

Last Codified:

August 11, 2015

- Ordinance No. 15-03: AN ORDINANCE TO AMEND CHAPTER 7 AMENDING SECTION 2 IDENTIFICATION TAG REQUIRED SECTION 3, AMENDING SECTION 3 KEEPING DOG CONFINED OR SECURE, AND AMENDING/ADDED SECTION 7 WARNING TO WARNING AND FINES.
- Ordinance No. 15-02: AN ORDINANCE TO AMEND CHAPTER 6 MOTOR VEHICLES TO CHAPTER 6 VEHICLES AND TRAFFIC AND ADDING SECTION CHAPTER 6.6 CITY OF NULATO SPEED LIMITS; CHAPTER 6.7 SNOWMOBILE; CHAPTER 6.8 OFF-ROAD VEHICLES AND AMENDING ORDINANCES; CHAPTER 6.1 SCOPE AND INTERPRETATION; CHAPTER 6.3 MISCELLANEOUS PROVISION; AND CHAPTER 6.5 ATV and DIRT BIKE USE WITHIN CITY LIMITS.

May 20, 2015

- Ordinance 15-01 - AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 7.6 GARBAGE AND SOLID WASTE SERVICES. THIS ORDINANCE WILL ADD A SECTION FOR BANNING THE USE OF HOMEMADE BURN BARRELS ON PERSONAL PROPERTY AND INCORPORATE THE PREVIOUS CHAPTER 7.10 BANISHMENT OF PLASTIC BAGS.

October 8, 2014

- 14-04 AN ORDINANCE TO AMEND CHAPTER 7.6 GARBAGE AND SOLID WASTE SERVICES TO ADD TWO SECTIONS FOR PROPER DISPOSAL OF GARBAGE AND FINES.

CITY OF NULATO, ALASKA

ORDINANCE NO. 11-02

AN ORDINANCE ADOPTING A CODE OF REGULATIONS FOR THE CITY OF
NULATO.

Be it ordained and enacted by the City Council of Nulato as follows:

SECTIONS:

1. Purpose
2. Classification
3. Prior Ordinances superseded
4. Severability
5. Code of regulations. A.S. 29.25.040
6. Revisions of Code of Regulations. A.S. 29.25.050
7. Titles and Chapters adopted

SECTION 1. Purpose.

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

SECTION 2. Classification.

This Ordinance is of a general and permanent nature.

SECTION 3. Prior ordinances superseded.

This code supersedes any and all ordinances adopted prior to this Code and not included within this Code at the time of this Code's adoption.

SECTION 4. Severability.

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

SECTION 5. Code of Regulations. A.S. 29.25.040

For a period of fifteen (15) days before adoption of this ordinance, five (5) copies of the Code of Regulations shall be available for public inspection at the City Office between 9:00 A.M. to 3:00 P.M. on a regular working day.

SECTION 6. Revisions of Code of Regulations. A.S. 29.25.050

The Code of Regulations shall be revised and printed at least every five (5) years, unless the Code is kept current by regular supplements.

SECTION 7. Titles and Chapters adopted.

The following titles and chapters constitute the Code of Regulations for the City of Nulato as adopted:

- TITLE 1. GENERAL PROVISIONS
 - Chapter 1.1 General Provisions
 - Chapter 1.2 Ordinances
 - Chapter 1.3 Resolutions and Technical Codes
 - Chapter 1.4 City Information
 - Chapter 1.5 Conflict of Interest

- TITLE II. CITY ADMINISTRATION
 - Chapter 2.1 Mayor
 - Chapter 2.2 City Council
 - Chapter 2.3 City Council Meetings
 - Chapter 2.4 City Council Procedures
 - Chapter 2.5 City Clerk
 - Chapter 2.6 Responsibility of Officers and Employees
 - Chapter 2.7 Documents and Records
 - Chapter 2.8 Personnel Policy Requirements
 - Chapter 2.9 City Administrator
 - Chapter 2.10 City Treasurer
 - Chapter 2.11 Police Department
 - Chapter 2.12 Fire Department

- TITLE III. FINANCE AND BUDGET
 - Chapter 3.1 Fiscal Policies
 - Chapter 3.2 Treasurer
 - Chapter 3.3 Budget Form and Scope
 - Chapter 3.4 Budget Procedure
 - Chapter 3.5 Purchasing
 - Chapter 3.6 Contracts

- TITLE IV. CITY PROPERTIES
 - Chapter 4.1 Real Property Acquisition
 - Chapter 4.2 Eminent Domain and Adverse Possession
 - Chapter 4.3 Real Property Sales by City
 - Chapter 4.4 Lease of City Lands
 - Chapter 4.5 Disposition of City-Owned Personnel Property

- TITLE V. ELECTIONS
 - Chapter 5.1 City Election Procedures
 - Chapter 5.2 City Election Administration
 - Chapter 5.3 Initiative and Referendum
 - Chapter 5.4 Recall

TITLE VI. MOTOR VEHICLES

- Chapter 6.1 Scope and Interpretations
- Chapter 6.2 Abandoned Vehicles
- Chapter 6.3 Miscellaneous Provisions
- Chapter 6.4 Prohibiting Traffic on the "P-Line"
- Chapter 6.5 ATV and Dirt Bike use within City limits

TITLE VII. HEALTH AND SAFETY

- Chapter 7.1 Public Accommodations and Facilities
- Chapter 7.2 Unfit Dwellings
- Chapter 7.3 Fireworks
- Chapter 7.4 Dog Control
- Chapter 7.5 Alcohol Beverages
- Chapter 7.6 Garbage and Solid Waste Services
- Chapter 7.7 Curfew
- Chapter 7.8 Prohibition of Smokehouses
- Chapter 7.9 Water and Sewer System
- Chapter 7.10 Repealed

Introduction _____
First Reading _____
Public Hearing _____

ADOPTED by a duly constituted quorum of the council of the City of Nulato,
Alaska this ____ day of _____.

Mayor

ATTEST:

City Clerk

TITLE I
GENERAL PROVISIONS

Chapters:

- 1.1 General Provisions
- 1.2 Ordinance
- 1.3 Resolutions and Technical Codes
- 1.4 City Information
- 1.5 Conflict of Interest

Chapter 1.1

GENERAL PROVISIONS

Sections:

1. Code Cite and designation
2. Definitions
3. Effect of repeal of ordinances
4. Severability
5. General penalty
6. Violations of laws of Alaska
7. Changes
8. Distribution
9. Incorporating changes into the Code
10. Time ordinances take effect
11. Grammatical interpretation

Section 1. Code cite and designation

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

Section 2. Definitions

The following definitions apply to the following words or terms used in this Code unless the plain meaning requires otherwise:

1. City: the City of Nulato, Alaska
2. clerk: the City clerk
3. Code: the Code of Ordinances, City of Nulato, Alaska;
4. council: the City Council of Nulato
5. person: a corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person.
6. publish: appearing at least once in a newspaper of general circulation distributed within the City, or if there is none, posting in three public places in the City for at least five days;
7. State: the State of Alaska;
8. voter: a United States citizen who is qualified to vote in state elections, has

been a resident of the City for thirty (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. Effect of repeal of ordinances

For any ordinance which has been repealed, a violation of that ordinance which occurred before its repeal is enforceable as if the ordinance had not been repealed, and any rights or remedies existing at the time of the ordinance's violation are preserved to anyone claiming them.

Section 4. Severability

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

Section 5. General penalty

- A. Every act prohibited by ordinance of this City is unlawful. Unless another penalty is expressly provided, every person convicted of a violation of any provision of this Code, or any rule or regulation adopted or issued thereby, shall be punished by a fine of not more than \$1,000.00, or not more than 60 days imprisonment, or both. Each act of violation and every day upon which such violation occurs constitutes a separate offense.
- B. The penalty provided by this section shall apply to any amendments to this Code, whether or not such penalty is re-enacted in the amendment ordinance, unless another penalty is expressly provided.

Section 6. Violations of Laws of Alaska

Violations of state law shall be violations of this Code, except where the State has exclusive jurisdiction over the offense.

Section 7. Changes to Code

- A. All ordinances passed after the adoption of this Code shall be numbered according to the numbering system of this code.
- B. Repealed provisions of this Code shall be excluded from the Code. The provisions to be repealed must be specifically repealed by section or chapter number.
- C. Amendments to this Code shall be made by specific reference to the section number and chapter number so amended.

- D. If a new chapter or section is to be added to this Code, specific reference to the new section number and new chapter shall be made.

Section 8. Distribution

This Code shall be made available to the public. The cost of reproducing all or parts of this Code may be charged to anyone requesting copies. A copy of this Code shall be furnished to any court as needed or upon its request.

Section 9. Incorporating changes into the Code

Changes to this Code shall be typed or printed and included within this Code within 90 days of passage.

Section 10. Time ordinances take effect

Every ordinance takes effect upon adoption by the council unless otherwise stated in the ordinance.

Section 11. Grammatical interpretation

The following grammatical rules apply to this Code:

- A. Any gender includes the other gender;
- B. The singular number includes the plural and the plural includes the singular;
- C. The present tense includes the past and future tenses, and vice versa, unless clearly inappropriate;
- D. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language;
- E. Common words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

CHAPTER 1.2

ORDINANCES

Sections:

1. Acts of the council
2. Acts required to be by ordinance
3. Ordinance procedure
4. Ordinance form and content
5. Emergency ordinances
6. Ordinances confined to single subject
7. Requirements for passage

Section 1. Acts of the council

The council shall act only by ordinance, resolution, or motion. Law of a general, uniform, and permanent nature shall be written as an ordinance.

Section 2. Acts required to be by ordinance

- A. In addition to other actions which state law requires to be by ordinance
The council shall use ordinances to:
- (1) establish, alter, or abolish City departments;
 - (2) provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
 - (3) make appropriations and supplemental appropriations or to transfer appropriations;
 - (4) grant, renew, or extend a franchise
 - (5) provide for the levying of taxes;
 - (6) designate the borough seat;
 - (7) approve the transfer of a power to a borough;
 - (8) adopt, modify, or repeal the comprehensive plan, zoning, and subdivision ordinances, building and housing codes, and the official map;
 - (9) provide for the retention or sale of tax-foreclosed property;
 - (10) exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of city

public works projects within the limitations set out in AS 36.25.025.

- (11) This section grants no authority but requires the governing body to use ordinances in exercising certain of its powers.

Section 3. Ordinance procedure

- A. An ordinance is introduced in writing in the form required by the governing body.
- B. The following procedure governs the enactment of all ordinances, except emergency ordinances:
- (1) an ordinance may be introduced by a member or committee of the governing body, or by mayor or manager.
 - (2) an ordinance shall be set by the governing body for a public hearing by the affirmative vote of a majority of the votes authorized on the question:
 - (3) at least five days before the public hearing a summary of the ordinance shall be published together with a notice of the time and place for the hearing;
 - (4) copies of the ordinance shall be available to all persons present at the hearing, or the ordinance shall be read in full;
 - (5) during the hearing the governing body shall hear all interested persons wishing to be heard;
 - (6) after the public hearing the governing body shall consider the ordinance, and may adopt it with or without amendments;
 - (7) the governing body shall print and make available copies of an ordinance that is adopted.
- C. An ordinance takes effect upon adoption or at a later date specified in the 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 Nulato, 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 ENACTED BY THE NULATO CITY COUNCIL AS FOLLOWS:";
 - (5) the provisions of the ordinance;
 - (6) the dates of introduction (first reading), public hearing, and adoption;
 - (7) space for the signature of the mayor;
 - (8) space for the clerk's signature to verify 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 council members.

Section 5. Emergency ordinances

- A. The council may adopt emergency ordinances to meet a public emergency. Every emergency ordinance must contain a statement by the council why an emergency exists and a statement of the facts which describes 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 ordinance.
- 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 6. 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 summarized in the title.

Section 7. Requirements for passage

Actions of a governing body are adopted by a majority of the total membership of the body. Each member present shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each member on each ordinance, resolution, or substantive motion shall be recorded "yes" or "no", except if the vote is

unanimous it may be recorded “unanimous”.

(Chapter 1.2, Section 4.A.)

CITY OF NULATO, ALASKA

Ordinance NO. _____

AN ORDINANCE _____

BE IT ENACTED BY THE NULATO CITY COUNCIL AS FOLLOWS:

Section 1. _____

Section 2. _____

Section 3. _____

DATE INTRODUCED: _____

DATE OF PUBLIC HEARING: _____

PASSED AND APPROVED by the NULATO CITY COUNCIL THIS _____ day of _____, 20__.

Mayor

ATTEST:

City Clerk

CHAPTER 1.3

RESOLUTIONS AND TECHNICAL CODES

Sections:

1. Acting by resolution
2. Procedures for resolutions
3. Requirements for passage
4. Rules and Regulations
5. Codes of Regulations

Section 1. Acting by resolution

- A. Opinions, principles, facts or propositions may be presented in the form of a resolution.
- B. A resolution shall be in substantially the following form:
 - (1) the heading “City of Nulato, Alaska.”;
 - (2) the resolution number;
 - (3) a short title descriptive of the resolution’s subject and purpose;
 - (4) “WHEREAS” clauses describing the statements of fact that show why there is a need for council resolution;
 - (5) the resolving clause “BE IT RESOLVED:” stating the opinions or course of action the council feels should be taken;
 - (6) the date of passage;
 - (7) space for the signature of the mayor;
 - (8) space for the clerk’s signature verifying the signature of the mayor.
- C. Resolutions shall not be included in the Code, but shall be kept separately by the clerk in a file available for public inspection.
- D. The form appearing at the end of this chapter illustrates the form set out in this Section and is suggested for use by the council members.

Section 2. Procedures for resolutions

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

- B. Every resolution shall become effective upon adoption unless a later date is specified in the resolution.

Section 3. Requirements for passage

Actions of a governing body are adopted by a majority of the total membership of the body. Each member present shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each member of each ordinance, resolution, or substantive motion shall be recorded “yes” or “no”, except if the vote is unanimous it may be recorded “unanimous”.

Section 4. Rules and regulations

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

Section 5. Codes of regulation

The governing body may in a single ordinance adopt or amend by reference provisions of a published code of municipal regulations. The procedure under AS 29.25.020 applies to an ordinance adopted under this section, except that neither the ordinance nor its amendments must be distributed to the public or read in full at the public hearing. For a period of 15 days before adoption of an ordinance under this section, at least five copies of the code of regulations shall be made available for public inspection at a time and place set out in the hearing notice. Only the ordinance must be printed after it is adopted under this section. The governing body shall provide for an adopted code of regulations to be made available to the public at no more than cost.

(Chapter 1.3, Section 1.B.)

CITY OF NULATO, ALASKA

RESOLUTION NO. _____

A RESOLUTION _____

WHEREAS, _____

WHEREAS, _____

BE IT RESOLVED: _____

PASSED AND APPROVED by the NULATO CITY COUNCIL THIS _____ day
of _____, 20____.

Mayor

ATTEST: _____

CHAPTER 1.4
CITY INFORMATION

Sections:

1. Name of City and form of government.
2. City limits
3. City seal described
4. Seal adoption declared
5. Use of seal

Section 1. Name of City and form of government

- A. The City of Nulato shall continue as a municipal corporation and political subdivision of the State as a second class city.
- B. The government of the City shall be that commonly known and designated as the council-mayor form of government.

Section 2. City limits

The boundaries of the City as described below are the effective city limits as of October 11, 1965:

Beginning at the Northwest corner of Section Six, Township Nine South, Range Three East, Kateel River Meridian;
Thence South along the line between Ranges Two and Three East, Kateel River Meridian, a distance of seven (7) miles to the southwest corner of Section Six, Township Ten South, Range Three East, Kateel River Meridian; thence along the south boundaries of Sections Six and Five, Township Ten South, Range Three East, East Two (2) miles, more or less, to the meander line of the right bank of the Yukon River; thence Northeasterly along the meander line on the right bank of the Yukon River to a point opposite of the southerly tip of Nulato Island; thence East to the southerly tip of said Nulato Island; thence following the bank of the Yukon River along the Easterly side of Nulato Island to its most Northerly Tip; thence West to the right bank of the Yukon River; thence Northeasterly along the right bank of the Yukon River to its intersection with the townshipline between townships Eight and Nine South, Kateel River Meridian; thence West on said township line, ten (10) miles, more or less, to the point of beginning.

