEIPTS SUBJECT TO SALES TAX:	
1. (a) Gross Sales (cash and credit)	\$ _____
(b) From Collections on Credit Sales (deducted on line 3 of previous returns)	_____
2. TOTAL GROSS RECEIPTS (Total from lines 1)	\$ _____
3. DEDUCTIONS:	
(a) Sales to Government Agencies	_____
(b) Exempt by Ordinance	_____
(c) Other Deductions (Explain)	_____
4. TOTAL DEDUCTIONS CLAIMED	\$ _____
5. Net subject to Sales Tax (Subtract line 4 total from line 1 total)	\$ _____
CALCULATION OF TAX, PENALTY AND INTEREST	
6. 1% of line 5 (sales tax owed this return)	\$ _____
7. Interest (1% of line 6 per month from time return due)	\$ _____
8. Additional Penalty as Stated in Chapter 28 and Explained by notice from Clerk	\$ _____
9. Total Sales Tax Due (Total of lines 6, 7 & 8)	\$ _____
TOTAL AMOUNT PAID WITH RETURN (should be the same as line 9)	\$ _____

I, \_\_\_\_\_, do solemnly swear that I am \_\_\_\_\_  
of \_\_\_\_\_  
(position held) (individual, firm, partnership)

in making the foregoing report; under penalties of perjury, I declare  
I have examined this return and to the best of my knowledge and belief,  
it is true, correct and complete.

\_\_\_\_\_  
(Signature) (Date)

Original for City; duplicate for Seller's Records.

## CHAPTER 28

### SALES TAX

#### Sections:

1. Historical data.
2. Sales tax schedule.
3. Definitions.
4. Taxable sales.
5. Exempt sales.
6. Clerk.
7. When payable by the buyer.
8. Records.
9. Registration.
10. Forms.
11. Records confidential.
12. Returns.
13. Deficient payment.
14. Penalties.
15. Severability.

#### Section 1. Historical data.

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

A. That, the question:

"Shall the City of Wales levy and collect a sales tax of one percent (1%). YES (), NO ()."

appeared on a separate ballot at the 1968 regular city election.

- B. That a majority of the votes cast on the question were YES;
- C. that the sales tax went into effect on January 1, 1969;
- D. that this Chapter upon adoption by the city council amends and replaces any former provisions for sales tax.

#### Section 2. Sales tax schedule.

There shall be levied and collected a sales tax equal to the sum of one (1%) percent on the selling price of all retail sales made within the City of Wales when the sales amount to one dollar (\$1.00) or more.

#### Section 3. Definitions.

- A. "Buyer": means the person, who in the ordinary meaning of the term, takes title to, takes possession of, or buys property or receives services for consideration.

- B. "Seller": means every person whether acting as principal or agent making sales at retail to a buyer.
- C. "Sale": means any transfer of the ownership of, title to, or possession of, property for a valuable consideration, at retail and includes the sale or charge made for performing certain services; sales include installment or credit sales and every transaction conditional or otherwise, for the consideration constituting sale.
- D. "Retail Sales": shall include every sale of tangible personal property made to a buyer or to any person for any purpose other than for resale in the original form within the city limits of the City of Wales.
- E. "Clerk": means the City Clerk, or his designee, of the City of Wales.

#### Section 4. Taxable sales.

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

All sales, rents, services and purchases of property at retail by persons and businesses normally engaged in business for a profit and possessing a business license including but not limited to the following:

- A. All retail sales;
- B. upon telephone services for local exchanges, service receipts;
- C. for gas and oil for commercial or domestic use;
- D. gross receipts derived from rents paid to hotels, motels, lodges, and rooming houses;
- E. gross receipts derived from sales of all reindeer products including meat, horns, tallow and skins; *Add*
- F. all gross receipts received by persons who run or operate places of entertainment or amusement, and entertainment and amusement devices of all types, provided that entertainment and amusement devices offered for non-profit services or fraternal organizations shall be exempt from taxation;
- G. gross receipts received by a person who owns or operates coffee shops, restaurants, cafe and catering services including board;
- H. for service furnished and sold for domestic or commercial use by laundries and cleaners, carpenters, painters and decorators, scavengers, taxies and vehicle rentals, repairmen, machinists and mechanics, plumbers, barbershops, contractors and photographic processes;

#### Section 5. Exempt sales.

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

- A. Sales of gold to any banking house. ✓
- B. Services rendered by any banking house. ✓
- C. All sales and services to and from the United States Government, State of Alaska, its departments and institutions, and political subdivisions thereof, all sales and services to and from the City of Wales, Alaska, provided that persons serving under the governments shall not be exempt from taxation merely because they serve. ✓
- D. All sales from Interstate Commerce. ✓
- E. Gross receipts or purchase price paid in the sale of real property by owner/seller not usually engaged in real estate business. ✓
- F. Incidental sales made by a person not ordinarily engaged in retail business. ✓
- G. All sales by religious, charitable non-profit, fraternal or youth groups made for fund raising purposes. ✓
- H. All sales of electricity. ✓
- I. Gross receipts or purchase price paid to rents pursuant to written lease should said lease provide for a rental period in excess of thirty (30) days. ✓  
All other gross receipts shall be taxable.

Section 6. Clerk.

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

Section 7. When payable by the buyer.

All taxes imposed on the buyer by this article shall be due and payable to the seller on all cash sales at the time of sale and on all credit sales at the time the account is due and payable.

Section 8. Records.

It shall be the duty of every "Seller", or any other person making sales at retail to a buyer, to keep and preserve suitable records of all sales made by him necessary to determine the amount of tax for the collection, and to preserve such records for three (3) years. Such records shall be open for examination by the clerk or his duly authorized agent.

Section 9. Registration.

- A. Every person desiring to engage in or to conduct business as a seller in the city shall file with the clerk an application for a certificate of registration for each business in the city. The application shall be filed within thirty (30) days after such person becomes responsible to register as a seller under this Chapter.
- B. Every application for a certificate of registration shall be made upon a form prescribed by the clerk and shall set forth the name under which the applicant transacts or intends to transact business, the location of his business, and such

other information as the clerk requires. The application shall be signed by the owner, if a natural person, in the case of an association or partnership, by a vender or a partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.

- C. Registration shall be renewed by the 30th of January of each new year and is solely for the purposes of maintaining records of which sellers in the City of Wales are liable for collection and payment of sales tax and ascertaining if any changes in their business have occurred that might affect this liability.
- D. The form at the end of this Chapter illustrates the Certificate of Registration to be used.

#### Section 10. Forms.

- A. The clerk shall make forms available at the city office with which sellers can report and pay this sales tax.
- B. The form appearing at the end of this Chapter illustrates the form to be used.

#### Section 11. Records confidential.

Except in accordance with proper judicial order, and except incident to necessary communications with city officials, employees or attorneys, or as provided by law, it is unlawful for any official or employee of the city to make known any information, or any other particulars set forth or disclosed in any returns required by this Chapter.

#### Section 12. Returns due.

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

#### Section 13. Deficient payment.

- A. If the amount paid is less than the amount due, the difference, together with the interest at one percent (1%) per month from the time the return is due shall be paid within ten days after a notice or demand by the clerk.
- B. If any part of the deficiency is due to negligent disregard to the rules and regulations, but without intent to defraud or intent to evade the tax, there shall be added ten percent (10%) of the amount of the deficiency which shall be paid with the deficiency within ten days of notice or demand by the clerk.
- C. If any part of the deficiency is due to fraud or intent to evade the tax, then there shall be added twenty-five (25%) of the total amount of the deficiency, and in such cases the whole amount of tax unpaid.

Section 14. Penalties.

