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Title 1

GENERAL PROVISIONS

Chapters:

1.01 Code Adoption
1.04 General Provisions
1.08 Form of Government
1.12 Elections
1.16 General Penalty

Chapter 1.01

CODE ADOPTION

(Reserved)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010 Definitions.
1.04.020 Interpretation of language.
1.04.030 Grammatical interpretation.
1.04.040 Acts by agents.
1.04.050 Prohibited acts include causing and permitting.
1.04.060 Computation of time.
1.04.070 Construction.
1.04.080 Repeal shall not revive any ordinances.
1.04.090 Use of seal.

1.04.010 Definitions

The following words and phrases, whenever used in the ordinances of the city of Togiak, Alaska, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

"City" means the city of Togiak, Alaska, or the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

"Council" means the city council of the city of Togiak, Alaska. "All its members" or "all councilmembers" means the total number of councilmembers holding office.

"Law" denotes applicable federal law, the Constitution and statutes of the state of Alaska, the ordinances of the city, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

"May" is permissive.

"Month" means a calendar month. "Must" and "shall" are each mandatory.

"Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words “affirm" and “affirmed."

"Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

"Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

"Personal property" includes money, goods, chattels, things in action and evidences of debt.

"Preceding" and "following" means the next before and next after, respectively.

"Property" includes real and personal property.

"Real property" includes lands, tenements and hereditaments.

"Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

"State" means the state of Alaska.

"Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

"Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

"Year" means a calendar year. (Ord. 95-12 § 1, 1996)

1.04.020 Interpretation of language.

All words and phrases shall be construed 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 under- stood according to such peculiar and appropriate meaning. (Ord. 95-12 § 2, 1996)

1.04.030 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 95-12 § 3, 1996)

1.04.040 Acts by agents.

When an act is required by an ordinance, the same being such that it may be

done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 95-12 § 4, 1996)

1.04.050 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 95-12 § 5, 1996)

1.04.060 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 95-12 § 6, 1996)

1.04.070 Construction.

The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 95-12 § 7, 1996)

1.04.080 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 95-12 § 8, 1996)

1.04.090 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. (Prior code Ch. 1.4 § 5)

Chapter 1.08

FORM OF GOVERNMENT

Sections:

1.08.010 Form of government.

1.08.010 Form of government.

A. The city 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. (Prior code Ch. 1.4 § 1)

Chapter 1.12

ELECTIONS

Sections:

1.12.010 Administration.
1.12.020 Voter qualifications.
1.12.030 General elections.
1.12.040 Special elections.
1.12.050 Forty percent of the votes cast required.
1.12.060 Runoff elections.
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1.12.210 Ballots.
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1.12.230 Voting procedures.
1.12.240 Certifying the election.

1.12.010 Administration.

The city clerk is the supervisor of elections and shall establish written regulations upon council approval for all procedures necessary to carry out the general rules in this chapter. (Prior code Ch. 5.1 § 1)

1.12.020 Voter qualifications.

A qualified city voter is:

A. United States citizen;

B. A resident of the city at least thirty (30) days before election day;

C. Registered to vote in state elections at least thirty (30) days before election day; and

D. Shall not have been disqualified to vote because of previous conviction for a felony; a serious crime. (Prior code Ch. 5.1 § 2)

1.12.030 General elections.

The election for councilmembers or other elected officials shall be held on the first Tuesday of October. Questions may be placed on the ballot at this time. Notice must be posted in three public places for twenty (20) days before the election. (Prior code Ch. 5.1 § 3)

1.12.040 Special elections.

The city council can pass a resolution to hold special elections on a date different than the regular elections. Notice shall be posted in three public places at least twenty (20) days before the election. (Prior code Ch. 5.1 § 4)

1.12.050 Forty percent of the votes cast required.

A candidate must receive greater than forty (40) percent of the votes cast for his or her respective office in order to win the election. (Prior code Ch. 5.1 § 5)

1.12.060 Runoff elections.

If no candidate receives greater than forty (40) percent of the votes cast, the council shall hold a runoff election between the two candidates receiving the greatest number of votes for the office and the leading candidate wins. Runoff election must be held within two weeks from the date the council certifies the election. Notice shall be posted in three public places for five days before the election. (Prior code Ch. 5.1 § 6)

1.12.070 Tie votes.

In the event of a tie vote the council shall in its first meeting call the candidates receiving the tie votes and have the candidates draw a lot to determine the winner of the council seat. (Prior code Ch. 5.1 § 7)

1.12.080 Nominations.

A qualified city voter may be nominated for city office no sooner than thirty (30) days and no later than ten (10) days before the election as follows:

A. By filing a declaration of candidacy under oath on a form provided by the city clerk;

B. By petition of ten (10) resident voters on a form provided by the city clerk. (Prior code Ch. 5.1 § 8)

1.12.090 Election judges.

The council shall each year choose three city voters as judges to be the election board at the polling place and select one of the judges to chair the board. The judge shall sign and file an oath with the city clerk on or before election day. If a judge is unable to work during election day, the remaining judges shall choose a qualified voter to fill the vacancy. (Prior code Ch. 5.1 § 9)

1.12.100 Place and time for opening and closing the polls.

The elections will be held at city office and the polls will be open from eight a.m. until eight p.m. (Prior code Ch. 5.1 § 10)

1.12.110 Prohibitions near the polls.

During the hours the polls are open no person who is in the polling place or within one hundred (100) feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate or question on the ballot. (Prior code Ch. 5.1 § 11)

1.12.120 Questioned ballots.

If a voters name is not on the master voter registration list or there is some other question regarding the voter's eligibility and the voter believes that he or she is registered to vote, then the voter shall sign an oath and affidavit of eligibility and cast a questioned ballot. (Prior code Ch. 5.1 § 12)

1.12.130 Defective ballots.

If there are any ballots that are not clearly marked and the judge cannot deter- mine who the voter intended to vote for, they shall be placed in an envelope marked defective ballot. (Prior code Ch. 5.1 § 13)

1.12.140 Report of election results.

Immediately after the polls close and the last ballot has been cast, the election

board judges will tally the ballots in the presence of anyone who wishes and prepare a report of election results which shall be signed by each judge, attached to the tally sheets and submitted to the city clerk along with all other election materials. The clerk shall post the election results the morning after the election in three public places. (Prior code Ch. 5.1 § 14)

1.12.150 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. (Prior code Ch. 5.1 § 15)

1.12.160 Certifying the election.

A council meeting shall be held seven days after the election at which time the city clerk shall present the report of election results plus all questioned ballots, defective ballots and absentee ballots arriving after election day. A final count shall be made by the council and a certificate of election shall be issued and a copy provided to each newly elected official. (Prior code Ch. 5.1 § 16)

1.12.170 Contesting the election.

Any qualified city voter who wishes to contest the election may do so in writing at the council meeting prior to the issuance of the certificate of election. The name of the voter contesting the election, the reason for the contest and the council's decision shall be entered into the minutes of the meeting. The council may order an investigation or a recount of the ballots or declare the election invalid and order a new election. Any city voter who demands a recount if it does not change the election results. (Prior code Ch. 5.1 § 17)

1.12.180 Election materials.

The city clerk shall retain all election materials in the permanent city files. (Prior code Ch. 5.1 § 18)

1.12.190 Declaration of candidacy.

A. Declaration of candidacy forms shall be prepared by the clerk at least thirty (30) days before the election. The declaration shall have spaces for the following: the candidate's full name; the office for which he or she 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. (Prior code Ch. 5.2 § 1)

1.12.200 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, special or runoff;
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 a ballot.

B. Notices for a general election must be posted for thirty (30) days prior to the election; for special elections, twenty (20) days' notice is required; for runoffs, five days. (Prior code Ch. 5.2 § 2)

1.12.210 Ballots.

The clerk shall be responsible for typing or printing ballots ten (10) days before the date set for a general or special election. Ballots must be prepared three days prior to a runoff election. There shall be at least three ballots with "SAMPLE" printed on them to be posted in the clerk's office until election day and then given to the judges at each polling place. The form for ballots is as follows:

A. Printed on plain white paper, stating at the top whether it is a general, special or runoff election;

B. Instructions on how to mark the ballots;

C. The list of candidates and the offices they are running for;

D. Lines for write-in candidates (except in runoff elections);

E. A blank, box, or square for marking a vote next to each name or blank line for write-in candidates; and

F. The questions or propositions to be voted on, if any. (Prior code Ch. 5.2 § 3)

1.12.220 Election day preparations.

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, blank register for the voters to sign their names in,

tally sheets, a form for the report of election results, 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 thirty (30) minutes before the opening of the polls. Before the first ballot is cast, the judges will inspect the ballot box to make sure it is empty and then seal or lock it until after the final ballot is cast. (Prior code Ch. 5.2 § 4)

1.12.230 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 voters 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 listed 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. (Prior code Ch. 5.2 § 5)

1.12.240 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 at the meeting.

B. At the council meeting held the Monday 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. Councilmembers shall examine any defective ballots to see if they can determine for whom the voter intended to vote.

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. (Prior code Ch. 5.2 § 6)

Chapter 1.16

GENERAL PENALTY

Sections:

1.16.010 Penalty.
1.16.020 Violations of Alaska state law.

1.16.010 Penalty.

Every act prohibited by ordinance of this city is unlawful. Every person convicted of a violation of this code shall be punished by a fine of not more than ___ dollars or imprisonment for not more than thirty (30) days or both. (Prior code Ch. 1.1 § 5)

1.16.020 Violations of Alaska state law.

Violation of any law of the state of Alaska or any rule or regulation of any authorized agency of the state shall be a violation of the Code of Ordinances, except where the state has exclusive jurisdiction over the offense. (Prior code Ch. 1.1 § 6)

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

2.04	**City Council**
2.08	**Ordinances and Resolutions**
2.12	**Mayor**
2.14	**Administrator**
2.16	**City Clerk-Treasurer**
2.20	**City Officers and Employees Generally**
2.24	**Public Safety Department**
2.28	**Police Department**
2.32	**Fire Department**
2.36	**City Records**
2.40	**Personnel**

Chapter 2.04

CITY COUNCIL

Sections:

2.04.010 Composition.
2.04.020 Qualifications of councilmembers.
2.04.030 Residence requirements.
2.04.040 Election of councilmembers-Terms.
2.04.050 Oath of office.
2.04.060 Filling a vacancy.
2.04.070 Public meetings.
2.04.080 Regular meetings.
2.04.090 Special meetings.
2.04.100 Executive session (closed meetings).
2.04.110 Notice.
2.04.120 Mayor-Presiding officer at council meetings.
2.04.130 Meetings-Order of business.
2.04.140 Minutes.
2.04.150 Voting-Quorum.
2.04.160 Motions.

2.04.010 Composition.

The council shall consist of seven members elected by the voters at large. (Prior code Ch. 2.2 § 1)

2.04.020 Qualifications of councilmembers.

The councilmembers shall be qualified city voters. A councilmember who ceases to be eligible to be a city voter immediately forfeits his or her office. (Prior code Ch. 2.2 § 2)

2.04.030 Residence requirements.

No person is eligible to be a candidate for councilmember unless he or she has lived in the city for three years before running for office. (Prior code Ch. 2.2 § 3)

2.04.040 Election of councilmembers-Terms.

A. An election is held annually on the first Tuesday of October.

B. Council seats are designated and terms expire as follows:

1. Seat A. Three-year term, expires in 1998, then 2001, 2004, etc.
2. Seat B. Three-year term, expires in 1998, then 2001, 2004, etc.
3. Seat C. Three-year term, expires in 1997, then 2000, 2003, etc.
4. Seat D. Three-year term, expires in 1997, then 2000, 2003, etc.
5. Seat E. Three-year term, expires in 1996, then 1999, 2002, etc.
6. Seat F. Three-year term, expires in 1996, then 1999, 2002, etc.
7. Seat G. Three-year term, expires in 1996, then 1999, 2002, etc.

C. An election shall be held annually on the first Tuesday in October to choose councilmembers for staggered three-year terms and until successors are elected and have qualified, and to decide such other questions or propositions as may require a vote of the people and are placed upon the ballot. Councilmember's terms of office begin on the first Monday following certification of the election. (Ord. 95-03, 1995: prior code Ch. 2.2 § 4)

2.04.050 Oath of office.

All persons elected and appointed to the council before entering upon the duties of office shall affirm in writing and file with the city clerk the following oath: "I (NAME), do solemnly swear that I will support the Constitution of the United States and State of Alaska and the laws and ordinances of the City of Togiak, State of Alaska, and that I will honestly, faithfully and impartially perform the duties of the office of city councilmember to the best of my ability. (Prior code Ch. 2.2 § 5)

2.04.060 Filling a vacancy.

If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall appoint a person to fill the vacant seat. The person appointed serves until the next regular city election and until his or her successor qualifies. (Prior code Ch. 2.2 § 9)

2.04.070 Public meetings.

All regular city council meetings and meetings of any committees shall be public. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings. (Prior code Ch. 2.3 § 1)

2.04.080 Regular meetings.

All regular meetings of the council shall be held on the first and third week of each month at one p.m. No regular meeting shall be held from last week of June to beginning of August. (Prior code Ch. 2.3 § 2)

2.04.090 Special meetings.

Special council meetings are those which are called by the mayor or any two members of the council at a different time than the regular council meetings. Advance notice of at least Twenty-four (24) hours shall be given each councilmember of the time, place and subject matter of the meeting. (Prior code Ch. 2.3 § 3)

2.04.100 Notice.

The city clerk shall post notice of the date, time and place of any meeting in three public places at least five days before the time of the meeting. (Prior code Ch. 2.3 § 4)

2.04.110 Executive session (closed meetings).

The following subjects may be discussed by the city council in a meeting closed to the public:

A. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

B. Matter, the immediate knowledge of which, would have a very bad effect on city finances.

If the above subjects are to be discussed at a meeting, the meeting must first be held as a public meeting, and the question of closing the meeting to discuss matters of this section shall be determined by a vote of the council. No subjects may be considered at the closed meeting except those mentioned in the motion calling for it. No action may be taken at a closed meeting. (Prior code Ch. 2.3 § 5)

2.04.120 Mayor-Presiding officer at council meetings.

The mayor shall preside at all meetings of the council. If the mayor is absent or disabled, the council may appoint an acting mayor. (Prior code Title 2 (part) § 1)

2.04.130 Meetings-Order of business.

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

A. Call to order;
B. Roll call;
C. Minutes of previous meeting;
D. Reports;
E. Communications and appearance requests;
F. Hearings, ordinances and resolutions;
G. Old business;

H. New business;
I. Community participation;
J. Council comments;
K. Adjournment. (Prior code Title 2 (part) § 2)

2.04.140 Minutes.

Minutes of all regular and special meetings shall be taken and kept in a journal as public record and are to be made available to anyone on request during regular city office hours. (Prior code Title 2 (part) § 3)

2.04.150 Voting-Quorum.

Four councilmembers make up a quorum. Four "yes" votes are required to pass an ordinance, resolution or motion. The final vote on each ordinance, resolution or substantive motion (one relating directly to an important matter) is a recorded roll call vote. All councilmembers present shall vote unless the council, for special reasons, permits a member to abstain (withhold from voting). (Prior code Title 2 (part) § 4)

2.04.160 Motions.

Motions shall be used to call for a vote from the council and shall require a second. Any motion shall be written out if a councilmember demands. After a motion is seconded and stated or read, the council may vote on it, but the councilmember making the motion may withdraw it at any time before the vote if the person seconding the motion agrees. Any motion that was passed may be canceled by the vote of the majority of the council. (Prior code Title 2 (part) § 5)

Chapter 2.08

ORDINANCES AND RESOLUTIONS

Sections:

2.08.010 Acts of the council.
2.08.020 Acts required to be by ordinance.
2.08.030 Ordinance procedure.
2.08.040 Ordinance form and content.
2.08.050 Emergency ordinance.
2.08.060 Ordinances confined to single subject.
2.08.070 Ordinances-Requirements for passage.
2.08.080 Effective date of ordinance.
2.08.090 Acting by resolution.
2.08.100 Resolution procedures.
2.08.110 Resolutions-Requirement for passage.
2.08.120 Rules and regulations.
2.08.130 Codes of regulations.