Section 3. City seal described

The description of the seal of the City shall be:

Section 4. Seal adoption declared

The above-described seal is hereby adopted and declared the official seal of the City.

Section 5. Use of seal

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

CHAPTER 1.5

CONFLICT OF INTEREST

Sections:

1. City Council Members
2. City Officials or Employees
3. Financial Interests that can be Conflicts of Interest
4. Immediate Family Members
5. Violations of this Chapter

Section 1. City Council Members

- A. A member of the City Council of Nulato shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter.
- B. The presiding officer shall rule on a request by a member of the City Council to be excused from a vote.
- C. The decision of the presiding officer on a request by a member of the City Council to be excused from a vote may be overridden by a majority vote of the City Council.
- D. Members of the City Council may not accept money, gifts, or any other such items of value in exchange for voting a certain way on any matter before the council.
- E. Members of the City Council of Nulato may not accept money or gifts for performing any function or service that is a normal part of their duties and obligations as Members of the Council.

Section 2. City Officials or Employees

- A. A city official or employee, other than a member of the City Council, may not participate in an official action in which the official or employee has a substantial financial interest.
- B. A city official or employee may not accept money, gifts, or any other such items of value in exchange for acting in a certain way on any matter that comes before them in the course of their duties.
- C. A city official or employee may not accept money or gifts for performing any function or service that is a normal part of their duties and obligations as a city official or employee.

Section 3. Financial Interests that can be Conflicts of Interest

The following is a list of examples of financial interests substantial enough that any Council Member, Official, or Employee who comes under any of the categories listed below should not vote, or act on any matter so effected. The categories below are not meant to be exclusive. Any instances not covered below should come before the council for a vote as the individual matters arise.

- A. A council member, Official, or Employee should abstain from voting or refrain from acting if:
- (1) He (or a member of his immediate family) has an interest in land or buildings, other than his residence that will be affected by his vote or action.
 - (2) He (or a member of his immediate family) is a party to or beneficiary of a contract for a sum of \$1,000.00 or more that will be affected by his vote or action.
 - (3) He (or a member of his immediate family) is the owner of a business, or has an interest in a business of \$1,000.00 or more that will be affected by his vote or action.
 - (4) He (or a member of his immediate family) is a member of a board of directors or governing body of an organization that has financial dealings of \$1,000.00 or more with the City of Nulato that will be affected by his vote or action.

Section 4. Immediate Family Members

An immediate family member of a Council Member, Official, or Employee is defined as a spouse, child, mother or father.

Section 5. Violations of this Chapter

A violation of this chapter is a misdemeanor, and is cause for suspension of City Council Member or Official, and termination of Employee.

- A. Suspension shall be for a period of up to ninety (90) days, and shall be made upon a majority vote of the City Council.
- B. Suspension more than once in any year is cause for removal from office. Removal from office shall be made by a majority vote of the City Council.
- C. Termination of city employee is immediate.

TITLE II
CITY ADMINISTRATION

Chapters:

- 2.1 Mayor
- 2.2 City Council
- 2.3 City Council Meetings
- 2.4 City Council Procedures
- 2.5 City Clerk
- 2.6 Responsibility of Officers and Employees
- 2.7 Documents and Records
- 2.8 Personnel Policy Requirements
- 2.9 City Administrator
- 2.10 City Treasurer
- 2.11 Police Department
- 2.12 Fire Department

CHAPTER 2.1

MAYOR

Sections:

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

Section 1. Duties of mayor as executive

- A. The mayor is the chief executive officer of the city. The mayor shall act as ceremonial head of the City, and sign documents on behalf of the City upon council authorization.
- B. The mayor is the chief administrative officer of the City. The mayor shall perform the administrative duties listed below:
 - (1) hire necessary administrative assistants and may authorize an administrative official to appoint, suspend, or remove subordinates;
 - (2) appoint, suspend, or remove city employees and administrative officials, unless otherwise provided in this Code or by AS 14.14.065;
 - (3) supervise enforcement of city law and carry out the duties of the City Council;
 - (4) prepare and submit the annual budget and capital improvements program for the council;
 - (5) execute the budget and capital improvements program as adopted;
 - (6) make monthly financial reports and other reports to the council on city finances and operations;
 - (7) serve as city personnel officer unless the council authorizes the mayor by motion to appoint a personnel officer;
 - (8) execute other powers and duties specified in Title 29 or lawfully prescribed

by the council.

Section 2. Qualifications

- A. A member of the City Council is eligible to hold the office of mayor.
- B. Residency requirements for the office of mayor not exceeding three (3) years may be prescribed by ordinance.

Section 3. Compensation of mayor

The mayor of the city shall receive a flat monthly fee and is not eligible for meeting fees. The amount is determined by a majority vote of the City Council.

Section 4. Oath of Office

The mayor, as a council member, shall affirm in writing the oath of office required of other council members in Chapter 2.2, Section 5 of this Code.

Section 5. Mayor's vote

The mayor may take part in the discussion of a matter before the City Council. The mayor is a council member and may vote on all matters. The mayor does not have veto power.

Section 6. Term of Office

- A. The mayor of a second class city is elected by and from the council, and serves until a successor is elected and qualifies. The council of a second class city shall meet on the day of certification of the regular election and elect a mayor who takes office immediately. The mayor of a second class city serves a one-year term unless a longer term is provided by ordinance. The mayor of a second class city may serve only while a member of the council regardless of the term established for the office of mayor.
- B. Except by ordinance ratified by the voters, no limit may be placed on the total number of terms or number of consecutive terms a mayor may serve. (7 ch 74 SLA 1985)

Section 7. Vacancy

- A. The governing body shall, by two-thirds concurring vote, declare the office of mayor vacant only when the person elected:
 - (1) fails to qualify or take office within 30 days after election or appointment;
 - (2) unless excused by the governing body, is physically absent for 90

consecutive days;

- (3) resigns and the resignation is accepted;
 - (4) is physically or mentally unable to perform the duties of office;
 - (5) is convicted of a felony or of an offense involving a violation of the oath of office;
 - (6) is convicted of a felony or misdemeanor described in AS 15.56;
 - (7) is convicted of a violation of AS 15.13;
 - (8) no longer physically resides in the municipality; or
 - (9) if a member of the governing body in a second class city, misses three consecutive regular meetings and is not excused.
- B. A vacancy in the office of mayor occurring six months before a regular election shall be filled by the governing body. The person appointed serves until the next regular election when a successor is elected to serve the balance of the term. If a member of the governing body is appointed mayor, the member shall resign the seat on the governing body. If a vacancy occurs more than six months before a regular election, the governing body shall call a special election to fill the expired term.
- C. Notwithstanding (B) of this section, a vacancy in the office of mayor of a second class city shall be filled by and from the council. A mayor appointed under this subsection serves the balance of the term to which appointed, except the mayor may serve only while a member of the council.

Section 8. Vice –mayor

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

Section 9. Mayor is ex-officio officer

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

Section 10. Employment of Council members

- A. Elected officials may be hired by city for temporary or permanent part-time employment. Elected officials will be considered with all other job applicants.
- B. Temporary or permanent part-time employment means employment which is

not part of the classified service or a confidential or managerial position which does not accrue annual leave, sick leave, or any other benefits city service may provide. (Ord. 88-02 June 1988)

CHAPTER 2.2
CITY COUNCIL

Sections:

1. Composition of council
2. Qualifications of council members
3. Election of council members
4. Terms of council members
5. Oath of Office
6. Compensation of council members
7. Salaries of elected officers
8. Conflicts of interest
9. Vacancies
10. Filling a vacancy
11. Employment of Council members

Section 1. Composition of council

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

Section 2. Qualifications of council members

- A. Council members shall be qualified city voters.
- B. A council member who ceases to be eligible to be a city voter immediately forfeits his or her office.
- C. A municipality may by ordinance establish a durational residency requirement not to exceed three years for members of the governing body.
- D. Except by ordinance ratified by the voters, no limit may be placed on the total number of terms or number of consecutive terms a voter may serve on the governing body.

Section 3. Election of council members

The date of a regular election is the first Tuesday of October annually, unless a different date or interval of years is provided by ordinance, and according to the schedule provided in Section 4 of this chapter.

Section 4. Terms of council members

- A. A member of the governing body is elected for a three-year term and until a

successor qualifies, unless a different term and exceeding four (4) years is prescribed by ordinance.

- B. If the term of a member of a governing body is by ordinance the term of the member holding office when the change becomes effective is not affected.
- C. The regular term of office begins on the day of certification of the election, unless a different date is prescribed by ordinance.

Section 5. Oath of office

- A. All council members before entering upon the duties of office shall affirm in writing the following oath and affirmation: “I, _____ do solemnly swear that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska and the ordinances of the City of Nulato, Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of _____ to the best of my ability.”
- B. The oath is filed with the Clerk.

Section 6. Compensation of council members

Each council member shall receive compensation for attending regular and special meetings except when there is no quorum to open the meeting. This amount will be established by vote at a regular City Council meeting.

Section 7. Salaries of elected officers

The governing body shall by ordinance provide a method of determining the salaries of elected officials. The salary of the mayor may not be reduced during the term of office of the mayor. An elected official may not receive compensation for service to the municipality in addition to the salary received as an elected official, unless otherwise provided by ordinance, per diem payments or reimbursements for expenses are not compensation.

Section 8. Conflicts of interest

A council member, the mayor, or other official 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. Vacancies

The governing body may provide by ordinance the manner in which a vacancy occurs in any elected office except the office of mayor or school board member. Unless otherwise provided by ordinance, the governing body shall declare an elective office, other than the office of mayor or school board member, vacant

when the person elected:

- (1) fails to qualify or take office within 30 days after election or appointment;
- (2) is physically absent from the municipality for 90 consecutive days unless excused by the governing body;
- (3) resigns and the resignation is accepted;
- (4) is physically or mentally unable to perform the duties of office as determined by two-thirds vote of the governing body;
- (5) is convicted of a felony or of an offense involving violation of the oath of office;
- (6) is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the governing body concur in expelling the person elected;
- (7) is convicted of a violation of AS 15.13;
- (8) no longer physically resides in the municipality and the governing body by two-thirds vote declare the seat vacant; or
- (9) if a member of the governing body misses three consecutive regular meetings and is not excused.

Section 9. Filling a vacancy

- A. If a vacancy occurs in a governing body, the remaining members shall, within 30 days unless a different period is provided by ordinance, appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled.
- B. Notwithstanding (A) of this section, if the membership is reduced to fewer than the number required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons to constitute a quorum.
- C. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

Section 10. Employment of Council members

- A. Elected officials may be hired by the city for temporary or permanent part-time employment. Elected officials will be considered with all other job applicants.

B. Temporary or permanent part-time employment means employment which is not part of the classified service or a confidential or managerial position which does not accrue annual leave, sick leave, or any other benefits city service may provide. (Ord. 88-02 June 1988)

CHAPTER 2.3

CITY COUNCIL MEETINGS

Sections:

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

Section 1. Meetings public

- A. Meetings of the council shall be public.
- B. 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 on the 2nd Tuesday of each month, unless otherwise provided by the ordinance.
- B. The usual place of council meetings shall be at the City Office. In the event of any condition which renders the meeting place unfit to conduct meetings 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 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. If a majority of the members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all the members, a special meeting of the governing body may be held. The notice shall specify the time, place, and business of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice.
- C. A special meeting may be conducted with less than 24 hours notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.

Section 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 in at least three public places not less than 24 hours before the time of the meeting. This section does not alter or supersede any other notice requirement which may be provided in State law.

Section 5. Executive session

- A. Only 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;
 - (2) discussions of pending or threatened lawsuits in which the City has an interest.
- C. If any of the above subjects are to be discussed in executive session, the session must first be convened as a public meeting. During the public meeting, the council shall vote on a motion whether to hold an executive session. No subjects may be considered at the executive session except those mentioned in the adopted motion calling for the executive session and which concern subsections "A" and "B" above unless relating to the main question. No action may be taken at the executive session. Only after the executive session is over and the meeting is once again before the public may the council take action on what was discussed in the executive session.

CHAPTER 2.4

CITY COUNCIL PROCEDURES

Sections:

1. Mayor presides at council meetings
2. Order of business
3. Minutes
4. Speaking – rules of conduct
5. Second required of motions
6. Disposition of motions
7. Reducing motions to writing
8. Changing vote on motion
9. Additional procedures
10. Voting requirements

Section 1. Mayor presides at council meetings

- A. The mayor shall preside at all meetings of the council. He or she shall preserve order among council members and is responsible for the efficient conduct of all meetings according to the rules of the council. The mayor may at any time make such other rules as are considered reasonable and proper to preserve order among the attending public during sessions of the council.
- B. The council shall select a vice-mayor from among the council who will preside in the mayor's absence or disability.
- C. 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 an acting mayor from among its members. The acting mayor shall exercise all the powers of mayor only during such temporary absence or disability of the mayor or vice-mayor.

Section 2. Order of business

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

- (1) call to order;
- (2) roll call;
- (3) minutes of previous meetings;
- (4) reports;
- (5) communications and public appearance requests;

- (6) hearings, ordinances, and resolutions;
- (7) old business;
- (8) new business;
- (9) public participation;
- (10) council comments;
- (11) adjournment;

Section 3. Minutes

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

Section 4. Speaking – rules of conduct

- A. Before speaking, a council member must first respectfully address the mayor or other presiding officer for permission to speak. A council member must then be recognized by the mayor or presiding officer before speaking. When two or more members request to speak at the same time, the mayor or other presiding officer shall determine which is recognized.
- B. When speaking, a council member shall discuss only the subject under discussion. A council member shall not refer to any other council member except in a respectful manner.

Section 5. Second required for motions

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

Section 6. Disposition of motions

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

Section 7. Reducing motions to writing

A motion must be made in writing if any council member demands.

Section 8. Changing vote on motion

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

Section 9. Additional procedures

Robert's Rules of Order Revised governs the conduct of council meetings to the extent this Chapter does not provide otherwise. To the extent otherwise permitted by law, a governing body may determine by ordinance its own rules of procedure and order of business.

Section 10. Voting requirements.

- A. A majority of the total membership of a governing body authorized by law constitutes a quorum. A member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum. In the absence of a quorum any number of members may recess or adjourn the meeting to a later date.
- B. Actions of a governing body are adopted by a majority of the total membership of the body. Each member present shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each member on each ordinance, resolution, or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it may be recorded "unanimous".
- C. The mayor or presiding officer shall declare all votes and the result.

CHAPTER 2.5

CITY CLERK

Sections:

1. Appointment and term
2. Duties of clerk

Section 1. Appointment and term

- A. The clerk shall be appointed by the council, as provided by ordinance.
- B. The clerk shall hold office at the pleasure of the council, as provided by ordinance.

Section 2 Duties of clerk

The City Clerk shall:

- A. Keep an official copy of the Code of Ordinances, Resolutions, and any other city rules, regulations or codes in an indexed file available for public inspection.
- B. Give notice of the time and place of council meetings to the council members and to the community.
- C. Attend council meetings and keep a record of them.
- D. Attest ordinances, resolutions, deeds, and other documents.
- E. Arrange posting of notices, ordinances and resolutions.
- F. Perform the duties of city election registrar including the calling and supervising of all city elections.
- G. Administer oaths required by this code.
- H. Perform other reasonable duties specified by the Mayor and Administrator.
- I. Is directly responsible to the Administrator and the Mayor.
- J. Be custodian of the city seal and the official records of the city.