- A. Any person, persons, companies, firms, partnerships, corporations or any other entity violating any provisions of this Chapter shall upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00) together with the costs of prosecution. Such fines shall be set at the discretion of the fining authority.
- B. Any person, firm, organization, co-partnership, and any other business taxable under State or Federal law who willingly or intentionally fails or neglects or refuses to collect and pay to the City the sales tax described by this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with State law, Alaska Statutes 29.48.200.

Section 15. Severability.

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

Chapter 28  
§9 (D)

CITY OF WALES  
WALES, ALASKA 99783

Code of Ordinances  
City of Wales, Alaska

CERTIFICATE OF REGISTRATION

All questions must be answered. Please print.

1. Name of applicant: \_\_\_\_\_  
(Individual, partners', Names or Corporate Name)
2. Address: \_\_\_\_\_
3. Telephone No: \_\_\_\_\_
4. Type of Business: \_\_\_\_\_  
(nature of articles or services sold)
5. If you have a State of Alaska Business License,  
enter number: \_\_\_\_\_
6. Person responsible for filling out  
Seller's Monthly Return of Sales Tax  
Collected: \_\_\_\_\_
7. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FOR CITY USE ONLY					
Month	Date Return Received	Date Payment Rcvd	Date of Notice by Clerk	Deficiency Amount	Penalty Amount
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					

CITY OF WALES  
Wales, Alaska  
99783

OFFICE USE ONLY

74

Rec'd \_\_\_\_\_, 19 \_\_\_\_

By \_\_\_\_\_

Chapter 28 § 10 (B)  
Code of Ordinances - City of Wales

Receipt No: \_\_\_\_\_ Amt. Rec'd: \_\_\_\_\_

SELLER'S MONTHLY SALES TAX RETURN WALES Code of Ordinances Chpt 28  
(available in the office of the  
city clerk)  
DUE ON OR BEFORE THE 15th OF EACH MONTH

NAME: \_\_\_\_\_  
Individual or Firm

For Month Ending: \_\_\_\_\_, 19 \_\_\_\_

ADDRESS: \_\_\_\_\_

GROSS RECEIPTS SUBJECT TO SALES TAX:	
1. (a) Gross Sales (cash and credit)	\$ _____
(b) From Collections on Credit Sales (deducted on line 3 of previous returns)	_____
2. TOTAL GROSS RECEIPTS (Total from lines 1)	\$ _____
3. DEDUCTIONS:	
(a) Sales to Government Agencies	_____
(b) Exempt by Ordinance	_____
(c) Other Deductions (Explain)	_____
4. TOTAL DEDUCTIONS CLAIMED	\$ _____
5. Net subject to Sales Tax (Subtract line 4 total from line 1 total)	\$ _____
CALCULATION OF TAX, PENALTY AND INTEREST	
6. 1% of line 5 (sales tax owed this return)	\$ _____
7. Interest (1% of line 6 per month from time return due)	\$ _____
8. Additional Penalty as Stated in Chapter 28 and Explained by notice from Clerk	\$ _____
9. Total Sales Tax Due (Total of lines 6, 7 & 8)	\$ _____
TOTAL AMOUNT PAID WITH RETURN (should be the same as line 9)	\$ _____

I, \_\_\_\_\_, do solemnly swear that I am \_\_\_\_\_  
of \_\_\_\_\_  
(position held) (individual, firm, partnership)

in making the foregoing report; under penalties of perjury, I declare  
I have examined this return and to the best of my knowledge and belief,  
it is true, correct and complete.

\_\_\_\_\_  
(Signature) (Date)

Original for City; duplicate for Seller's Records.

CHAPTER 29  
(RESERVED)

Title V. ACQUISITION AND DISPOSAL OF CITY PROPERTY

- Chapter 30. Real Property Acquisition
31. Eminent Domain - Adverse Possession
32. Real Property Sales by the City
33. Lease of City lands
34. Disposition of City-owned Personal Property
35. (RESERVED)
36. (RESERVED)
37. (RESERVED)
38. (RESERVED)
39. (RESERVED)

## CHAPTER 30

### REAL PROPERTY ACQUISITION

#### Sections:

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

#### Section 1. Acquisition and ownership.

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

#### Section 2. Real property defined.

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

#### Section 3. Procedural requirements.

- A. The City may acquire, own, and hold real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful means of conveyance or grant. Real property shall be held in the name of "City of Wales".
- B. Any instrument requiring execution by the City shall be signed by the mayor and attested by the clerk. The form of any conveyance may be approved by the city attorney.
- C. Upon a specific resolution of the council, the mayor may act on its behalf in the acquisition of real property or interest in real property when that property to be acquired is for a valuable consideration or as part of a program of grants acreage. The resolution shall set forth the terms, conditions and manner of acquisition.
- D. No council approval is necessary to acquire any easement, right-of-way, permit, license, or other interest in real property if necessary for a utility or public improvement where the utility or public improvement has been authorized and approved by the council.

- E. Prior to approval, the mayor is to furnish the council with an abstract of title, an appraisal of the real property, and a review of any problem in acquisition, but the failure to furnish the council any such materials shall not affect the validity of any such acquisition or purchase of real property by the City.
- F. Unless otherwise provided by the council, the City shall purchase marketable title in real property. Unless otherwise provided by ordinance or resolution, or upon council approval of a purchase, the mayor is authorized to obtain title insurance, to execute any instruments, and to take all steps necessary to complete and close the purchase and acquisition of the real property.

Section 4. Ownership.

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

Section 5. Rights and powers of City.

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

Section 6. Dedication by plat.

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

Section 7. Industrial sites.

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

Section 8. Federal and State aid.

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

Section 9. Real property as security.

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

## CHAPTER 31

### EMINENT DOMAIN AND ADVERSE POSSESSION

#### Sections:

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

#### Section 1. Eminent domain.

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

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

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

#### Section 3. Adverse possession.

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

## CHAPTER 32

## REAL PROPERTY SALES BY CITY

Sections:

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

Section 1. Power to dispose of real property.

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

Section 2. Sale or disposal.

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

Section 3. Rights and powers.

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

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

Section 4. Property exchanges.

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

Section 5. Grants for Federal and State Programs.

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

Section 6. Beneficial new industries.

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

Section 7. Change of use.

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

Section 8. Utilities.

The City may sell, convey, or otherwise dispose of real property no longer used or useful in the operation of city-owned utility. Real property no longer needed for the purpose for which the real property was acquired or purchased, or utility property no longer useful or used in the operation of the city-owned utility, is no longer property, owned, held for or devoted to public use, and thus may be sold or

disposed of as provided in this Title if the Council determines the real property is not useful to the City for any other purpose.

Section 9. Release of easements.

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

Section 10. Public sale requirements.

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

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

Real property of the City valued under twenty-five thousand dollars (\$25,000.00), except as provided otherwise in this Chapter, and except land acquired by tax foreclosure, shall be sold or otherwise permanently disposed of as provided below.

1. An estimated value of the property shall be made, by a qualified appraiser or the assessor.
2. The parcels of land to be sold shall be reviewed by the planning commission, if one exists, which shall make recommendations to the Mayor concerning desirable uses of the property, including projected need, if any, of the land for present or future recreational or other public use. However, review and recommendation by the planning commission is not required if special circumstances warrant, as determined by the council, or if such planning commission review and recommendation has been made within six months prior to submission to the council.
3. After receipt of the recommendations, the council may, by resolution, direct the sale or lease of such lands under such terms and conditions as it requires.
4. Notice also shall be posted in at least three public places within the City for at least thirty (30) days prior to the disposal.
5. Notice may also be given by other means considered reasonable by the mayor or council.
6. The notice must contain a brief description of the land, its area and general location, proposed use, term, computed annual minimum rental or minimum offer, limitations, if any, and time and place set for the auction or bid opening, if applicable.

