

# TITLE 1

## GENERAL PROVISIONS

Chapter:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 Incorporation
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**Chapter 1.01**  
**CODE ADOPTION**

Sections:

- 1.01.010 Adoption.
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- 1.01.030 Contents of code.
- 1.01.040 Ordinances passed prior to adoption of the code.
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**Section 1.01.010 Adoption**

As required by A.S. 29.25.050, there is adopted the “City of Anaktuvuk Pass Code of Ordinances.”  
(Ord. 93-01)

**Section 1.01.020 Title – Citation – Reference.**

This code shall be known as the “City of Anaktuvuk Pass Code of Ordinances.” It shall be sufficient to refer to this code as the “City of Anaktuvuk Pass Code” in any prosecution for the violation of any provision hereof or in any proceeding at law or in equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion hereof (pursuant to Section 2.12.092) as an addition to, amendment to, correction or repeal of the “City of Anaktuvuk Pass Code of Ordinances.” Further reference may be had to the titles, chapters, sections and subsections of the “City of Anaktuvuk Pass Code of Ordinances,” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. Ordinance 93-01

**Section 1.01.030 Contents of code.**

This code consists of all the general and permanent ordinance of the City of Anaktuvuk Pass, Alaska including all of the regulatory and penal ordinances and certain of the administrative ordinances of the city, codified pursuant to the requirements of A.S. 29.25.050. (Ord. 93-01)

**Section 1.01.040 Ordinances passed prior to adoption of the code.**

The last ordinance included in the initial code is Ordinance 88-03, passed September 13, 1988. The last ordinance passed prior to the adoption of this code is \_\_\_\_\_. (Ord. 93-01)

**Section 1.01.050 References apply to all amendments.**

Whenever a reference is made to this code as the “City of Anaktuvuk Pass, Code of Ordinances,” or as the “City of Anaktuvuk Pass Code” or to any portion hereof, or to any ordinance of the city of Anaktuvuk Pass, the reference shall apply to all amendments and additions heretofore, now or hereafter made. (Ord. 93-01)

**Section 1.01.060 Title, chapter and section headings.**

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this code. (Ord. 93-01)

**Section 1.01.070 Reference to specific ordinances.**

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 93-01)

**Section 1.01.080 Effect of code on past actions and obligations.**

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the City of Anaktuvuk Pass shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 93-01)

**Section 1.01.090 Effective date.**

This code shall become effective on the date the ordinance adopting this code as the “City of Anaktuvuk Pass Code of Ordinances” becomes effective. (Ord. 93-01)

**Section 1.01.100 Constitutionality; Severability.**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 93-01)

**Section 1.01.110 Effect of repeal of ordinances.**

The repeal of any ordinance does not limit or affect any right or remedy available to the city or any other party and arising out of a violation of that ordinance which occurred before its repeal. (Ord. 93-01)

**Section 1.01.120 Changes to code.**

A. All permanent and general ordinances passed after the adoption of this code shall be assigned one (1) or more section numbers according to the numbering system of this code.

B. Repealed provisions of this code shall be excluded from the code. (Ord. 93-01)

**Section 1.01.130 Distribution and publication of code.**

This code shall be made available to the public. The cost of reproducing all or parts of this code may be charged to anyone requesting copies. A copy of this code shall be furnished to any court as needed or upon its request. (Ord. 93-01)



**Chapter 1.04**  
**GENERAL PROVISIONS**

Sections:

- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Corrections

**Section 1.04.010 Definitions**

The following words and phrases, whenever used in the ordinances of the city, shall be construed as defined in this section unless from the context of 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:

- A. "Borough" means the North Slope Borough.
- B. "City" means the City of Anaktuvuk Pass, Alaska, or the area within the territorial limits of the City of Anaktuvuk Pass, Alaska.
- C. "Clerk" means the city clerk.
- D. "Council" means the city council of Anaktuvuk Pass, Alaska. "All its members" or "all council members" means the total number of council members holding office.
- E. "Law" denotes applicable federal law, the Constitution and statutes of the State of Alaska, the ordinances of the City of Anaktuvuk Pass and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- F. "May" is permissive.
- G. "Month" means calendar month.
- H. "Must" and "shall" are each mandatory.
- I. "No person shall" means that the described conduct is prohibited.
- J. "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" or "declare" and "affirmed" or "declared."
- K. "Owner," applied to a building, land, or personal property, includes any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of such building, land, or personal property.
- L. "Person" includes a natural person, joint venture, joint stock company, partnership, limited liability company, limited liability partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- M. "Personal property" means a person's tangible personal property which may be seen, weighed, measured by the physical senses and is capable of being possessed or owned singly or in part, and includes money, goods, chattels, evidences of debt and things in action.
- N. "Preceding" and "following" mean next before and next after, respectively.
- O. "Property" includes real and personal property.
- P. "Real property" includes any estate in land, easement, right-of-way, lease, permit, license, franchise, future interest, building, fixture, any right existing pursuant to §14(c)(3) of the Alaska Native Claims Settlement Act, 43 U.S.C.