CHAPTER 2.6

RESPONSIBILITY OF OFFICERS AND EMPLOYEES

Sections:

1. Conduct in office
2. Oath of office
3. Records open

Section 1. Conduct in office

The council or the mayor shall have power to inquire into the conduct of any office, department, official, or employee of the City, make investigations into city 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.

Section 2. Oath of Office

Every official of the City shall, before entering upon the duties of office, take an oath in writing to honestly, faithfully, and impartially perform and discharge the duties of his or her office. This oath is filed with the City Clerk.

Section 3. Records open

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 ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the safekeeping of all public records under his or her responsibility. 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 clerk.

CHAPTER 2.7

DOCUMENTS AND RECORDS

Sections:

1. Documents approval
2. Documents to file with the state
3. Retention, disposal of public records

Section 1. Document approval

All legal documents requiring the assent of the City shall be:

- A. approved by the council
- B. signed by the mayor on behalf of the City;
- C. attested by the clerk

Section 2. Documents to file with the State

- A. The City shall file the following documents with the Department of Community and Regional Affairs:
 - (1) maps and descriptions of all annexed or excluded territory;
 - (2) a copy of an audit or statement of annual income and expenditures;
 - (3) tax assessment and tax levy figures as requested;
 - (4) a copy of the current annual city budget;
 - (5) a summary of the optional property tax exemptions authorized in the City, together with the city's estimate of the revenues lost to it by operation of each of the exemptions.
- B. If a municipality does not comply with this section, the department shall withhold the allocations until the required reports are filed.

Section 3. Retention, disposal of public records

The mayor shall approve a records retention and disposal schedule which indicates how long city records, documents, correspondence, and other papers shall be kept before disposal.

CHAPTER 2.8

PERSONNEL POLICY REQUIREMENTS

Sections:

1. Merit system
2. Promotion
3. Prohibitions
4. City residents
5. Nepotism

Section 1. Merit system

Hiring and promotion of city officials and employees shall be made on the basis of merit.

Section 2. Promotion

When well-qualified individuals are available, appointments to fill vacancies shall be by promotion from among the city staff.

Section 3. Prohibitions

- A. A person may not be appointed to or removed from municipal office or in any way favored or discriminated against with respect to a municipal position or municipal employment because of the person's race, color, sex, creed, national origin or, unless otherwise contrary to law, because of the person's political opinions or affiliations.
- B. Subject to AS 14.14.140, a state employee or school district employee may not be denied the right to serve as an elected municipal official because of employment by the state or a school district. For purposes of this subsection a school district employee is not a municipal employee.

Section 4. City residents

Other qualifications being equal, preference in hiring or promotion may be given to residents of the city area.

Section 5. Nepotism

- A. No person may be employed in a position supervised by a family member. If an employee and his supervisor should marry, they shall determine who will continue with the department and who will terminate or transfer. "Family member" means spouse, father, mother, brother, sister, or child.

B. The council, by resolution, may provide for exceptions on a case-by-case basis.

CHAPTER 2.9

CITY ADMINISTRATION

Sections:

1. Appointment and term
2. Duties of City Administrator

Section 1. Appointment and term

- A. The city administrator may be hired by the mayor and may be authorized by the mayor to appoint, suspend, or remove subordinates.
- B. The city administrator may hold office at the pleasure of the mayor.

Section 2. Duties of the administrator

- A. Know the business of the city, and how to organize and manage same.
- B. Understand the status of projects underway.
- C. Gather and present information on future community needs.
- D. Supervise contracts
- E. Respond to citizen and council complaints
- F. Treat all parties fairly, while fulfilling his/her obligations to the city
- G. Mediator for a variety of conflicts between department heads, citizens, and others involved in the governmental process
- H. In general, execute the duties and responsibilities of his office to the best of his ability within the limitations of available funding and council policies.
- I. Perform as directed by the Mayor, within the scope of Mayoral assigned and assumed duties

CHAPTER 2.10
CITY TREASURER

Sections:

1. Appointment and term
2. Duties of treasurer

Section 1. Appointment and term

- A. The treasurer shall be appointed by the council, as provided by ordinance.
- B. The treasurer shall hold office at the pleasure of the council, as provided by ordinance.

Section 2. Duties of treasurer

The Treasurer shall:

- A. Keep custody of all city funds
- B. Keep an itemized account of money received and disbursed
- C. Pay money on vouchers drawn against appropriations
- D. Make monthly financial reports to the city council
- E. Prepare the annual budget and execute the budget as adopted
- F. Submit requests for transferal of itemized budget funds to another account
- G. Handle payroll of employees, using current laws on Federal, State and City Taxes.
- H. Prepare and submit financial reports for State Revenue Sharing, Federal Revenue Sharing, and Capital Projects on a timely basis.
- I. Store financial records in an orderly, acceptable manner.
- J. Shall give bond to the City in a sum which council directs.
- K. Perform other reasonable duties specified by the Mayor or the Administrator
- L. Is directly responsible to the Mayor and the Administrator

CHAPTER 2.11

POLICE DEPARTMENT

Sections:

1. Appointment and term
2. Duties of Village Public Safety Officer/Village Police Officer
3. Powers of Village Public Safety/Village Police Officer

Section 1. Appointment and term

- A. The Village Public Safety Officer/Village Police Officer shall be appointed by the council, as provided by ordinance.
- B. The Village Public Safety Officer/Village Police Officer shall hold office at the pleasure of the council, as provided by ordinance.

Section 2. Duties of Village Public Safety Officer/Village Police Officer

- A. Faithfully fulfill those obligations as identified in the VPSO Agreement between this City and Tanana Chiefs Conference, Inc., and the Alaska State Troopers relating to water, fire, medical and related safety programs in the manner stated in the agreement;
- B. Faithfully enforce the ordinances of this City by filing written citations with the City Judgment Board or any reasonably available State judicial officer. The citation shall be filed in all cases where in the judgment of the VPSO/VPO a warning or other lesser action would not be a sufficient response to the act prohibited by ordinance or other law; (Criminal Rule 3)
- C. Develop and maintain a citation system for enforcement of City ordinances; (Based on AS 12.25.200)
- D. Assist State and Federal law enforcement authorities in any manner permitted by law;
- E. Maintain records of fires, accidents, training programs, searches, rescues, and other activities relating to VPSO/VPO powers and duties, as well as records. Persons arrested or cited for violations of law, reasons for the arrest or citation, actions taken following arrest or citation by the VPSO/VPO, Judgment Board or Court; (Based on AS 12.25.210)
- F. Perform other reasonable duties specified by the Mayor or by the Council.

Section 3. Powers of Village Public Safety Officer/Village Police Officer

The VPSO/VPO shall have the following powers:

- A. To direct the operation of the City Volunteer Fire Department as well as provide general fire protection training;
- B. To organize and conduct search and rescue operations;
- C. To provide emergency medical services and training upon certification by the Alaska State Troopers;
- D. To provide water safety training, including boating, swimming and other related training;
- E. To assure compliance with the ordinances of this City and the laws of the State of Alaska and the United States through negotiation, investigation, arrest, search, seizure and other proper police techniques.
- F. To hire and fire guards for limited periods of time (not to exceed seven (7) days) as may be necessary to deal with a public health or safety emergency.

CHAPTER 2.12
FIRE DEPARTMENT

Sections:

1. Establishment
2. Duties of Fire Department

Section 1. Establishment

- A. The Fire Department is established by the council, as provided by ordinance.
- B. The Fire Department is administered by the Village Public Safety Officer/Village Police Officer, acting as Fire Chief.

Section 2. Duties of Fire Department

The Fire Department shall:

- A. Consist of as many volunteer firefighters as the Fire Chief determines effective for efficient operation.
- B. Meet at a time and place whenever necessary, the necessity determined by the Fire Chief.
- C. Request from the Mayor or Administrator for meeting place
- D. Request from Mayor, funding for equipment and supplies incidental to the Department's needs. This request shall not exceed \$500.00.
- E. Request from the City Council, funding for materials and supplies in excess of \$500.00.
- F. Establish rules and regulations, periodic drills, and training covering the operation and handling of all equipment essential for efficient operations.
- G. Perform other duties and/or functions as determined by the mayor or council.
- H. Be responsible for all equipment and supplies delegated to this department.

TITLE III.
FISCAL POLICIES

Chapters:

- 3.1 Fiscal Policies
- 3.2 Treasurer
- 3.3 Budget Form and Scope
- 3.4 Budget Procedure
- 3.5 Purchasing
- 3.6 Contracts

CHAPTER 3.1
FISCAL POLICIES

Sections:

1. Fiscal Year
2. Statement of Annual Income and Expenditures
3. Certified Financial Statement
4. Audit

Section 1 Fiscal Year

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

Section 2. Statement of Annual Income and Expenditures

The treasurer is responsible for preparing a statement of annual income and expenditures and delivering the statement to the council during the month of October.

Section 3. Certified Financial Statement

The treasurer is responsible for preparing a financial statement for certification by the City Council. This financial statement shall be completed by the treasurer, and presented to the council for certification on or before August 30. The financial statement shall represent the year proceeding the June 30 date.

Section 4. Audit

Audits shall be conducted in accordance with the requirements of the Department of Community and Regional Affairs.

CHAPTER 3.2

TREASURER

Sections:

1. Treasurer
2. Bond
3. Deposits
4. Investment of excess funds

Section 1. Treasurer

The treasurer shall be the custodian of all municipal funds and shall be responsible for the management of all cash and negotiable instruments of the City and shall develop and maintain such records, systems and procedures as may, in his opinion, be necessary for that purpose.

Section 2. Bond

The treasurer, if required, shall give bond to the City for no less than \$50,000.00. Premium on such bond shall be paid by the City.

Section 3. Deposits

The treasurer is hereby appointed to deposit funds of the City in such commercial banks, savings and loan associations, or any branches thereof located which the Council may authorize by resolution. All such deposits shall be in the name of the City of Nulato.

All checks will require two (2) signatures and authorized signatories will be appointed by the City Council. All withdrawals from such accounts shall require two (2) authorized signatures.

Section 4. Investment of Excess Funds

The treasurer shall periodically determine necessary cash balances to be maintained in the City's demand deposit accounts and shall invest excess cash in securities of the United States, any state or local government, commercial paper, time certificates of deposit, or any other form of security as may be authorized by law commensurate with the following stipulations:

- A. Investment in corporate stocks and bonds is prohibited
- B. All transactions shall be made in the name of the City.

CHAPTER 3.3

BUDGET FORM AND SCOPE

Sections:

1. Scope of budget
2. Anticipated revenues
3. Proposed expenditures

Section 1. Scope of budget

- A. The budget shall be a complete financial plan for all of the operations of the City, showing anticipated revenues, proposed expenditures, and reserves.
- 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 shall be composed of all sources of income to the City, and itemized as to individual source.

Section 3. Anticipated expenditures

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

- A. interest, amortization of principal, and redemption charges on the public debt for which the faith and credit of the City is pledged;
- B. administration, operation, and maintenance of each office, department, or agency of the City;
- C. the council's budgetary reserve;
- D. expenditures proposed for capital improvements;
- E. others as required by acceptable accounting procedures and which will fairly and adequately inform the public as to the contents of the budget.

CHAPTER 3.4

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 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 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.

Section 4. Further consideration of budget

After the conclusion of the public hearing on the budget, the council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law. The council shall then appropriate the funds required after the budget is approved.

Section 5. Adoption of budget – vote required

The budget shall be adopted by majority vote of the council by June 30.

Section 6. Effective date of budget certification

The adopted budget shall be in effect for the fiscal year. A copy of the adopted budget shall be certified by the mayor, attested to by the clerk, and filed with the clerk. The certified budget shall be available to the public.

CHAPTER 3.5

PURCHASING

Sections:

1. Purchasing agent
2. Scope of authority

Section 1. Purchasing agent

- A. There shall be a purchasing agent for the City to make all purchases of supplies, materials, equipment, and contractual services for the offices, departments, and agencies of the city government.
- B. The mayor is the purchasing agent for the City. However, the mayor may designate the treasurer or other city employee to be the city purchasing agent, subject to council approval by resolution.

Section 2. Scope of authority

- A. The purchasing agent shall have the power and duty to purchase or contract for supplies and contractual services needed by any agency of the City and sell surplus personal property of such agencies, in accordance with the ordinances of the City and such rules and regulations as shall be prescribed by the mayor and approved by the council.
- B. The purchasing agent shall recommend joint purchases with other units of government when the best interests of the City would be served.

CHAPTER 3.6

CONTRACTS

Sections:

1. Competitive Bidding Required
2. Formal Contract Procedure
3. Open Market Procedure
4. Construction Contract Procedure
5. Set Offs

Section 1. Competitive Bidding required

All purchase of and contracts for supplies and contractual services, except as specifically provided in this Article, be based wherever possible on competitive bids.

Section 2. Formal Contract Procedure

All supplies and contractual services, except as otherwise provided herein, when the estimated cost thereof shall exceed \$50,001 shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals.

A. Notice inviting bids.

- (1) Newspaper. Notice inviting bids shall be published once in a newspaper or newspapers of general circulation within the State of Alaska selected by the City Clerk at least five days preceding the last day set for the receipt of proposals.
- (2) Bidders List. The City Clerk may also solicit bids from all responsible prospective suppliers who have indicated an interest in bidding on City contracts.
- (3) Bulletin Board. The City Clerk shall also advertise all pending purchases or sales by a notice posted on the public bulletin board.

B. Bid deposits. When deemed necessary by the Treasurer, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety where the Treasurer has required such. A successful bidder shall forfeit any surety required by the Treasurer upon failure on his part to enter into a contract within ten days after the award.

C. Bid opening procedure.

- (1) Submitting; identification. Bids shall be submitted to the Treasurer and shall be identified as bids on the envelope.
- (2) Opening. Bids shall be opened in public at the time and place stated in the public notices which shall also be the closing time for submission of bids.
- (3) Tabulation. A tabulation of bids received shall be posted for public inspection. A copy of the tabulation shall be forwarded to the City Council for acceptance or rejection of bid.

D. Rejection of Bids. The City Council shall have the authority to reject all bids, parts of bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when the public will be served thereby.

E. Award of Contract.

- (1) Authority in City Council. The City Council will have the authority to award contracts within the purview of this Article.
- (2) Lowest responsible bidder. Contracts shall be awarded to the lowest responsible bidder. In determining “lowest responsible bidder”, in addition to price, the City Council shall consider:
 - a. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
 - b. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference.
 - c. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
 - d. The quality of performance of previous contracts of service.
 - e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.
 - f. The sufficiency of the financial resources and ability of the bidder to perform and contract or provide the service.
 - g. The quality, availability and adaptability of the supplies or contractual services to the particular use required.
 - h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

- i. The number and scope of conditions attached to the bid.
- j. The standardization requirement.

Section 3. Open Market Procedure

All purchases of supplies and contractual services of less than \$50,001 shall be made in open market, without observing the procedure prescribed in Section 2 hereof.

Section 4. Construction Contract Procedure

- A. Definition. For the purpose of this section, contracts shall mean and include construction contracts. The term shall not include professional services and other contractual services which are in their nature unique and not subject to competition.
- B. Competitive bidding required. All contracts shall be based wherever possible on competitive bids.
- C. Formal contract procedure. All contracts shall be awarded by formal, written contract to the lowest responsible bidder, after due notice inviting proposals following the procedures established in Section 2 hereof.
- D. No contract shall be subdivided to avoid the requirements of this section.
- E. Number administration contracts. All contracts should be administered by the City Administrator in accordance with the following provisions:
 - (1) Change order, proposal required. Any change required in the work shall be made after receiving a written proposal from the contractor for additions to or deductions from the original contract sum for changes proposed.
 - (2) Change orders by administration. Upon receipt of a proposal for a change in the contract sum in an amount not exceeding \$1,000.00 and after determination that the contractor's proposal is reasonable, the City Administrator may issue a written change order. The aggregate sum of change orders so authorized shall not exceed five percent or \$1,000.00 of the original contract sum, which ever is greater.
 - (3) Change order by Council. When a proposed change order exceeds the limits set forth in Paragraph 2 above, the proposal, together with recommendations of the City Administrator shall be forwarded to the Council. The Council shall then determine whether the proposal shall be accepted or rejected.
 - (4) Emergency provisions. Whenever a change in the work is required, immediately upon discovery of unforeseen conditions, the City

Administrator shall have the power to order such change. If the change is otherwise subject to paragraph 4, a full report shall be made to the Council not later than the second regular meeting following the change. The emergency nature of such change order shall be determined by the City Administrator.