7. The procedure for disposal shall be in a manner provided by resolution of the council.

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

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

1. Council action under Section 11, subsection "7" shall be by ordinance instead of by resolution.
2. No disposition of land valued at twenty-five thousand dollars and over shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted.

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

Section 13. Preference rights.

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

Section 14. Future interests and after-acquired title.

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

Section 15. Minimum acceptable offer.

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

or lease shall be binding upon the City.

Section 16. Exceptions to minimum acceptable offer.

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

Section 17. Conditions of sale.

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

ments within the times required by the resolution or ordinance shall forfeit any cash deposit paid to the City.

Section 18. Council action.

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

Section 19. Purchase agreement.

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

Section 20. Employment of broker.

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

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

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

Section 22. Mayor's regulations.

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

Section 23. Tax foreclosure land.

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

Section 24. Public use required.

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

Section 25. Termination of repurchase right.

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

Section 26. Repurchase by former record owners.

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

CHAPTER 33  
LEASE OF CITY LANDS

Sections:

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

Section 1. Property available for leasing.

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

Section 2. Term of lease.

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

Section 3. Appraisals.

- A. No property shall be leased or a renewal lease issued unless the property to be leased has been appraised by the City within one year prior to the date contemplated for the beginning of the lease.
- B. No appraisal is required if the fair rental value of the property does not exceed two hundred fifty dollars per year and the term of the lease is one year or less, or if the property has been assessed by a tax assessor during the year in which the property is to be leased.
- C. An independent appraisal shall not be required unless directed by the council, or otherwise required by this Chapter.

Section 4. Lease auction.

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

Section 5. Lease procedures.

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

Section 6. Fair rental value.

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

Section 7. Adjustment of rental.

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

Section 8. Transfer of lessee's interest.

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

Section 9. Renewal of lease.

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

Section 10. Improvements and chattels.

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

Section 11. Inspection of leased premises.

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

Section 12. Easements and right-of-way.

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

Section 13. Condemnation of premises - Lease termination.

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

Section 14. Lease rental credit.

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

Section 15. Conditional lease.

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

Section 16. Mayor's regulations.

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

CHAPTER 34  
DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

Sections:

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

Section 1. Personal property disposition by value.

- A. Personal property, other than surplus stock, that is valued at less than one-thousand dollars may be disposed of upon such notice and terms considered reasonable by the mayor with approval of the council. The mayor shall take into consideration the value of the article, the reason for disposal, and the general preference of disposal by competitive bid. The mayor shall report disposals to the council.
- B. Personal property valued at more than one-thousand dollars, but less than twenty-five thousand dollars, shall be disposed of in the manner provided for land valued under twenty-five thousand dollars as provided in Chapter 32 of this Code.
- C. Personal property valued at more than twenty-five thousand dollars shall be disposed of in the manner provided for land valued over twenty-five thousand dollars as provided in Chapter 32 of this Code.

Section 2. Sale of surplus or obsolete goods.

The mayor and council may sell the following without giving an opportunity for competitive bidding.

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

Section 3. Surplus stock.

- A. All agencies shall submit to the mayor, at such times and in such form as he or she shall prescribe, reports showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.
- B. The mayor shall have the authority to transfer surplus stock to other agencies and provide for proper fiscal transfer of such.

- C. The mayor with approval of the council shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same for, or trade in, the same on any new supplies or equipment.
- D. Sales of surplus city supplies or equipment appraised at over one-thousand dollars under this Section shall be made to the highest responsible bidder.
- E. The mayor, or a person chosen by the council to act on the City's behalf, shall conduct the sale and issue the certificates of sale to the purchaser of surplus City supplies or equipment.

Section 4. Declaration of obsolescence.

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

CHAPTER 35  
(RESERVED)

CHAPTER 36  
(RESERVED)

CHAPTER 37

(RESERVED)

CHAPTER 38

(RESERVED)

CHAPTER 39

(RESERVED)

Title VI. GENERAL WELFARE

- Chapter 40. Dog Control
41. Curfew
42. Motor Vehicle
43. Airstrip
44. Intoxicating Liquor or Beverage
45. Prohibition of Sale and Importation  
of Alcoholic Beverages
46. Offenses against Public Peace
47. Control of Firearms, Deadly Weapons  
and Explosives
48. Offenses Against Property
49. Offenses By or Against Public  
Officers and Government
50. Litter - Sanitation Measures
51. Miscellaneous Provisions
52. (RESERVED)
53. (RESERVED)
54. (RESERVED)
55. (RESERVED)
56. (RESERVED)
57. (RESERVED)
58. (RESERVED)
59. (RESERVED)

CHAPTER 40  
DOG CONTROL

Sections:

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

Section 1. Coverage.

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

Section 2. Keeping dogs confined.

All dogs six (6) months of age or older shall be securely confined so as to pose no threat to life or property within the City.

Section 3. Rabies vaccination.

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

Section 4. Loose ownerless dogs.

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

Section 5. Loose owned dogs.

In the case of a loose, unattended dog, where ownership can be determined, the owner should be informed of the dog's condition so that the owner may secure the dog in proper fashion. Notice shall be given twice in writing to the owner of a loose, unattended dog. If the dog is still not secured in proper fashion, after its owner has been twice notified of its loose, unattended condition, then the dog will be subject to disposal.

Section 6. Rabid dogs.

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

Section 7. Rabies - Loose dogs under emergency situations.

If loose unattended dogs or periodic outbreaks of rabies among the fox population near Wales cause hazards to public health and safety the council may declare an emergency. During such emergency, all loose and unattended dogs will be disposed of without notice to the owner. Notice of such emergency shall however be given by publishing notices and/or by radio if possible. During such emergency, it is the duty of all owners to confine their dogs.

Section 8. Disposal of dogs.

The City of Wales disclaims any responsibility for disposal of dogs belonging to owners in violation of this Chapter.

Section 9. Penalties.

Any owner violating the provisions of this Chapter shall, upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority.

## CHAPTER 41

## CURFEW

Sections:

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

Section 1. Curfew effective.

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

Section 2. Area of curfew.

Pursuant to AS 29.43.100 this ordinance is in effect for the total area within twenty (20) miles of the city limits.

Section 3. Curfew hours.

No person under the age of eighteen (18) years may remain, congregate or loiter in or upon any public place, vacant lot or City roads, sidewalks, or alleys between the hours of 10:00 p.m. and 6:00 a.m., Sunday through Thursday, and 11:00 p.m. through 6:00 a.m., Friday and Saturday.

Section 4. Vacations and holidays.

During any declared school holiday or vacation, the curfew hours established shall be 11:00 p.m. to 6:00 a.m. on all days of the week except that Sunday curfew hours shall be in effect the last day of such vacation immediately prior to the next school day.

Section 5. Exceptions.

The curfew hours established by this ordinance may be suspended or altered by the mayor and council to permit minors to attend or participate in school, group-sponsored or community activities, or to permit individual minors at evening employment to remain at their places of employment for not more than one hour after the usual curfew. For such exception to be granted, a minor must present to the Police Chief written permission from his parents or guardians.

Section 6. Parental responsibility.

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

The presence of a minor on a public street or place as described above in violation of this Chapter shall be primary evidence of the guilt of the parent or other adult person having the custody or control of the minor.

Section 7. Enforcement.

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

Section 8. Penalty.