§1613(c)(3), 85 Stat. 688, as amended, and any other right, title or interest in land or a building.

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

R. "State" means the State of Alaska.

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

T. "Tenant" and "occupant," applied to a building or land, includes any person who occupies the whole or part of such building or land, whether alone or with others.

U. "Written" includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.

V. "Year" means a calendar year.

(Ord. 93-01)

#### **Section 1.04.020 Title of office.**

Whenever used in the ordinances of the city, the title of any officer, employee, department, board or commission means that officer, employee, department, board, or commission of the city. (Ord. 93-01)

#### **Section 1.04.030 Interpretation of language.**

The following grammatical and interpretative rules apply to this code:

1. any gender includes the other gender;
2. the singular number includes the plural and the plural includes the singular;
3. the present tense includes the past and future tenses, and vice versa, unless clearly inappropriate;
4. words and phrases not specifically defined shall be construed according to the context and approved usage of the language;

5. common words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 93.01)

#### **Section 1.04.040 Corrections.**

A. When in this code or any amendments or additions thereto there are any errors the correction of which does not change the meaning of any section of this code the council may authorize the correction of these errors by substitution of corrected pages for the incorrect pages without amendment or following ordinance procedure. The following corrections are so authorized:

1. Manifest errors which are clerical or typographical in nature, or errors in spelling, or errors by way of addition or omission;
2. Changes in capitalization for the purpose of uniformity;
3. Correction of manifest errors in reference to laws;
4. Corrections of mistakes in grammar;
5. Corrections of citations or references to law, statutes and ordinances whose designations have changed because of renumbering or revision of the Alaska Statutes, federal law, or this code.

B. The administration will report to the council prior to any changes to be entered into the Anaktuvuk Pass Code of Ordinances.

**Chapter 1.08**  
**INCORPORATION**

Sections:

1.08.010      Status of municipality.

**Section 1.08.010 Status of municipality.**

The city shall continue to be a municipal body politic and corporate in perpetuity under the name of the “City of Anaktuvuk Pass, Alaska.” It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation under the laws of the state, and shall be liable for all debts and other obligations for which the corporation is legally bound. (Ord. 93-01)

**Chapter 1.16**  
**CITY SEAL**

Sections:

1.16.010 City seal -- described and adopted.

**Section 1.16.010 City seal -- described and adopted.**

The official seal of the city shall be a circle upon which shall be printed the words, "The City of Anaktuvuk Pass, Alaska" and "Incorporated June 8, 1959." The seal is adopted and declared to be the corporate seal of the city, and shall be used to authenticate all acts of the municipal corporation. (Ord. 93-01)

**Chapter 1.20**  
**CITY POWERS**

Sections:

- 1.20.010 Designated.
- 1.20.020 Discrimination prohibited.

**Section 1.20.010 Designated.**

The city shall have all the powers, functions, rights and privileges, franchises and immunity of every name and nature whatever, which a city of the second class may bear under the Constitution and laws of the state. (Ord. 93-01)

**Section 1.20.020 Discrimination prohibited.**

It is unlawful for the city or any elected officer, appointed official, or city employee in the course of his or her duties:

1. to refuse, withhold from, or deny to, a person any services, goods, facilities, advantages, or privileges because of race, religion, creed, sex, color, national origin, marital status, pregnancy or parenthood.
2. to publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement which states or implies that any city services, goods, facilities, advantages, or privileges will be refused, withheld from, or denied to a physically or mentally disabled person or to a person because of race, religion, creed, sex, color, national origin, marital status, pregnancy or parenthood, or that the participation, application, or attendance of a physically or mentally disabled person or a person belonging to a particular race or religion is unwelcome, not desired, or solicited. (Ord. 93-01)
3. to refuse or deny to a person any funds, services, goods, facilities advantage or privileges because of physical or mental disability.

**Chapter 1.24**  
**PUBLIC RECORDS**

Sections:

- 1.24.010 Definitions.
- 1.24.020 Ownership and custody of records.
- 1.24.030 Duties of city clerk.
- 1.24.040 Public records; Inspection and copying.
- 1.24.050 Confidential records.
- 1.24.060 Retention and disposal.