2.08.010 Acts of the council.

The council shall act by ordinance or resolution. Laws of a general and permanent nature shall be in the form of an ordinance. An expression of opinion, principles, facts or questions shall be in the form of a resolution. (Prior code Ch. 1.2 § 1)

2.08.020 Acts required to be by ordinance.

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

A. Establish, change or do away with city departments;

B. Amend or repeal an existing ordinance;

C. Fix the salary of councilmembers;

D. Provide for sale of city property valued at more than twenty-five thousand dollars ($25,000.00);

E. Provide for fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;

F. Provide for levying of taxes;

G. Make appropriations and supplemental appropriations or transfer appropriations;

H. Grant, renew or extend a franchise;

I. Regulate the rate charged by public utility;

J. Approve the transfer of a power to a borough;

K. Adopt, modify or repeal the city plan, zoning and subdivision ordinances, building and housing codes, and the official map;

L. Provide for the retention or sale of tax foreclosed property;

M. Establish a procedure for the sale, lease or disposition of property;

N. Establish, maintain and operate a system of garbage and solid waste collection and disposal. (Prior code Ch. 1.2 § 2)

2.08.030 Ordinance procedure.

The following is the procedure for enacting an ordinance:

A. The ordinance is introduced in writing by the mayor or a member of the council and read at a regular or special council meeting.

B. The ordinance shall be set for public hearing by motion.

C. The proposed ordinance, along with the time and place of the public hearing, shall be posted in three public places for at least five days before the public hearing is held, door prizes can be given, or when the city official decides.

D. The public hearing may be held at a regular or special council meeting. At the public hearing, a copy of the ordinance shall be available to all persons who request one or the ordinance shall be read in full. Everyone interested shall have an opportunity to be heard.

E. After the public hearing, the council shall consider the ordinance and the opinion of the people and may then adopt it with or without amendments. (Prior code Ch. 1.2 § 3)

2.08.040 Ordinance form and content.

All ordinances enacted by the council shall be in the following form:

A. The proposed ordinance shall have a heading and a number: Ordinance No.

B. A short summary of the ordinance provisions shall be at the head of the ordinance.

C. Enacting clause shall read: Be it Enacted by the Togiak City Council as Follows.

D. The provisions of the ordinance will follow the enacting clause.

E. A place for the introduction date and public hearing date will follow the provisions.

F. The date of passage shall be noted and a place for the mayor's signature will be at the end.

G. Attestation (witnessing): the date the ordinance is passed shall be attested to by the clerk. (Prior code Ch. Ch. 1.2 § 4)

2.08.050 Emergency ordinance.

The following are the requirements and procedure to pass an emergency ordinance:

A. Every emergency ordinance must contain a statement by the council of why an emergency exists and a statement of facts about the emergency.

B. The ordinance can be passed at the same meeting it is introduced.

C. Emergency ordinances are effective for sixty (60) days. (Prior code Ch. 1.2 § 5)

2.08.060 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. (Prior code Ch. 1.2 § 6)

2.08.070 Ordinances-Requirements for passage.

A. At least four affirmative votes are required for the passage of an ordinance.

B. The final vote on an ordinance is a recorded roll call vote. (Prior code Ch. 1.2 § 7)

2.08.080 Effective date of ordinance.

An ordinance which has been approved by the city council shall be effective twenty-four (24) hours after adoption. (Prior code Ch. 1.1 § 7)

2.08.090 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 Togiak, Alaska."
2. The resolution number.
3. A short title descriptive of the resolution's subject and purpose.
4. Whereas clause 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 and every other councilmember who voted.
8. Space for the clerk's signature verifying the signatures of the mayor and other councilmembers who voted.

C. Resolutions shall not be included in the code, but shall be kept separately 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 for councilmembers. (Prior code Ch. 1.3 § 1)

2.08.100 Resolution procedures.

The following is the procedure for enacting a resolution:

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

B. After adoption, every resolution shall be posted on the city bulletin board or in other public places as the council may direct.

C. If state law requires a resolution to be submitted to city voters, then the resolution may be adopted after the results of the election are certified.

D. Every resolution shall become effective upon adoption unless a later date is specified in the resolution. (Prior code Ch. 1.3 § 2)

2.08.110 Resolutions-Requirement for passage.

A. At least four affirmative votes are required for the passage of a resolution.

B. The final vote on each resolution is a recorded roll call vote. (Prior code Ch. 1.3 § 3)

2.08.120 Rules and regulations.

Any rules or regulations made by any administrative officer or board or commission shall be posted for ten days in three public places following its approval by motion of the council. (Prior code Ch. 1.3 § 4)

2.08.130 Codes of regulations.

The council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The date or edition of the standard published code of regulations shall be included in the adopting ordinance. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of fifteen (15) days before adoption of the regulations at least five copies of the code of regulations must be made available for public inspection at a time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The council may sell the adopted code to the public. (Prior code Ch. 1.3 § 5)

CITY OF TOGIAK, ALASKA

ORDINANCE NO. _____

AN ORDINANCE

BE IT ENACTED BY THE TOGIAK CITY COUNCIL AS FOLLOWS:

SECTION 1.

SECTION 2.

SECTION 3.

DATE INTRODUCED:

DATE OF PUBLIC HEARING:

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

Mayor

ATTEST:

Clerk

CITY OF TOGIAK, ALASKA

RESOLUTION NO._____

A RESOLUTION

WHEREAS,

BE IT RESOLVED:

PASSED and APPROVED by the Togiak City Council this _____day of _____, 20 _____.

MAYOR

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

ATTEST:

CLERK

Chapter 2.12

MAYOR

Sections:

2.12.010 Mayor as executive.
2.12.020 Acting mayor.
2.12.030 Residence requirements.

2.12.010 Mayor as executive.

The mayor is elected by and from the council and is the chief executive officer of the city. He or she presides at council meetings, acts as ceremonial head of the city, and signs documents on the city's behalf with council authorization. The mayor shall:

A. Appoint city employees and administrative officers, unless specifically prohibited by law. The mayor may hire necessary administrative assistants and may authorize the administrator to appoint, suspend or remove subordinates;

B. Suspend or remove city employees, unless specifically prohibited by law;

C. Supervise enforcement of city law;

D. Prepare the annual budget and city construction program for the council;

E. Execute the budget and construction program as adopted;

F. Make monthly financial reports to the council on city finances and operations;

G. Report to the council at the end of each fiscal year on the finances and administrative activities of the city;

H. Prepare and make available for public distribution an annual report on city affairs;

I. Serve as city personnel officer unless the council authorizes the mayor to appoint a personnel officer;

J. Execute other powers and duties as specified in AS Title 29 or lawfully prescribed by the council. (Ord. 05-03 § 2, 2006: Ord. 02-04 § 2, 2002: prior code Ch. 2.1 § 2)

2.12.020 Acting mayor.

Should the office of the mayor become vacant, or if the existing mayor is disabled or unable to act, the council may appoint an acting mayor, to serve until the mayor resumes official duties, or until a new mayor is elected. (Prior code Ch. 2.1 § 2)

2.12.030 Residence requirements.

No councilmember is eligible to be a candidate for mayor unless he or she has lived in the city for three years before running for office. (Prior code Ch. 2.1 § 3)

Chapter 2.14

ADMINISTRATOR

Sections:

2.14.010 Position established.
2.14.020 Duties.

2.14.010 Position established.

The position of administrator is established by this chapter. The administrator shall be appointed by the mayor, serve at the pleasure of the mayor, be compensated at a rate determined by the mayor, and receive benefits provided for by the mayor. (Ord. 05-03 § 3, 2006: Ord. 02-04 § 3 (part), 2002)

2.14.020 Duties.

The administrator shall:

A. Assist the mayor in the day to day administration of the city;

B. Assist the mayor with personnel management and implementation of the city's personnel policies; and

C. Perform other lawful duties assigned to him or her by the mayor or the city council. (Ord. 02-04 § 3 (part), 2002)

Chapter 2.16

CITY CLERK-TREASURER

Sections:

2.16.010 Office established.
2.16.020 Duties as clerk.
2.16.030 Duties as treasurer.

2.16.010 Office established.

The office of the city clerk-treasurer is established by this chapter. The clerk-treasurer shall be appointed by the mayor and shall be paid at a rate determined by the mayor. (Ord. 05-03 § 4, 2006: prior code Ch. 2.1 § 4)

2.16.020 Duties as clerk.

The clerk-treasurer shall:

A. Keep an official copy of the Code of Ordinances and 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 and to the community;

C. Attend council meetings and keep a record of them;

D. Attest (witness) ordinances, resolutions, deeds and other documents;

E. Arrange posting of notices, ordinances and resolutions;

F. Perform the duties of city election register 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 or the council. (Prior code Ch. 2.1 § 5)

2.16.030 Duties as treasurer.

The clerk-treasurer shall:

A. Keep custody of all city funds;

B. Keep an itemized account of money received and disbursed;

C. Under direction of the mayor, compile and control the annual city budget based on careful estimates of expenses;

D. Perform other reasonable duties specified by the mayor or the council. (Prior code Ch. 2.1 § 6)

Chapter 2.20

CITY OFFICERS AND EMPLOYEES GENERALLY

Sections:

2.20.010 Conflicts of interest.
2.20.020 Discrimination prohibited.
2.20.030 Vacancies.

2.20.010 Conflicts of interest.

A councilmember or other officer or employee of the city shall be disqualified from participating in any official action in which he or she has a substantial financial interest. (Prior code Ch. 2.2 § 6)

2.20.020 Discrimination prohibited.

No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position because of sex, race, religion, color or national origin or because of political opinions or affiliations. (Prior code Ch. 2.2 § 7)

2.20.030 Vacancies.

The council shall declare an elective office vacant when the person elected:

A. Fails to qualify or take office within thirty (30) days after election or appointment;

B. Is physically absent from the city for a ninety (90) day period unless excused by council;

C. Resigns and the resignation is accepted;

D. Is physically or mentally unable to perform the duties of office;

E. Is removed from office;

F. Misses three regular meetings in a row unless excused;

G. Is convicted of a felony or of an offense involving a violation of oath of office. (Prior code Ch. 2.2 § 8)

Chapter 2.24

PUBLIC SAFETY DEPARTMENT

Sections:

2.24.010 Creation.
2.24.020 Appointment of the chief.
2.24.030 Powers, duties and responsibilities of the department.
2.24.040 Department chief.
2.24.050 Conduct of members.
2.24.060 Property, equipment and supplies.
2.24.070 Custody of stolen property.
2.24.080 Training and police certification.

2.24.010 Creation.

There shall be a public safety department for the city. The chief of the department shall be known as the chief of the department of public safety ("the chief '). (Ord. 02-04 § 4 (part), 2002)

2.24.020 Appointment of the chief.

The chief is appointed by the mayor and serves at his or her pleasure. (Ord. 02-04 § 4 (part), 2002)

2.24.030 Powers, duties and responsibilities of the department.

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

A. Law Enforcement. It is the duty of the department to apprehend, arrest and bring to justice all violators of city ordinances; to keep the peace; to serve all warrants, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as may be provided by law, and tum these violators over to the proper authorities; and in all respects to perform all law enforcement duties.

B. Fire Prevention. It is the duty of the department to supervise all activities of the Togiak volunteer fire department; extinguish fires; rescue persons endangered by fire; promote fire prevention; and enforce all ordinances pertaining to fires, fire prevention

and safety of persons threatened by fire. The department shall register with the State Fire Marshal's office as a formally constituted fire department.

C. Emergency Medical Response. The authority and duties contained in this section are only to be assumed by individuals who have successfully completed emergency medical training. It is the duty of department emergency medical technicians to under- take immediate response in traumatic accident situations; where qualified, stabilize the condition of the victim in preparation for transport; transport the victim to the nearest primary health care facility (i.e., local clinic); and resuscitate and administer first aid to persons injured in case of emergency. Departmental response to an emergency medical situation will be under the general direction of the local primary health care provider (health aide, etc.). In the absence or unavailability of any recognized primary health care provider, the chief or his or her designate will exercise that authority. The chief and the primary health aide will cooperate in devising protocol for dealing with emergency medical situations.

D. Search and Rescue. It is the duty of the department to develop and direct a search and rescue response team; direct local search and rescue operations; coordinate a local search and rescue program with the state troopers to ensure protocol, coordination and funding for local search and operations. (Ord. 02-04 § 4 (part), 2002)

2.24.040 Department chief.

The chief is the commanding officer of the department. His or her duties shall include:

A. Determine the organization of the department and provide for its staffing within available funds and under the direction of the mayor;

B. Direct the police, fire protection and emergency rescue work of the city;

C. Train and drill the members of the department including fire drills or emergency response drills if necessary;

D. Be responsible for the maintenance and care of all property used or in the custody of the department;

E. Maintain and staff the city jail or other holding facilities and be responsible for the prisoners;

F. Prepare and maintain records of all arrests, fines, search and rescue operations and responses to emergencies, and other information about the work and status of the department and make periodic written reports to the city council;

G. Provide arrangements and equipment for reporting emergency situations and for notifying all members of the department to assure prompt response to such incidents;

H. Supervise fire and public safety hazard inspections;

I. Recommend to the city council needed fire protection, emergency medical and search and rescue equipment;

J. Prepare and submit, under the direction of the mayor, a department budget for the department for consideration by the city council;

K. Communicate directly with and coordinate, where possible, department activities with those of other regulatory and enforcement agencies about matters related to department business;

L. Perform such other duties as may be required by the mayor. (Ord. 02-04 § 4 (part), 2002)

2.24.050 Conduct of members.

It shall be the duty of every member of the department to conduct himself or herself in a proper and law-abiding manner, and to avoid the use of unnecessary force in carrying out his or her duties. Each member of the department shall obey the orders and directions of the chief of police or those acting under his or her authority and command. Each member shall obey all policies, rules and regulations that have been set out by the department or the city. (Ord. 02-04 § 4 (part), 2002)

2.24.060 Property, equipment and supplies.

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

B. Under direction of the mayor, the chief shall establish rules and regulations for the storage of department property.

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

D. Subsection C of this section includes all lost, stolen, abandoned or otherwise unclaimed property which comes into possession of the department, except vehicles which are otherwise provided for by state law. (Ord. 02-04 § 4 (part), 2002)

2.24.070 Custody of stolen property.

The chief shall have custody of all lost, stolen, abandoned or otherwise unclaimed property which comes into the possession of the department, except vehicles which are otherwise provided for by state law. The department shall establish rules and regulations for the storage of unclaimed property, including schedules for charges and fees for storage which shall be effective upon adoption of the city council by resolution. (Ord. 02- 04 § 4 (part), 2002)

2.24.080 Training and police certification.

The chief shall be responsible for the training of every member of the department. If available funding and time allow, the chief shall attend instructor's training and seminars in order to provide the members of the department with up-to-date information. Eligible members of the department shall receive basic police certification with the Alaska Police Standards. (Ord. 02-04 § 4 (part), 2002)

Chapter 2.28

POLICE DEPARTMENT

Sections:

2.28.010 Creation.
2.28.020 Powers and duties.
2.28.030 Conduct of members.
2.28.040 Custody of stolen property.
2.28.050 Training and police certification.