- (5) No partial payment for work completed shall be made to a contractor without approval of the City Administrator of the quantities and values submitted by the Contractor. No reduction in retained percentage not called for in the contract shall be made without prior approval of the City Council.

Section 5. Set Offs

- A. Disbursement of monies to a person, firm, or corporation will be made only after the various receivable accounts of the general government and municipal utilities funds have been reviewed for outstanding balances owed. The disbursement will be reduced by setting off the amount of indebtedness due the City from such person, firm, or corporation.
- B. All contracts to which the City is a party which will or may involve the disbursement of City funds shall contain the following clause or its substantial equivalent: "Disbursement on monies by the City of Nulato hereunder shall be subject to set-off pursuant to the provisions of the Code of Ordinances." Such contracts include, but are not limited to, oral contracts, employment contracts, construction contracts, purchasing contracts, and contracts of the municipal utilities system, including customer's deposits.

TITLE IV.

CITY PROPERTIES

Chapters:

- 4.1 Real Property Acquisition
- 4.2 Eminent Domain and Adverse Possession
- 4.3 Real Property Sales by City
- 4.4 Lease of City Lands
- 4.5 Disposition of City –Owned Personal Property

CHAPTER 4.1

REAL PROPERTY ACQUISITION

Sections:

1. Acquisition and ownership
2. Real property defined
3. Procedural requirements
4. Ownership
5. Rights and powers of City
6. Dedication by plat
7. Sites for beneficial new industries
8. Federal and state aid
9. Real property as security

Section 1. Acquisition and ownership

The City may acquire, manage, control, use, and dispose of real and personal property, whether the property is situated inside or outside the municipal boundaries.

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 Nulato, Alaska”
- B. Council approval of a resolution shall be required for 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 under which the City may receive only a limited amount of acreage. The resolution shall set forth the terms, conditions, and manner of acquisition.
 - (1) Prior to approval, the mayor may furnish the council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition, but the failure to furnish the council any such materials shall set forth the terms, conditions, and manner of acquisition.

- (2) Unless otherwise provided by the council, the City shall purchase marketable title in real property, obtain title insurance, execute any instruments, and take all steps necessary to complete and close the purchase and acquisition of the real property.
- C. The City Council shall by ordinance establish a formal procedure for acquisition of land and interests in land by the City.
- (1) The ordinance must anticipate unorthodox acquisitions, such as gifts and exchanges in settlement litigation.
 - (2) The ordinance must anticipate and provide for short-term leases of public property by private persons.
- D. No council approval is necessary to acquire 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.

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 governmental 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 of 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 the real property is accepted in writing and signed by the mayor and approved by council motion.

Section 7. Sites for beneficial new industries

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 4.2

EMINENT DOMAIN AND ADVERSE POSSESSION

Sections:

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

Section 1. Eminent domain

The City may, only within its boundaries, exercise the powers of eminent domain and declaration of taking in the performance of an authorized power or function of the City in accordance with AS 09.55.250 – 09.55.460.

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 4.3

REAL PROPERTY SALES BY CITY

Sections:

1. Power to dispose of real property
2. Sale or disposal
3. Rights and powers
4. Property exchange
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
12. Sale procedure – land value under \$25,000
13. Preference rights
14. Future interest 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 regulations
23. Disposition and sale of foreclosed property
24. Repurchase by record owner

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 real 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 grant.
- B. The council shall by ordinance establish a formal procedure for disposal of land and interests in land by the municipality.

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.
- B. 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 the 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 the 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 needed for the purpose for which the real property was acquired or purchased, or utility property no longer used or useful 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 Sections 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 the 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, 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 may be obtained by a qualified appraiser or the assessor.
- (2) The parcels of land to be sold shall be reviewed by the city planning commission, as may be otherwise provided in this Code, 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 review of the planning commission's recommendations, if any, the mayor may, if in his or her opinion it is in the best interests of the City to do so, recommend to the council that such parcels of land be sold. Such recommendation shall set out the development of the property, if the mayor

determines such a plan to be necessary; the estimated value of the property as made by the assessor or a qualified appraiser; and the recommended terms and conditions of the sale.

- (4) After receiving the recommendations, the council may, by resolution, direct the sale or lease of such lands under the terms and conditions as it requires.
- (5) Notice of disposition and the manner in which the land is to be disposed shall be posted in at least three public places within the City for at least 30 days prior to the disposal.
- (6) Notice may also be given by other means considered reasonable by the mayor or council.
- (7) The notice may contain any number of the following: 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.
- (8) The procedure for disposal shall be in a manner provided by ordinance 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 by ordinance.

- (1) The ordinance must anticipate unorthodox acquisitions, such as gifts and exchanges in settlement of litigation.
- (2) The ordinance must anticipate and provide for short –term leases of private property by the City.
- (3) The council may choose to have the disposition of land valued at twenty-five thousand dollars and over 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. Notices shall be given by posting a copy of the notice in at least three public places in the City at least 30 days before the election; place of voting; description of the property to be sold, leased, or disposed of; brief statement of the terms and conditions of the sale; any consideration; and the title and date of passage of the ordinance.

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 highest bid offered for the parcel. In the event that no bids are received 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 the 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 council determination of a public interest, a negotiated bid may be accepted by the council by resolution in place of public bidding.

Section 17. Conditions of sale

- A. The council shall set forth the terms and conditions of the public sale in the 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 moneys received by the City. A purchaser at a public sale who fails to make such other cash payments within the times required by the ordinance shall forfeit any cash deposit made by 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 ordinance to do so has been on file in the office of the clerk for 30 days. Prior to any council action on the sale of real property, the mayor shall make his or her recommendation to the council as to any change of use or merits of the sale or disposition of the real property.

Section 19. Purchase agreement

A purchaser of real property from the City may purchase the real property by purchase agreement if provided in the ordinance for the sale. Unless otherwise provided in the 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 shall 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 be first approved by the council unless the council authorizes the mayor to execute the contract without the council's 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 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. Disposition and sale of foreclosed property

- A. The municipality shall determine by ordinance whether foreclosed property deeded to the municipality shall be retained for a public purpose. The ordinance shall contain the legal description of the property, the address or a general description of the property sufficient to provide the public with notice of its location, and the name of the last record owner of the property as the name appears on the assessment rolls.
- B. Tax-foreclosed property conveyed to a municipality by tax foreclosure and not required for a public purpose may be sold. Before the sale of tax-foreclosed property held for a public purpose, the municipality, by ordinance, shall determine that a public need does not exist. The ordinance shall contain the information required under (A) of this section.
- C. The clerk or the clerk's designee shall send a copy of the published notice of hearing of an ordinance to consider a determination required under (A) or (B) of this section by certified mail to the former record owner of the property that is subject of the ordinance. The notice shall be mailed within five days after its first publication and shall be sufficient if mailed to the last record owner of the property as the name appears on the assessment rolls of the municipality.
- D. The provisions of © of this section do not apply with respect to property that has been held by the municipality for a period of more than 10 years after the close of the redemption period.

Section 24. Repurchase by record owner

- A. The record owner at the time of tax foreclosure of property acquired by a municipality, or the assigns of that record owner, may, within 10 years and before the sale or contract of sale of the tax-foreclosed property by the municipality, repurchase the property. The municipality shall sell the property for the full amount applicable to the property under the judgment and decree, with interest not to exceed 15 percent a year from the date of entry of the judgment of foreclosure to the date of repurchase, delinquent taxes assessed and levied as though it had continued in private ownership, and costs of foreclosure sale.
- B. After adoption of an ordinance providing for the retention of tax-foreclosed property by the municipality for a public purpose, the right of the former owner to repurchase the property ceases.

CHAPTER 4.4

LEASE OF CITY LANDS

Sections:

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

Section 2. Term of lease

No lease shall be for a term of more than 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 the city planning. A lease having a term of 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 in time.

Section 3. Appraisals

- A. No property shall be leased or a renewal lease be 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 4.3 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 a fair rental value. Fair rental value is the rental computed from the appraised fair rental value of the property and means the highest price described in terms of money for which the property would rent, if exposed for rent for a reasonable time in the open market, for the use permitted by the City.
- 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, at his or her option, may 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 costs, 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 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 work, 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 not receive title to the property under lease, the conditional lease shall then have the same standing, force, and effect as a non-conditional lease issued under this Chapter.

Section 16. Mayor 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 4.5

DISPOSTION 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. The mayor shall take into consideration the value of the article, the reason for the disposal, and the general preference of disposal by competitive bid. The mayor shall report disposals to the council if so requested.
- 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 4.3 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 4.3 of this Code.

Section 2. Sale of surplus or obsolete goods

The mayor 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 has 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.

Section 5. Mayor as purchasing agent

The powers and duties of the mayor in this Chapter shall be exercised by the city purchasing agent if one is designated as provided in Chapter 3.4 of this Code,

TITLE V.
CITY ELECTIONS

Chapters:

- 5.1 City Election Procedures
- 5.2 City Election Administration
- 5.3 Initiative and Referendum
- 5.4 Recall

CHAPTER 5.1

CITY ELECTION PROCEDURES

Sections:

1. Clerk is supervisor of elections
2. Voter qualifications
3. Date
4. Notice of elections
5. Federal Voting Rights Act Preclearance Requirements
6. Runoff elections (Repealed Date??)
7. Tie votes
8. Filing for office
9. Election judges
10. Election place and hours
11. Prohibited activity near the polls
12. "Questioned Ballots"
13. "Defective Ballots"
14. "Absentee Ballots"
15. Report of election results
16. Certificate of election
17. Election contest and appeal
18. Election materials

Section 1. Clerk is supervisor of elections

The clerk is the supervisor of elections for the City. The clerk may establish written regulations for council approval for all additional procedures necessary to carry out the provisions of any election ordinance passed by the council.

Section 2. Voter qualifications

- A. A person may vote in a municipal election only if the person:
 - (1) is a United States citizen who is qualified to vote in state elections;
 - (2) has been a resident of the municipality for 30 days immediately preceding the election;
 - (3) is registered to vote in state elections; and
 - (4) is not disqualified under Article V of the state constitution.
- B. Voter registration by the municipality may not be required. However, a municipality may by ordinance require that a person be registered to vote in

state elections in the precinct in which that person seeks to vote in municipal elections.

Section 3. Date

The date of a regular election is the first Tuesday of October annually, unless a different date or interval of years is provided by ordinance. (9 ch 74 SLA 1985)

Section 4. Notice of election

Subject to other provisions of this title, the City shall give at least 20 days notice of an election.

Section 5. Federal Voting Rights Act Preclearance Requirements

A. The following constitutes any changes in voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting, which must be precleared by request.

- (1) Changes in voter qualifications or registration procedures;
- (2) Changes in balloting and voter assistance procedures;
- (3) Reapportionment of election districts;
- (4) Changes in polling places and precinct boundaries;
- (5) Changes in the way issues, propositions, initiatives or referenda are offered;
- (6) Changes in provisions relating to publicity about voting or registration;
- (7) Changes in the use of languages other than English
- (8) Changes in dates or the scheduling of elections;
- (9) Changes in the length of terms of office or candidacy requirements;
- (10) Changes in the method of determining the outcome of an election (i.e. by requiring run-off elections or allowing election by plurality);
- (11) Changes in ballot counting procedures;
- (12) Enabling legislation that allows a local jurisdiction to enact or implement covered changes;
- (13) Annexations and detachments;

- (14) Incorporations and dissolutions of municipal governments;
- (15) Procedural changes in annexation, detachment, incorporation, or dissolution processes;
- (16) Changes in municipal status;
- (17) Creation by a local jurisdiction of a new elective entity such as a neighborhood council;
- (18) Dates of special elections

B. The preclearance request shall consist of the following:

- (1) A resolution passed by the city council, in which a minimum of 60 days between adoption and effective date of change becomes enforceable.
- (2) A letter requesting preclearance with the following contents:
 - a. Name, title, address, and telephone number of the person making the request to be submitted. Include authorization by which organization.
 - b. Explain the statutory or other legal authority that allows the request to be submitted. If allowed by an ordinance clause, a copy of the ordinance shall be submitted.
 - c. Indicate date of adoption of resolution, and date on which the change becomes enforceable.
 - d. Explain any circumstances that exist, or may arise, that will require the date of change to be different than the requested date of change. An emergency may arise, or local ordinances or state statutes will not allow for a 60-day review period.
 - e. Map indicating the city's location within Alaska.
 - f. Explain the reasons why the change is requested.
 - g. Show evidence that the change will not deny or abridge the voting rights of any individual on the basis of race or of language spoken by the individual.
 - h. Explain whether or not any lawsuit has been initiated regarding the preclearance request.
 - i. Explain any prior practice and procedure for adopting the change have been precleared (with the date), or are not subject to preclearance, or explain why such a statement cannot be made.
 - j. Include any information that the submitting authority thinks the review department might need.

C. Preclearance Request shall be sent to the address:

Assistant Attorney General
Civil Rights Division/Voting Section
Department of Justice
Washington, D.C. 20530

“submission under Section 5 of the Voting Rights Act”

- D. "Submission under Section 5 of the Voting Rights Act" shall be in a subject line before the body of the letter, followed by a few key words identifying the change being submitted.
- E. The 60-day lapse recommended allows for the Department of Justice to review and grant the change request. Even though the change may become enacted before the preclearance is granted, the change does not become enforceable until the notice of granted request is received by the city.

Section 6. Run-offs (repealed (date?))

Section 7. Tie votes

In the event of a tie vote, the council shall request that the tied candidates appear before the council at the first meeting after the election to draw straws or flip a coin to determine the winner. If one or more of the tied candidates does not appear before the council, the presiding officer shall direct the clerk or other non-interested person to draw straws or flip a coin to determine the winner.

Section 8. Filing for office

A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the clerk. Declarations of candidacy must be filed no sooner than 30 days and no later than 10 days before the election.

Section 9. Election judges

- A. The council shall each year choose three city voters as judges to be the election board at each polling place and select one of those judges to chair the board. The judges shall not be council members or candidates for office.
- B. Each judge shall sign the oath specified in Chapter 5.2 Section 5 of this Code and file it with the clerk on or before Election Day.
- C. If a judge is unable to work on or during Election Day, the remaining judges at the polling place shall choose a qualified voter to fill the vacancy.

Section 10. Election place and hours

- A. Elections will be held at the Adult Rec. Center.
- B. The polls will be open from 8:00 am to 8:00 pm on an election day.
- C. For special elections, the polls will be open from 8:00 am to 8:00 pm.

Section 11. Prohibited activity near the polls

During the hours the polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against any candidate, question, or proposition on the ballot.

Section 12. "Questioned Ballots"

If a voters name is not on the "Master Voter Registration List" or there is some other question regarding a 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 13. "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 14. "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." An "Absentee Ballot" may be obtained from the clerk.

Section 15. Report of election results

- A. Immediately after the polls close and the last ballot has been cast, the election board will tally the ballots in public and prepare a report of election results which shall be signed by each judge. The report shall be attached to the tally sheets and submitted to the clerk along with all other election materials. The candidate receiving the greatest number of votes for office shall be declared the winner of the election for that office.
- B. The clerk shall post, the election results within a day of the time the election results are known.

Section 16. Certificate of election

Unless otherwise provided by ordinance, the governing body shall declare the election results at the first meeting to canvass the election, record the results in the minutes of that meeting, and authorize the results to be certified.