- A. Curfew infractions shall be punished according to the following schedule:
  - 1. First violation. . . . . \$10.00;
  - 2. second violation . . . . . 20.00;
  - 3. third violation. . . . . 30.00;
  - 4. fourth violation or more . 50.00.
  
- B. If a violation by a minor occurs which is more than three months in time from another violation, then the violation is considered the first violation.
  
- C. The amount of penalty assessed against a minor for a violation of this Chapter may be paid off by working for the City at not less than the minimum wage or other court-approved activities according to the juvenile laws of the State.
  
- D. Any parent or guardian violating the provisions of this Chapter shall, upon conviction thereof, be fined not to exceed the sum of one hundred dollars (\$100.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 42  
MOTOR VEHICLES

Sections:

1. Violation of statute or regulation.
2. Definitions.
3. Unlicensed operators and vehicles.
4. Age.
5. Speed limits.
6. Unsafe operation.
7. Influence of intoxicating liquor or beverages.
8. Required equipment - snowmachines.
9. Required equipment - all land-based vehicles.
10. Sidewalks.
11. Reporting of accidents.
12. Penalty.

Section 1. Violation of statute or regulation.

- A. The provisions of Alaska Statutes, Title 28, as amended and all regulations promulgated thereunder by the Commissioner of Public Safety are hereby incorporated by reference into this section.
- B. A person who violates a provision of (A) may receive a fine not to exceed five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority.

Section 2. Definitions.

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

Section 3. Unlicensed operators and vehicles.

Operation of a vehicle upon a street or highway without such licenses and permits as are required by the laws of the State of Alaska or in violation of any condition or limitations of any such licenses or permit is an offense punishable by a penalty of up to five hundred dollars (\$500.00).

Allowing Unlicensed Drivers:

One who owns or controls a vehicle and permits a person to operate it in violation of Section 3, knowing that it is likely to be so operated, is guilty of an offense punishable by a penalty of up to five hundred dollars (\$500.00).

Section 4. Age.

It shall be unlawful for any person under fourteen (14) years of age to operate any motor vehicle including snowmachines and three wheelers on the streets of the City of Wales, unless required by necessity such as carrying water, ice, garbage, trash, transporting older persons, or accompanied by a parent or guardian, or entering or exiting the city for hunting.

Section 5. Speed limits.

It shall be unlawful for any motor vehicle, including motor scooters, motorcycles, motor driven bicycles, snowmobiles, three wheelers, snowplanes, wheel and tracked vehicles, and including boats and other water-based craft, to travel at a speed exceeding 10 M.P.H. (miles per hour) within the City limits of Wales. A snowmachine (sno-go, etc.) is considered a motor vehicle. Regardless of the posted limit, it is also unlawful to drive a land-based vehicle at a speed greater than is reasonable under the existing road or weather conditions. (13AAC 02.275(a)).

Section 6. Unsafe operation.

No person shall drive, operate, stop or move any vehicle, be it water or land-based, in a careless, reckless, or negligent manner so as to endanger, or be likely to endanger, the safety of any person or the property of any person.

Section 7. Influence of intoxicating liquor or beverage.

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

Section 8. Required equipment - Snowmachines.

No person shall drive or operate a snowmachine unless the snowmachine is equiped with the following;

- A. At least one headlamp, with or without non-multiple beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions, and where such headlamps shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver;
- B. A throttle in operating condition which, when released by hand, will return the engine speed to idle;

- C. Standard mufflers for production models in operating condition which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for the operating of the vehicle, and no person shall use a muffler cut-out, by-pass, or similar device on said vehicles;
- D. Brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation;
- E. Flares or a flare gun for emergency use.

Section 9. Required equipment - All land-based vehicles.

- A. It shall be unlawful to operate any vehicle without operating lights, either front or back.
- B. Vehicles must be muffled. It shall be unlawful to operate any vehicle without a muffler.
- C. It shall be unlawful to operate any vehicle without a throttle in operating condition which when released by hand or foot will return the engine speed to idle.
- D. It shall be unlawful to operate any vehicle without brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation.

Section 10. Sidewalks.

It shall be unlawful for any motor driven vehicle to be driven or ridden on any public sidewalks except at the places where ramps are provided for vehicle crossing.

Section 11. Reporting of accidents.

The operator of a vehicle involved in an accident resulting in injury to or death of a person, or property damage other than to his or her own vehicle the estimated amount of which is \$100.00 or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest State Trooper or city police officer.

Section 12. Penalties.

Person, persons, companies, firms, corporations or other entity (ies) violating the provisions of this ordinance shall, upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority.

## CHAPTER 43

## AIRSTRIP

Sections:

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

Section 1. Airstrip included.

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

Section 2. Inclusion of Chapter 42.

All provisions of Chapter 42 - Motor Vehicles, "Code of Ordinances, City of Wales, Alaska," are hereby incorporated into this Chapter.

Section 3. Obstructing airports and runways.

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

Section 4. Curfew.

All provisions of Chapter 41 - Curfew, "Code of Ordinances, City of Wales, Alaska", are hereby incorporated into this Chapter.

Section 5. Enforcement and penalties.

- A. Federal, State and municipal law enforcement officers may enforce provisions of this Chapter and rules and regulations issued under this Chapter.
- B. A person who violates this Chapter, or any of the rules or regulations issued under this Chapter, is punishable, upon conviction, for each offense by a fine of not more than five hundred dollars (\$500.00).

## CHAPTER 44

### INTOXICATING LIQUORS OR BEVERAGES

#### Sections:

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

#### Section 1. Furnishing liquor unlawful.

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

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

It shall be unlawful for any person to consume any intoxicating liquor or beverage in any public place; be it an alley, street, restaurant, recreation hall, or other business establishment.

#### Section 3. Intoxicated in public unlawful.

It shall be unlawful for any person under the influence of alcohol to visit or loiter in any public places named in Section 2.

#### Section 4. Allowing intoxicated persons to loiter unlawful.

It shall be unlawful for any owner or manager of any public place as defined in Section 2 of this Chapter to knowingly permit the presence of drunk and/or disorderly person(s) on the premises.

#### Section 5. Open container.

It shall be unlawful for any person in the City of Wales to carry, conceal or transport any open bottle, can, and other container of intoxicating liquor or beverage; such open container being defined as a container, bottle, or can which has a broken seal or which is in some other way obviously open, on any person in a public place as defined in Section 2 or in any automobile, or on a boat, or on a snowmobile, three wheeler or any other vehicle.

#### Section 6. Penalty.

Person, persons, companies, firms, corporations or other entities violating the provisions of this ordinance shall upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority.

Section 7. Definition.

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

## CHAPTER 45

## PROHIBITION OF SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES

Sections:

1. Historical.
2. Prohibitions.
3. Penalties.

Section 1. Historical.

WHEREAS: the question "SHALL THE SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES BE PROHIBITED IN WALES? (YES or NO) " may be placed before the voters of Wales, a second class city;

AND WHEREAS; on July 15, 1981, the city clerk received a petition and did certify on July 17, 1981 that the petition was sufficient, containing 37 signatures of registered city voters which was at least 35% of registered voters who cast ballots at the last regular city election as required in AS 04.11.502;

AND WHEREAS; THE QUESTION, "SHALL THE SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES BE PROHIBITED IN WALES? (YES or NO)" appeared on the ballot at a special election held on August 14, 1981 in accordance with AS 04.11.502;

AND WHEREAS; the vote on the question was 29 YES and 21 NO, a majority of the votes cast being YES;

AND WHEREAS; the election was certified at a council meeting held August 17, 1981;

AND WHEREAS; the Alcohol Beverage Control Board was notified of the results of the election, by mail, immediately after certification of the election, in accordance with AS 04.11.496(b);

AND WHEREAS; a notice of the election results and the prohibition stated below was posted in three public places immediately after certification of the election, in accordance with AS 04.11.496(b);

NOW THEREFORE BE IT ORDAINED THAT:

Section 2. Prohibitions.