2.28.010 Creation.

There shall be a police department for the city. The chief of police shall be the head of the department. (Ord. 96-01 § 1, 1996)

2.28.020 Powers and duties.

It is the duty of the department to apprehend, arrest and bring to justice all violators of city ordinances; to keep the peace; to serve all warrants; executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as may be provided by law, and tum these violators over to the proper authorities and; in all respects perform all duties pertaining to the office of policeman. (Ord. 96-01 § 2, 1996)

2.28.030 Conduct of members.

It shall be the duty of every member of the department to conduct himself or herself in a proper and law-abiding manner, and to avoid the use of unnecessary force in carrying out his or her duties. Each member of the department shall obey the orders and directions of the chief of police or those acting under his or her authority and command. Each member shall obey all rules and regulations that have been set out by the department. (Ord. 96-01 § 3, 1996)

2.28.040 Custody of stolen property.

A. The chief of police shall have custody of all lost, stolen, abandoned or otherwise unclaimed property which comes into the possession of the department, except vehicles which are otherwise provided for by state law.

B. Under direction of the council, and after consulting with the chief of police, the mayor shall establish rules and regulations for the storage of unclaimed property, including schedules for charges and fees for storage. (Ord. 96-01 § 4, 1996)

2.28.050 Training and police certification.

The chief of police shall be responsible for the training of every member of the department. Whenever possible the chief of police shall attend instructor's training and seminars in order to provide the members of the department with up-to-date information. The chief of police shall be responsible for making sure that all members of the department receive their basic police certification, with the Alaska Police Standards. (Ord. 96-01 § 5, 1996)

Chapter 2.32

FIRE DEPARTMENT

Sections:

2.32.010 Creation.
2.32.020 Responsibilities of chief.
2.32.030 Equipment.
2.32.040 Training.

2.32.010 Creation.

There shall be a fire department in and for the city, to be known as the Togiak volunteer fire department. It shall consist of a fire chief, and a four-man membership of volunteer firefighters as may be deemed necessary for the effective operation of the department. (Ord. 2 § 1, 1981)

2.32.020 Responsibilities of chief.

The fire chief appointed by the city council shall be responsible for the body (volunteer firefighters) and for the equipment designated to the fire department. (Ord. 2 § 2, 1981)

2.32.030 Equipment.

City-owned equipment shall be regarded as follows:

A. The fire chief shall be responsible to the city council for recommending such apparatus or other firefighting equipment, as may be required to maintain fire department efficiency.

B. No person within the city shall use any fire apparatus or equipment for any private purpose nor willfully and without proper authority make away or conceal any article used in any way by the department. (Ord. 2 § 3, 1981)

2.32.040 Training.

The fire chief shall with the volunteer firefighters train and become familiar with the department equipment, and become familiar with the use of fire hydrants located within the city, and train for the proper use of the hydrants, and the hoses which are attachable to the hydrants in case of fire. (Ord. 2 § 4, 1981)

Chapter 2.36

CITY RECORDS

Sections:

2.36.010 Document-approval.
2.36.020 Documents to be filed with the state.
2.36.030 Retention and disposal of public records.

2.36.010 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. Attest by the clerk. (Prior code Ch. 2.5 § 1)

2.36.020 Documents to be filed with the state.

The city shall file the following documents with the Department of Community and Regional Affairs:

A. Maps and descriptions of all annexed or excluded territory;

B. A copy of an audit or statement of annual income and expenditures;

C. Tax assessment and tax levy figures as requested;

D. Reports relating to long-term debt;

E. A copy of the current annual city budget;

F. 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. (Prior code Ch. 2.5 § 2)

2.36.030 Retention and 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. (Prior code Ch. 2.5 § 3)

Chapter 2.40

PERSONNEL

Sections:

2.40.010 Application of personnel policies.
2.40.020 Administration of personnel policies.

2.40.010 Application of personnel policies.

The city of Togiak personnel policies ("Personnel Policies") apply to all employees of the city, except as provided in the personnel policies and in the code. The personnel policies shall be adopted by the city council by resolution. The personnel policies may be amended from time to time as necessary by resolution of the city council. (Ord. 02-04 § 6 (part), 2002)

2.40.020 Administration of personnel policies.

In accordance with Section 2.12.010 of the code and AS 29.20, the mayor shall appoint, suspend and remove all city employees, take all other actions with respect to employees and administer the personnel policies. The mayor may delegate his or her duties under this section to the administrator. (Ord. 05-03 § 5, 2006: Ord. 02-04 § 6 (part), 2002)

Title 3

REVENUE AND FINANCE

Chapters:

3.04 Fiscal Provisions Generally
3.08 City Budget
3.12 Sales Tax
3.16 Purchasing

Chapter 3.04

FISCAL PROVISIONS GENERALLY

Sections:

3.04.010 Fiscal year.
3.04.020 Treasury.
3.04.030 Financial reports.
3.04.040 Checks.

3.04.010 Fiscal year.

The fiscal year of the city shall begin on the first day of July every year and end on the last day of June in the following calendar year. (Prior code Ch. 3.4 § 1)

3.04.020 Treasury.

The city clerk-treasurer shall be responsible for collection, custody and disbursement of all city money. (Prior code Ch. 3.4 § 2)

3.04.030 Financial reports.

The city clerk-treasurer shall provide to the city council the following reports:

A. A monthly summary of receipts and expenditures;

B. An annual statement of receipts and expenditures within thirty (30) days after the close of the fiscal year. (Prior code Ch. 3.4 § 3)

3.04.040 Checks.

All checks drawn on the treasury shall be prepared by the city treasurer and signed by two councilmembers. (Prior code Ch. 3.4 § 4)

Chapter 3.08

CITY BUDGET

Sections:

3.08.010 Scope of budget.
3.08.020 Anticipated revenues.
3.08.030 Proposed expenditure.
3.08.040 Preparation.
3.08.050 Scope.
3.08.060 Adoption of budget.
3.08.070 Budget public record.
3.08.080 Publication of notice of public hearing.
3.08.090 Public hearing on budget.
3.08.100 Further consideration of budget.
3.08.110 Adoption of budget-vote required.
3.08.120 Effective date of budget certification.

3.08.010 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. (Prior code Ch. 3.1 § 1)

3.08.020 Anticipated revenues.

Anticipated revenues shall be composed of all sources of income to the city, and itemized as to individual sources. (Prior code Ch. 3.1 § 2)

3.08.030 Proposed expenditure.

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. (Prior code Ch. 3.1 § 3)

3.08.040 Preparation.

The city clerk-treasurer shall prepare the budget under direction of the mayor. (Prior code Ch. 3.2 § 1)

3.08.050 Scope.

The budget shall be a complete financial plan for all the operations of the city showing beginning cash balances, anticipated revenues and itemized proposed expenditures. It shall include a comparative statement with the estimated expenditures and revenues of the preceding fiscal year. (Prior code Ch. 3.2 § 2)

3.08.060 Adoption of budget.

The budget shall be adopted in ordinance form by June 1st (one month before the beginning of the fiscal year) and posted in the city office. (Prior code Ch. 3.2 § 4)

3.08.070 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. (Prior code Title 3 (part) § 1)

3.08.080 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 public 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 the time and place for a public hearing. (Prior code Title 3 (part) § 2)

3.08.090 Public hearing on budget.

At the time and place so advertised, the council shall hold a public hearing on the budget as submitted, at which time all interested persons shall be given an opportunity to be heard. (Prior code Title 3 (part) § 3)

3.08.100 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. (Prior code Title: 3 (part) § 4)

3.08.110 Adoption of budget-vote required.

The budget shall be adopted by majority vote of the council by June 30th. (Prior code Title 3 (part) § 5)

3.08.120 Effective date of budget certification.

The adoption budget shall 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. (Prior code Title 3 (part) § 6)

Chapter 3.12

SALES TAX*

Sections:

3.12.010 General.
3.12.020 Tax schedule.
3.12.030 Obligation to pay.
3.12.040 Obligation to collect.
3.12.050 Exemptions.
3.12.060 Implementation.
3.12.070 Penalty for noncompliance.

*Prior ordinance history: Ords. 88-01, 91-02 and 92-05.

3.12.010 General.

The city of Togiak shall levy and collect a three percent tax on sales, rents and services provided within the city, pursuant to the provisions of AS 29.45.700(c) and AS 29.45.650 through AS 29.45.670, to be deposited in the general fund of the city and used for the police and fire departments, garbage collection and other basic services needed for the residents of Togiak including road maintenance. The ordinance codified in this chapter will go into effect thirty (30) days after approval at a special election. (Ord. 04-02 § 1, 2004: Ord. 02-02 § 1, 2002)

3.12.020 Tax schedule.

The tax to be added to the sales price, charge or rental shall be in accordance with the following schedule.

Price	Tax
$0.01-0.24	$0.00
0.25-0.74	0.015
0.75-1.00	0.03
Over 1.00	3% to total price

Any single transaction is subject to sales tax. (Ord. 04-02 § 2, 2004: Ord. 02-02 § 2, 2002)

3.12.030 Obligation to pay.

The obligation to pay shall be on the buyer. The buyer in the case of raw seafood product is the processor.

The council may dedicate a portion of the tax on raw seafood product to the fish buyer or processor for costs of collecting. Processors collecting raw fish tax shall not charge the city of Togiak more than three and one-half percent for collecting this tax. (Ord. 04-02 § 3, 2004: Ord. 02-02 § 3, 2002)

3.12.040 Obligation to collect.

The obligation to collect shall be on the seller except in the case of raw seafood products in which case the obligation to collect is on the buyer or processor. (Ord. 04-02 § 4, 2004: Ord. 02-02 § 4, 2002)

3.12.050 Exemptions.

All nonbusiness sales of property and services or the rental of personal or real property. Fishermen, in selling fish do not pay the sales tax on the fish. (Ord. 04-02 § 5, 2004: Ord. 02-02 § 5, 2002)

3.12.060 Implementation.

The Togiak city council may take any action necessary to implement this chapter. (Ord. 04-02 § 6, 2004: Ord. 02-02 § 6, 2002)

3.12.070 Penalty for noncompliance.

Each of the following acts, when intentional, constitutes a misdemeanor and is punishable by a fine.

A. Failure to file a return or failure to remit taxes due.

B. Falsification of any record filed with the city. (Ord. 04-02 § 7, 2004: Ord. 02-02 § 7, 2002)

Chapter 3.16

PURCHASING

Sections:

3.16.010 Purchasing agent.
3.16.022 Scope of authority.

3.16.010 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 clerk or other city employee to be the city purchasing agent, subject to council approval by resolution. (Prior code Ch. 3.3 § 1)

3.16.020 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 sells surplus personal property of such agencies, in accordance with the ordinance 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 governments when the best interests of the city would be serviced (Prior code Ch. 3.3 § 2)

Title 4

CITY PROPERTY

Chapters:

4.04 Real Property Acquisition
4.08 Eminent Domain and Adverse Possession
4.12 Sale and Disposal of Real Property
4.16 Lease of City Lands
4.20 Disposition of City-Owned Personal Property

Chapter 4.04

REAL PROPERTY ACQUISITION

Sections:

4.04.010 Acquisition and ownership.
4.04.020 Real property defined.
4.04.030 Procedural requirements.
4.04.040 Ownership.
4.04.050 Rights and powers of city.
4.04.060 Dedication by plat.
4.04.070 Sites for beneficial new industries.
4.04.080 Federal and state aid.
4.04.090 Real property as security.

4.04.010 Acquisition and ownership.

The city may acquire, own and hold real property inside or outside the city boundaries by purchase, gift, device, grant, dedication, exchange redemption, purchase of equity of redemption, operation of law, tax or lien, foreclosure, adverse possession, condemnation or declaration of taking, annexation or by any other lawful means or conveyances. (Prior code Ch. 4.1 § 1)

4.04.020 Real property defined.

As used in this chapter, "real property" means and includes any estate in land, easement, right-of-way, lease, right, title or interest in land or a building or permit. (Prior code Ch. 4.1 § 2)

4.04.030 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 Togiak, Alaska."

B. Any instrument requiring execution by the city shall be signed by the mayor and attested by the clerk. The form of any conveyance shall be approved by the city attorney.

C. Upon a specific resolution of the council, the mayor may act on its behalf in the acquisition of real property or interest in real property when that property to be acquired is for a valuable consideration or as part of a program of grants under which

the city may receive only a limited amount of acreage. The resolution shall set forth the terms, conditions and manner of acquisition.

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

E. Prior to approval, the mayor is to furnish the council with an abstract of title, an appraisal of the real property and a review of any such materials shall not affect the validity of any acquisition or purchase of real property by the city.

F. Unless otherwise provided by the council, the city shall purchase marketable title in real property. Unless otherwise provided by ordinance or resolution, or upon council approval of a purchase, the mayor is authorized to obtain title insurance, to execute any instruments, and to take all steps necessary to complete and close the purchase and acquisition of the real property. (Prior code Ch. 4.1 § 3)

4.04.040 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 purposes.

B. The council may approve and authorize the purpose of real property by contract of sale, deed of trust or mortgage. (Prior code Ch. 4.1 § 4)

4.04.050 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. (Prior code Ch. 4.1 § 5)

4.04.060 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 as accepted in writing and signed by the mayor and approved by council motion. (Prior code Ch. 4.1 § 6)

4.04.070 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. (Prior code Ch. 4.1 § 7)

4.04.080 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. (Prior code Ch. 4.1 § 8)

4.04.090 Real property as security.

The council may pledge, mortgage or otherwise secure real property of the city for the payment of city bonds or other indebtedness when required, as authorized by law. (Prior code Ch. 4.1 § 9)

Chapter 4.08

EMINENT DOMAIN AND ADVERSE POSSESSION

Sections:

4.08.010 Eminent domain.
4.08.020 Ordinance and vote required.
4.08.030 Adverse possession.

4.08.010 Eminent domain.

The city may exercise the powers of eminent domain and declaration of taking in the performance of an authorized power or function of the city in accordance with AS 09.55.250-09.55.460. (Prior code Ch. 4.2 § 1)

4.08.020 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. (Prior code Ch. 4.2 § 2)

4.08.030 Adverse possession.

The city cannot be divested of title to real property by adverse possession. (Prior code Ch. 4.2 § 3)

Chapter 4.12

SALE AND DISPOSAL OF REAL PROPERTY

Sections:

4.12.010 Power to dispose of real property.
4.12.020 Sale or disposal.
4.12.030 Rights and powers.
4.12.040 Property exchange.
4.12.050 Grants for federal and state programs.
4.12.060 Beneficial new industries.
4.12.070 Change of use.
4.12.080 Utilities.
4.12.090 Release of easements.
4.12.100 Terms of sale.
4.12.110 Sale procedure.
4.12.120 Future interests and after-acquired title.
4.12.130 Exceptions to minimum acceptable offer.
4.12.140 Conditions of sale.
4.12.150 Council action.
4.12.160 Purchase agreement.
4.12.170 Employment of broker.
4.12.180 Reservation of easements and right-of-way.
4.12.190 Regulations for procedures and forms.
4.12.200 Tax foreclosure land.
4.12.210 Public use required.
4.12.220 Termination of repurchase right.
4.12.230 Repurchase by former record owners.