Section 17. Election contest and appeal

- A. The governing body may provide by ordinance the time and procedure for the contest of an election.

- B. Unless otherwise provided by ordinance, an election may be contested only by a voter by filing a written affidavit with the municipal clerk specifying with particularity the grounds for the contest. An election may be contested before or during the first canvass of ballots by the governing body.
- C. A contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse a result of the election, or the difference between the winning and losing vote on the result contested is more than two percent.
- D. A person may not appeal or seek judicial review of an election for any cause unless the person is a voter, has exhausted all administrative remedies before the governing body and has commenced, within 10 days after the governing body has declared the election results, an action in the superior court in the judicial district in which the municipality is located. If court action is not commenced within the 10-day period, the election and election results are conclusive and valid. (9 ch 74 SLA 1985)

Section 18. Election materials

The clerk shall keep all election materials in the permanent city files, except ballots will be kept for 30 days if election is not being contested.

CHAPTER 5.2

CITY ELECTION ADMINISTRATION

Sections:

1. Declaration of candidacy
2. Election notices
3. Voter registration duties of the clerk
4. Ballots
5. Election day preparation
6. Voting procedures
7. Tallying procedures
8. Certifying the election
9. "Absentee Ballots"

Section 1. Declaration of candidacy

- A. Declaration of candidacy forms shall be prepared by the clerk at least 30 days before the election. The declaration shall have spaces for the following: the candidate's full name; the office for which the candidate is running; that the candidate is a qualified city voter and a resident of the City for the required length of time for the office sought; the date the declaration is filed; and a statement that if elected, the candidate will serve the full term of office.
- B. The clerk shall keep the completed declarations of candidacy in the city files.

Section 2. Election notices

- A. Notices that an election will be held shall be prepared and posted by the clerk and shall contain the following, as is appropriate:
 - (1) whether the election is general or special;
 - (2) date of the election;
 - (3) location of each city polling place;
 - (4) time polling places will open and close;
 - (5) offices to be filled;
 - (6) a statement describing voter qualifications;
 - (7) times for filing declarations of candidacy;
 - (8) a statement of any questions or propositions to be placed on the ballot;
- B. Notices for an election must be placed for 20 days prior to the election.

Section 3. Voter registration duties of the clerk

The clerk shall post notice 60 days before a general election encouraging residents to register to vote. The clerk shall obtain a "Master Voter Registration List" from

the State Elections Supervisor and shall add to it the names of any person who registered before the 30-day deadline.

Section 4. Ballots

The clerk shall be responsible for typing or printing ballots 10 days before the date set for a general or special election. There shall be at least three ballots with the word "SAMPLE" printed on them to be posted in the clerk's office until Election Day and then given to the judge at each polling place. The form for ballots is as follows:

- (1) printed on plain white paper, stating at the top whether it is general, special;
- (2) instructions on how to mark the ballots;
- (3) the list of candidates and the offices they are running for;
- (4) lines for write-in candidates;
- (5) a blank, box, or square for marking a vote next to each name or blank line for write-in candidates; and
- (6) the questions or propositions to be voted on, if any.

Section 5. Election day preparation

- A. On Election Day, the clerk shall furnish the election board judges with a voting booth; ballots; sample ballots; the up-dated "Master Voter Registration List"; a ballot box that can be locked or sealed; a "Blank Register" for the voters to sign their names in; tally sheets; a form for the "Report of Election Results"; "Oaths and Affidavits of Eligibility" for the "Questioned Ballots" together with sufficient envelopes, pens, and pencils; and a copy of the city's elections ordinances and elections procedures, if any.
- B. The clerk shall give the following written oath to all election judges on or before election day:

I, _____, do solemnly swear (affirm) 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 elections ordinances and election procedures.

Signed: _____
Election Judge

- C. Judges shall report to the polling place 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 after the final ballot is cast.

Section 6. Voting procedures

- A. The voting procedures are listed below.
- (1) a voter shall give his or her name to one of the judges and then write it in the “Blank Register”.
 - (2) One of the judges checks for the voter’s name on the “Master Voter Registration List”. If the voter’s name is on the list, then he or she goes to the voting booth and marks a ballot.
 - (3) If a voter needs help in marking a ballot, then one of the judges shall help. The judge must not reveal to anyone what was marked on the ballot.
 - (4) After the ballot is marked, the voter will fold it and deposit it in the ballot box in the presence of the judges.
- B. If a voter’s name is not on the “Master Voter Registration List” and the Voter believes that he or she is a registered city voter, then a “Questioned Ballot” is cast. The procedure is as follows:
- (1) The voter shall sign an “Oath and Affidavit of Eligibility”, stating that he or she is a registered state voter, a resident of the city, and is otherwise qualified to vote;
 - (2) the voter signs his or her name in the Blank Register;
 - (3) after the ballot is marked it shall be placed in an envelope and sealed;
 - (4) the sealed ballot and the “Oath and Affidavit of Eligibility”, will be placed in another larger envelope marked “Questioned Ballot”, which will be sealed and deposited in the ballot box.

Section 7. Tallying procedures

- A. Before counting ballots, the election board judges shall check to make sure that the number of voter’s names signed in the “Blank Register” is equal to the number of ballots in the ballot box. The ballots shall be tallied by one judge announcing what the ballot shows and the other judges marking it down on the tally sheet. “Questioned Ballots” shall not be opened at this time, but the number of “Questioned Ballots” shall be tallied. If there are any ballots that are not clearly marked and the judges cannot determine who the voter intended to vote for, these ballots shall be placed in an envelope marked “Defective Ballots” and not included on the tally sheets.
- B. A form shall be furnished to the election board judges by the clerk which shall provide for a space to mark the total number of ballots cast; the number of votes each candidate received and for which office; the number of “Questioned Ballots”, the number of “Defective Ballots”; the number of “Absentee Ballots”; and a space for each election board judge and the clerk to sign. The clerk shall instruct the judges to attach the tally sheets to the report.

- C. At the close of Election Day, the clerk shall collect all election materials, including the ballots, and keep a file for them together with the declarations of candidacy. It will be the duty of the clerk prior to the council meeting at which the “Certificate of Election” is to be issued to try to determine, if possible, through the state elections office, whether the voters casting “Questioned Ballots” were eligible to vote.

Section 8. Certifying the election

- A. The clerk shall post a copy of the report of election results in three public places the day after the election results are known. The notice shall include:
 - (1) the time and place of the council meeting to be convened to consider the election results;
 - (2) that the results are not final until the council formally certifies the election;
 - (3) that anyone has the opportunity to contest the election before or during the meeting.
- B. At the first council meeting following the election, the clerk shall hand over a report of election results to the council and inform them of the vote of any “Absentee Ballots” received after Election Day and the vote of any “Questioned Ballots” cast by a voter whom the clerk has determined was eligible to vote. Council members shall examine any “Defective Ballots” to see if they can determine for whom the voter intended to vote for.
- C. After a final determination is made by the council, the election results shall be read into the minutes.
- D. The clerk shall provide a “Certificate of Election” form to the council which shall include the winning candidate for each office, the results of any question or proposition placed on the ballot, and a space for the mayor and clerk to sign. The “Certificate of Election” shall be given to each successful candidate and sponsor of any successful questions or propositions. A copy is kept by the City.

Section 9. “Absentee Ballots”

- A. An “Absentee Ballot” is the same as a regular ballot and may be applied for in person or by mail from the clerk on an application form provided by the clerk. An “Absentee Ballot” may not be issued sooner than 10 days before the election. The clerk or designee may deliver an “Absentee Ballot” to a disabled person in the City until the polls close on Election Day. The clerk mails or gives the absentee voter the materials listed below.
 - (1) A regular ballot.

- (2) An envelope marked "Absentee Ballot". The envelope should be numbered and the clerk should keep a list of how many and to whom "Absentee Ballots" are issued.
 - (3) If the "Absentee Ballot" is going to be returned by mail, then the clerk must furnish a stamped, return address envelope. The return envelope containing the "Absentee Ballot" must be postmarked no later than election day.
 - (4) The clerk should check to see if the person requesting the "Absentee Ballot" is on the "Master Voter Registration List". If not, then the clerk should have the voter sign an "Oath and Affidavit of Eligibility" and determine if the person is eligible to vote.
- B. All "Absentee Ballots" should be kept sealed until Election Day. At the close of the polls on Election Day and before the counting and tallying begins, the clerk should deposit any completed "Absentee Ballots" in his or her possession into the ballot box and sign the voter's name in the "Blank Register". If any "Absentee Ballots" are received after Election Day (but postmarked on or before Election Day), the clerk should enter the voter's name in the "Blank Register" and then bring the unopened ballots to the council meeting without revealing whose they are.

CHAPTER 5.3

INITIATIVE AND REFERENDUM

Sections:

1. Reservation of powers
2. Restrictions on powers
3. Application for petition
4. Contents of petition
5. Required signatures
6. Sufficiency of petition
7. Protest
8. New petition
9. Initiative election
10. Referendum election
11. Effect

Section 1. Reservation of powers

The powers of initiative and referendum may be exercised by city residents as provided by this Chapter or otherwise in accordance with state law.

Section 2. Restriction on powers

The powers of initiative and referendum do not extend to matters restricted by Section 7, Article XI of the State Constitution. That Section provides: “The initiative shall not be used to dedicate revenues, make or repeal their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.”

Section 3. Application for petition

- A. An initiative or referendum is proposed by filing an application with the municipal clerk containing the ordinance or resolution to be initiated or the ordinance or resolution to be referred and the address to which all correspondence relating to the petition may be sent. An application shall be signed by at least 10 voters who will sponsor the petition. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. Within two weeks the clerk shall certify the application if the clerk finds that it is in proper form and, for an initiative petition, that the matter
 - (1) is not restricted by AS 29.26.100;
 - (2) includes only a single subject;
 - (3) relates to a legislative rather than to an administrative matter; and

(4) would be enforceable as a matter of law.

B. A decision by the clerk on an application for petition is subject to judicial review.

Section 4. Contents of petition

- A. Within two weeks after certification of an application for an initiative or referendum petition, a petition shall be prepared by the municipal clerk. Each copy of the petition shall contain:
- (1) a summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred;
 - (2) the complete ordinance or resolution sought to be initiated or referred as submitted by the sponsors;
 - (3) the date on which the petition is issued by the clerk;
 - (4) notice that signatures must be secured within 90 days after the date the petition is issued;
 - (5) spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;
 - (6) a statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and
 - (7) space for indicating the total number of signatures on the petition.
- B. If a petition consists of more than one page, each page shall contain the summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred.
- C. Copies of the petition shall be provided to each sponsor by the clerk. (9 ch 74 SLA 1985)

Section 5. Required signatures

- A. The signatures on an initiative or referendum petition shall be secured within 90 days after the clerk issues the petition. The statement provided under AS Section 4. A (6) shall be signed and dated by the sponsor. Signatures shall be in ink or indelible pencil.
- B. The clerk shall determine the number of signatures required on a petition and inform each sponsor. A petition shall be signed by a number of voters based on the number of votes cast at the last regular election held before the date the petition was issued equal to 25 percent of the votes cast.

- C. Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence address shall be rejected.
- D. A petition signer may withdraw the signer's signature on written application to the clerk before certification of the petition.

Section 6. Sufficiency of petition

- A. All copies of an initiative or referendum petition shall be assembled and filed as a single instrument. Within 10 days after the date a petition is filed, he municipal clerk shall
 - (1) certify on the petition whether it is sufficient; and
 - (2) if the petition is insufficient, identify the insufficiency and notify the sponsors at the address provided under Section 3.A by certified mail.
- B. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected.
- C. A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under (B) of this section. Within 10 days after a supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

Section 7. Protest

If the clerk certifies the petition as being insufficient, a signer of the petition may file a protest with the mayor within seven days after the certification. The mayor shall then present the protest at the next regular meeting to the council which shall hear and decide the protest.

Section 8. New petition

Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition may not be filed sooner than six months after a petition is rejected.

Section 9. Initiative election

- A. Unless substantially the same measure is adopted, when a petition seeks an initiative vote the clerk shall submit the matter to the voters at the next regular election occurring no sooner than 45 days after certification of the petition. If no regular election occurs within 75 days after the certification of a petition, the

governing body shall hold a special election within 75 days, but not sooner than 45 days after certification.

- B. If the governing body adopts substantially the same measure, the petition is void and matter initiated may not be placed before the voters.
- C. The ordinance or resolution initiated shall be published in full in the notice of the election, but may be summarized on the ballot to indicate clearly the proposal submitted.
- D. If a majority vote favors the ordinance or resolution, it becomes effective upon certification of the election; unless a different effective date is provided in the ordinance or resolution.

Section 10. Referendum election

- A. Unless the ordinance or resolution is repealed, when a petition seeks a referendum vote the clerk shall submit the matter to the voters at the next election occurring no sooner than 45 days after certification of the petition. If no election occurs within 75 days of certification of a petition, the governing body shall hold a special election within 75 days, but not sooner than 45 days after certification.
- B. If a petition is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the governing body may not enact an ordinance or resolution substantially similar to the suspended measure.
- C. If the governing body repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.
- D. If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election.

Section 11. Effect

- A. The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed.
- B. If an ordinance or resolution is repealed in a referendum election or by the governing body after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted by the governing body for a period of two year.

- C. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified.

CHAPTER 5.4

RECALL

Sections:

1. Recall
2. Grounds
3. Application for recall petition
4. Recall petition
5. Signature requirements
6. Sufficiency of petition
7. New petition
8. Submission
9. Election
10. Form of recall ballot
11. Effect
12. Successors

Section 1. Recall

Any elected or appointed city official may be recalled by the voters after he or she has served six months in office.

Section 2. Grounds

Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties.

Section 3. Application for recall petition

- A. An application for a recall petition shall be filed with the municipal clerk and shall contain:
 - (1) the signatures and residence addresses of at least 10 municipal voters who will sponsor the petition;
 - (2) the address to which all correspondence relating to the petition may be sent;
 - (3) a statement in 200 words or less of the grounds for recall stated with particularity.
- B. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk.

Section 4. Recall petition

- A. If the municipal clerk determines that an application for a recall petition meets the requirements of Section 3, the clerk shall prepare a recall petition. All copies of the petition shall contain
- (1) the name of the official sought to be recalled;
 - (2) the statement of the grounds for recall as set out in the application for petition;
 - (3) the date the petition is issued by the clerk;
 - (4) notice that signatures must be accrued
 - (5) spaces for each signature
 - (6) a statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and
 - (7) space for indicating the number of signatures on the petition.
- B. Copies of the petition shall be provided to each sponsor by the clerk.

Section 5. Signature requirements

- A. The signatures on a recall petition shall be secured within 60 days after the date the clerk issues the petition. The statement provided under Section 4.A. (6) shall be completed and signed by the sponsor. Signatures shall be in ink or indelible pencil.
- B. The clerk shall determine the number of signatures required on a petition and inform each sponsor. If a petition seeks to recall an official who represents the municipality at large, the petition shall be signed by a number of voters equal to 25 percent of the number of votes cast for that office at the last regular election held before the date the petition was issued.
- C. Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence shall be rejected.
- D. A petition signer may withdraw the signer's signature upon written application to the clerk before certification of the petition.

Section 6. Sufficiency of petition

- A. The copies of a recall petition shall be assembled and filed as a single instrument. A petition may not be filed within 180 days before the end of the term of office of the official sought to be recalled. Within 10 days after the date a petition is filed, the municipal clerk shall
- (1) certify on the petition whether it is sufficient; and
 - (2) if the petition is insufficient, identify the insufficiency and notify the sponsors at the address provided under Section 3. (A) by certified mail.
- B. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected if
- (1) the petition contains an adequate number of signatures, counting both valid and invalid signatures; and
 - (2) the supplementary petition is filed more than 180 days before the end of the term of office of the official sought to be recalled.
- C. A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under (B) of this section. Within 10 days after the supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as public record.