**Section 1.24.010 Definitions.**

As used in this chapter, “record” means any document, record, paper, letter, file, book, account, photograph, microfilm, microfiche, map, drawing, chart, card, magnetic media or computer printout, or other document of any material, regardless of physical form or characteristic, created or acquired under law or in connection with the transaction of official business and preserved or appropriate for preservation by the city, as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the city or because of the information value in them. “Record” does not include extra copies of documents made or preserved solely for convenience of reference, or for public distribution. (Ord. 93-01)

**Section 1.24.020 Ownership and custody of records.**

A. All records shall be and remain city property. Records shall be delivered by outgoing officials and employees to their successors as required by Section 2.24.040 and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of this chapter or as otherwise provided for by law.

B. City records, or copies of city records, which have been certified by the clerk, shall be prima facie evidence of their contents. (Ord. 93-01)

**Section 1.24.030 Duties of city clerk.**

The clerk shall be responsible for the administration and maintenance of the public records. The clerk shall:

1. compile and maintain an inventory of the public records, including those in the custody of other city officials and employees, those which have been placed in storage or destroyed, and those which are confidential;
2. establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving, and re-filing records which are temporarily removed from the permanent files for use by the clerk, other city officials or employees, or members of the public;
3. develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the Alaska Department of Community & Regional Affairs as provided by A.S. 40.21.090, and for the destruction of records pursuant to Section 1.24.060, while protecting the confidentiality of those records which are not open to public inspection pursuant to Section 1.24.050;
4. establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records which are not open to inspection pursuant to Section 1.24.050; and
5. secure and maintain at least one copy of the Alaska Statutes and one (1) copy of the North Slope Borough

Code, and make them available for public inspection. (Ord. 93-01)

**Section 1.24.040 Public records; Inspection and copying.**

A. Except as provided in Section 1.24.050, city records are public records.

B. Public records are open to inspection by the public during the clerk's regular office hours, subject to reasonable rules relating to time, place, and manner of inspection, to be established by the clerk. The clerk shall give on request and payment of costs a copy or certified copy of portions of the public record. (Ord. 93-01)

**Section 1.24.050 Confidential records.**

A. Except as otherwise provided by law, confidential records shall not be made available to the public or to any city officer, official or employee whose duties do not require access to the record in question.

B. The following city records are confidential:

1. records of vital statistics and adoption proceedings, which shall be treated in the manner required by A.S. 18.50;

2. records pertaining to juveniles;

3. medical and related public health records;

4. personnel records, except as provided in A.S. 23.10.430; and

5. other records required by federal or state law or regulation or by ordinances to be kept confidential. (Ord. 93-01)

**Section 1.24.060 Retention and disposal.**

A. All city records shall be retained until the council, in writing, authorizes their disposal.

B. The clerk shall propose and the council shall by resolution or ordinance approve a records retention and disposal schedule dictating how long various categories of routine records shall be kept before they no longer have legal, administrative, or historical value and may be destroyed by the clerk. The clerk may dispose of routine records pursuant to the retention schedule.

C. The clerk shall periodically review the city records, including inactive documents in storage, to determine whether he or she considers any to be without legal, administrative or historical value. When the clerk identifies such records, he or she may propose to the council that such records be destroyed. The clerk's proposal to the council shall include lists of these records sufficiently detailed to identify the records and to permit the council to determine whether the records retain any legal, administrative, or historical value, and shall also include proposed means of disposal. If the council finds that certain records so identified by the clerk are without legal, administrative, or historical value, it may authorize their disposal and specify the means by which they may be disposed of. With such authorization, the clerk may dispose of the specified records in the manner approved by the council.'

D. The clerk shall file a descriptive list of the records disposed of and a record of the disposal itself. The clerk shall provide copies of these documents to the council. (Ord. 93-01)

**Chapter 1.28**  
**PENALTIES: ENFORCEMENT**

Sections:

- 1.28.010 Designated.
- 1.28.015 Enforcement by public safety officers.
- 1.28.020 Enforcement by city attorney.
- 1.28.030 Separate violations.
- 1.28.040 Civil or criminal enforcement action.

**Section 1.28.010 Designated.**

The council shall prescribe the penalties for violations of the city ordinances. Where no specific penalty is provided a violation of an ordinance shall constitute an infraction as defined by A.S. 11.81.250(a)(6) and shall be punishable by a maximum fine of three hundred dollars. (\$300.00). (Ord. 93-01)

**Section 1.28.015 Enforcement by public safety officers.**

Authority is hereby granted to the Alaska State Troopers and North Slope Borough public safety officers to enforce the provisions of this code. (Ord. 93-01)

**Section 1.28.020 Enforcement by city attorney.**

The city attorney, or such other counsel as may be engaged by the city attorney at the direction of the council, shall prosecute on behalf of the city such civil and criminal enforcement actions as the council may deem appropriate. (Ord. 93-01)

**Section 1.28.030 Separate violations.**

Each day that a violation of an ordinance continues constitutes a separate violation. (Ord. 93-01)

**Section 1.28.040 Civil or criminal enforcement action.**

The city may enforce its ordinances by civil and criminal proceedings as follows:

1. maintain a civil action to obtain temporary, preliminary, or permanent injunctive relief restraining the violation of any ordinance, rule, or regulation. Such an action may be brought notwithstanding the availability of any other remedy;
2. maintain a civil action for damages suffered by the city or its citizens as a result of the violation of any city ordinance, rule or regulation or right or privilege granted under state or federal constitution, law, or other regulation;
3. maintain a civil action to collect a civil penalty for the violation of any ordinance;
4. maintain an action prosecuting as an infraction the violation of any city ordinance for which no greater penalty is established; and
5. maintain a criminal action prosecuting as a misdemeanor the violation of any city ordinance the violation of which is defined as a misdemeanor. Any person convicted of a misdemeanor violation of an ordinance may be punished by a fine of not more than one thousand dollars (\$1,000) and imprisonment for not more than ninety (90) days. (Ord. 93-01)
6. impose and collect surcharges required by A.S. 29.25.074. The surcharge shall be presumed to be added to each penalty specified in this code to which the provisions of A.S. 29.25.074 apply.

**Chapter 1.32**  
**RIGHT OF ENTRY FOR INSPECTION**

Sections:

1.32.010 Right of entry to enforce city law.

**Section 1.32.010 Right of entry to enforce city law.**

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, the owner shall be given twenty-four (24) hours notice, in person or by written notice delivered to the owner's residence, of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon the issuance of a search warrant by a duly authorized judicial officer.

(Ord. 93-01)

## TITLE 2 ADMINISTRATION

Chapter:

- 2.04 Mayor and Vice-Mayor
- 2.08 City Council
- 2.12 City Council Procedures
- 2.20 Appointive Offices
- 2.24 Assuming and Leaving Office
- 2.26 Conflict of Interest
- 2.28 Department of Recreation
- 2.36 Elections
- 2.40 Informal Appeals to the City Council

**Chapter 2.04**  
**MAYOR AND VICE-MAYOR**

Sections:

- 2.04.010 Duties generally.
- 2.04.020 Election; Qualifications; Term.
- 2.04.030 Vacancies.
- 2.04.040 Vote in council.
- 2.04.050 Veto.
- 2.04.060 Compensation.
- 2.04.070 Vice-Mayor.

**Section 2.04.010 Duties generally.**

- A. The mayor is the chief executive officer of the City.

The mayor acts as ceremonial head of the city government, presides at council meetings, and executes documents on behalf of the City upon council authorization.

- B. The mayor is the chief administrative officer of the city. As chief administrator, the mayor shall:

1. appoint, suspend, or remove city employees and administrative officers, as provided in Chapter 2.20 and Title 3, unless otherwise provided in this code; hire necessary administrative assistants, if so desired; and authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his or her department, if so desired.

2. supervise enforcement of city law and carry out the directives of the council,

3. prepare and submit the annual budget and capital improvements program to the council for its consideration, and execute the budget and capital improvements program as adopted;

4. make monthly financial reports and other reports on city finances and operations as required by the council;

5. report to the council at the end of each fiscal year on the finances and administrative activities of the City;

6. prepare and make available for public distribution an annual report on city affairs;

7. exercise custody over all real and personal property of the city, as provided in Title 13;

8. serve as city personnel officer, as provided in Title 3, unless the council authorizes the mayor by resolution or ordinance to appoint a personnel officer;

9. serve as an ex-officio member of every committee or department organized under this Code; and

10. perform other duties required by law or by the council .

**Section 2.04.020 Election: Qualifications: Term.**

A. The mayor and vice-mayor are elected by and from the council for a term of one year, and serve until a successor is elected and has qualified. The council shall meet on the first Monday after certification of the regular election and elect a mayor and vice-mayor. The mayor and vice-mayor shall take office immediately.

B. The mayor and vice-mayor shall be qualified city voters and members of the council. If the mayor or vice-mayor ceases to be eligible to be a city voter, or ceases to be a member of the council, he or she is no longer mayor or vice-mayor, regardless of the term for which he or she was elected.

C. The mayor and vice-mayor shall have been residents of the City of Anaktuvuk Pass for 90 days immediately prior to the date of the election.

D. The mayor and vice-mayor, as council members, shall affirm in writing the oath of office prescribed by Section 2.24.010.

**Section 2.04.030 Vacancies .**

A. A vacancy in the office of mayor or vice-mayor is filled by and from the council. A mayor or vice-mayor appointed under this subsection serves the balance of the term to which appointed, except that the mayor or vice-mayor may serve only while a member of the council and a qualified city voter.

B. The council shall, by two-thirds concurring vote, declare the office of mayor or vice-mayor vacant only when:

1. the person elected resigns, and the resignation is accepted by the council; or
2. the council, pursuant to Section 2.08.070, declares the person's council seat vacant.