4.12.010 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. (Prior code Ch. 4.3 § 1)

4.12.020 Sale or disposal.

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

B. Any instrument requiring execution by the city shall be signed by the mayor and attested by the clerk. The form of any instrument shall be approved by the city attorney. (Prior code Ch. 4.3 § 2)

4.12.030 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 properly acquired or held for or devoted to a public use, which in the judgment of the council it is no longer required for municipal purposes. (Prior code Ch. 4.3 § 3)

4.12.040 Property exchange.

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. (Prior code Ch. 4.3 § 4)

4.12.050 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 property for the consideration stated in the program. (Prior code Ch. 4.3 § 5)

4.12.060 Beneficial new industries.

The city may sell, lease or dispose of sites acquired for new industries benefitting 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. (Ord. 95-11 § l, 1996; prior code Ch. 4.3 § 6)

4.12.070 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. (Prior code Ch. 4.3 § 7)

4.12.080 Utilities.

The city may sell, convey or otherwise dispose of real property no longer used or useful in the operation of a city-owned utility. Real property no longer needed for the purpose for which the real property was acquired or purchased, or utility property no longer 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. (Prior code Ch. 4.3 § 8)

4.12.090 Release of easements.

The mayor may at any time, subject to the provisions of Sections 4.12.100 and 4.12.110 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. (Prior code Ch. 4.3 § 9)

4.12.100 Terms of sale.

A. Unless otherwise provided in this chapter and subject to the provisions of subsection B of this section, real property no longer used or useful for a public use or purpose may be sold on such terms and conditions as are approved by the council, in its sole discretion, by duly passed resolution.

B. The sale price shall be fair market value or, if fair market value cannot in the judgment of the council be obtained, then the property may be sold for less than its fair market value but as close thereto as reasonably possible under the circumstances. (Prior code Ch. 4.3 § 10)

4.12.110 Sale procedure.

Real property of the city may be sold upon duly passed approval by resolution of the council and in accordance with Section 4.12. 100 of this chapter, without necessity for appraisal, public notice of sale, sealed bids, auction, voter approval or any other procedural requirement, unless directed by the council.

The council may direct the manager to review the sale potential of land, make recommendations to the council and negotiate terms of sale on its behalf, or the manager may act independently in investigating and negotiating terms of sale; but such negotiation shall not be binding upon the city unless and until the council approves by resolution the negotiated terms. (Prior code Ch. 4.3 § 11)

4.12.120 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. (Prior code Ch. 4.3 § 12)

4.12.130 Exceptions to minimum acceptable offer.

A. Exceptions to the requirement for a minimum acceptable offer of 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 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) (l) of this section shall also include a public or quasi-public propose and use and shall also include exchanges of property to facilitate the solution of problems involving the boundary lines of public property. Public interest shall not include a purpose to return property to private ownership, or to return property to the tax rolls, or to make property available for a desirable private enterprise or development, or other similar purposes.

C. Upon a council determination of a public interest, a negotiated bid may be accepted by the council by resolution in place of public bidding. (Prior code Ch. 4.3 § 13)

4.12.140 Conditions of sale.

A. The council shall set forth the terms and conditions of the public sale in the resolution or ordinance authorizing the sale of real property. The council may reserve the right to reject any and all bids received at the public sale, if the highest bid is below the fair market value and cost of the sale or if it is not made by a responsible bidder. The resolution or ordinance shall provide if the sale is for cash or cash deposit and purchase agreement.

B. The mayor shall prescribe the form of the purchase agreement. The council shall approve all public sales of real property and shall approve any purchase agreement prior to its execution authorizes the mayor to take all steps and execute all instruments to complete and close the sale. The mayor or his designate 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 resolution or ordinance shall forfeit any cash deposit paid to the city. (Prior code Ch. 4.3 § 14)

4.12.150 Council action.

No action of the council to dispose of any city interest in real property dedicated to public use shall be final until the resolution or ordinance to do so has been on file in the office of the clerk for thirty (30) days. Prior to any council action on the sale of real property, the mayor shall make his or her recommendation to the council as to any change of use or merits of the sale or disposition of the real property. (Prior code Ch. 4.3 § 15)

4.12.160 Purchase agreement.

A purchase of real property from the city may purchase the real property by purchase agreement if provided in the resolution or ordinance for the sale. Unless otherwise provided in the resolution or ordinance for the sale, a purchase agreement shall be in the form of a deed of trust. The purchase agreement shall be executed by the mayor and attested by the clerk, and shall be approved as to form by the city attorney. (Prior code Ch. 4.3 § 16)

4.12.170 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. (Prior code Ch. 4.3 § 17)

4.12.180 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. (Prior code Ch. 4.3 § 18)

4.12.190 Regulations for procedures and forms.

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. (Prior code Ch. 4.3 § 19)

4.12.200 Tax foreclosure land.

Real property acquired by tax foreclosure may be disposed of in the same manner as other real property of the city except as provided in Sections 4.12.210, 4.12.220 and 4.12.230 of this chapter. (Prior code Ch. 4.3 § 20)

4.12.210 Public use required.

Any real property acquired by tax foreclosure may be devoted to public use by the city after review and recommendation by the planning commission, if one exists, and approval of the council by a resolution declaring such real property devoted to public use or declaring that such real property is reserved for a projected city requirement, and stating such use or requirement. (Prior code Ch. 4.3 § 21)

4.12.220 Termination of repurchase right.

Where the property was acquired by tax foreclosure, the right of repurchase of the record owner at the time of foreclosure shall be terminated upon the passage of a resolution in accordance with Section 4.12.210 of this chapter except that such termination shall not be effective until notice and passage of the time specified in Section 4.12.230 of this chapter has occurred. Sale, lease or any of other alienation of tax title property shall terminate the right of repurchase; provided, that the requirements of Section 4.12.230 of this chapter have been met. (Prior code Ch. 4.3 § 22)

4.12.230 Repurchase by former record owners.

The former record owner shall have the right of repurchase as are provided by statute. Notice of intended sale, devotion to public use reservation for a future city requirement, other permanent disposition or lease shall be given to those who were record

owners at the time of tax foreclosure by registered or certified mail sent to the address of the recorded owner as such address appeared on the tax roll at the time of foreclosure. Such notice shall be given not less than twenty (20) days before the intended sale, contract of sale, devotion or reservation for public use, or other disposition or lease is made and shall advise the record owner the right to repurchase as authorized by statute. (Prior code Ch. 4.3 § 23)

Chapter 4.16

LEASE OF CITY LANDS

Sections:

4.16.010 Property available for leasing.
4.16.020 Term of lease.
4.16.030 Lease provisions.
4.16.040 Lease procedures.
4.16.050 Fair rental value.
4.16.060 Adjustment of rental.
4.16.070 Transfer of lessee's interest.
4.16.080 Renewal of lease.
4.16.090 Improvements and chattels.
4.16.100 Inspection of leased premises.
4.16.110 Easement and right-of-way.
4.16.120 Condemnation of premises-Lease termination.
4.16.130 Lease rental credit.
4.16.140 Conditional lease.

4.16.010 Property available for leasing.

All real property including tide, submersed, 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. (Prior code Ch. 4.4 § 1)

4.16.020 Term of lease.

No lease shall be for a term of more than twenty-one (21) years unless the council shall determine from the purpose, use of the premises and nature of improvements which may be placed on the premises that a longer term would be consistent with city planning. A lease having a term of greater than five years shall first be approved by the council. Any renewal period of option to renew the lease period shall be included in the term of the lease in computing the five-year period of time. (Prior code Ch. 4.4 § 2)

4.16.030 Lease provisions.

A. No property shall be leased or a renewal lease issued unless the council, in its sole discretion, has determined and approved the terms and conditions of the lease.

B. The lease shall be made for a fair rental value or, if fair rental value cannot be obtained, then, in the discretion of the council, the property may be leased for a rental less than fair rental value but as close thereto as reasonably possible under the circumstances, taking into consideration the public interest and the nature of the lease premises.

C. Fair rental value is the rental computed from the appraised fair rental value of the property, if any, 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. (Prior code Ch. 4.4 § 3)

4.16.040 Lease procedures.

A. Property may be leased, and the city shall be bound, upon duly passed approval by resolution of the council without necessity for appraisal, public notice of leasing, sealed bids, auction, voter approval or any other procedural requirement, unless directed by the council.

B. The council may direct the manager to negotiate terms of leasing on its behalf or the manager may act independently in preliminary negotiation for the lease of land, but such negotiations shall not be binding upon the city unless and until the council approves by resolution the negotiated terms. (Prior code Ch. 4.4 § 4)

4.16.050 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 lease 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. (Prior code Ch. 4.4 § 5)

4.16.060 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. (Prior code Ch. 4.4 § 6)

4.16.070 Transfer of lessee's interest.

A lessee may sublease or assign the lease only upon approval of the transfer by the city in writing. (Prior code Ch. 4.4 § 7)

4.16.080 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. (Prior code Ch. 4.4 § 8)

4.16.090 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 to 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. (Prior code Ch. 4.4 § 9)

4.16.100 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. (Prior code Ch. 4.4 § 10)

4.16.110 Easement 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 right-of-way in or upon the leased property, if the exercise of the right will not unreasonably interfere with the lessee's use of the property. (Prior code Ch. 4.4 § 11)

4.16.120 Condemnation of premises-Lease termination.

Upon condemnation of the premises or any part of the premises, including inverse sound damnation, 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. (Prior code Ch. 4.4 § 12)

4.16.130 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 projects. (Prior code Ch. 4.4 § 13)

4.16.140 Conditional lease.

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

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. (Prior code Ch. 4.4 § 14)

Chapter 4.20

DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

Sections:

4.20.010 Personal property disposition by value.
4.20.020 Sale of surplus or obsolete goods.
4.20.030 Surplus stock.
4.20.040 Declaration of obsolescence.
4.20.050 Purchasing agent.

4.20.010 Personal property disposition by value.

A. Personal property, other than surplus stock, that is valued at less than one thousand dollars ($1,000.00) 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 disposal, and the general preference of disposal by competitive bid. The mayor shall report disposal to the council if so requested.

B. Personal property valued at more than one thousand dollars ($1,000.00) but less than twenty-five thousand dollars ($25,000.00) shall be disposed of in the manner provided for land valued under twenty-five thousand dollars ($25,000) as provided in Chapter 4.12 of this code.

C. Personal property valued at more than twenty-five thousand dollars ($25,000) shall be disposed of in a manner provided for land valued over twenty-five thousand dollars ($25,000) as provided in Chapter 4.12 of this code. (Prior code Ch. 4.5 § 1)

4.20.020 Sale of surplus or obsolete goods.

The mayor may sell the following without giving an opportunity for competitive bidding:

A. Surplus or obsolete supplies, materials or equipment whose total value does not exceed one thousand dollars ($1,000.00) in a single transaction;

B. Supplies, materials or equipment when sold at a price at least as great as that paid by the city for the same. (Prior code Ch. 4.5 § 2)

4.20.030 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 not 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 of equipment which have become unsuitable for public use, or to exchange the same for, or trade in, the same on any new supplies or equipment.

D. Sales of surplus city supplies or equipment appraised at over one thousand dollars ($1,000.00) 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. (Prior code Ch. 4.5 § 3)

4.20.040 Declaration of obsolescence.

No surplus or obsolete supplies, materials or equipment of a value of more than one thousand dollars ($1,000.00) may be sold until the council has declared them obsolete or surplus. (Prior code Ch. 4.5 § 4)

4.20.050 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 3.16 of this code. (Prior code Ch. 4.5 § 5)

Title 5

BUSINESS LICENSES AND REGULATIONS

(Reserved)

Title 6

ANIMALS*

Chapters:

6.01 Purpose
6.02 Definitions
6.03 Registration
6.04 Restraint
6.05 Animal Control
6.06 Sale of Animals
6.07 Animal Behavior
6.08 Animal Care
6.09 Impoundment
6.10 Adoption
6.11 Euthanasia
6.12 Wolf Hybrids
6.13 Animal Bites
6.14 Quarantine of Individual Animals
6.15 Incidence of Rabies
6.16 Fees, Fines and Failure to Comply

*Prior ordinance history: Ord. 95·10

Chapter 6.01

PURPOSE

Sections:

6.01.010 Purpose.

6.01.010 Purpose.

The purpose of this title is to promote public health and safety and to encourage responsible pet ownership and the humane care of animals. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.02

DEFINITIONS

Sections:

6.02.010 Definitions.

6.02.010 Definitions.

As used in this title:

"Abandoned" or "unwanted" means to leave an animal for a period in excess of twenty-four (24) continuous hours without adequate provision for its physical needs.

"Animal" means all members of the Phylum Chordata or Subphylum Vertebrata.

"Animal control agent" is the person acting on or in behalf of the police chief, enforcing the provisions of this chapter.

"Animal control center" is any area, temporary or permanent, designated by the police chief, community service officer or agent officer or agent for the holding of animals. A center can be publicly or privately owned and operated.

"At large" means not under restraint or not controlled. "Cat" means Felis catus.

"Chronic animal noise" means repeated vocalization by an animal or animals for more than thirty (30) consecutive minutes. Daytime noise generated by a licensed kennel in its reasonable and customary manner of operation only during feeding and loading/unloading times is excused to a maximum of thirty (30) consecutive minutes.

"City of Togiak domestic animal registration tag" is a metallic tag that can be attached to a collar, collar chain or harness of an animal. For the purposes of this section, a rabies vaccination tag issued by the city of Togiak or another issuing authority (if registered with the city of Togiak) serves as a city of Togiak domestic animal registration tag.

"Control" in relation to an animal, means to simultaneously monitor, direct, and restrict an animal's movements and activities so as to prevent violations of this title.

1. Control by leash -to control an animal by a securely attached leash, chain, or an item which is physically capable of restraining the animal. The item must be in the secure possession of a person physically and mentally capable of monitoring, directing, and restricting the animals movements and activities.

2. Control by harness -to control an animal by a harness or other similar de- vice attached directly or indirectly to a person or object during a training, demonstration, competition, or show event.

3. Control by command -to control an animal by visual and/or audible commands to which the animal responds promptly and accurately. A person must be present, monitor the animal, and be physically and mentally capable of directing animal movements and activities by visual and/or audible commands.

4. Control by collar -to control an animal by electronic collar with or without handheld remote and having all parts of the device working and visible at time of training or activation.

"Diseased animal" means all members of the Phylum chordata, subphylum vertebrata that is infected with an infectious or contagious disease.

"Dog" means Canis familiaris.

"Domestic animal" means dogs and wolf hybrids.

"Humane care" or "treatment" or "humane manner" means the handling of an animal in accordance with the stipulations listed in Section 6.08.010.

"Keeper" means and includes any person, group of persons, partnership, firm, trust or corporation owning, having an interest in, or having control custody or possession of any animal. This includes any adult member of a family or group or persons sharing a residential unit where another member of the family or group has an interest in, has control, custody or possession of an animal which is kept in or on the premises of the shared residential unit.

"Known rabid animal" means an animal with a positive laboratory test for rabis virus.

"Nuisance animals" means any animal which molests passersby or passing vehicles, attacks other animals, trespasses on school grounds or other public or private property, is repeatedly at large, damages public and/or private property, or that makes chronic animal noise.

"Open space" is three hundred (300) feet from any residence, business, or roadway.

"Owner" means any person or keeper, who harbors, keeps, causes or permits an animal to be harbored or kept, or who has an animal in possession or custody, or who permits an animal to remain on or about premises, or who has legal title to an animal.

"Owner release" is when the person or keeper, who harbors, keeps, causes or permits an animal to be harbored or kept, or who has an animal in possession or custody, or who permits an animal to remain on or about premises, or who has legal title to an animal and is willing to relinquish all rights and legal responsibility to animal.

"Police chief" is the person recognized as a certified police officer by the Alaska Police Standards Council as a police officer in and for the state of Alaska and the city of

Togiak, and is designated by the mayor or city administrator as having the responsibility of enforcing the provisions of this chapter.

"Police officer" is an employee of the Togiak police department and who is recognized by the Alaska Police Standards Council as a police officer in and for the state of Alaska and the city of Togiak.

"Quarantine" is strict confinement upon the private premises of the owners, in a veterinarian's office or hospital, in the animal control center, or at other locations approved by the mayor, city administrator or designee, and under restraint described in Section 6.l4.020(A).

"Restraint" or "restrain" means to confine or control an animal.