In accordance with AS 04.11.496(b);

Beginning on the first day of the month following certification of the results of the election, said effective date being September 1, 1981, a person may not sell intoxicating liquor in the City of Wales, or knowingly send, transport, or bring intoxicating liquor into the City of Wales.

Section 3. Penalties.

AS 04.16.200(e) PENALTIES FOR UNLAWFUL SALE AND IMPORTATION applies. A person may be cited and prosecuted under STATE LAW for violation of any prohibitions hereinto set forth.

CHAPTER 46  
OFFENSES AGAINST PUBLIC PEACE

Sections:

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

Section 1. Disturbance of peace.

It is unlawful for any person to make or excite any disturbance in a store or grocery, or at any election or public meeting, or other place where citizens are peaceably and lawfully assembled.

Section 2. Disturbing congregations or other assemblies.

It is unlawful for any person to wilfully disturb any assembly of persons met for religious worship by profane discourse or rude and indecent behavior, or by making a noise, either within the place of worship or so near as to disturb the order and solemnity of the assembly, or wilfully to disturb or interrupt any school, school meeting, or other lawful assembly of persons.

Section 3. Blasphemous or obscene language.

It is unlawful for any person to publicly use blasphemous or obscene language, to the disturbance of the public peace and quiet.

Section 4. Loitering.

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

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

Section 5. Vagrancy.

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

- A. All common prostitutes and keepers of bawdy houses or houses for the resort of common prostitutes.
- B. All habitual drunkards, gamesters or other disorderly persons.
- C. All persons wandering about and lodging in barns, out-buildings, tents, wagons or other vehicles, and having no visible calling or business to maintain themselves.
- D. All persons begging in public places, or from house to house, or inducing children or others to do so.
- E. All persons representing themselves as collectors of money for charitable institutions under any false or fraudulent pretenses.
- F. All persons playing or betting in any street or public or open place at any game, or pretended game of chance, or at or with any table or other instrument of gaming. This Chapter does not apply to authorized card or pool tournaments or bingo.

Section 6. Penalty.

Any person violating the provisions of this Chapter, shall upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority.

## CHAPTER 47

## CONTROL OF FIREARMS, DEADLY WEAPONS &amp; EXPLOSIVES

Sections:

1. Definitions.
2. Carrying concealed weapons.
3. Carrying loaded firearms.
4. Discharging firearms.
5. Explosives.
6. Exclusions.
7. Penalty.

Section 1. Definitions.

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

Section 2. Carrying concealed weapons.

It is unlawful for any person to carry any firearm or any dangerous weapon of any kind in a concealed manner within the City limits.

Section 3. Carrying loaded firearms.

It is unlawful for any person to have any firearm in his or her possession or control when in a public place or on any public street within the City, unless all ammunition has been removed from the chamber, cylinder, clip or magazine, and unless the firearm is carried with the receiver in an open position. No person may wear a handgun while in the City.

Section 4. Discharging firearms.

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

Section 5. Explosives.

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

Section 6. Exclusions.

- A. Sections 2 and 3 of this ordinance do not apply to any duly authorized city, State or Federal law enforcement officer in the performance of official duties.

- B. Section 4 of this ordinance does not apply to duly authorized city, State, or Federal law enforcement officers under the following circumstances:
1. When the use of the firearm is necessary to protect himself, a prisoner, another officer or a citizen from a dangerous and felonious assault;
  2. when the use of a firearm is necessary to prevent a person who has committed a felony from escaping;
  3. when the use of a firearm is necessary to dispose of loose dogs as otherwise defined in this Code.
- C. Under no circumstances shall an officer fire upon any person who is attempting to escape arrest on a misdemeanor or lesser charge.
- D. Section 4 of this ordinance does not apply to a person who is:
1. Firing a firearm in justifiable defense of himself or of others or of property or otherwise in accordance with law.
  2. Sighting in firearms at a location approved by the council.
  3. Who is engaged in subsistence activities.

Section 7. Penalty.

Any person violating the provisions of this Chapter shall upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority.

## CHAPTER 48

## OFFENSES AGAINST PROPERTY

Sections:

1. Tampering with water system or washeteria.
2. Injury to public library books or property.
3. Injury to public notices.
4. Injury to roads and other utilities.
5. Penalty.

Section 1. Tampering with water system or washeteria.

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

Section 2. Injury to public library books or property.

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

Section 3. Injury to public notices.

It is unlawful for any person to wilfully, maliciously, or wantonly tear down, deface, mutilate or otherwise injure or destroy, in whole or in part, any public notices posted in any public places.

Section 4. Injury to roads and other utilities.

It is unlawful for any person to maliciously injure, remove or destroy any portion of any public building, or wilfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way breakdown, injure or destroy any post or pole used in connection with any system of electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or to wilfully tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, fuel lines, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, or water plant; or to aid or abet any other person in so doing.

Section 5. Penalty.

Any person violating the provisions of this Chapter shall upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority.

## CHAPTER 49

OFFENSES BY OR AGAINST PUBLIC  
OFFICERS AND GOVERNMENTSections:

1. Interference with city officers.
2. Falsely assuming to be an officer.
3. Resisting arrest.
4. Assault.
5. Failure to give assistance.
6. Penalty.

Section 1. Interference with city officers.

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

Section 2. Falsely assuming to be an officer.

It is unlawful for any person to falsely assume to be a judge, magistrate, or peace officer and take upon himself to act as such, or require anyone to aid or assist him in any manner.

Section 3. Resisting arrest.

It is unlawful for any person to attempt to escape or forcibly resist when lawful arrest is being made by an officer.

Section 4. Assault.

It is unlawful for any person to assault or otherwise attack any policeman, fireman, or other officer or city official in the performance of their duties when requested to do so.

Section 5. Failure to give assistance.

It is unlawful for any person to fail to assist any policeman, fireman, or other officer or city official in the performance of their duties when requested to do so.

Section 6. Penalty.

Any person violating the provisions of this Chapter shall upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority.

## CHAPTER 50

## LITTER - SANITATION MEASURES

Sections:

1. Litter unlawful.
2. Notice to abate - Removal by municipality.
3. Polluting water.
4. Authorized dump areas.
5. Use of dump areas.
6. Penalty.

Section 1. Litter unlawful.

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

- A. Cause or allow refuse to be collected, deposited or to remain in any place under his control.
- B. Throw or deposit refuse in or upon any street or public place except in public receptacles, in private receptacles for disposal, or in disposal areas designated by the City.
- C. Drive or move any vehicle which is carelessly loaded, or not constructed to prevent its load, or refuse on it, from falling upon any street, alley or public place.
- D. Throw or deposit refuse on any private property, whether owned by the person or not.

Section 2. Notice of abate - Removal by municipality.

- A. The Chief of Police is authorized and empowered to notify the owner or occupier of any property to properly dispose of refuse located on the property which is or may become offensive, noxious or dangerous to the public health, safety or welfare. The notice shall be by certified mail, postage prepaid, addressed to the owner or occupier at his last known address.
- B. Upon the failure, neglect or refusal of any owner or occupier so notified to properly dispose of refuse within five (5) days after the date of the notice or in the event the same is returned to the municipality because of inability to make delivery, the city clerk is authorized and empowered to pay for the disposing of such refuse or to order its disposal by the City.
- C. When the City has effected the removal of such refuse or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent (6%) per year from the date of the completion of the work shall be charged to the owner or occupier of the property.