C. In the temporary absence or disability of the mayor or vice-mayor, any member of the council may call the council to order at any properly called meeting to elect an acting mayor from among its members. The acting mayor shall exercise all the powers of mayor only during such temporary absence or disability of the mayor or vice-mayor.

**Section 2.04.040 Vote in council.**

The mayor and vice-mayor are council members and may vote on all matters.

**Section 2.04.050 Veto.**

The mayor does not have the veto power.

**Section 2.04.060 Compensation.**

The mayor of the city shall receive compensation in the amount of \$150.00 per regular meeting except where there is no quorum to open the meeting; \$100.00 per special meeting except where there is no quorum to open the meeting.

**Section 2.04.070 Vice-Mayor.**

The vice-mayor shall perform the duties of the mayor in the temporary absence of the mayor.

**Chapter 2.08**  
**CITY COUNCIL**

Sections:

2.08.010	Established; Composition.
2.08.015	Qualifications of council members.
2.08.020	Election; Term.
2.08.030	Powers.
2.08.040	Regular meetings.
2.08.050	Special meetings.
2.08.055	Notice of meetings.
2.08.060	Compensation.
2.08.070	Vacancies.
2.08.080	Filling vacancies.

**Section 2.08.010**            **Established; composition.**

The legislative power of the city is vested in the city council. The council shall consist of seven (7) members elected by the voters at large. (Ord. 93-04)

**Section 2.08.015**            **Qualifications of council members.**

A.        A council member shall be a qualified city voter. A council member who ceases to be eligible to be a city voter immediately forfeits his or her office.

B.        In order to serve as a council member, a person must be a resident of the city for thirty (30) days immediately prior to the date of the election.

C.        All council members, before entering upon the duties of office, shall affirm in writing the oath or affirmation provided by Section 2.24.010. (Ord. 93-04)

**Section 2.08.020**            **Election; term.**

A.        A council member is elected for a three (3) year term and serves until a successor qualifies.

B.        The regular term of office begins on the first Monday following certification of the election.

C.        City council members shall be elected at the regular election held annually on the first Tuesday in October.

A council member shall be elected to Seats A and B at the 1997 regular election and the regular election in every third year following 1997 (2000, 2003, etc.); council members shall be elected to Seats C and D at the 1995 regular election and at the regular election in every third year following 1998 (2001, 2004, etc.); and council members shall be elected to Seats E, F, and G at the 1996 and at the regular election in every third year following 1996 (1999, 2002, etc.). (Ord. 90-04, 93-04)

**Section 2.08.030**            **Power.**

The council shall have and may exercise all legislative and adjudicative powers provided by law. (Ord. 93-04)

**Section 2.08.040**            **Regular meetings.**

A.        The council shall meet on the first Tuesday of each month at 7:30 p.m.

B.        The usual place of council meetings shall be the City Hall, Anaktuvuk Pass, Alaska.

C.        In the event that the council becomes aware in advance that a quorum will not be present at a future regular meeting, or if any condition renders the meeting place unfit to conduct meetings of the council, the meeting may be

rescheduled for such other day or time or moved to such other place as the council may choose, provided reasonable notice is given to council members and to the public.

(Ord. 93-04)

**Section 2.08.050 Special Meetings.**

A. Special meetings of the council may be called for a time different than that fixed for regular council meetings by the mayor or by any three (3) members of the council. The location of all special council meetings shall be the same as that authorized for regular meetings.

B. Advance notice of at least twenty-four (24) hours shall be given each council member before a special meeting is held. The notice may be written or oral and shall specify the time, place, and business of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice shall be given personally to each member of the council or left at his or her usual place of business or residence by the clerk or the clerk's designee.

C. In an emergency, a special meeting called on less than twenty-four (24) hours notice is a legal meeting if all members are present or if a quorum is present and all absent members have waived in writing the required notice. A waiver may be made either before or after the special meeting is held. Waivers shall be attached to and made a part of the minutes of the meeting. (Ord. 93-04)

**Section 2.08.055 Notice of meetings.**

Reasonable notice shall be given to the public of all regular and special council meetings. Public notice of a meeting is reasonable if a statement containing the date, time, and place of the meeting, and the purpose of the meeting if it is a special meeting, is posted in at least three (3) public places not less than twenty-four (24) hours before the time of the meeting. Notice of a special meeting called in an emergency on less than 24 hours notice shall be provided as practicable. This section does not alter or supersede any other notice requirements which may be provided in state law. (Ord. 93-04)

**Section 2.08.060 Compensation.**

A. Each council member shall receive compensation of One Hundred Fifty Dollars (\$150.00) per regular meeting attended and of One Hundred Dollars (\$100.00) per special meeting attended.