"Sterilized" or "sterile" means neutered, spayed, or rendered incapable of reproduction.

"Unidentified animal" means an animal that does not have a collar and registration tag, or any other type of identification bearing the owner's name, address and current phone number and of which is found or observed on public property, public thoroughfares, playgrounds, airdromes, beaches, or any private property where the owner of the property has no claim or knowledge of animal ownership.

"Unweaned animal" means an animal too young to be weaned, separated from the care of its mother, and/or an animal still dependent on its mother's milk.

"Wolf ' means Canis lupis.

"Wolf dog" means the offspring of a wolf or wolf hybrid. For the purposes of this title, wolf dogs and wolf hybrids shall be synonymous.

"Wolf hybrid" means a member of the genus and species Canis lupis x Canis familiaris. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.03

REGISTRATION

Sections:

6.03.010 Domestic animal registration.
6.03.020 Kennel permit.

6.03.010 Domestic animal registration.

A. All domestic animals twelve (12) weeks of age or older are required to be registered within thirty (30) days of entry into the municipality either by:

1. Individual registration; or
2. As part of a kennel permit.

B. All domestic animals twelve (12) weeks of age or older shall receive a city of Togiak domestic animal registration tag only upon scheduling an appointment to rabies vaccinate at twelve (12) weeks of age from a state of Alaska Department of Health and Social Services approved vaccinator.

C. The owner or keeper shall be required to provide proof of rabies vaccination by a valid rabies immunization tag and/or a valid rabies certificate for the registration of a domestic animal.

D. A domestic animal registration tag shall be issued for individually registered domestic animals for a period that shall expire in conjunction with the expiration date of the rabies vaccination.

E. An individually registered domestic animal shall bear a city of Togiak domestic animal registration tag securely fastened to its collar, chain collar, or harness at all times or the owner must be able to produce a copy of the written registration or tag within twenty-four (24) hours except:

1. While confined on the owner's or keeper's premises;
2. While in competition, in training, or while hunting.

F. The owner or keeper of domestic animals registered under a kennel permit shall be required to produce documentation of the domestic animal registration upon re- quest.

G. If there is a change of ownership of a domestic animal during the registration year, the new owner shall, within fifteen (15) days, have the current registration transferred to the new owner's name.

H. No person shall use, or allow the use of, any domestic animal registration tag for an animal other than the animal for which the registration tag was issued.

I. Except as otherwise provided in this section, the owner or keeper of a domes- tic animal shall comply with the animal rabies vaccination requirements governed by the centers for disease control and prevention as described within 7 AAC 27.020(b).

J. Registration of cats is not required but is encouraged. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.03.020 Kennel permit.

A. A city of Togiak kennel permit is required for domestic animal owners and keepers who have four or more domestic animals. Failure by the owner or keeper to maintain an orderly, humane, and sanitary kennel may result in the suspension of the kennel permit. There is not a limitation to the number of years that any individual may hold a kennel permit.

B. All domestic animals registered within the kennel permit must comply with Section 6.03.010.

C. Kennel permits will be issued by the city manager or his/her designee which may include the chief of police, community service officer or agent upon determination that the kennel will not create a public nuisance or threat to public safety.

D. A decision regarding a kennel permit may be appealed to the city council. The city council will, after public hearing, make a finding as to whether a permit may or may not be properly issued.

E. The kennel permit shall be issued for a period of thirty-six (36) months from the date the permit was granted upon the condition that under any change of three or more animals the owner or keeper shall update the registered permit. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.04

RESTRAINT

Sections:

6.04.010 Restraint-When.
6.04.020 Restraint-Where.

6.04.010 Restraint-When.

A. All animals allowed outside the confines of their owners' or keepers' homes or property and not under the direct physical control or command of their owner or keeper shall be securely restrained by means of chain harness, or leash.

B. It is unlawful to maintain an animal with a known infectious or contagious disease without proper and adequate care and confinement.

C. It is unlawful for any person, other than a peace officer in the performance of duties, to release an animal from restraint without the consent of the animal's owner or keeper, except to preserve the animal's life or prevent injury.

D. It is unlawful for any person to release an animal from quarantine, other than a peace officer in the performance of duties and/or the animal's owner or keeper to prevent injury, and only if in compliance with the restraint requirements in Section 6.14.020.

E. In the event of an area wide quarantine, except as otherwise provided in Section 6.15.020, the owner or keeper shall be required to comply with 7 AAC 27.020(a). (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.04.020 Restraint-Where.

A. Unless restricted under quarantine, animals shall be controlled:

1. By leash or harness within parks, city property, sidewalks, downtown, parking lots, public paths, public streets or roads, and playground areas.

2. By leash, harness, or command on open spaces and trails (including winter trails).

B. If an animal is restricted under quarantine, owner or keeper shall control the animal in compliance with Section 6.14.020(A). (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.05

ANIMAL CONTROL

Sections:

6.05.010 Animal control center.
6.05.020 Community service officers and agents.

6.05.010 Animal control center.

A. The city shall maintain an animal control center under the direction of the city administrator.

B. The animal control center may keep animals which the police chief or agent impounds or assumes custody of under this title.

C. The municipality may contract with a private person or entity to perform the functions of the animal control center. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.05.020 Community service officers and agents.

A. A person designated by the mayor or city administrator, as community service officer may be responsible for domestic animal registration, rabies vaccinations, investigation of animal bites, complaints, maintaining the animal control program and the animal control center, enforcement and issuance of civil citations, and the destruction and disposal of vicious or unwanted domestic animals.

B. Police officers shall also have the authority to enforce and issue civil or criminal citations or complaints for violations of this title, may be responsible for the investigation of animal bites, complaints, impoundment and impoundment documentation, and the destruction and disposal of vicious or unwanted domestic animals. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.06

SALE OF ANIMALS

Sections:

6.06.010 Unweaned and diseased animals.
6.06.020 "Free" animals.

6.06.010 Unweaned and diseased animals.

A. It is unlawful to sell an animal that the seller knows, or has reason to know, is diseased, injured or otherwise physically defective without first disclosing to the buyer the nature of the disease, injury or defect.

B. It is unlawful to sell or purchase an unweaned animal. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.06.020 "Free" animals.

A. It is unlawful to give away unweaned animals in businesses, on comers, downtown, public places, or city property.

1. If a child of fifteen (15) years or younger is found giving away unweaned animals, the parent or guardian of the child will be held responsible. If a person is found giving away unweaned animals within a business, the business shall also be held responsible for the violation.

B. If the health and safety of the animal mother is jeopardized, leaving the care and protection of the unweaned animals to the owner or keeper, and in order to preserve the unweaned animal's life and/or to prevent injury to the unweaned animal, the owner or keeper may give the unweaned animals away. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.07

ANIMAL BEHAVIOR

Sections:

6.07.010 Animals creating disturbance or nuisance.
6.07.020 Dangerous animals.
6.07.030 Vicious animals.

6.07.010 Animals creating disturbance or nuisance.

A. Its hall be unlawful for any animal owner or keeper to permit it to disturb the public's health, safety or comfort by allowing the animal to make chronic animal noise.

1. The police chief, community service officer or agent may, upon receiving a complaint alleging chronic animal noise, investigate and, if necessary, issue a warning notice to the animal owner or keeper. The notice shall contain:

a. The definition of chronic animal noise;

b. The nature and times of complaint;

c. Penalties for the violation;

d. A description of the means and methods suggested to and/or agreed upon with the owner for curtailing the problem;

e. Time permitted to comply with the notice.

2. If the violation continues after the time permitted by the notice to comply, a citation may be issued in accordance with subsection (A) (3) of this section.

3. Citations for chronic animal noise shall only be issued upon one of the following:

a. A complaint sworn by two or more persons living at different addresses, one of whom must be the original complainant, in the immediate neighborhood of the animal making the chronic noise and after completion of an investigation by police chief, community service officer or agent indicates that a citation is appropriate; or

b. A complaint sworn by one person living in the immediate neighborhood of the chronic noise where additional date and time specific evidence is provided and after completion of an investigation by police chief, community service officer or agent indicates that a citation is appropriate.

B. No owner or keeper of an animal shall permit the animal to defecate upon, to dig upon, injure or destroy public property or a public thoroughfare.

C. No owner or keeper of an animal shall permit the animal to defecate upon, to dig upon, injure or destroy private property without the permission of the property owner.

D. No owner or keeper of an animal shall permit it to upset, disturb, or place garbage on public or private property. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.07.020 Dangerous animals.

A. The police chief, community service officer or agent has the authority to determine whether any animal has engaged in the behaviors specified in this section, thereby deeming the animal dangerous.

B. It shall be unlawful for any owner or keeper to permit it to:

1. Growl, snap at, jump upon, or otherwise menace, injure, or frighten persons or other animals; provided that this subsection shall not apply if the person or animal is trespassing or otherwise acting in violation of the law.

2. Chase, run after, or jump at vehicles or persons using the public thoroughfares within the city limits.

C. A person who owns or is in lawful possession of property upon which there is an animal who acts in the manner described in subsection B of this section, or who observes an animal who acts in the manner described in subsection B of this section, on public property or a public thoroughfare may take the animal into custody and hold the animal pending transfer to the police chief, community service officer or agent; provided no animal may be held in such private custody for more than twenty-four (24) hours. A person who takes an animal into custody under this subsection shall:

1. Immediately call the police chief, community service officer or agent to request a pickup of the animal.

2. File a written witness statement with the police chief, community service officer or agent, describing the incident.

D. Any animal who acts in the manner described in subsection B of this section, may be immediately impounded by the police chief, community service officer or agent, the police chief, community service officer or agent shall take the written witness statement of the person holding the animal or the written witness statement and may issue to the owner or keeper of the dangerous animal a citation or warning to comply. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.07.030 Vicious animals.

A. Any animal which bites a person or animal without provocation, or which, by its actions, gives indication that it is able to bite any person or animal without provocation, shall be deemed vicious.

B. Any animal who bites a person or animal without provocation and is currently vaccinated, shall be immediately quarantined for no less than ten (10) days at the expense of the owner. A date of euthanasia for the animal shall be scheduled for no less than forty-eight (48) hours after completion of quarantine.

C. Any animal who bites a person or animal without provocation and is unvaccinated, shall be immediately impounded and quarantined for no less than ten (10) days at the expense of the owner or keeper, and the owner or keeper may be found in violation of Chapter 6.13, subject to fees and/or fines established within Sections 6.16.010 and 6.16.020, and to comply with Chapter 6.14. Before completion of quarantine, the owner or keeper will be given a written notice of the date of euthanasia. A date of euthanasia shall be scheduled for no less than forty-eight (48) hours after completion of quarantine.

D. Vicious animals shall be euthanized, as established in Section 6.11.010, by the police chief, community service officer or agent not less than forty-eight (48) hours after providing actual written notice to the owner or keeper of the dog, by hand delivery to the owner or keeper, or by posting at the last known residence of the owner or keeper. Such notice shall advise the owner or keeper of the following:

1. Planned time of euthanization of the animal;

2. That said animal will be impounded and/or quarantined immediately upon issuance of notice;

3. That the owner or keeper has an opportunity to be heard before the mayor, city administrator designee, should they wish to appeal the police chief, community service officer's or agents determination that the animal is vicious.

E. The issues to be considered at any appeal hearing shall be limited to the following:

1. Whether the animal bit a person or domestic animal;

2. Whether the animal caused damage to property;

3. Whether the bite or damage was without provocation;

4. Whether the animal by its actions, gave indication that is able to bite any person or animal without provocation.

F. The owner or keeper of an animal deemed vicious has the option to have said animal euthanized by someone of their choosing (i.e., veterinarian, close acquaintance,

etc.), providing proof of date, time, and location to the police chief, community service officer or agent of said euthanasia.

G. Animals whose owner or keeper cannot be identified or located by the police chief, community service officer or agent shall be impounded and quarantined for no less than ten (10) days before being euthanized. If during said quarantine the owner or keeper becomes known, or a person claims to be the owner or keeper, that person shall be provided notice pursuant to subsection D of this section.

H. Any animal deemed vicious and reasonably suspected of being rabid may, at the discretion of the police chief, community service officer or agent, be euthanized, before completion of quarantine and without notice to the owner or keeper. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.08

ANIMAL CARE

Sections:

6.08.010 Animal cruelty.
6.08.020 Protective custody.

6.08.010 Animal cruelty.

It shall be unlawful for a person to:

A. Neglect an animal by failing to give the animal that degree of care which a person of ordinary prudence would give under the same circumstances. The care should be consistent with or dictated by the animal's normal requirements;

B. Wound, injure, torment, poison, provoke or otherwise physically abuse an animal; or

C. Kill or injure any animal, unless such act is lawful hunting or is necessary to defend a human being or other animal from immediate attack, or as otherwise provided in Chapter 6.11, Sections 6.14.010 and 6.15.010. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.08.020 Protective custody.

A. The city police chief, community service officer or agent shall have the discretion to decide if any animal subjected to cruelty as described in Section 6.08.010, may be taken, impounded and/or quarantined, in which case said animal shall be deemed in protective custody.

B. Custody of the animal may not be regained by the owner or keeper while a prosecution for cruelty is pending. The owner or keeper may be subject to fees and/or fines for duration of impoundment and/or quarantine described in Sections 6.16.010 and 6.16.020.

C. Upon a defendant's conviction for cruelty under this title or AS 11.61.140, the court may order that the defendant forfeit ownership, custody, and control of the animal which was the subject of the cruelty.

D. Unless otherwise ordered by the court, the owner or keeper of an animal impounded pursuant to this section may redeem the animal as provided in Chapter 6.03 after completion of the prosecution. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.09

IMPOUNDMENT

Sections:

6.09.010 Terms.
6.09.020 Impoundment fees.
6.09.030 Unlawful release of impounded animals-Penalty.

6.09.010 Terms.

A. Unidentified animals found to be in violation of this title may be impounded and immediately destroyed by the police chief, city police officer, community service officer or agent at the discretion of the police chief.

B. At the discretion of the police chief, an unidentified animal may be held at the animal control center for a five-day period. If not claimed by the owner or keeper by the expiration of said five-day period, the animal shall become the property of the city and may be destroyed at the discretion of the police chief, community service officer or agent.

C. Identified animals found to be in violation of this title and found not restrained may be taken to the owner or keeper or impounded at the animal control center. A reasonable attempt will be made to notify the owner or keeper by phone, in person, or by letter that their animal is being held at the animal control center. Identified animals not claimed by the owner or keeper by the expiration of said five-day period shall become the property of the city and may be disposed of at the discretion of the police chief, community service officer or agent.

D. Abandoned or unwanted animals brought to the animal control center by citizens for impoundment may or may not be accepted for impoundment by the city. Upon acceptance, such animals shall become the property of the city and may be disposed of at the discretion of the police chief, community service officer or agent.

E. Any animal suspected of having rabies or that has bitten a human must be impounded in the animal control center and/or quarantined and disposed of in accordance with Section 6.13.020. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.09.020 Impoundment fees.

A. The owner of an impounded animal shall be subject to a pick up fee plus an impoundment fee and may be subject to additional fines noted in Section 6.16.020. Said

fee shall be imposed on a daily basis commencing twenty-four (24) hours after the time of impoundment. Before the animal may be released, the owner or keeper shall pay all fees and fines subject to refund and shall register the animal with the city. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.09.030 Unlawful release of impounded animals-Penalty.

It is unlawful for any person to:

A. Open a vehicle being used to transport animals to the animal control center; open the doors of the animal control center; or open or tamper with the doors of a live trap with the intent of allowing impounded animals to escape; or

B. Tamper or intentionally, recklessly, or with criminal negligence interfere with equipment or the use of equipment in the performance of any duty under this title. Such person or persons, upon conviction, shall be subject to the penalty established in Chapter 1.16 of this code*. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

*Editor's Note: Reference to DMC 1.20 was changed to Chapter 1.16 of this code during 12/07 supplement.