Section 3. Polluting water.

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

Section 4. Authorized dump areas.

- A. For the purposes of this Chapter, the authorized dump area shall be the dump area commonly used for dumping, approximately three miles northwest of the City.
- B. During winter time the area marked on the ice in front of and to the west of the City of Wales may be used for disposal of refuse.

Section 5. Use of Dump areas.

The locations listed in Section 4 are the only areas within the city limits where trash, refuse, garbage, honeybuckets, slops, litter, etc., may be dumped.

Section 6. Penalty.

Any person violating the provisions of this Chapter, shall upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority.

## CHAPTER 51

## MISCELLANEOUS PROVISIONS

Sections:

1. Fireworks.
2. Hotel Register - Required entries.
3. Indecent exposure.
4. Damaging property of City.
5. Devices - Possession of air guns and similar devices.
6. Penalty.

Section 1. Fireworks.

It shall be illegal to discharge fireworks within any public place.

Section 2. Hotel register - Required entries.

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

Section 3. Indecent exposure.

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

Section 4. Damaging property of City.

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

Section 5. Devices - Possession of air guns and similar devices.

- A. Prohibitions: No person shall have in his physical possession, nor shall he discharge an air gun, bow and arrow, or slingshot within the City.
- B. Definitions: As used in this Section.
  1. "Air gun" is a B.B. gun, pellet gun or similar device which launches a projectile upon the release of compressed gas or air.
  2. "Authorized locations" include occupied residences, premises in which such devices are sold or displayed, facilities designed for indoor discharges, and areas outside the City.

C. Exceptions:

The prohibitions of (A) do not apply to possession in authorized locations, provided the device is not loaded while enroute. The accused has the burden of establishing the existence of the affirmative defense.

Section 6. Penalty.

Any person violating the provisions of this Chapter shall upon conviction thereof, be fined not to exceed the sum of five hundred dollars (\$500.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 52  
(RESERVED)

CHAPTER 53  
(RESERVED)

CHAPTER 54

(RESERVED)

CHAPTER 55

(RESERVED)

CHAPTER 56  
(RESERVED)

CHAPTER 57

(RESERVED)

CHAPTER 58  
(RESERVED)

CHAPTER 59

(RESERVED)

Title VII.      ELECTIONS

- Chapter    60.    City Elections  
            61.    City Election Procedures  
            62.    Election Equipment  
            63.    Canvassing of Election Returns  
            64.    Absentee Voting  
            65.    Contest of Elections  
            66.    (RESERVED)  
            67.    (RESERVED)  
            68.    (RESERVED)  
            69.    (RESERVED)

CHAPTER 60  
CITY ELECTIONS

Sections:

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

Section 1. Administration.

The City Clerk is the Supervisor of Elections and may establish written regulations upon council approval for all procedures necessary to carry out the general provisions of this ordinance and in Chapter 61 of this Code.

Section 2. Voter qualifications.

Any person seeking elective office must be a qualified voter. A qualified city voter is a United States' citizen; a resident of the City at least 30 days before election day; registered to vote in State elections at least 30 days before election day; and registered to vote in the City of Wales; and shall not have been disqualified to vote because of previous conviction for a felony involving moral turpitude or who has been judicially determined to be of unsound mind unless the disability has been removed.

Section 3. General elections.

The regular election for councilmembers or other elected officials shall be held every year on the first Tuesday in November. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in three (3) public places for thirty (30) days before the election.

Section 4. Special elections.

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

Section 5. Election notices.

A. Election notices shall be prepared and posted by the City Clerk thirty (30) days before an election or twenty (20) days before a special election, and shall contain the following, as is appropriate:

1. Whether the election is general, special or run-off;
2. date of the election;
3. location of the city polling places;
4. time the polling places will open and close;
5. offices to be filled;
6. a statement describing voter qualifications;
7. time for filing declaration of candidacy;
8. a statement of any questions or propositions to be placed on the ballot.

B. The form appearing at the end of this Chapter illustrates the form to be used for election notices.

Section 6. 40% of the votes cast required.

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

Section 7. Run-off elections.

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

Section 8. Tie votes.

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

Section 9. Filing for office.

A. A person who wishes to become a candidate for an elective office shall complete and file a "Declaration of Candidacy with the City Clerk. Declarations

of candidacy may be filed no sooner than thirty (30) days and no later than ten (10) days before the election.

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

Section 10. Withdrawal, written notice.

Any candidate who has complied with the provisions of this Chapter may withdraw his candidacy not later than the last day for filing "Declarations of Candidacy" by filing a written notice of withdrawal with the city clerk.

Section 11. Publishing names.

The city clerk shall cause to be posted in three (3) public places five (5) days next preceding the day of election, the names of all candidates who have declared their candidacy and designating the office for which such persons have declared.

Section 12. Election judges.

- A. The council shall each year choose three city voters, at least one of whom is fluent in Inupiat, as judges to be the election board at the polling place and select one of the judges to chair the board. The judges shall not be councilmembers or candidates for council office. If a judge is unable to work during election day, the remaining judges shall choose a qualified voter to fill the vacancy.
- B. The city clerk shall give the following written oath to all election judges on or before election day:

"I, \_\_\_\_\_, do solemnly swear that I will honestly and faithfully perform the duties of election to the best of my ability and that I am familiar with the City's election ordinances.

SIGNED: \_\_\_\_\_

- C. Judges shall report thirty (30) minutes before the opening of the polls. Before the first ballot is cast, the judges will inspect the ballot box to make sure it is empty and then seal or lock it and not open it until the final ballot is cast.

Section 13. Opening and closing polls.

Elections will be held at the city offices and the polls will be open from 8:00 a.m. until 8:00 p.m.

Section 14. Prohibitions near the polls.

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

Section 15. Questioned ballots.

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

Section 16. Defective ballots.

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

Section 17. Report of election results.

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

Section 18. Absentee ballots.

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

Section 19. Certifying the election.

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

Section 20. Contesting the election.

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

Section 21. Election materials.

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

(Chapter 60, Section 5(B))

NOTICE OF GENERAL MUNICIPAL ELECTION  
CITY OF WALES, ALASKA

TO BE HELD: November \_\_\_\_\_, 19 \_\_\_\_

FOR THE PURPOSE OF FILLING THREE (3) VACANT SEATS ON THE CITY COUNCIL  
OF THE CITY OF WALES, ALASKA.

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

VOTER QUALIFICATIONS:

1. QUALIFIED TO VOTE IN STATE ELECTIONS
2. RESIDENT OF THE CITY 30 DAYS IMMEDIATELY PRECEDING THE ELECTION
3. REGISTERED TO VOTE IN WALES

POLLS WILL OPEN: 8:00 A.M., NOVEMBER \_\_\_\_\_, 19 \_\_\_\_

POLLS WILL CLOSE: 8:00 P.M., NOVEMBER \_\_\_\_\_, 19 \_\_\_\_

LOCATION OF POLLS: CITY OFFICES

VOTING BOUNDARY (PRECINCT)

CITY OF WALES, ALASKA

Candidates for office must file a declaration of candidacy form with the city clerk no later than October \_\_\_\_\_, 19 \_\_\_\_ . Forms may be obtained from the city clerk at the city offices from 9:00 a.m. to 5:00 p.m.