B. No compensation shall be paid for any meeting at which there is no quorum present to open the meeting.

C. The council may change the compensation of council members at any time by ordinance, except that if the mayor is paid a salary, that salary may not be reduced during a term of office. All council members shall be compensated at the same rate for their service as council members.

D. An elected officer may not receive any compensation for service to the city other than the compensation provided by this section and the salary, if any, paid to the mayor. Per diem payments or reimbursement for expenses incurred in conducting city business are not considered to be compensation. (Ord. 93-04)

**Section 2.08.070 Vacancies.**

The council shall declare a council seat vacant when the person elected:

1. dies;
2. fails to qualify or take office within 30 days after election or appointment;
3. is physically absent from the city for ninety (90) consecutive days unless excused by the council;
4. resigns and the resignation is accepted;
5. is physically or mentally unable to perform the duties of office as determined by two-thirds (2/3) vote of the council;

6. is convicted of a felony or of an offense involving a violation of the oath of office;
7. is convicted of a felony or misdemeanor described in A.S. 15.56 or in Section 2.36.070 of this code and two-thirds (2/3) of the council members concur in expelling the person elected;
8. is discharged from the council pursuant to Section 2.26.050 for repeated failure to disclose potential conflicts of interest or for participating in an action when the member has a conflict of interest;
9. is convicted of a violation of A.S. 15.13;
10. no longer physically resides in the city, and the council by two-thirds (2/3) vote declares the seat vacant;
11. misses three (3) consecutive regular council meetings, unless excused; or
12. has been recalled by the voters. (Ord. 93-04)

**Section 2.08.080 Filling Vacancies.**

A. If a vacancy occurs in the council, the council, by vote of a majority of its remaining members shall, within thirty (30) days, appoint a person to fill the vacant seat. If less than thirty (30) days remain in the term of the vacant seat at the time that the vacancy occurs, the vacancy shall not be filled.

B. Notwithstanding subsection (A) of this section, if the membership of the council is reduced to fewer than four (4) members, the remaining members shall, within seven (7) days, appoint as many qualified persons as are necessary to increase the membership of the council to four (4).

C. If all seven (7) council seats become vacant at one (1) time, the governor shall appoint three (3) qualified persons to the council. The governor's appointees shall appoint additional members as provided in subsection (B) of this section.

D. A person appointed to fill a vacancy serves until the next regular city election, when a successor shall be elected to serve the balance of the term, and until the successor has qualified.

(Ord. 93-04)

**Chapter 2.12**  
**CITY COUNCIL PROCEDURES**

Sections:

- 2.12.010 Presiding officer.
- 2.12.020 Public meetings.
- 2.12.030 Executive sessions.
- 2.12.040 Agenda.
- 2.12.050 Quorum.
- 2.12.060 Absence of quorum.
- 2.12.070 Call to order.
- 2.12.080 Order of business.
- 2.12.090 Ordinances -- When required.
- 2.12.092 Ordinances -- Codification.
- 2.12.094 Ordinances -- Procedure.
- 2.12.096 Ordinances -- Form.
- 2.12.100 Ordinances -- Emergency.
- 2.12.110 Resolutions -- When used.
- 2.12.112 Resolutions -- Permanent file.
- 2.12.114 Resolutions -- Procedure.
- 2.12.116 Resolutions -- Form.
- 2.12.120 Voting.
- 2.12.130 Rules of order.

Appendix of Forms following §2.12.130:

- Form 2.12-A Ordinance.
- Form 2.12-B Resolution.

**Section 2.12.010 Presiding officer.**

A. The mayor shall preside at all meetings of the council. If the mayor is not present or is personally disqualified on account of a conflict of interest, the vice-mayor shall preside. If both the mayor and the vice-mayor are absent or disqualified, any member of the council may call the council to order at any properly called meeting to elect another council member as president pro tempore to preside at that meeting only.

B. The presiding officer shall preserve order among council members and is responsible for the efficient conduct of all meetings according to the rules of the council. The presiding officer may at any time make such other rules as he or she considers reasonable and proper to preserve order among the attending public during sessions of the council. (Ord. 93-04)

**Section 2.12.020 Public meeting.**

A. All meetings of the council shall be public. The only exception to the requirement of public council meetings is when an executive session is permitted by Section 2.12.030.

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

meetings.

C. This section does not apply to special meetings called solely to discuss and decide adjudicatory proceedings, if the public and the affected parties have been given an opportunity to be heard on the same topic at a prior meeting. (Ord. 93-04)

**Section 2.12.030 Executive Sessions.**

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

1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the city;

2. subjects that tend to prejudice the reputation and character of any person, except that the person may request a public discussion.

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

1. negotiations with labor organizations representing city employees;

2. discussions of pending or threatened lawsuits in which the city has an interest; and

3. matters required by federal or state law or by city ordinance to be confidential.