Chapter 6.10

ADOPTION

Sections:

6.10.010 Adoption requirements.

6.10.010 Adoption requirements.

A. A person may adopt an animal that is held in the care and custody of the city and/or animal control, center no sooner, than five days after the date of impoundment unless the city has received a release from the owner. They shall pay the adoption fee established under Section 6.16.010.

B. If the person interested in adoption had been previously registered to the potential adoptee or known to have been the keeper of said animal, the person upon adoption shall pay all applicable fees and penalties established in Section 6.16.010. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.11

EUTHANASIA

Sections:

6.11.010 General.

6.10.010 General.

A. The following animals may be euthanized at any time:

1. An animal exhibiting symptoms of a major infectious or contagious disease, as determined by a licensed veterinarian if available, that is a danger to the health and safety of the public or other animals within the city.

2. An animal that in the judgment of the police chief, community service officer or agent is injured or suffering to the extent that it should be euthanized for humane rea- sons. When possible the opinion of a licensed veterinarian will be obtained prior to euthanasia under this subsection.

3. An animal deemed dangerous or vicious.

4. An animal, not the subject of a pending hearing or court decision, and who poses an unreasonable risk of physical injury and/or is deemed dangerous or vicious.

5. An adoption eligible animal, remaining unadopted following expiration of the five-day minimum term of availability specified in Section 6.09.010.

B. Euthanasia of an animal shall be accomplished humanely by the police chief or his designee or by a licensed veterinarian, or a technician trained and certified under the "Permit For Use of Drugs To Euthanize Domestic Animals" as specified in AS 08.02.050.

C. The police chief or community service officer shall maintain a list of animals euthanized including a description of the animal and the condition for euthanasia, available for review by the general public.

D. The owner or keeper of a domestic animal who asks that his animal be euthanized or surrendered to the city at the discretion of the police chief will be accepted. Upon acceptance by the police chief, the owner or keeper shall sign an "Owner Release" waiver, and pay the appropriate fees established in Section 6.16.010 at the time of relinquishment.

E. In all cases, if the animal has traceable identification or the animal owner or keeper is known, a reasonable effort shall be made to contact the owner or keeper prior to euthanasia unless said notice is not required by this title or unless the animal is suffering unduly. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.12

WOLF HYBRIDS

Sections:

6.12.010 Possession of wolf hybrids.
6.12.020 Vaccination of wolf hybrids.

6.12.010 Possession of wolf hybrids.

No person shall own, possess, keep, maintain, harbor, transport, sell or advertise for sale any wolf hybrid within municipal boundaries except as provided under 5 AAC 92.030. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.12.020 Vaccination of wolf hybrids.

Until an approved USDA rabies vaccination is available for wolf hybrids, any wolf hybrid that bites a human shall be immediately euthanized and its head submitted for rabies testing. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.13

ANIMAL BITES

Sections:

6.13.010 Reporting animal bites required.
6.13.020 Disposition of animals biting or suspected of having rabies.

6.13.010 Reporting animal bites required.

As provided by Alaska Statutes.
(Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.13.020 Disposition of animals biting or suspected of having rabies.

A. Any animal that has bitten a person shall be quarantined. Animals that have been exposed to an animal that has bitten a person may also be quarantined.

B. If a police chief, community service officer or agent reasonably suspects an animal to have rabies, s/he shall cause that animal to be impounded and quarantined immediately and/or euthanized in accordance with Chapter 6.11.

C. An unvaccinated animal that has been bitten by an animal diagnosed as rabid shall be euthanized immediately.

D. If a bitten animal has a current rabies vaccination, the animal shall be revaccinated immediately and quarantined and, except as otherwise provided in this section, shall comply with the standard requirements for animal rabies vaccination in 7 AAC 27.020(c). (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.14

QUARANTINE OF INDIVIDUAL ANIMALS

Sections:

6.14.010 Quarantine required.
6.14.020 Conditions of quarantine.
6.14.030 Payment of costs.

6.14.010 Quarantine required.

A. The city police chief, community service officer or agent, subject to the notice requirements of this title, shall have the sole discretion to decide if any quarantined animal is to be destroyed or held and, if it is held, at what location and for how long it shall be held.

B. The police chief, community service officer or agent shall have the sole discretion to decide whether the owner or keeper of the animal is in a position to provide a safe and secure place for the animal.

C. Any animal that has bitten a person shall be immediately impounded and quarantined in accordance with the standards provided in 7 AAC 27.020(1) and (2) and/or otherwise provided in this title.

D. Any animal that is bitten by a rabid animal must be immediately impounded and quarantined according to the standards provided in 7 AAC 27.020(4).

E. Any animal under quarantine found to be at large or capable of coming into contact with other animals, shall be surrendered and/or euthanized under the discretion of the police chief, community service officer or agent.

F. The owner or keeper of an animal found to be at large or coming into contact with other animals while under quarantine, shall be subject to additional fines under Section 6.16.020 and/or impound fees for the duration of the quarantine term. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.14.020 Conditions of quarantine.

A. Subject to subsections B and D of this section, every quarantined animal not kept in an animal control center will be kept in a secure enclosure such as a house, closed garage, other building or basement, and a quarantine sign shall be posted so that it is visible from the outside of the property. If the animal is taken outside to relieve itself, it must be on a leash held by a competent person fifteen (15) years or older and must be

returned to the enclosure immediately. The owner or keeper shall inform the police chief, community service officer or agent where the animal is being kept.

B. An animal shall remain quarantined until released, in writing, by the police chief, community service officer or agent. No other person may release an animal from quarantine. The police chief, community service officer or agent may require that an animal be inspected before releasing it from quarantine.

C. If the animal should become sick, die or escape, the police chief, community service officer or agent shall be notified immediately. If the animal is sick or dying, it shall not be removed from quarantine.

D. No person may remove a quarantined animal from the municipality without notifying the mayor or city administrator in writing at least two business days before the intended removal and obtaining the mayor's or city administrator's written consent.

E. The police chief, community service officer or agent may direct that a quarantined animal be quarantined at the animal control center. An animal with no proof of current rabies vaccination shall be quarantined at the animal control center. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.14.030 Payment of costs.

An animal under quarantine may be redeemed by the keeper if determined to be free of rabies upon payment of any expenses incurred for the quarantine, unless the animal is a dog that has been classified as dangerous and has been ordered quarantined pending a hearing on its classification as provided in Section 6.07.020 or has been classified as vicious and ordered to be destroyed as provided in Section 6.07.030. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.15

INCIDENCE OF RABIES

Sections:

6.15.010 Handling requirements.
6.15.020 Area wide quarantine.

6.15.010 Handling requirements.

A. The city police chief, community service officer, under the direction of the city administrator, shall cooperate with other agencies in establishing a rabies control program for the city.

B. All persons shall report to the police chief, community service officer or agent, any suspected or positive diagnosed occurrence of rabies as soon as such occurrence becomes known to the person.

C. No person may kill any suspected or confirmed rabid animal or an animal subject to quarantine except to defend a human being from death or bodily injury, unless otherwise provided in this title.

D. Any loose animal suspected of rabies, running at large uncontrolled and evading attempts to be caught shall be shot by the police chief, community service officer or agent and the head sent to the appropriate laboratory for examination of rabies disease.

E. Only the police chief, community service officer or agent may remove the carcass of any suspected or confirmed rabid animal from the location where the animal was killed or found.

F. The carcass of an animal suspected of being rabid shall upon demand be surrendered to the police chief, community service officer or agent or to the Department of Health and Social Services. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.15.020 Area wide quarantine.

A. When there has been a positive diagnosis of rabies within the city, the mayor, city administrator or designee may declare an area wide quarantine for such period of time as determined necessary and there shall be no animals transported, taken, or removed from the city without the prior written consent of the mayor, city administrator or designee.

B. Except as otherwise provided in this section, every owner or keeper shall confine his or her animal in accordance with Section 6.14.020 and the standards set forth in 7 AAC 27.020(a) and 7 AAC 27.030. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Chapter 6.16

FEES, FINES AND FAILURE TO COMPLY

Sections:

6.16.010 Fees.
6.16.020 Additional fines.
6.16.030 Allocation of fees.
6.16.040 Failure to comply to notice of infraction of this title.

6.16.010 Fees.

Adoption	Free
Plus	
Registration is valid one year after date of purchase and fees reflect per year.	
Unsterilized animal and cats	Free
Sterilized animal and cats	Free
Duplicate tags	$ 5.00
Pick-up	
Unregistered animal and cats	50.00
Registered animal and cats	10.00
Plus	
Impound per day, from the time of impoundment.	25.00
Kennel permit new, extended, or re-issued.	Free
Owner release	25.00
Euthanize or request for	75.00

(Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.16.020 Additional fines.

A. A person who violates a provision of this title, or city regulation promulgated under this title may be subject to the following:

1. First time violation: fifty dollars ($50.00);
2. Second time violation: seventy-five dollars ($75.00);
3. Third time violation: one hundred dollars ($100.00);

4. Fourth time violation: one hundred twenty-five dollars ($125.00);

5. Fifth time violation: one hundred fifty dollars ($150.00). After the fifth time violation, one hundred fifty dollars ($150.00) each time. In addition to this fine, the city or court shall impose a surcharge of ten dollars ($10.00) as required by AS 12.55.039(a)(4). (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.16.030 Allocation of fees.

A. Those fees and fines obtained by the city of Togiak through registration, adoption, and/or Title 6 violations of animals, may, subject to annual appropriation therefore, be allocated to events organized to educate, encourage, and provide opportunity for vaccination and sterilization of animals for Togiak residents.

B. A program for educating and enhancing Togiak resident's access to vaccination and sterilization opportunities may be coordinated by the police chief, community service officer or agent. Events may include but not be limited to spay/neuter clinics and printed or recorded public information. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

6.16.040 Failure to comply to notice of infraction of this title.

A. It is unlawful for any person to refuse or intentionally fail to comply with a notice of infraction of this title.

B. Any animal found in violation of this title may be impounded and/or quarantined and the owner or keeper subject to pay fees and/or fines in Sections 6.16.010 and 6.16.020.

C. Allowing a dangerous or vicious animal to continue the acts upon which it was found in violation within twenty-four (24) hours of a warning or citation is a refusal or intentional failure to comply with a notice of infraction of this title. (Ord. 07-03 § 4 (part), 2007: Ord. 06-01 § 4 (part), 2006)

Title 7

(Reserved)

Title 8

HEALTH AND SAFETY

Chapters:

8.04 Treatment of Intoxicated Persons

Chapter 8.04

TREATMENT OF INTOXICATED PERSONS

Sections:

8.04.010 Protective custody or detention.
8.04.020 Detention-Duration.
8.04.030 Protection of intoxicated person and detaining officer.
8.04.040 Protective custody does not constitute arrest.

8.04.010 Protective custody or detention.

Any person who appears to be intoxicated in a public place may be taken into protective custody and assisted to his or her home. If the person is too intoxicated to take home, then he or she may be placed in detention. (Ord. 1 § 1, 1981)

8.04.020 Detention-Duration.

A person placed in detention under Section 8.04.010 may be detained only (1) until he/she is no longer intoxicated, or (2) for a maximum of twelve (12) hours, whichever occurs first. A detaining officer may release the person at any time to the custody of a responsible adult. (Ord. 1 § 2, 1981)

8.04.030 Protection of intoxicated person and detaining officer.

A person detained under Section 8.04.010 is in protective custody, and the detaining officer shall make reasonable efforts to provide for and protect the health and safety of the intoxicated person. In taking a person into protective custody under Section 8.04.010, a detaining officer may take reasonable steps to protect himself, including a full protective search of a person detained. (Ord. 1 § 3, 1981)

8.04.040 Protective custody does not constitute arrest.

Protective custody under Section 8.04.010 of this chapter does not constitute an arrest and no entry or other record may be made to indicate that the person detained has been arrested or charged with a crime. (Ord. 1 § 4, 1981)

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 Alcoholic Beverages
9.08 Possession of Tobacco Products by a Person Under the Age of Nineteen
9.12 Weapons
9.14 Control of Minors
9.16 Curfew
9.20 Harassment of Residents, City Officials and Public Employees

Chapter 9.04

ALCOHOLIC BEVERAGES

Sections:

9.04.010 Possession.
9.04.020 Minors.

9.04.010 Possession.

A. A person may not knowingly possess alcoholic beverages in the municipality of the city.

B. Exclusion. This does not apply to limited quantities of sacramental wine to be used for bona fide religious purposes based upon tenets of a church or religious body.

C. Definitions. As used in this section:

"Alcoholic beverage" means a spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage and that contains alcohol in any amount if the liquid is produced privately, or that contains one-half of one percent or more of alcohol by volume, if the liquid is produced commercially.

"Possession" means having physical control of or exercising dominion or control over alcoholic beverages, but does not include having alcoholic beverages within the digestive system of a person.

D. Violation-Penalty. A person convicted under this section is guilty of a violation and shall be punished by a fine of two hundred dollars ($200.00) for the first offense, three hundred dollars ($300.00) for the second offense, and one thousand dollars ($1,000.00) for the third and all subsequent offenses. (Ord. 95-07 §§ 1--4, 1995)

9.04.020 Minors.

A. A person under the age of twenty-one (21) years may not knowingly consume, possess, or control alcoholic beverages except those furnished under AS 04.16.05l (b).

B. Exclusions. Minors under the age of twenty-one (21) years may possess, consume or control an alcoholic beverage if:

1. Given by a parent to the parent's child, by a guardian to the guardian's ward, or by a person to the legal spouse of that person if the furnishing or delivery occurs off licensed premises; or

2. By a licensed physician or nurse to a patient in the course of administering medical treatment.

C. Violation-Penalty. A person convicted under this section is guilty of a violation and shall be punished by a fine of no less than three hundred dollars ($300.00). (Ord. 95-05 §§ 1-3, 1995)

Chapter 9.08

POSSESSION OF TOBACCO PRODUCTS BY A PERSON UNDER THE AGE OF NINETEEN

Sections:

9.08.010 Possession of tobacco products.
9.08.020 Definitions.
9.08.030 Violation-Penalty.

9.08.010 Possession of tobacco products.

A person under the age of nineteen (19) years may not knowingly possess any tobacco products within the city. (Ord. 95-06 § 1, 1995)

9.08.020 Definitions.

As used in this chapter:

"Possession" means having physical control of or exercising dominion or control over tobacco products.

"Tobacco products" means any cigarette, cigar, tobacco or a product containing tobacco. (Ord. 95-06 § 2, 1995)

9.08.030 Violation-Penalty.

A person convicted under this chapter is guilty of a violation and shall be punished by a fine no less than fifty dollars ($50.00) for the first offense, seventy-five dollars ($75.00) for the second offense and one hundred dollars ($100.00) for the third offense and all subsequent offenses. (Ord. 95-06 § 3, 1995)

Chapter 9.12

WEAPONS

Sections:

9.12.010 Airguns.

9.12.010 Airguns.

Any type of air gun will not be shot within the city. Anyone caught by the city officials or reported by residents shooting at a person(s) within the city or on hunting grounds will be warned on first offense. His air gun will be taken away from him for a period of thirty (30) days. (Ord. 8 § 1, 1982)

Chapter 9.14

CONTROL OF MINORS

Sections:

9.14.010 Minors up to eighteen years of age.
9.14.020 Control of minors.
9.14.030 Extension of curfew.
9.14.040 Public recreation business.
9.14.050 Summer curfew extension.