\_\_\_\_\_  
(DATE)

ATTEST: \_\_\_\_\_  
(CITY CLERK)

CITY SEAL

(Chapter 60, Section 9(B))

DECLARATION OF CANDIDACY

I, \_\_\_\_\_, declare that I reside at Wales, Alaska and that I am a voter in the City of Wales. I am a United States citizen qualified to vote in the State of Alaska elections and registered to vote therein and I have been or will have been by the date of the election for which I am filing this declaration a resident of the City of Wales for at least one year. I am not disqualified as a voter under Article V of the Alaska Constitution, which provides in Section 2 that:

"No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

I declare myself a candidate for the office of \_\_\_\_\_ for a term of \_\_\_\_\_ years commencing \_\_\_\_\_ and ending \_\_\_\_\_, and request that my name be printed upon the official ballot for the municipal election to be held in the City of Wales, Alaska on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

## CHAPTER 61

## ELECTION PROCEDURES

Sections:

1. Time for opening and closing polls.
2. Distribution of ballots.
3. Preparation of a ballot box.
4. Voting procedure.
5. Marking of ballots by voters.
6. Challenging voters.
7. Questioning a voter's ballot.
8. Challenged ballots - Disposition.
9. Ballots - Counting and tallying.
10. Defective and unused ballots.
11. Election certificate.
12. Majority decision of election board.
13. Prohibitions near election polls.

Section 1. Time for opening and closing polls.

- A. On the day of any election, each election board shall open the polls for voting at eight o'clock in the morning, shall close the polls for voting at eight o'clock in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 in the morning on an election day.
- B. Fifteen minutes before the closing of the polls, a judge or clerk shall announce to all persons present the time remaining before the polls close. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.

Section 2. Distribution of ballots.

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

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

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

### Section 3. Preparation of ballot box.

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

### Section 4. Voting procedure.

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

### Section 5. Marking of ballots by voters.

- A. A voter may mark his ballot only by use of crossmarks, "X" marks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
- B. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
- C. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.

- D. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
- E. The mark shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.
- F. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates made properly.
- G. An erasure or correction invalidates only that section of the ballot in which it appears.
- H. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was marked for the purpose of identifying the ballot.
- I. Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the judges the voter intended to vote for the person whose name was written-in as a write-in vote.

#### Section 6. Challenging voters.

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

#### Section 7. Questioning a voter's ballot.

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

### Section 8. Challenged ballots - Disposition.

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

### Section 9. Ballots - Counting and tallying.

- A. Immediately after the polls close and the last vote has been cast, the election judges will open the boxes containing the ballots. The ballots will be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated in the original registry. If the number of ballots drawn from the ballot box does not match the number of ballots indicated by the registration book, the ballots shall be recounted until the election board finds that there is an unexplained error or that the number of votes cast matches the number of ballots indicated by the registration book tally. If a discrepancy is determined to exist between the number of votes cast and registration tally, it shall be explained in detail on the tally paper or papers, and the explanation shall be signed by the election judges.
- B. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed election officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each issue. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.
- C. The form at the end of this Chapter illustrates a tally sheet that might be used.

### Section 10. Defective and unused ballots.

If a voter shall mark more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his ballot any voter's choice for any office to be filled, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election board can determine the person for whom the person intended to vote and the office intended to be chosen by the voter.

Ballots not counted shall be marked "Defective" on the back, and ballots to which objection has been made shall be marked "Objected To" on the back. An explanation of the defect or objection shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope marked on the outside with the label: "Defective and Objected Ballots". All ballots not voted on and all ballots spoiled by voters shall be returned by the judges to the city clerk, who shall give a receipt for them and keep a record of the number and condition of the ballots returned to him, indicating when and by which judge each was returned.

Section 11. Election certificate.

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

Section 12. Majority decision of election board.

The decision of the majority of judges determines the action that the election board shall take regarding any questions which arise during the course of the election.

Section 13. Prohibitions near election polls.

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



(Chapter 61, § 6(B))

OATH AND  
AFFIDAVIT OF ELIGIBILITY  
FOR CHALLENGED/QUESTIONED BALLOTS

I, \_\_\_\_\_, DO HEREBY DECLARE  
THAT I AM A RESIDENT OF THE CITY OF WALES, ALASKA, AND MEET ALL  
THE REQUIREMENTS SET FORTH BY LOCAL ORDINANCES AND STATE LAW  
TO VOTE IN THIS ELECTION.

I AM NOT DISQUALIFIED, AND HAVE NOT VOTED IN THIS ELECTION.

SIGNED:

\_\_\_\_\_  
(NAME)

\_\_\_\_\_  
(ADDRESS)



(Chapter 61, § 11(B))

CITY OF WALES, ALASKA  
REPORT OF ELECTION RESULTS

The tally below is a true and accurate record of all votes cast in the 19 \_\_\_\_ general municipal election held in the City of Wales, Alaska on \_\_\_\_\_, 19 \_\_\_\_:

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

Total Regular Ballots Cast: \_\_\_\_\_  
 Total Questioned Ballots Cast: \_\_\_\_\_  
 Total Defective Ballots Cast: \_\_\_\_\_

PROPOSITIONS: YES \_\_\_\_\_  
 NO \_\_\_\_\_

The tally of voters was completed between the hours of \_\_\_\_\_ p.m. and \_\_\_\_\_ p.m., \_\_\_\_\_, 19 \_\_\_\_.

Respectfully submitted,

\_\_\_\_\_, Chairman  
 \_\_\_\_\_, Judge  
 \_\_\_\_\_, Judge  
 \_\_\_\_\_, Judge

CITY SEAL

ATTEST: \_\_\_\_\_  
 (CLERK)

CHAPTER 62  
ELECTION EQUIPMENT

Sections:

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

Section 1. Election booths.

The city clerk shall provide booths at each polling place, with enough supplies and materials to enable each voter to mark his ballot hidden from observation. At least three sides of each booth shall be placed outside the voting booths within plain view of the judges and clerks, voters and other persons at the polling place.

Section 2. Furnishing instruction cards.

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

- A. How to obtain ballots.
- B. The manner for marking them.
- C. The method for obtaining information; and how to obtain a new ballot to replace any ballot destroyed or spoiled.

The clerk will furnish a necessary number of these instruction sheets to the election judges in each voting place.

Section 3. Ballots - Printing and inspection.

In all city elections, the city clerk will be responsible for the printing of ballots. The ballots will be printed and in the possession of the city clerk, at least five (5) days before the election and available for inspection by the candidates or the public.

Section 4. Ballots - Form.

- A. A ballot shall show the list of candidates and issues to be decided at the election.
- B. Before the list of candidates for each office there will be placed the words "vote for not more than three", or "vote for not more than one", or such other number as are to be elected.
- C. Under the title of each office and below the printed names of the candidates, there will be printed the number of candidates to be elected to the office.

- D. Somewhere on the ballots, so as to be clearly visible, will be printed the words:
1. "OFFICIAL BALLOT";
  2. The date of the election; and
  3. an example of the signature of the clerk who had the ballots printed.
- E. The ballots will be printed on plain white paper and numbered in consecutive order. The names of the candidates will be printed in capital letters the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side will be printed.
- F. The names of candidates shall be printed as they appear upon the petitions filed with the city clerk, except that any honorary or assumed title or prefix shall be omitted.
- G. Following the names of the offices and candidates, there shall be placed on the ballot all propositions and questions to be voted upon. The words "YES" and "NO" shall be placed below the statement of each proposition and question.
- H. The sample ballot appearing at the end of this Chapter illustrates the ballot format.

Section 5. Sample ballots.

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

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

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

(Chapter 62, § 4(D))

NO. \_\_\_\_\_

fold ballot to this line

CITY OF WALES, ALASKA  
GENERAL ELECTION BALLOT

Date: \_\_\_\_\_

Mark only by use of "X" marks. Place marks in squares at the left of the candidates' names or propositions you wish to vote for.