C. If any of the above subjects are to be discussed at a council meeting, the meeting must first be convened as a public meeting. During the public meeting, the council shall vote on a motion to hold an executive session on a particular matter or matters of the type described in subsections (A) and (B) of this section. No subjects may be considered during the executive session except those matters mentioned in the adopted motion calling for the executive session, or related subjects which must be discussed in order to fully consider the matters mentioned in the motion.

D. No action may be taken at the executive session except to give direction to an attorney on labor negotiation regarding the handling of a specific legal matter or pending labor negotiations. Only after the executive session is over and the meeting is once again before the public may the council take action on the matters discussed in the executive session. (Ord. 93-04)

**Section 2.12.040 Agenda.**

The clerk shall prepare the agenda for each council meeting after consulting with the mayor. The clerk shall distribute the agenda to all council members at least 24 hours prior to the meeting. (Ord. 93-04)

**Section 2.12.050 Quorum.**

Four (4) council members constitute a quorum. A council member who is excused from voting on a question due to a conflict of interest pursuant to Section 2.26.030 shall be considered present for purposes of constituting a quorum. A quorum is necessary for the council to conduct any business. (Ord. 93-04)

**Section 2.12.060 Absence of quorum.**

In the absence of a quorum, as many members as are present may recess or adjourn the meeting to a later date. (Ord. 93-04)

**Section 2.12.070 Call to order.**

The mayor, or in the mayor's absence the vice-mayor, shall call the council to order at the time stated in the notice of the meeting and, if a quorum is present, proceed with the order of business. (Ord. 93-04)

**Section 2.12.080 Order of business.**

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

1. call to order;

2. roll call;

3. invocation;
4. agenda;
5. local concerns;
6. minutes of previous meeting(s);
7. reports - income and expenditures;
8. communications and public appearance requests;
9. hearings, ordinances, and resolutions;
10. old business;
11. new business;
12. correspondence;
13. public participation;
14. council comments; and
15. adjournment.

(Ord. 93-04)

**Section 2.12.090 Ordinances --when required.**

A. The council may act only by ordinance, resolution or motion. Laws of a general, uniform, and permanent nature shall be adopted by ordinance. Statements of opinions, principles, facts, or propositions may be made by adoption of a resolution.

B. In addition to other actions which state law requires to be taken by ordinance, the council shall use ordinances to:

1. establish, alter, or abolish city departments;
2. amend or repeal an existing ordinance;
3. fix the compensation of council members and other city officers and employees;
4. provide for the sale or exchange of city property;
5. provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
6. adopt the city budget;
7. make appropriations, including supplemental appropriations or transfer of appropriations;
8. provide for the levying of taxes;
9. grant, renew, or extend a franchise;
10. regulate the rate charged by a public utility;
11. approve the transfer of a power to the borough;
12. adopt, modify, or repeal building and housing codes;
13. provide for the retention or sale of tax-foreclosed property; and
14. exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of city public works projects within the limitations set out in A.S. 36.25.025. (Ord. 93-04)

**Section 2.12.092 Ordinances -- codification.**

A. At the time of or after adoption, each permanent ordinance shall be made a part of and assigned a

permanent subsection or section number or numbers specifying its placement in this code; a notation of the date of adoption and the number of the ordinance by which it was adopted shall be added to the end of each subsection or section, as appropriate; and it shall be entered by the clerk into the official city copy of this code. This subsection does not apply to appropriation or budget ordinances.

B. An amendment to any of the provisions of this code shall be made by adoption of an ordinance specifically referring to the section number(s) of such provisions in the following language: "That Section \_\_\_\_\_ of the Anaktuvuk Pass code is hereby amended to read as follows: [insert full text of provision as amended]."

C. An amendment of this code which adds a new provision shall be made by adoption of an ordinance specifically assigning a new subsection or section number or numbers to the new provision(s) in the following language: "That the Anaktuvuk Pass code is hereby amended to add Section \_\_\_\_\_, which shall read as follows: [insert full text of new provision]."

D. An amendment of this Code which repeals and deletes a section, chapter, or title shall be made by adoption of an ordinance specifically repealing each section, chapter, or title by number.

(Ord. 93-04)

**Section 2.12.094 Ordinances - procedure.**

A. A proposed ordinance shall be introduced in writing, in the form prescribed by Section 2.12.096, by the mayor or any other member of the council, or by a committee of council members, at any lawful council meeting.

B. After an ordinance is introduced, the council may approve a motion to set the time and place for a public hearing on the ordinance. At least four (4) affirmative votes are required to approve such a motion.

C. When a proposed ordinance has been set for public hearing, the council shall direct the clerk to make public a summary of the ordinance, together with a notice of the time and place of the hearing. The summary and notice shall be posted in at least three (3) public places in the city at least five (5) days before the public hearing.