9.14.010 Minors up to eighteen years of age.

It is unlawful for a minor, under eighteen (18) years of age to remain on the streets or a public place in the city between the hours of nine p.m. and six a.m. on nights before morning when school is in session or between ten p.m. and six a.m. on the nights before nonschool days. (Ord. 04-01 § 1, 2004)

9.14.020 Control of minors.

It is unlawful for any person having custody or control of a minor to allow such minor to violate Section 9.14.010 and at any prosecution for the violation thereof, the presence of the minor on any street or public place as aforesaid, in violation thereof, is prima facial evidence of the guilt of the person having custody or control of the minor, and conviction thereof shall be punished by a fine. The bail amount for this chapter is thereby established at four hours community work service appointed by the city office. (Ord. 04-01 § 2, 2004)

9.14.030 Extension of curfew.

The curfew may be extended only by the mayor for dances or other special events. All requests for an extension shall be made in writing at least five days prior to the event and shall include the chaperone, sponsors and where the event will be located. The extension shall apply only to the minors at the event. Other exceptions may include family supervision, subsistence hunting or on own property. (Ord. 04-01 § 3, 2004)

9.14.040 Public recreation business.

It is unlawful for any recreation businesses to remain open between the hours of twelve midnight and six a.m. It is up to the business manager and patron to keep any minor up to eighteen (18) years of age away from the business place between ten p.m. and six a.m. on weekdays and eleven p.m. and six a.m. on weekends. Violation of this section is subject to a fine of fifty dollars ($50.00) per occurrence. (Ord. 04-01 § 4, 2004)

9.14.050 Summer curfew extension.

Starting from the end of the school, no minor up to eighteen (18) years of age shall be out on the streets or in a public place between the hours of one a.m. and five a.m. (Ord. 04-01 § 5, 2004)

Chapter 9.16

CURFEW

Sections:

9.16.010 Definitions.
9.16.020 Curfew established.
9.16.030 Violation-Custody or control of minor.
9.16.040 Violation-Businesses.
9.16.050 Violation-Minor.

9.16.010 Definitions.

As used in this chapter:

"Guardian" means a person who is legally responsible for a minor. "Emergency" means an unforeseen combination of circumstances that call for immediate action including, but not necessarily limited to, a fire, natural disaster, automobile accident, life threatening illness or accident, or any other situation requiring immediate action to prevent physical injury or loss of life.

"Minor" means a person who has not attained the age of majority as that term is defined in AS 25.20.010 and AS 25.20.020 and for whom the disabilities of minority have not been removed for general purposes under AS 09.55.590.

"Remain" means to linger, stay or fail to leave the premises when requested to do so by a police officer or the owner, operator or other person in control of the premises. (Ord. 05-02 § 2 (part), 2005)

9.16.020 Curfew established.

A. It is unlawful for a minor to remain on public streets or in a public place in the city of Togiak between the hours of eleven p.m. and five a.m. on nights before a school day or between one a.m. and five a.m. on the nights before nonschool days. At the end of the school year and until the subsequent school year commences, it is unlawful for a minor to remain on the streets or a public place in the city between the hours of one a.m. and five a.m.

B. The following are exceptions to the curfew established in subsection A of this section:

1. If the minor is accompanied by his or her parent or guardian;

2. If the minor is on an errand at the written direction of his or her parent or guardian, without any detour or stop (written direction must be signed, timed, and dated by the parent or guardian and must indicate the specific errand);

3. If the minor is involved in an emergency;

4. If the minor is engaged in an employment activity, or going to or returning from an employment activity, without detour or stop;

5. If the minor is on the public right-of-way immediately abutting the minor's residence or immediately abutting the residence of a next door neighbor, if the neighbor did not complain to the police department about the minor's presence;

6. If the minor is attending, or going to or returning home from, without any detour or stop, an official school, religious, or recreational activity supervised by adults and sponsored by the city of Togiak, a civic organization, or another similar entity that takes responsibility for the minor;

7. If the mayor approves an exception for a minor to go to or return from any other event sponsored by a group of responsible adults; a request for such an exception shall be made in writing at least five days prior to the event;

8. If the minor is engaged in subsistence activities under the supervision of his or her parent or guardian or another responsible adult as long as the parent or guardian has approved the minor engaging in subsistence activities with the other responsible adult; or

9. If the minor is exercising first amendment rights protected by the United States constitution, such as the free exercise of religion, freedom of speech, and the right of assembly. (Ord. 05-02 § 2 (part), 2005)

9.16.030 Violation-Custody or control of minor.

It is unlawful for a parent, guardian or any other person having custody or control of a minor to allow such minor to violate Section 9.16.020 of the city of Togiak Code of Ordinances. The presence of a minor unattended in public places during the curfew hours established in Section 9.16.020 shall be prima facie evidence of a violation of this section. Upon conviction, a person who violates this section shall be required to perform four hours of community service for the city of Togiak. (Ord. 05-02 § 2 (part), 2005)

9.16.040 Violation-Businesses.

A. The owner or operator of a private business enterprise who knowingly permits minors to remain on the premises of the business after the hours of curfew established by this chapter and without parental consent is guilty of an infraction and subject to a fine of fifty dollars ($50.00).

B. It is an exception to a violation of this section of the city of Togiak Code of Ordinances that an owner, operator, or employee of a business promptly notified the Togiak police department that a minor was present on the premises of the business during curfew hours and refused to leave. (Ord. 05-02 § 2 (part), 2005)

9.16.050 Violation-Minor.

A first time minor offender will be released to the control and custody of his or her parent or guardian with written notice that any subsequent violation(s) will result in an infraction violation being issued to the parent or guardian with a civil fine of one hundred dollars ($100.00), in addition to any other penalties for violations provided for under this chapter. (Ord. 05-02 § 2 (part), 2005)

Chapter 9.20

HARASSMENT OF RESIDENTS, CITY OFFICIALS AND PUBLIC EMPLOYEES

Sections:

9.20.010 Harassment.
9.20.020 Stalking.
9.20.030 False report.
9.20.040 Assault.

9.20.010 Harassment.

A. A person commits the crime of harassment if, with intent to harass or annoy another person, that person:

1. Insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response;

2. Telephones another or fails to terminate the connection with intent or impair the ability of that person to place or receive telephone calls;

3. Makes repeated telephone calls at extremely inconvenient hours;

4. Makes an anonymous or obscene telephone call or a telephone call that threatens physical injury;

5. Subjects another person to an offensive physical contact.

B. Violation of this section shall be an infraction, punishable by a fine of any amount less than three hundred dollars ($300.00). (Ord. 07-01 § A, 2007)

9.20.020 Stalking.

A. A person commits the crime of stalking if the person knowingly engages in a course of conduct that recklessly places another person-in fear of death or physical injury, or in fear of the death or physical injury of a family member.

B. In this section:

1. "Course of conduct" means repeated acts of nonconsensual contact involving the victim or a family member;

2. "Family member" means a:

a. Spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, of the victim, whether related by blood, marriage, or adoption,

b. Person who lives, or has previously lived, in a spousal relationship with the victim,

c. Person who lives in the same household as the victim, or

d. Person who is a former spouse of the victim or is or has been in a dating, courtship, or engagement relationship with the victim;

3. "Nonconsensual contact" means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that the contact be avoided or discontinued; "nonconsensual contact" includes:

a. Following or appearing within the sight of that person,

b. Approaching or confronting that person in a public place or on private property,

c. Appearing at the workplace or residence of that person,

d. Entering onto or remaining on property owned, leased, or occupied by that person,

e. Contacting that person by telephone,

f. Sending mail or electronic communications to that person,

g. Placing an object on, or delivering an object to, property owned, leased, or occupied by that person;

4. "Victim" means a person who is the target of a course of conduct.

C. Violation of this section shall be an infraction, punishable by a fine of any amount less than three hundred dollars ($300.00). (Ord. 07-01 § B, 2007)

9.20.030 False report.

A. It is unlawful for a person knowingly to give false information to any law enforcement officer with the purpose of implicating another person.

B. It is unlawful for a person to:

1. Report to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or

2. Pretend to furnish such authorities with information relating to an offense or incident when that person knows he or she has no information relating to such offense or incident.

C. Violation of this section shall be an infraction, punishable by a fine of any amount less than three hundred dollars ($300.00). (Ord. 07-01 § C, 2007)

9.20.040 Assault.

A. A person commits an assault if that person:

1. With intent to place another person in fear of death or serious physical injury to the person or the person's family member makes one or more threats to cause death or serious physical injury to another person;

a. In this section, "the person's family member" means:

i. A spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, of the person, whether related by blood, marriage, or adoption,

ii. A person who lives or has lived, in a spousal relationship with the person,

iii. A person who lives in the same household as the person, or

iv. A person who is a former spouse of the person or is or has been in a dating, courtship, or engagement relationship with the person;

B. Violation of this section shall be an infraction, punishable by a fine of any amount less than three hundred dollars ($300.00). (Ord. 07-01 § D, 2007)

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04 Traffic Regulations

Chapter 10.04

TRAFFIC REGULATIONS

Sections:

10.04.010 State regulations adopted.

10.04.010 State regulations adopted.

The city shall adopt the state of Alaska traffic regulations, as set out in the Alaska Administrative Code, as its model and shall adopt the bail schedule, as set out by the Alaska Supreme Court, and will incorporate all changes to these regulations and bail schedule as they are updated. (Ord. 96-02, 1996; Ord. 95-08 (part), 1996)

Title 11

(Reserved)

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04 Togiak Bay Seawall

Chapter 12.04

TOGIAK BAY SEAWALL

Sections:

12.04.010 Easement declared.
12.04.020 Penalty.

12.04.010 Easement declared.

A. The city declares that it has an easement on the shore of Togiak Bay in order to maintain its seawall.

B. The city puts all on notice that all ramps and access roads to the beach are the property of the city and are to be kept clear.

C. The city accepts no liability for its equipment damaging any boat left on the beach. (Ord. 91-04 § 2, 1991)

12.04.020 Penalty.

The penalty for blocking the easement of the city is a fine of not less than fifty dollars ($50.00) and not more than three hundred dollars ($300.00). (Ord. 91-04 § 3, 1991)

Title 13

PUBLIC SERVICES

Chapters:

13.04 Water and Sewer Service
13.08 Solid Waste Collection and Disposal

Chapter 13.04

WATER AND SEWER SERVICE*

Sections:

13.04.010 Classification.
13.04.020 Connection to city water and sewer system.
13.04.030 General provision.
13.04.040 Billings.
13.04.050 Incentive for prepaid customers.
13.04.060 Maintenance of plumbing system.
13.04.070 Disconnects, reconnects and penalties.
13.04.080 Administration and enforcement.
13.04.090 Periodic surveys and charges.

*Prior ordinance history: Ord. 95-01.

13.04.010 Classification.

This is a revenue chapter.
(Ord. 04-01 § 1, 2004)

13.04.020 Connection to city water and sewer system.

The city of Togiak shall provide water and sewer services to persons, companies, firms, partnerships, corporations or any other entities within one hundred feet of existing water and sewer system. All connections to the city water and sewer systems shall be made at the expense of the user only after application to and authorized by the city of Togiak. Application for water and sewer services and/or connection shall be in writing and shall include the legal name and address of the applicant, description of the property and building for which the water service and/or sewage service is requested; and any other information as may be needed. (Ord. 04-01 § 2, 2004)

13.04.030 General provision.

The basic water and sewer charge shall be established by the Togiak city council and shall be reviewed periodically.

Fees for business enterprise using less than two thousand (2,000) gallons of water per month shall be charged a flat rate per month as set by the Togiak city council.

Fees for a business enterprise and any other nonresidential entities using more than two thousand (2,000) gallons of water per month shall be required to install a water meter approved by the Togiak city council at their own expense and shall be charged monthly by the number of gallons used at a rate set by the Togiak city council. (Ord. 04-01 § 3, 2004)

13.04.040 Billings.

The city of Togiak shall provide monthly billings to each customer of water and sewer services the last day of each month. Bills shall be sent within the first week of each month and shall be considered delinquent thirty (30) days from billing. (Ord. 04-01 § 4, 2004)

13.04.050 Incentive for prepaid customers.

If a customer prepays twelve (12) consecutive months in advance and in one lump sum, they shall be entitled to receive an additional one month free water and sewer service. (Ord. 04-01 § 5, 2004)

13.04.060 Maintenance of plumbing system.

The city is responsible for maintaining the water system up to and including the curb stop and inside the loop valve. The city is responsible for maintaining the sewer system up to and including the sewer clean out only. The consumer shall be responsible to maintain his individual water and sewer facilities in good repair at his own expense.

If a consumer requests for in-house maintenance past the loop valve, they shall be charged at a rate set by the Togiak city council. Prior to any maintenance work inside the house, prior approval is required. For approval, a customer's account must be in good standing (two hundred dollars ($200.00) or less) or have a payment plan in place. No further charges shall be accrued if a customer does not have his/her account up to date or have a payment plan. (Ord. 04-01 § 6, 2004)

13.04.070 Disconnects, reconnects and penalties.

The water and sewer systems shall be disconnected if the consumer has an account balance of more than two hundred dollars ($200.00) or four months unpaid bill.

If a consumer requests for a disconnect or reconnect to the city water and sewer system, he/she shall be charged a flat rate established by the Togiak city council. (Ord. 04-01 § 7, 2004)

13.04.080 Administration and enforcement.

This chapter shall be administered and enforced by the Togiak city council. All funds collected for water and sewer utilities shall be used strictly for administration, maintenance, extension, repair, capital improvement and operation of the systems. (Ord. 04-01 § 8, 2004)

13.04.090 Periodic surveys and charges.

An annual survey of household shall be conducted by an employee of the city of Togiak to ensure that each customer is being billed for water and/or sewer services. In the event that both the owner and occupant pay, only one payment will be accepted, that of the occupant. (Ord. 04-01 § 9, 2004)

Chapter 13.08

SOLID WASTE COLLECTION AND DISPOSAL

Sections:

13.08.010 Purpose.
13.08.020 Administration.
13.08.030 Services.
13.08.040 Solid waste collection.
13.08.050 Unlawful disposal of waste.
13.08.060 Storage of waste.
13.08.070 Disposal of dead animals.
13.08.080 Disposal of waste in solid waste facilities.
13.08.090 Notice to abate-Removal by city.
13.08.100 Application for service.
13.08.110 Discontinuance.
13.08.120 Notices.
13.08.130 Billing and payment.
13.08.140 Enforcement.
13.08.150 Penalty.

13.08.010 Purpose.

An ordinance regulating the storage, collection, processing, recovery and disposal of solid waste in order to protect the public safety, health and welfare to enhance the environment of the people of Togiak. (Ord. 04-03 § 4 (part), 2004)

13.08.020 Administration.

The city of Togiak will manage the solid waste facilities in accordance with the city's solid waste management plan and operation and maintenance manual. Except at clearly specified times, residents will not have access to the landfill. (Ord. 04-03 § 4 (part), 2004)

13.08.030 Services.

The city will provide the following service at intervals specified by the city council.

A. Notify residents of collection times;

B. Collect, incinerate and dump trash;

C. Consolidate, compact and cover trash;

D. Maintain the solid waste site in accordance with applicable guidelines;

E. Collect and arrange for transport of recyclable cans and lead-acid batteries; and

F. Levy a monthly charge to cover operation and maintenance costs for the collection and maintenance of the solid waste site. Fees are provided for at the end of this chapter. (Ord. 04-03 § 4 (part), 2004)

13.08.040 Solid waste collection.

A. Every person residing in or occupying a building within the city limits shall use the system of solid waste collection and disposal provided by the city. The council may exempt a person from this requirement if the city determines that the person requires solid waste collection and disposal service that cannot be provided by the city such as bulk disposal.

B. Individuals will dispose of wastes at intervals sufficient to protect the public health and well-being.

C. The city has the responsibility to collect waste at an interval sufficient to protect the public health and well-being.