Section 7. New petition

Failure to secure sufficient signatures does not preclude the filing of a new petition. However, a new petition may not be filed sooner than six months after a petition is rejected, following the preceding requirements.

Section 8. Submission

If a recall petition is sufficient, the clerk shall submit it to the council at the next regular meeting or at a special meeting held before the next regular meeting.

Section 9. Election

- A. If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.

- B. If no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after petition is submitted to the governing body.
- C. If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question may not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official.

Section 10. Form of recall ballots

A recall ballot contains:

- (1) the grounds as stated in the recall petition, in 200 words or less;
- (2) the officer's statement of 200 words or less, if the statement, is filed with the clerk for publication and public inspection within 20 days before the election;
- (3) the following question: "Shall (name of person) be recalled from the office of (office) ? Yes_____ No_____."

Section 11. Effect

- A. If a majority vote favors recall, the office becomes vacant upon certification of the recall election.
- B. If an official is not recalled at the election, an application for a petition to recall the same official may not be filed sooner than six months after the election.

Section 12. Successors

- A. If an official is recalled from the governing body, the office of that official is filled in accordance with Chapter 2.2.10. If all members of the governing body are recalled, the governor shall appoint three qualified persons to the governing body. The appointees shall appoint additional members to fill remaining vacancies in accordance with Chapter 2.2.10.
- B. A person appointed under (A) of this section serves until a successor is elected and takes office.
- C. If an official other than a member of the governing body is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held not more than 60 days after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election.

TITLE VI.
VEHICLES AND TRAFFIC
MOTOR VEHICLES

Chapters:

- 6.1 Scope and Interpretation
- 6.2 Abandoned Vehicles
- 6.3 Miscellaneous Provision
- 6.4 Prohibiting traffic on the “P-Line”
- 6.5 ATV and Dirt Bike Use within City Limits
- 6.6 City of Nulato Speed Limits
- 6.7 Snowmobile
- 6.8 Off-Road Vehicles

CHAPTER 6.1
SCOPE AND INTERPRETATION

Sections:

- 1. Provisions
- 2. Adoption by reference
- 3. Traffic ordinances
- 4. Traffic control
- 5. Public availability

Section 1. Provisions

State regulations adopted under this title are applicable to the City of Nulato.

- A. The city adopts all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, as the traffic code for the city.
- B. The city council may not enact an ordinance which is inconsistent with state regulations.
- C. Notwithstanding subsection A of this section, the city does not adopt those state traffic laws that establish misdemeanor and felony offenses, including AS 28.35.030
- D. The city council may not incorporate into a publication of traffic ordinances a provision of state regulations without specifically identifying the regulation as a state statute or regulation.

- E. All citations issued under this chapter shall use the appropriate “AS” or “AAC” or CFR statute or regulation numbers, include a description of the offense, and indicate that the offense was adopted by reference as a city ordinance.

Section 2. Adoption by reference

The city council may adopt by reference all or part of the state regulations under this title. The council may request and receive from the Department of Public Safety and Community and Regional Affairs assistance in the drafting of model ordinances by reference.

- A. The city council may enact necessary ordinances to meet specific local requirements.

Section 3. Traffic ordinances

A copy of all traffic ordinances enacted by the city council shall be forwarded to the commissioner of Public Safety and specific notice of any inconsistent ordinances shall be given by the council when the copy of ordinances is forwarded.

Section 4. Traffic control

The city shall erect necessary official traffic control devices on streets and roads within its jurisdiction.

Section 5. Public availability

Copies of all traffic ordinances enacted by the city council shall be incorporated in a manual and made available to the general public.

CHAPTER 6.2
ABANDONED VEHICLES

Sections:

1. Abandonment unlawful
2. Presumption of abandonment
3. Removal of abandoned vehicles
4. Municipal abatement procedures

Section 1. Abandonment unlawful

- A. A person may not abandon a vehicle upon a road, vehicular way or area.
- B. A person may not abandon a vehicle upon public property or upon private property without the consent of the owner or person in lawful possession or control of the property.
- C. A person who abandons a vehicle in a place specified in A. or B. of this section is considered responsible for the abandonment of the vehicle and is liable for the cost of its removal and disposition, unless:
 - (1) the vehicle was abandoned by a person driving the vehicle without the permission of the owner; or
 - (2) the identity of the person abandoning the vehicle is established and the abandonment was without the consent of the owner.

Section 2. Presumption of abandonment

- A. A vehicle which has been left unattended, standing or parked upon the following properties, without the consent of the owner or person in charge of the property is presumed abandoned.
 - (1) Within 10 feet of the travelled portion of a vehicular way in excess of 48 hours.
 - (2) On private property in excess of 24 hours.
 - (3) On public property in excess of 30 days.
- B. A vehicle described in A. may be removed as provided in Section 3 and treated as an abandoned vehicle, unless the vehicle is reclaimed and removed before action regarding removal is taken under Section 3.

Section 3. Removal of abandoned vehicles

- A. A peace officer or an employee of the city may remove or have removed to a place of storage a vehicle abandoned on a road, vehicular way or area, or on private property.
- B. Removal from private property shall be upon the written request of the owner or person in lawful possession or control of the property, and on a form prescribed by the Department of Public Safety.
- C. A written report of the removal shall be made by the peace officer or employee, a copy retained by the City, and a copy forwarded to the Department of Public Safety. Report shall include:
 - (1) Description of vehicle;
 - (2) Date, time, and place of removal;
 - (3) Grounds for removal;
 - (4) Tow fee of \$35.00, will be invoiced to the owner.

Section 4. Municipal abatement procedures

The city council may adopt an ordinance establishing procedures for the abatement and removal from private or public property, as a public nuisance or a health and safety hazard, a wrecked, dismantled, or inoperative vehicle or a vehicle otherwise presumed to be abandoned.

- A. The ordinance shall contain provisions for:
 - (1) Notice to owners and lien holders of record and persons known to be lawfully entitled to possession of the vehicles, of their right to a hearing which shall be conducted by the city in the manner provided by the Department of Public Safety.
 - (2) Notice to owners and lien holders in the manner provided by the Department of Public Safety.
 - (3) Disposal of abandoned vehicles as provided by the department of Public Safety.
 - (4) Designation of appropriate areas within the city's jurisdiction for the disposal of abandoned vehicles.

CHAPTER 6.3
MISCELLANEOUS PROVISIONS

Sections:

1. Tampering with or damaging a vehicle.
2. Sound Control
3. Operating a vehicle, aircraft or watercraft while intoxicated.
4. Reckless driving.
5. Negligent driving

Section 1. Tampering with or damaging a vehicle

It is unlawful for any person individually, or in association with one or more others, to willfully break, injure, tamper with, or remove any part or parts of any motor vehicle for the purpose of injuring, defacing, or destroying such vehicle, or temporarily or permanently prevent its useful operation or for any purpose against the will or without the consent of the owner of such vehicle, or in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle.

- A. A person caught tampering with a vehicle, which does not belong to them, will be responsible to pay the owner of the vehicle for the cost of damage and will be penalized by the state of Alaska.

Section 2. Sound control.

- A. No person shall drive a motor vehicle on the roadway, unless such motor vehicle is equipped with a muffler in good working order and in constant operation and sufficient to prevent excessive or unusual noise and annoying smoke.
- B. It is unlawful to use a muffler cut-out on any motor vehicle on the city roads.
- C. No person shall operate a motor vehicle in such a way as to disturb the peace between the hours of ten p.m. and six a.m. except when hauling supplies. Revving and racing of engines in residential areas shall be considered a violation.

Section 3. Operating any vehicles, aircraft or watercraft while intoxicated

A person commits the crime of driving while intoxicated if the person operates or drives a motor vehicle or operates an aircraft or a watercraft while under the influence of intoxicating liquor or any controlled substance, or a combination of both.

- A. A person, operating any sort of vehicle, aircraft or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance will be penalized by AS Sec. 28.35.030., by local authority which include and is not adhere too, are; Village Police Officer (VPO), Village Police Safety Officer (VPSO), Alaska State Troopers, and any other law enforcement that is needed for the incident or situation.

Section 4. Reckless driving

- A. A person who drives a motor vehicle in a manner which creates a substantial and unjustifiable risk of harm to a person or to property is guilty of reckless driving.
- B. Lawfully conducted automobile, snowmobile, motorcycle or other motor vehicle racing or exhibition events are not subject to A.
- C. A person convicted of Reckless Driving driving is guilty of an infraction as provided under AS 28.35.400 and AS 28.90.010.

Section 5. Negligent driving

A person who drives a motor vehicle in a manner which creates an unjustifiable risk of harm to a person or to property and who, as a result of the creation of the risk, actually endangers a person or property is guilty of negligent driving.

- A. A person convicted of Reckless Driving driving is guilty of an infraction as provided under AS 28.35.410 and AS 28.90.010.

CHAPTER 6.4
PROHIBITING TRAFFIC ON THE “P-LINE”

Sections:

1. Vehicles prohibited on “P-Line”
2. Fines

Section 1 Vehicles prohibited on “P-Line”

ATV/Four-wheelers, motorcycles and cars will be prohibited from driving on the “P-Line” due to erosion.

Section 2 Fines

If caught driving on the P-Line the person or persons will be fined. First offense \$50.00, every offense after will be \$100.00. Fines will be payable to the “City of Nulato”. Fine that are not paid in a timely manner will be turned over to collections.
(Ord. 08-02, September 2008)

CHAPTER 6.5
ATV AND DIRT BIKE USE WITHIN CITY LIMITS

Sections:

1. Description
2. Fines
3. Parents responsible

SECTION 1. Description.

Two, three and four wheeled all terrain vehicles (hereinafter called “ATV”) may be driven on a roadway or trail, on any road or property over which the City has jurisdiction, subject to the following restrictions:

- A. No person shall operate an ATV under the age of 14.
- B. No person shall operate an ATV faster than ~~1525~~ miles per hour in Residential areas. ~~2530~~ miles per hour in non-residential areas.;
- C. ATV’s must be driven on the extreme right-hand side of the roadway and in the same direction as roadway motor vehicle traffic;
- D. All drivers and passengers under the age of 16 must wear a helmet;
- E. ATV’s will not pass other moving vehicles on the roadway;
- F. ATV use will not be permitted unless the ATV is equipped with operational headlights which provide adequate illumination to at least 15 feet and an operational taillight, brake light; to operate during night time use.
- G. All wheels of the ATV will remain in contact with the road at all times;
- H. The driver of the ATV will not follow another vehicle closer than fifteen feet or three ATV lengths.
- J. No passenger is permitted to ride on the front rack of an ATV.

SECTION 2. Fines

- A. First offense - \$25.00
Second Offense-\$50.00
Third Offense-\$75.00
Each offense occurring after the third will result in a \$100.00 fine.

- B. All fines must be paid within 10 business days or the City may choose to send your account to collections and/or discontinue any or all city services for nonpayment. Fines for minors will be issued to the parent or guardian.

SECTION 3. Parents responsible.

All parents and/or guardians are responsible to make sure their children follow the rules of this ordinance.
(ORD. 10-02, September 2010)

CHAPTER 6.6
CITY OF NULATO SPEED LIMITS

Sections:

1. Definitions
2. Speed limits.
3. Age Requirements
4. Parental Responsibilities
5. Violations - Penalties

Section 1. Definitions.

“Methods of transportation” this includes and is not limited to; vehicles, ATV’S, snowmobile, and off-road vehicles. Any form of transportation that helps an individual go from one location to another.

Section 2. Speed limits.

Speed limits within the city limits shall be twenty-five miles per hour unless otherwise posted or unless set at a lower speed under state traffic provisions adopted by the City of Nulato.

- A. All methods of transportations will retain at a speed limit of 25 miles per hour in non-residential roads, 15 miles per hour in residential areas at all times.
- B. When pedestrians are present on the roadway or public access points, all vehicles will retain to a speed limit of 15 miles per hour, until passed the pedestrians and is it at least 200 feet in front of the pedestrians.

Section 3. Age.

No person under the age of fourteen and in possession of a valid Alaska instructional permit shall be permitted to operate an off-road vehicle unless they are under the direct supervision of a parent or guardian.

Section 4. Parental responsibilities.

No parent or guardian of a person under eighteen shall knowingly allow a violation of this chapter to occur or fail to take reasonable precautions to prevent any violation of this chapter.

Section 5. Violation—Penalties.

A person who violates this chapter is guilty of an infraction and subject to a fine as set forth in Section 6.5.02.

CHAPTER 6.7 SNOWMOBILES

Sections:

1. Definitions
2. City road rights-of-way.
3. Operation after dark.
4. Helmets required.
5. Prohibitions on the operation of snowmobile within the city's boundaries.
6. Violation—Penalties.

Section 1. Definitions.

- A. Snow machine: A motor vehicle designed to travel over ice or snow and supported in part by skis, belts, or cleats.
- B. Operate: To control the operation of snowmobile.
- C. All City of Nulato owned roads.
- D. Posted property: Notice against trespass is given by posting in a reasonably conspicuous manner under the circumstances so as to allow a person approaching the property to recognize that trespassing is prohibited.
- E. Pedestrians: Are members of the community of Nulato that includes; adults, elders, children, and out-of-town visitors.

Section 2. City road rights-of-way.

Snowmobile are not allowed on the Nulato Airport and City of Nulato P-LINE.

Snowmobile are allowed on other city streets within the City of Nulato and subdivisions within the city limits with the following provisions:

- A. All operation must be on the extreme right-hand edge of the traveled way.
- B. Speed is not to exceed twenty miles per hour within the city rights-of-way.
- C. Operation on, or parking of, snowmobile on sidewalks is prohibited.
- D. Operators must yield the right-of-way to all vehicles and pedestrians.
- E. Headlight illuminated at all times when using designated routes.
- F. It is unlawful to operate a snowmobile in a careless, reckless or negligent manner so as to endanger or likely to endanger the safety of any person or property of any other person.
- G. The use of streets in accord with the terms of this section is limited to traveling from one place to another in the most reasonably direct route possible, and no person shall use the streets themselves for recreational purposes.
- H. Show proficiency of knowledge of rules of the road.
- I. Operators must yield the right-of-way to all vehicles and pedestrians.
- J. When pedestrians are present on the roadway or public access points, all off-road vehicles will retain to a speed limit of 15 miles per hour, until passed the pedestrians and is it at least 200 feet in front of the pedestrians.

Section 3. Operation after dark.

Operation after dark may only be on the right side of a designated snowmobile route and in the same direction as the roadway motor vehicle traffic.

Section 4. Helmets required.

No person under the age of eighteen years shall be allowed to ride, and/or operate, a snowmobile within city limits unless wearing a helmet meeting safety standards set forth by the State of Alaska.

Section 5. Prohibitions on the operation of Snowmobile within the city's boundaries.

No person shall operate an off-road vehicle in the city's boundaries under the following circumstances:

- A. On any public park, pathway, or pedestrian walkway, sidewalk, public school ground or playground, including but not limited to baseball fields or other recreational areas maintained for public use, without the express permission to do so by the proper authority;
- B. On posted property without the permission of consent of the owner, leaseholder, or person lawfully in charge of the property. Permission of consent to operate an off-road vehicle on posted property shall be in writing and carried by the operator of the snowmobile;
- C. All Snowmobile will retain to a speed of 15 miles per hour at all times during all community events or functions within the community of Nulato.

Section 6. Violation—Penalties.

A person who violates this chapter is guilty of an infraction and subject to a fine as set forth in Section 6.5.02

Chapter 6.8
OFF-ROAD VEHICLES

Sections:

1. Definitions
2. Operation of off-road vehicles
3. Prohibitions on the operation of off-road vehicles within the city's boundaries.
4. Age
5. Helmets required
6. Headlights
7. Parental Responsibilities
8. Violation-Penalties

Section 1. Definitions

“Off-road vehicle” means a motorized wheeled vehicle that is primarily designed for off-road use and that is not equipped, registered, or licensed for use on the street under current Alaska Statutes.

“Operate” means to control the operation of an off-road vehicle.