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

DO NOT vote for more than one person for each office. To vote for a person whose name is not printed on the ballot, write his or her name in the blank space below the list of candidates.

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

CITY COUNCILMEMBER  
SEAT : THREE YEARS  
(VOTE FOR ONE)

CITY COUNCILMEMBER  
SEAT : THREE YEARS  
(VOTE FOR ONE)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CITY COUNCILMEMBER  
SEAT : THREE YEARS  
(VOTE FOR ONE)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PROPOSITIONS:

YES

NO

OFFICIAL BALLOT

Prepared by: Ima Goodfellow  
City Clerk

## CHAPTER 63

## CANVASSING OF ELECTION RETURNS

Sections:

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

Section 1. Canvass committee - Meetings - Postponing canvass.

The city council acting as the canvass committee will meet on the first Friday after the election and canvass all absentee and challenged ballots executed in the election. The canvass may be postponed from day to day for cause but not exceeding three (3) days in total.

Section 2. Canvass to be made public.

- A. The canvass of all absentee, challenged and questioned ballots will be made in public by opening the returns, and announcing the results thereof in front of those present.
- B. Absentee ballots shall be counted by the city clerk and two or more assistants in the following manner:  
  
All ballot envelopes shall be removed from return envelopes, and placed in a ballot box. The return envelopes shall be delivered to the city clerk. The absentee ballots shall one by one be removed from the ballot box, taken out of the ballot envelopes and counted, in the same manner in which ballots cast at the polls are counted.
- C. The canvass shall include a review and comparison of the tallies of paper ballots with the election certificates to correct any mathematical error in the count of paper ballots.
- D. If the city clerk finds an unexplained error in the tally of paper ballots, he may count the ballots from the ballot box.

Section 3. Investigation of challenged ballots.

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

lenge is rejected, the ballot will be counted with the absentee ballots. The city clerk will notify a voter whose ballot is not counted that the challenge against him was upheld.

#### Section 4. Challenged ballots - Subpoenas.

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

#### Section 5. Canvass committee - Report - Contents.

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

- A. The number of ballots cast in the election;
- B. the names of the persons voted for and the propositions voted upon;
- C. the office voted for;
- D. the number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
- E. a proposed disposition of all challenge, absentee, write-in, questioned, and voted ballots; and
- F. other matters which the canvass committee may determine to be necessary.

#### Section 6. Results of election - Public declaration.

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

#### Section 7. Certificate of Election.

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

Chapter 63, § 7(B)

CITY OF WALES, ALASKA  
CERTIFICATE OF ELECTION

THE VOTE TOTAL SHOWN BELOW IS AN OFFICAL COUNT OF VOTES CAST AT  
THE CITY OF WALES, ALASKA REGULAR ELECTION OF \_\_\_\_\_  
(Date)

CANDIDATE	VOTES
_____	_____
_____	_____

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

\_\_\_\_\_  
(CITY CLERK)

CITY SEAL

CHAPTER 64  
ABSENTEE VOTING

Sections:

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

Section 1. Absentee voting - Eligible persons.

Any qualified voter, who expects to be absent from the city or who will be unable to vote by reason of physical disability on the day of any election, may cast an absentee ballot.

Section 2. Absentee ballots - Application - Filing.

- A. A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the city clerk.
- B. An application made by mail must be received by the city clerk not more than twenty (20) days, nor less than three (3) days before a city election. An application made in person must be filed with the city clerk not more than fifteen (15) days before the city election, and no later than noon on the day before a city election.
- C. The application must be signed by the applicant and show his place of residence.
- D. Nothing in this section is intended to limit the city clerk in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the city clerk's office for an absent voter's ballot.
- E. The form appearing at the end of this Chapter illustrates this application.

Section 3. Absentee ballots - Delivery.

Upon receipt of an application for an absentee voter's ballot, the clerk will check the latest State registration listings to determine whether the applicant is registered in accordance with Alaska Statutes

Chapter 15.07. If the applicant is properly registered, the clerk will deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, an identification envelope and a return envelope. If the absentee voter's ballot is personally delivered, it shall be completed before the clerk at the time of delivery. No absent voter's ballot will be mailed to a voter who resides within the city's boundaries.

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

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

Section 5. Completion and return of absentee ballots.

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

"IDENTIFICATION ENVELOPE"

State of Alaska

I, \_\_\_\_\_, state that: I am a resident of and a voter in the City of Wales, Alaska, and I hereby enclose my ballot.

VOTER: \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Residence address within the City

SUBSCRIBED and SWORN before me, this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at \_\_\_\_\_ .m. (note time zone). I hereby certify that in my presence this affiant enclosed a ballot and handed me this envelope sealed; that he signed this affidavit and I acknowledge his signature and affidavit, all in accordance with the law.

\_\_\_\_\_  
Official's Signature

(SEAL)

\_\_\_\_\_  
Title of Officer

NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the city clerk of the City of Wales. You must immediately return it by mail, postage prepaid, to the City Clerk, Wales, Alaska 99783.

MARKED BALLOT ENCLOSED TO BE  
OPENED ONLY BY  
CANVASS COMMITTEE

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

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

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

Section 7. Absentee ballots - Executing outside city.

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

Section 8. Absentee ballots - Receipt.

To be counted an absentee voter's ballot must be executed before the polls close in the city and be received by the clerk prior to the time the ballots are canvassed by the canvassing committee.

Section 9. Absentee ballots - Voting supplies.

All supplies necessary for the voter to cast and return his ballot will be furnished by the clerk. No city official may make any charge for services rendered to any voter under the provisions of this Chapter.

Section 10. Liberal construction.

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

Chapter 64, § 2(E)

CITY OF WALES, ALASKA

APPLICATION FOR ABSENTEE BALLOT:

I, \_\_\_\_\_, A QUALIFIED VOTER AND RESIDENT OF THE CITY OF WALES, ALASKA DO HEREBY MAKE APPLICATION FOR AN ABSENTEE BALLOT FOR \_\_\_\_\_ ELECTION TO BE HELD \_\_\_\_\_, 19 \_\_\_\_.

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

MAILING ADDRESS: \_\_\_\_\_ (IF OTHER THAN RESIDENCE ADDRESS)

REASON FOR REQUESTING ABSENTEE BALLOT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

SIGNED: \_\_\_\_\_ (VOTER)

RECEIVED BY: \_\_\_\_\_

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

PLEASE MAIL THIS APPLICATION TO:

CITY CLERK  
CITY OF WALES  
WALES, ALASKA  
99783

CHAPTER 65

CONTEST OF ELECTION

Sections:

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

Section 1. Contest of election.

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

AFFIDAVIT OF ELECTION CONTEST

The undersigned believes that prohibited practices occurred at the election held on \_\_\_\_\_, 19\_\_.

The undersigned states that the following laws were violated: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned states that the above provisions of the law were violated in the following manner: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Person Contesting

SUBSCRIBED and SWORN to me before this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_.

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission expires: \_\_\_\_\_:

Section 2. Recount expenses - Appeal.

- A. 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.
- B. No person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the city, has exhausted his administrative remedies before the city council and has commenced, within ten (10) days after the council has finally declared the election results, an action in the Superior Court in the city's judicial district. If no such action is commenced within the ten (10) day period, the election and election results shall be conclusive, final and valid in all respects.

Section 3. Contest of election - Investigation.

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

Section 4. Ballot recount.

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

Section 5. Prohibited practices alleged.

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

Section 6. Sustained charges - Recount.

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

CHAPTER 66  
(RESERVED)

CHAPTER 67  
(RESERVED)

(RESERVED)