D. A maximum of units of trash will be allowed. The maximum size for each unit may not exceed a thirty-three (33) gallon trash bag. (Ord. 04-03 § 4 (part), 2004)

13.08.050 Unlawful disposal of waste.

A. It is unlawful for any person to do any of the following within the city limits or those areas outside of the city limits that are owned, operated and/or regulated by the city.

1. Cause or allow litter to be collected, deposited or to remain in any place under his control;

2. Throw or deposit litter in or upon any street or public except in public receptacles, in private receptacles for disposal, or in disposal areas designated by the city;

3. Drive or move any vehicle that is carelessly loaded, or not constructed to prevent its load or litter from the load from falling upon any street, alley or public place;

4. Throw or deposit litter on any private property, whether owned by the person or not;

5. Dump litter, trash or refuse to be dumped or collect in any public area;

6. Dispose of waste oil in the landfill. Waste oil shall be disposed of in the waste oil container in town;

7. Dispose of lead acid batteries in the landfill. Lead-acid batteries shall be placed beside the city shop for collection and shipment to a battery recycler; and

8. Salvage items from the trash disposal area.

B. Junk vehicles, reusable construction wastes and other reusable items should be placed in the salvage area. The salvage area will be open to the public one day a week. The landfill operator will control access. Disposing indiscriminately of trash, refuse, garbage either on purpose or ignorantly in a public area other than the solid waste site is unlawful. (Ord. 04-03 § 4 (part), 2004)

13.08.060 Storage of waste.

A. No person shall keep on their property any solid waste in any manner other than for collection and only for periods between scheduled collection. Complaints regarding individual property or yards will be addressed and decisions made by a consensus of the city council.

B. Owners, lessees and occupants of property shall keep their property free from unsightly trash, garbage or refuse. Complaints regarding individual property or yards will be addressed and decisions made by consensus of the city council.

C. No person shall keep on their property any solid waste unless it is in a container approved by the council. (Ord. 04-03 § 4 (part), 2004)

13.08.070 Disposal of dead animals.

Dead animals will be disposed of as soon as practicable in the solid waste site. Dead animals that are the responsibility of the city shall be disposed of immediately and buried under three feet of dirt cover. All owners shall be responsible for the dead animals. All other animals shall be disposed of by the individual that killed the animal. (Ord. 04-03 § 4 (part), 2004)

13.08.080 Disposal of waste in solid waste facilities.

The city will set guidelines for the disposal of waste in the solid waste site. Individual haulers will dispose of waste in the confines of the solid waste site in a place designated by the city and dispose of waste as directed by the city. Leaving trash along the road will be considered a violation of this code and subject to applicable fines and penalties. Hazardous waste and other contaminants shall be disposed of in accordance with the

City's Solid Waste Management Plan and Operations and Maintenance Manual. (Ord. 04-03 § 4 (part), 2004)

13.08.090 Notice to abate-Removal by city.

A. The chief of the public safety department is authorized and empowered to notify the owner or occupier of any property to properly dispose of litter located on the property that is or may become offensive, noxious, or dangerous to the public health, safety or welfare. The notice shall be by personal service or if that is not possible, by postage paid certified mail addressed to the owner or occupier at this last known address.

B. Upon the failure, neglect, or refusal of any owner or occupier so notified to properly dispose of litter within five days after the date of the notice, or in the event the notice is returned to the city because of inability to make delivery, the city clerk is authorized and empowered to pay for disposing of such litter or to order its disposal.

C. When the city has arranged the removal of such litter or has paid for its removal, the actual cost of removal, plus any applicable penalties and interest shall be charged to the owner or occupier of the property. (Ord. 04-03 § 4 (part), 2004)

13.08.100 Application for service.

Each applicant for service shall sign an application form provided by the city giving the date of application, type of service requested, location of premises to be served (building number), the date the applicant desires services to begin, the purpose for which the service is to be used and the address to which bill are to be sent. In signing this form, the customer agrees to abide by the city of Togiak's rules and regulations regarding solid waste. The application is a request for service and does not bind the city to furnish the service. (Ord. 04-03 § 4 (part), 2004)

13.08.110 Discontinuance.

A solid waste customer expecting to be away for an extended period shall give at least one week written notice to the city to discontinue service during that period. Notice must specify the date the service is to be discontinued. Otherwise, a customer will be responsible for all services supplied to such premises until a written notice is received. (Ord. 04-03 § 4 (part), 2004)

13.08.120 Notices.

A. Notices to Customers. Notices to customers from the city will be in writing and will be mailed or delivered to the customer at his last known address.

B. Notices from Customers. Notices from the customer to the city may be given in writing or verbally by the customer or his authorized representative at the Togiak city office. Notices that result in a change in service must be in writing. (Ord. 04-03 § 4 (part), 2004)

13.08.130 Billing and payment.

A. Monthly Bills. All bills will be mailed on or before the end of each month. The bill will contain a statement of present charges due, including the billing for the present month. All bills are due and payable prior to the twentieth of the following month.

B. Delinquent Bills. All bills not paid by the twentieth of the following month of billing will be considered delinquent.

C. Delinquent Notice. At the discretion of the city, a notice of delinquency shall be mailed to each delinquent account on or after seven days from the date the account becomes delinquent.

D. Responsibility for Payment of Bills. In all cases, the person or entity applying for the service is responsible for the bills regardless of who owns the property served. (Ord. 04-03 § 4 (part), 2004)

13.08.140 Enforcement.

A. These rules and regulations shall be administered and enforced by the Togiak city council. The city council shall have the authority to establish and regulate rates for the collection services for all customers but no person shall be bound by any such rate unless it shall have been posted for public inspection for five consecutive days after its adoption at public places within the community of Togiak, Alaska.

B. A current file of rates adopted by the city council under these regulations shall be available for public inspection during regular business hours at the Togiak city office.

C. Monies collected for solid waste disposal services shall be used strictly for maintenance, extension, repair, capital improvement and operation of the solid waste disposal systems. Monies will be accounted for separately by the city.

D. The Togiak city council may adopt such additional regulations, provisions and procedures pertaining to solid waste disposal services as they deem proper. (Ord. 04-03 § 4 (part), 2004)

13.08.150 Penalty.

Failure to comply with a provision of this chapter is a violation of this code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of the

provisions of this chapter shall be fined not to exceed the sum of three hundred dollars ($300.00). Such fine shall be set at the discretion of the fining authority. (Ord. 04-03 § 4 (part), 2004)

Solid Waste Fee Schedule

The following rates will be assessed for the city solid waste collection:		
Residential	Annual charge	$ 5.00
Small commercial (Post office, university)	Monthly charge	60.00
Large commercial (AC, trading)	Monthly charge	90.00
Government/nonprofit (City, traditional, library, school)	Monthly charge	40.00
Construction/commercial	During project duration	2,000.00
Sport fishing lodges	Seasonal	2,000.00

Title 14

(Reserved)

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Floor Hazard Reduction

Chapter 15.04

FLOOD HAZARD REDUCTION

Sections:

15.04.010 Statutory authorization, findings of fact and purpose.
15.04.020 Definitions.
15.04.030 Lands to which this chapter applies.
15.04.040 Development permit required.
15.04.050 Designation of the mayor.
15.04.060 Duties and responsibilities of the mayor.
15.04.070 Flood hazard reduction-General standards.
15.04.080 Flood hazard reduction-Residential construction.
15.04.090 Flood hazard reduction-Nonresidential construction.

15.04.010 Statutory authorization, findings of fact and purpose.

A. The city council does recognize that the city is periodically subject to flooding, which may result in loss of life and property, health and safety hazards, public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. The purpose of this chapter is to promote public health, safety and general welfare, and to minimize flood losses. To accomplish this purpose, it is the intent of this chapter to:

1. Encourage land uses vulnerable to floods be protected against flood damages at the time of initial construction or substantial improvement;

2. Modify land uses which are dangerous to health, safely or property in time of flood or cause excessive increase in flood heights or velocity;

3. Insure that subdivision and development of land within the city are consistent with the need to minimize flood hazards;

4. Insure that the sale of flood insurance is available to residents, and that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 95-04 § 1.0, 1995)

15.04.020 Definitions.

As used in this chapter:

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, excavation or drilling operations located within the area of special flood hazard.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

"Structure" means a walled and roofed building, manufactured home, and includes a gas or liquid storage tank that is principally above ground.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. (Ord. 95-04 § 2.0, 1995)

15.04.030 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city. Until such time as a flood insurance study and flood insurance maps are published by the Federal Insurance Administration for Togiak, the city shall reasonably utilize the approximate base flood elevation of 18.8 feet mean low lower water (MLLW) or approximately 4.5 feet above ground at city hall building (according to Togiak Erosion Control Assessment Final Report, dated March 1983). (Ord. 95-04 § 3.1, 1995)

15.04.040 Development permit required.

A development permit shall be obtained before construction or development begins to determine if such development is proposed within flood-prone areas. The permit shall be for all structures, including manufactured homes, and for all development including fill and other activities. (Ord. 95-04 § 4.1, 1995)

15.04.050 Designation of the mayor.

The mayor (or his designee) is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 95-04 § 4.2, 1995)

15.04.060 Duties and responsibilities of the mayor.

Duties of the mayor (or his designee) shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine if the proposed development is located in a flood hazard area.

2. Review all development permits to determine if the proposed building sites will be reasonably safe from flooding.

B. Information to be Obtained and Maintained.

1. Maintain for public inspection all records pertaining to the provisions of this chapter.

2. Where base flood elevation data are provided, obtain and record the actual elevation of the lowest floor of all structures; and if applicable, elevation to which any structure has been floodproofed. (Ord. 95-04 § 4.3, 1995)

15.04.070 Flood hazard reduction-General standards.

If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall meet the following standards:

A. Anchoring. Be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, plumbing, and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge into floodwaters; sewage lift station electrical panels shall be elevated above base flood elevations.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

E. Review of Building Permits. Where flood elevation data is not available either through a flood insurance study or from another authoritative source, applications for building permits will be reviewed to assure proposed construction will be reason- ably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. 95-04 § 5.1, 1995)

15.04.080 Flood hazard reduction-Residential construction.

In all areas of special flood hazards, new construction and substantial improvement of any residential structure shall have the lowest floor elevated to or above base flood elevation if established. (Ord. 95-04 § 5.2, 1995)

15.04.090 Flood hazard reduction-Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor elevated to or above the level of the base flood elevation or high water marks of record; or, together with attendant utility and sanitary facilities shall:

A. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

B. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section and such certifications shall be provided to the city manager.

C. Fully enclosed areas below the lowest floor in nonresidential elevated structures that are subject to flooding are prohibited. (Ord. 95-04 § 5.3, 1995)

Tile 16

SUBDIVISION

(Reserved)

Title 17

ZONING

Chapters:

17.04 General Provisions and Administration
17.08 Zoning Districts

Chapter 17.04

GENERAL PROVISIONS AND ADMINISTRATION

Sections:

17.04.010 Title.
17.04.020 Authority.
17.04.030 Existing nonconforming uses.
17.04.040 Administration.
17.04.050 Permits.
17.04.060 Variances.
17.04.070 General provisions.
17.04.080 Amendments.

17.04.010 Title.

This title shall be known as the zoning ordinance for the city of Togiak. (Ord. 21 § 1, 1970)

17.04.020 Authority.

This title is promulgated under the authority of AS 29.25.300, which permits the city council to reasonably control land use through zoning. (Ord. 21 § 2, 1970)

17.04.030 Existing nonconforming uses.

Where at the time of passage of the ordinance codified in this title lawful use of land exists which would not be permitted by the regulations imposed by this title, the use may be continued so long as it remains lawful. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of land shall conform to the regulations specified by this title for the district in which such land is located. (Ord. 21 § 7, 1970)

17.04.040 Administration.

The city council shall administer, carry out, enforce and amend this title according to its terms and conditions. (Ord. 21 § 8, 1970)

17.04.050 Permits.

Building and land use permits are not required by this title, unless the proposed use would, if allowed, constitute a nonconforming use. In such a case application must be made to the city council for a zoning variance. (Ord. 21 § 9, 1970)

17.04.060 Variances.

A. Applications and variances must be made in writing to the city council. The application shall include drawings and descriptions as required by the council, and such application should include the reasons for granting the variance.

B. A date shall be set by the council for a public hearing on the variance not less than thirty (30) days after the application for such is received. If application is received in June, July or August, the council may set the date of hearing anytime up to the first of October of the same year. Five days before the hearing, public notice of the hearing shall be posted and published. The city council shall conduct the hearing, at which time the general public shall have the opportunity to speak for and against the proposed use.

C. Not more than fifteen (15) days after the public hearing, the council shall render a decision on the application for a variance. In reaching a decision, the council shall consider:

1. Existing uses of the same character as the proposed use;

2. Community need for the type of facility or use applied for;

3. Community sentiment as expressed at the hearing specified in subsection B of this section;

4. Special conditions of the proposed land use, and possible benefits to the community;

5. Whether granting the variance will be in harmony with the objectives of this title;

6. Hardship and inconvenience to the applicant if the variance is denied.

D. Any variance granted shall become null and void if not exercised within one year after being granted, or if the structure or use permitted by the variance is moved or discontinued.

E. The decision of the council on the variance application is final. An aggrieved person may appeal the decision of the council by filing proper complaint with the Superior Court of the state of Alaska, Third Judicial District. Appeal must be made within thirty (30) days of the decision of the council, or the appeal is not timely. (Ord. 21 § 10, 1970)

17.04.070 General provisions.

The rules and regulations of the Village Incorporation Act pertaining to the operation of village council meetings, recordkeeping, quorum and voting, are applicable to this title. (Ord. 21 § 11, 1970)

17.04.080 Amendments.

This title may be amended by the city council at any regular or special meeting of the council. Amendments must pass by a two-thirds vote of the councilmembers present at the meeting. (Ord. 21 § 12, 1970)

Chapter 17.08

ZONING DISTRICTS

Sections:

17.08.010 Use districts.
17.08.020 Use districts-Description.
17.08.030 Zoning district R.
17.08.040 Zoning district U.

17.08.010 Use districts.

The city of Togiak is divided into the following use districts:

A. R District. Residential district.

B. U District. Unrestricted district. (Ord. 21 § 3, 1970)

17.08.020 Use districts-Description.

These use districts are as shown on the official Togiak zoning map, kept by the secretary of the city council. These use districts are also described in words within this section:

A. Zoning district R includes all land within the four-sided parallelogram formed by lines 42000 N and 54000 N and lines 24000 E and 14000 E, on the Bureau of Land Management town site map for the city.

B. Zoning district U consists of all land outside the parallelogram described in subsection A of this section that is also within the city limits. (Ord. 21 § 4, 1970)

17.08.030 Zoning district R.

A. This district is intended to include single- and multiple-family dwelling uses, and uses and structures required to serve governmental, educational, religious, noncommercial, recreational and other needs of such areas.

B. The permitted uses are:

1. Single-family, two-family and multiple-family dwellings.
2. Public, private and parochial schools.
3. Parks, playgrounds and playfields.
4. Municipal buildings, including municipal cooperative electric generating plants and municipal post offices.
5. Churches and synagogues.

C. The prohibited uses and structures are:

1. Any use or structure not of a character indicated under permitted uses.

2. Any commercial shop, store, or establishment.
3. Any industrial shop, plant, or facility. (Ord. 21 § 5, 1970)

17.08.040 Zoning district U.

This district is intended to include all uses not provided for in other zoning districts. The permitted uses in this district are to be as flexible and liberal as possible, consistent with protection from noxious, injurious, hazardous or grossly incompatible uses. The permitted uses are residential, business, commercial, industrial, and public or quasi-public uses. (Ord. 21 § 6, 1970)