“Posted property” means property on which the owner gives notice that trespass is forbidden by posting in a reasonably conspicuous manner under the circumstances so as to allow a person approaching the property to recognize that trespassing is prohibited.

“Roadway” means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for vehicular travel, including, but not limited to, all city streets and alleys and any shoulder immediately adjacent to the area where automobiles and trucks travel.

“Pedestrians” Are members of the community of Nulato that includes; adults, elders, children, and out-of-town visitors.

Section 2. Operation of off-road vehicle.

Off-road vehicles are allowed on roadways with the following provisions:

- a. Operators must yield the right-of-way to all vehicles and pedestrians.
- b. Off-road vehicles within the right-of-way of a state roadway shall travel no faster than twenty miles per hour.
- c. Off-road vehicles shall be maintained to ensure the proper operation of all safety equipment, including brakes, tires, headlights, and other such equipment as originally installed by the manufacturer, and such equipment will be utilized when operating under this chapter.
- d. Off-road vehicles may be operated within the right-of-way of a roadway as long as the operation is not on the roadway or shoulder, and no closer than three feet from the nearest edge of the roadway.

- e. Night driving may be only on the right-hand side of the roadway and in the same direction as the roadway motor vehicle traffic in the nearest lane of the roadway.
- f. When crossing a roadway if:
 - i. The crossing is made approximately at a right angle to the roadway and at a location where visibility along the roadway in both directions is clear for a sufficient distance to assure safety, and the crossing can be completed safely and without interfering with other traffic on the roadway; and
 - ii. The vehicle is brought to a complete stop before crossing the shoulder or roadway, and the driver yields the right-of-way to all traffic on the roadway.
- g. When traversing a bridge or culvert on a highway, but then only by driving at the extreme right-hand edge of the bridge or culvert and only when the traverse can be completed with safety and without interfering with other traffic on the highway.
- h. Operators must yield the right-of-way to all vehicles and pedestrians.
- i. When pedestrians are present on the roadway or public access points, all off-road vehicles will retain to a speed limit of 15 miles per hour, until passed the pedestrians and is it at least 200 feet in front of the pedestrians.

Section 3. Prohibitions on the operation of off-road vehicles within the city's boundaries.

No person shall operate an off-road vehicle in the city's boundaries under the following circumstances:

- A. On any public park, pathway, or pedestrian walkway, sidewalk, public school ground or playground, including but not limited to baseball fields or other recreational areas maintained for public use, without the express permission to do so by the proper authority;
- B. On posted property without the permission of consent of the owner, leaseholder, or person lawfully in charge of the property. Permission of consent to operate an off-road vehicle on posted property shall be in writing and carried by the operator of the off-road vehicle;
- C. All off-roads vehicles will retain to a speed of 15 miles per hour at all times during all community events or functions within the community of Nulato.

Section 4. Age.

No person under the age of fourteen and in possession of a valid Alaska instructional permit shall be permitted to operate an off-road vehicle unless they are under the direct supervision of a parent or guardian.

Section 5. Helmets required.

No person under the age of eighteen years shall be allowed to ride, and/or operate, an ATV within city limits unless wearing a helmet meeting safety standards set forth by the state.

Section 6. Headlights.

No person shall operate an off-road vehicle without use of headlights consistent with the headlight requirements for motor vehicles required by the Alaska Statutes.

Section 7. Parental responsibilities.

No parent or guardian of a person under eighteen shall knowingly allow a violation of this chapter to occur or fail to take reasonable precautions to prevent any violation of this chapter.

Section 8. Violation—Penalties.

A person who violates this chapter is guilty of an infraction and subject to a fine as set forth in Section 6.5.02

- D. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

(Ord.15-02, August 2015)

TITLE VII.
HEALTH AND SAFETY

CHAPTERS:

- 7.1 Public Accommodations and Facilities.
- 7.2 Unfit Dwellings
- 7.3 Fireworks
- 7.4 Dog Control
- 7.5 Alcohol Beverages
- 7.6 Garbage and Solid Waste Services
- 7.7 Curfew
- 7.8 Prohibition of Smokehouses
- 7.9 Water and Sewer
- 7.10 Repealed

CHAPTER 7.1

PUBLIC ACCOMODATIONS AND FACILITIES

Sections:

1. Tourist accommodations
2. Restaurants and taverns
3. Facilities and special events open to the general public
4. Health nuisances

Section 1. Tourist accommodations

The City council may institute local programs for health and sanitary control of tourist accommodations.

- A. The city council may enact ordinances for issuance and revocation of permits and additional rules and regulations.
- B. The ordinances must be consistent with the rules and regulations of the Department of Environmental Conservation.

Section 2. Restaurants and taverns

An owner of a restaurant or tavern shall provide and maintain no less than one sanitary toilet accommodation for public use.

Section 3. Facilities and special events open to general public

An owner of public facilities or sponsor of special events open to the general public shall where practicable provide and maintain at the facilities or events sanitary toilet accommodations for public use whether the facilities are permanent or temporary.

- A. No charge may be required for use of a toilet facility in any public place.

Section 4. Health nuisances

Smoking in any form may constitute a nuisance and is prohibited in specific public places and vehicles when the public place or vehicle conspicuously displays a sign reading "Smoking Prohibited by Law".

CHAPTER 7.2
UNFIT DWELLINGS

Sections:

1. Definition
2. Provisions of ordinance
3. Additional powers of city

Section 1. Definition

A dwelling is unfit for human habitation when conditions exist that is dangerous or injurious to the health, safety or morale of the community residents.

- A. The city council may adopt an ordinance that may require or cause the repair, closing or demolition or removal of the dwelling in a manner approved by the Alaska State Housing Authority.

Section 2. Provisions of Ordinance

The ordinance shall include provisions:

- A. The Alaska State Housing Authority shall exercise the powers prescribed by the ordinance.
- B. A fixed percentage of the cost of repair, alteration or improvement for the purpose of determining whether the cost is reasonable in relation to the dwelling's value.
- C. Additional standards may be included in determining the fitness of a dwelling for human habitation.
- D. The Alaska State Housing Authority or designated agent shall comply with rules and regulations governing unfit dwellings.

Section 3. Additional powers of city

The city council may by ordinance:

- A. Prescribe minimum standards for the use and occupancy of dwellings inside its boundaries.
- B. Prevent the use or occupancy of a dwelling which is injurious to the public health, safety, morals or welfare.
- C. Prescribe punishment for violations of this ordinance.

CHAPTER 7.3

FIREWORKS

Sections:

1. Sale or use
2. Public Display Permit
3. Enforcement
4. Violations-Penalty

Section 1. Sale or use

The offering for sale, exposure for sale, sale, use, or explosion of dangerous or salable fireworks within the city limits of Nulato, except as provided by Section 2, Public Display Permit, is prohibited.

Section 2. Public Display Permit

- A. The City Council may by resolution grant to an individual or organization a permit for a community fireworks display associated with a holiday or special event.
- B. The individual to whom the permit is granted, or, if the permit is granted, the person designated in the permit as the fireworks supervisor, must personally supervise the storage, handling, and display of fireworks, and shall be personally responsible for compliance with this Chapter and with the requirements of Alaska Statute 18.72 and 13AAC51.

Section 3. Enforcement

Authority is hereby granted to the Alaska State Troopers and the Nulato Village Public Safety Officer to enforce this Chapter.

Section 4. Violations-Penalty

A person who knowingly and willfully fails to comply with this Chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of one hundred dollars (\$100.00).

CHAPTER 7.4

DOG CONTROL

Sections:

1. Coverage
2. Identification tag required
3. Keeping dog confined or secured
4. Unidentifiable loose dogs
5. Keeping of pups
6. Disposal
7. Warning
8. Rabid dogs
9. Prohibitions

Section 1. Coverage

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

Section 2. Identification tag required

The City Council ~~may~~ requires that every dog at least six months old must wear some form of an identification tag around its neck, ~~which~~ identifies the name and/or address of its owner. Owners are responsible for obtaining tags for their dogs.

If a dog is found without property identification, it will be considered an unidentifiable loose dog. If the dog is found with or without an identification tag or if the the City of Nulato Village Police Officer or Village Police Safety Officer, knows who’s dog it is. The City of Nulato, will conduct warnings and fines, as stated in Chapter 7 Section 7.

Section 3. Keeping dog confined or secured

- A. Every dog owner is responsible for keeping his or her dog which is at least four months old confined or secured such that it does not pose a threat to any person or property. “Confined” as used in this chapter shall mean tied by means of a five (5) foot steel kennel chain with swivels and snaps, affixed to a solid object; or kept in a pen; or in a household; or on a leash held by the owner or other person; or in a harness connected to a sled; or if a dog is used to being tied with a rawhide thong, or manila rope with snap, it will be considered securely tied.
- B. Any dog which is taken onto a public street, on public land, or in an area set aside for public use is considered confined or secured if it is kept on a leash or in a harness, such that it does not pose a threat to any other person or property.

Section 4. Unidentifiable loose dogs

Any loose and unidentifiable dog within the City shall be considered wild, abandoned, and ownerless and is subject to disposal as provided in Section 6 of this Chapter.

Section 5. Keeping of pups

The owner of any litter of pups that have not reached the age of four (4) months is hereby declared to be responsible for the care and confinement of such pups, and upon a complaint of failure to do so, and if any such pup less than four (4) months of ages should destroy, and have caused to suffer a loss of material or food, the owner of such pup or pups shall be liable for repayment or replacement of the destroyed property either in cash or by similar item of equal value.

Section 6. Disposal

Unclaimed dogs shall be disposed of in a humane manner according to written procedures adopted by the council. Any loose and unidentifiable dog is subject to immediate disposal by the individual authorized by the Council to dispose of animals according to written procedures. Nothing in this Chapter shall prevent emergency destruction of a dog when necessary to protect life or property.

Section 7. Warning & Fines

Every possible effort shall be made to notify the owner of a loose animal prior to disposal.

Any tags and collars of the disposed animal shall be returned to owner.

The City of Nulato Loose Dogs warning-warning fines:

1. \$15.00 -1ST OFFENSE

2. \$30.00- 2ND OFFENSE

3. \$45.00- 3RD OFFENSE

4. There is no fourth warning. All dogs after the fourth warning will be considered an unidentified loose dog. The owner will be contacted and if the dog is not claimed within a 30 minutes time frame the Village Police Officer and Village Police Safety Officer will properly dispose of the dog according to Chapter 7 Section 6.

All fines will be made payable to the City of Nulato and all unpaid fines will be subject to Cornerstone Collection.

Section 8. Rabid dogs

Any dog which is reasonably believed to have rabies, or which has been bitten by an animal suspected of having rabies, or which is reasonably believed to have bitten someone, or which has bitten someone shall be quarantined away from other animals and people for two weeks. If the dog shows signs of rabies during this period, this shall be reported to the Village Public Safety Officer, Village Police Officer, city health aide, a veterinary hospital, or other hospital. If the dog does not show signs of rabies, it shall be dealt with as provided in this chapter.

Section 9. Prohibitions

- A. It is prohibited to have more than three (3) dogs per home in the New Town Site. This is to include any combination of outside or inside dogs.
- B. Fines. Any person(s) having more than three (3) dogs per home in the New Town Site will be fined \$200.00 paid to the “City of Nulato”. If not paid in a timely manner, accounts will be turned over to collections. If owner continues to have more than three (3) dogs after initial fine they will be fined \$200.00 every month until moved.

(Ord. 08-04, October 2008) (Ord.15-03, August 2015)

CHAPTER 7.5

ALCOHOL BEVERAGES

Sections:

1. Municipal Regulation
2. Ordinances
3. Limit on Amount of Alcohol Imported
4. Conspiracy
5. Receipts
6. Exemptions
7. Penalties

Section 1. Municipal Regulation

- A. The City Council may adopt ordinances governing the barter, sale, and consumption of alcoholic beverages within the City of Nulato as necessary for the orderly conduct of selling alcoholic beverages within the city.
- B. If, as a result of a Local Option Election, held in accordance with Alaska Laws, Federal Voting Rights Act, and Alcohol Beverage Control Board regulations, the A.B.C.B. is prohibited from issuing, renewing, or transferring a license between holders or locations or if the importation of alcoholic beverages is prohibited in the City of Nulato, the City Council may adopt an ordinance making the sale or importation of alcoholic beverages a misdemeanor.
- C. The City Council may not impose taxes on alcoholic beverage except:
 - (1) Property taxes on alcoholic beverage inventories;
 - (2) Sales taxes on alcoholic beverage sales.

Section 2. Ordinances

Ordinances adopted under Section 1 may not be inconsistent with State Laws or regulations adopted under the State Laws.

Section 3. Limit on Amount of Alcohol Imported

It shall be unlawful for any person(s) or organization, except City of Nulato, to import more than 2 quarts of whiskey or other hard liquor, 2 gallons of wine and 2 cases of beer, by any form of transportation into the municipal boundaries of the City of Nulato within a one-week period.

Section 4. Conspiracy

It shall be unlawful for any person(s) or organization to conspire to circumvent these laws on limiting the importation of alcohol by taking along any person(s) for the purpose of increasing the amount of alcohol imported by that person or organization within a one week period.

Section 5. Receipts

If requested by any member of the Nulato City Council, by the VPSO/VPO or by any duly authorized agent thereof, any person(s) or organization arriving within municipal boundaries with alcoholic beverages, or suspected of possessing must show sale receipt to include:

- a. purchaser's name and address;
- b. date and quantity of purchase.

Section 6. Exemptions

Exemptions can be granted only by written notice from the City of Nulato. Such notice must include:

- a. The name of any person or organization and any authorized agent thereof for whom the exemption is being granted;
- b. The specified date and occasion for which the exemption is granted;
- c. The specific quantity of alcohol to be imported under the exemption.

Any such exemption shall be invalid after the specified date and approved on the exemption notice.

Section 7. Penalties

Violation of Sections 3, 4, 5, or 6 will result in confiscation and destruction of all alcohol imported.

(Ord. 07-02 December 2007; prior Ord. 95-01)

Code Chapter 7.6

GARBAGE AND SOLID WASTE SERVICES

Sections:

1. Municipal Regulations
2. Definitions
3. Proper Disposal of Garbage
4. Fines
5. Appeals

Section 1. Municipal Regulations

The City Council may by ordinance:

- A. Provide for the establishment, maintenance, and operation of a system of garbage and solid waste collection and disposal for the entire City of Nulato, or portions of it.
- B. Require all persons in the City of Nulato to use the system and to dispose of their garbage and solid waste as provided in the ordinance.
- C. Award contracts for collection and disposal, or provide for the collection and disposal of garbage and solid waste by City officials and employees.
- D. Pay for garbage and solid waste collection and disposal from available money.
- E. Require property owners or occupants of premises to use garbage and solid waste collection and disposal.
- F. Fix Charges against the property owners or occupants of premises for the collection and disposal.
- G. Provide penalties for violations of the above ordinance(s).

Section 2. Definitions

- A. "Waste products" consists of all household trash, trash from businesses and the health clinic, household hazardous waste products, food containers, Styrofoam products, waste building materials, and packaging material.
- B. "Hazardous waste" is any unused hazardous substance that may cause an increase in serious irreversible illness or pose a potential hazard to human health or the environment when improperly disposed of, especially when burned.

- C. “Dioxin” is a toxic chemical compound that is found in many household products. When waste products are burned at low temperatures dioxin is formed and dispersed into the air; it is one of the most hazardous environmental pollutants to breathe and can potentially cause cancer.
- D. “Particulate matter (PM10 and below)” are airborne particles in smoke that can be breathed into lungs and cause respiratory diseases including asthma, bronchitis, emphysema and cancer.

Section 3. Proper Disposal of Garbage

The City of Nulato residents are required to place their garbage in the garbage disposal building. The City Landfill Technician is authorized to burn trash in the burn unit, gather trash and keep it from spreading inside and outside the landfill area.

- A. It shall be unlawful to burn household waste in personal burn barrels on private property.
- B. It shall be unlawful for any person to burn hazardous waste.
- C. It shall be unlawful for unattended open burning at the landfill due to fire hazards.
- D. It shall be unlawful for any business to use plastic bags for customer purchases; paper or reusable cloth bags are encouraged.

Section 4. Fines

- A. Residents who do not abide by the rules of this chapter will be fined:
 - 1. 1st Offense - \$25.00
 - 2. 2nd Offense - \$50.00
 - 3. 3rd Offense - \$100.00, each offense after the 3rd one will be charged \$100.00 each time.
- B. Business’s who don’t abide by the rules of this chapter will be fined:
 - 1. 1st Offense - \$75.00
 - 2. 2nd Offense - \$100.00
 - 3. 3rd Offense - \$150.00, each offense after the 3rd one will be charged \$150.00 each time.
- C. Fines will be payable to the “City of Nulato”. Fines that are not paid in a timely manner will be turned over to the collections.

Section 5. Appeals

A person aggrieved by the application or interpretation of any provision of this chapter shall present their complaint in writing to the City Council no later than 30 days after the grievant knew, or should have known, of this complaint. The City Council shall investigate the matter and respond in writing to the grievant within 30 days. The City Council may either deliver or mail the response to the grievant. If mailed, the response shall be sent to the grievant by certified mail, return receipt requested, at the address contained in the grievance.

(Amended Ordinance 15-01, April 14, 2015; Ordinance 14-04, October 8, 2014)

CHAPTER 7.7

CURFEW

Sections:

1. Curfew hours
2. Fines for violation of curfew
3. Parents responsible

Section 1. Curfew hours

- A. All children under the age of 16 must be off the streets and in their homes unless accompanied by a parent or guardian at: 9:00 p.m. Sunday –Thursday, or 11:00 p.m. Friday, Saturday, Holidays and summer months.
- B. All children 16 to 18 years old; or until graduated from high school must be off the streets and in their homes unless accompanied by a parent or guardian at: 11:00 p.m. Sunday –Thursday or 1:00 a.m. Friday, Saturday, Holidays and summer months.
- C. Exemptions to the curfew hours are: 1. The minor is accompanied by a guardian or other designee. 2. The minor is returning home by a direct route from and within 30 minutes of the termination of a school activity, religious activity, work or an athletic event.

Section 2. Fines for violation of curfew

- A. First offense-\$25.00
Second offense-\$50.00
Third offense-\$75.00
Each offense occurring after the third will result in a \$100.00 fine.
- B. All fines will be charged to the parent or guardian and payable to the City of Nulato. All fines must be paid within 10 business days or the City may choose to send your account to collections and/or discontinue any or all city services for nonpayment.

Section 3. Parents responsible

All parents and/or guardian are responsible to make sure their children are home and not violating curfew.

(Ord. 09-02, August 2009)

CHAPTER 7.8

PROHIBITION OF SMOKEHOUSES

Sections:

1. Smokehouses prohibited in the New Town Site
- 2 Fines

Section 1 Smokehouses prohibited in the New Town Site

In order to keep bears or any other wildlife away from homes, all smokehouses used for fish or any other meat or food source will be prohibited in the New Town Site.

Section 2 Fines

Any person(s) caught using a smokehouse for fish or any other meat or food source will be fined \$200.00 as allowed under AS 29.35.010(7). Fines will be payable to the "City of Nulato". Fines that are not paid in a timely manner will be turned over to collections. If after initial fine a smokehouse continues to be used, the homeowner will be fined \$200.00 a month until the resident(s) complies with ordinance.

(Ord. 08-03, October 2008)

CHAPTER 7.9

WATER & SEWER SYSTEM

Sections:

1. Purpose.
2. Prohibited acts.
3. Connection to city water and sewer system.
4. Establishing standards.
5. Standards for plumbing.
6. Permits for construction of individual water and sewer systems.
7. Maintenance required.
8. Authorized inspection.
9. City Utility Commission.
10. Utility rates.
11. Termination of service.
12. Penalties.

Section 1. Purpose.

The purpose of this chapter is to regulate the operation and utilization of the community water and sewer and waste disposal facilities; to provide for the collection of user charges; and to protect the public health.

Section 2. Prohibited acts.

- A. It shall be unlawful for any person or company to construct, maintain, or utilize a source of water supply in the new town site other than the City water system for drinking and sanitary purposes at any building located within 200 feet of the City water system.
- B. It shall be unlawful for any person to construct, alter, or extend an individual water system except by permission of the City.
- C. It shall be unlawful for any person to construct, maintain, or operate an unconnected water system within the city limits without the written permission of the City Council.
- D. It shall be unlawful for any person to dispose of sewage, liquid waste, or human excrement within the city limits by any method from any building within 100 feet of the utility system other than through the utilization of the City sewage disposal system.

- E. It shall be unlawful for any person to operate or maintain an individual sewage disposal system, unless it is constructed and maintained in a fashion that does not contaminate any source of drinking, public, or domestic water supply. Any individual sewage disposal system must be approved by the City of Nulato.
- F. It shall be unlawful for any person to construct, alter, or extend an individual sewage disposal system except by permission of the City.
- G. It shall be unlawful for any person to discharge sewage, garbage, or other domestic waste, other than wash water, on ground surface within the city limits except at specified locations.
- H. It shall be unlawful for any person using the City water and sewage system to fail to protect their individual systems from the cold weather. All users shall protect their individual systems from freezing by inspecting and repairing the insulation of the water and sewer pipes. Heat tape or draining the interior plumbing are acceptable methods when the residence is not occupied.

Section 3. Connection to city water and sewer system.

A Making of connections:

- (1) All connections to the city water and sewage systems upon completion of the water/sewer project shall be made at the expense of the user. Rates of the connection and all appropriate regulations governing connection, including the use of self-help, shall be declared by resolution of the Council.
- (2) All individual water service and sewer connections including repairs, modifications, or disconnections shall be made only under the terms and conditions as set forth by the regulations of the State of Alaska as adopted by the City, applicable Alaska State Plumbing Code, and any other regulations as the City may make.

B. Each application for water and/or sewage service connection shall be in writing and shall include the following:

- (1) Legal name and address of applicant;
- (2) description of the property and building for which the water service and/or sewage service is requested;
- (3) such additional information as the City may require to demonstrate that the proposed connection complies with this chapter.

C. Approval of Application: Appeal.

- (1) If the City is satisfied that the application and the proposed connection complies with this chapter and applicable regulations relating to the water

and sewer systems, it shall approve the application for, and provide for, the connection.

- (2) Any person whose application for connection has been denied or conditionally approved may appeal to the City Council at its next regularly scheduled meeting.

- D. Installation of service lines: All consumer lines to the point of connection to the city water and sewer lines shall be installed by the user, at his own expense, and remain his responsibility for maintenance and repair.

Section 4. Establishing standards.

The City may issue regulations establishing standards for the installation of domestic fixtures to be served by the city water and sewage systems, water and sewer lines, and all related appurtenances as needed to ensure the safe utilization of the city water and sewer systems. All uses must conform to the regulations of the State of Alaska and to any regulation as may be adopted by the City.

Section 5. Standards for plumbing.

All plumbing work shall comply with applicable regulations and standards of the State of Alaska and any other regulations issued by the City.

Section 6. Permits for construction of individual water and sewer systems.

- A. An application for a permit for the construction, alteration, or extension of an individual water system or sewage disposal system shall be made in writing to the City and shall include the following:
 - (1) Legal name and address of applicant;
 - (2) description of the property on which the construction, alteration, or extension is proposed;
 - (3) a sketch of the proposed disposal facility and any other information the City considers necessary to demonstrate that the proposed facility will comply with this chapter and the standards of the State of Alaska.
- B. Approval of Permit; Appeal
 - (1) If the City is satisfied that the proposed facility will comply with this chapter and with state regulations, it shall approve the application and issue a permit for the work.

- (2) Any person whose application for a permit has been denied may appeal to the City Council at its next regular meeting.

Section 7. Maintenance required.

Each resident connected or unconnected to the City water or sewage system shall maintain his individual water and waste facilities in good repair at his own expense. The connected resident's responsibility for water and sewer facilities shall begin at the point of connection to the city's water and sewer facilities and shall include all facilities from that point through the building. Unconnected residents shall have complete responsibility for their own system.

Section 8. Authorized inspection.

The City through its designated representative or representatives is authorized to make inspections at reasonable times during the daylight hours to determine satisfactory compliance with this chapter and regulations issued by the Council. Consumers by virtue of applying for connection to the city water and sewer system or for permits to construct individual water and sewer systems are considered to have knowledge of the provisions of this chapter and to have authorized such inspections.

Section 9. City Utility Commission.

- A. There shall be a City Utility Commission. The Commission shall have the authority to administer this chapter; to establish and regulate monthly service rates; and to issue regulations and procedures consistent with this chapter.
- B. The City Council shall have the authority to overrule, by resolution, any regulation, provision or provisions of regulation, procedure, or service rate proposed by the Commission when it considers such action to be contrary to public good. Such proposed action of the Commission shall be null and void when the resolution is delivered to the Commission by the City Clerk
- C. The City Utility Commission shall consist of three members who shall be nominated by and approved by the City Council. The Utility Operator shall also serve as the fourth Commission member. Commission members serve at the pleasure of the Council. The remuneration of the Commission shall be set by the Council by resolution. The City Treasurer shall be the City Utility Commission Treasurer.
- D. All monies collected for water, sewer and solid waste utilities shall be used strictly for administration, maintenance, repair, extension, capital improvement, and operation of those systems.
- E. All monies collected for water, sewage, and solid waste shall be set up in such a way as to be easily tracked by the City Treasurer and any disbursement must be

approved by the city council through the budget. A separate accounting shall be kept of these monies.

Section 10. Utility rates.

- A. The following rates shall be in force until amended by the City Utility Commission: and approved by resolution of the City Council.
 - 1. Residential customers.. \$110.00 per month
 - 2. Commercial customers: To be negotiated separately but not less than \$115.00 per month

- B. Customers who wish to prepay six months of service in advance shall be charged the following rates:
 - 1. Residential customers: \$550 for 6 months
 - 2. Commercial customers: Are not eligible for prepayment rates

- C. There shall be a reconnect fee of \$20.00.

- D. The City Clerk or designee shall deliver or cause to be delivered monthly bills to each customer on the first business day of each month.

- E. Monthly service bills shall be paid to the City of Nulato.

Section 11. Termination of service.

- A. The City Utility Commission may disconnect service of any customer who refuses to allow inspection under Section 8 of this chapter.

- B. The City Utility Commission may disconnect service of any customer when it has reason to believe that the service meter of that customer is being tampered with.

- C. The City Utility Commission may disconnect service of any customer when defective fixtures or misuse of sewage facilities may affect the safe and proper operation of the city water or sewer system or when there is a willful waste of water.

- D. The City Utility Commission may disconnect service to any customer who refuses to pay in full their service bill as described in Section 10(E) of this Chapter. The disconnection shall occur in the following manner:
 - (1) Thirty days (30) after delivery of bill, the City Clerk shall give written notice, in the form shown by Attachment A of this Chapter, to the customer of the Commission's decision to disconnect service. The notice shall include the amount the customer owes and the expected date of disconnection.

- (2) Sixty days (60) after delivery of bill, the City Clerk shall give a written final notice, in the form shown by Attachment B of this Chapter, to the customer that the Utility Operator or designee has been instructed by the Commission to disconnect service at 12:00 noon of the day of notice. The City Clerk shall also give the customer a notice, in a form shown by Attachment C of this Chapter, which describes the procedures for reconnection.
- E. Prior to disconnection of service, the customer may appeal to the City Council for delay of disconnection in order to correct the violation; or to make arrangements to pay the outstanding bill in installments.
- F. If the City Council determines that the customer is unable to pay their service bill because of financial hardship; the Council may delay disconnection of service for a period not to exceed six (6) weeks from the date of final notice.
- G. The City Council is authorized to use legal means to enforce provisions of this chapter as it relates to unpaid service bills. The City Council may use a collection agency to collect on unpaid bills.

12. Penalties.

Any person who fails to comply with the provisions of this ordinance is guilty of a misdemeanor and upon conviction may be fined not more than is allowable. Each day a violation exists is a separate violation.

Attachment A, Chapter 7.9

City of Nulato

NOTICE OF DECISION TO DISCONNECT SERVICE

Customer's name
Address

We the members of the City Utility Commission hereby find that you were provided a water and sewer service bill dated _____ with an amount of \$_____ and that you have refused to pay such service bill by not submitting payment in full.

This action constitutes a violation of Chapter 7.9 , Section 10(E) of the Code of Ordinances of the City of Nulato.

Because you have continued to refuse to pay in full the amount of your water and sewer service bill, the Commission hereby gives notice that your water and sewer service will be discontinued on _____.

You may appeal the decision of this Commission to the City Council at its next regularly scheduled meeting dated_____.

Date _____

Commission member

Commission member

Commission member

ATTEST: _____
City Clerk

Attachment B, Chapter 7.9

CITY UTILITY COMMISSION
City of Nulato

FINAL NOTICE

Customer's name

Address

The City Utility Commission hereby gives notice to the Utility Operator or designee to disconnect your water and sewer service. This notice is required by Chapter 7.9, Section 11(D)(2) of the Code of Ordinances of the City of Nulato.

The disconnection will occur at 12:00 noon on _____.

This disconnection is a result of a violation of Chapter 7.9 , Section 10(E) of the Code of Ordinances of City of Nulato.

You were notified by this Commission of its intention to disconnect your water and sewer service on _____. Since that notice, you have made no effort to pay in full your obligation to this City.

Date _____

Commission member

Commission member

Commission member

ATTEST: _____

City Clerk

Attachment C, Chapter 7.9

CITY UTILITY COMMISSION
City of Nulato

PROCEDURES FOR RECONNECTION

Customer's name
Address

Under Chapter 7.9, Section 11(D)(2) of the Code of Ordinances of the City of Nulato, your water and sewer service shall be resumed when you have performed the following:

1. Paid in full your outstanding service bill in the amount of \$_____.
2. Paid a reconnect fee in the amount of \$50.00.
3. Re-applied for water and sewer service by submitting a complete application.

Your water and sewer service will be reconnected ONLY after you have performed these procedures.

Date _____

Mayor, City of Nulato

ATTEST: _____
City Clerk

INDIVIDUAL HOMEOWNER AGREEMENT
CITY OF NULATO

for

Water & Sewer Service Connection, Circulation Pump, Water Heater & Plumbing
Fixtures

Owner's Name _____ Lot ___ Block ___ New townsite

I own this home

UNDERSTANDING OF IMPROVEMENTS AND PERMISSION TO ENTER

I have reviewed and understand the proposed sanitation improvements described below and as shown on the reverse side and hereby request and give my permission for employees and/or contractors of the City of Nulato to enter these premises to construct and install the following:

(see drawing on back)

I understand and agree that I will pay an initial deposit of \$330.00 to the City of Nulato for the first three months of operation.

I understand and agree that I will pay a user fee of \$110.00 per month to the City of Nulato.

I understand that I will own the water and sewer service connection, circulation pump, water heater and plumbing fixtures that it will be my responsibility to operate, maintain and pay for repairs to these improvements and that I will follow the Rules and Regulations of the City of Nulato Water Utility.

Date

Signature of Property Owner

ACCEPTANCE AND UNDERSTANDING OF OWNERSHIP

It is hereby certified that the described sanitation improvements have been installed as agreed upon, have been jointly inspected and accepted and are in good operating condition. It is further certified that the improvements now belong to the property owner who agrees to operate, maintain and repair these facilities at his/her expense, and to begin paying and keep current the monthly user fee.

Date

Signature of Construction Representative

Date

Signature of City Representative

Date

Signature of Property Owner

CHAPTER 7.10

REPEALED BANISHMENT OF PLASTIC BAGS

(Ordinance 15-01, Ordinance 11-01, May 2011)