D. At the public hearing, copies of the ordinance shall be available for all persons present, or the ordinance shall be read in full. All persons shall have the opportunity to be heard at the public hearing. After the hearing, the council shall consider the proposed ordinance, and may adopt it with or without amendment, except that if the amendments are so substantial that they would change the basic character of the proposed ordinance, the proposed amended ordinance shall be treated as a newly introduced ordinance and set for public hearing. If the ordinance is adopted, the council shall direct the clerk to type or print the ordinance in its final form and make copies available to the public.

E. At least four (4) affirmative votes are required for the adoption of an ordinance.

F. Upon adoption, each ordinance shall be signed by the mayor, and attested by the clerk.

G. An ordinance takes effect upon adoption, or at a later date specified in the ordinance. (Ord. 93-04)

**Section 2.12.096 Ordinances - form.**

A. All ordinances adopted by the council shall be in substantially the following form (which is illustrated by Form 2.12 - A):

1. the heading "CITY OF ANAKTUVUK PASS, ALASKA";
2. the ordinance number;
3. the ordinance title, summarizing the ordinance's provisions and stating whether any penalty is imposed;
4. the enacting clause, which shall read: "BE IT ENACTED BY THE ANAKTUVUK PASS CITY COUNCIL AS FOLLOWS:";

5. the provisions of the ordinance, including the effective date, if the ordinance is not to take effect upon adoption;

6. the dates of introduction (first reading), public hearing, and adoption;

7. space for the signature of the mayor; and

8. space for the clerk's signature attesting to the mayor's signature.

B. Every ordinance shall be confined to a single subject, unless it is an appropriations ordinance or an ordinance codifying, revising, or rearranging existing ordinances. Appropriations ordinances shall be confined to appropriations. (Ord. 93-04)

#### **Section 2.12.100 Ordinances - Emergency.**

A. To meet a public emergency, the council may adopt an emergency ordinance effective upon adoption. Each emergency ordinance shall contain a finding by the council that an emergency exists and a statement of the facts upon which that finding is based. An emergency ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all council members present, or the affirmative vote of six (6) council members, whichever is less, is required for the adoption of an emergency ordinance. Except as specified in this section, the requirements of Sections 2.12.090 through 2.12.096 apply to emergency ordinances.

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

C. An emergency ordinance is effective for 60 days unless the ordinance specifies a shorter period of time during which the ordinance is to remain in effect. (Ord. 93-04)

#### **Section 2.12.110 Resolutions - when used.**

Formal acts of the council which are not required by state law or this code to be enacted by ordinance and which are not of a general and permanent nature may be adopted by resolution. Opinions, principles, facts, or propositions may be stated in the form of a resolution. (Ord. 93-04)

#### **Section 2.12.112 Resolutions - permanent file.**

Resolutions shall not be included in this Code, but shall be kept by the clerk in a permanent file available for public inspection. (Ord. 93-04)

#### **Section 2.12.114 Resolutions - procedure.**

A. A proposed resolution shall be introduced in writing, in the form prescribed by Section 2.12.116, by the mayor or any other member of the council, or by a committee of council members, at any lawful council meeting.

B. The proposed resolution shall be read aloud at the time of introduction. Before the council votes on the motion to adopt the resolution, all interested persons present shall have the opportunity to comment.

C. Adoption of a resolution must be approved by at least four (4) affirmative votes. (Ord. 93-04)

#### **Section 2.12.116 Resolutions - form.**

All resolutions adopted by the council shall be in substantially the following form (which is illustrated by Form 2.12 - B):

1. the heading "CITY OF ANAKTUVUK PASS, ALASKA";

2. the resolution number;

3. a short title, descriptive of the resolution's subject and purpose;

4. short premises or "WHEREAS" clauses, stating the facts underlying or describing the reasons for the

resolution;

5. the resolving clause "BE IT RESOLVED:" stating the opinions, principles, findings of fact, propositions, or course of action the council believes should be taken;

6. the date of adoption;

7. space for the signature of the mayor and every other council member who voted; and

8. space for the clerk's signature attesting to the signatures of the mayor and other council members. (Ord. 93-04)

**Section 2.12.120 Voting.**

A. The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. Each member present shall vote on every question, unless required by law to abstain from voting on a question.

B. The mayor or presiding officer shall declare all votes and the result. (Ord. 93-04)

**Section 2.12.130 Rules of Order.**

A. Before speaking, a council member shall first respectfully address the Mayor or other presiding officer for permission to speak. A council member must then be recognized by the Mayor or presiding officer before speaking. When two (2) or more members request to speak at the same time, the Mayor or other presiding officer shall determine which one is recognized.

B. When speaking, a council member shall discuss only the subject under discussion. A council member shall not refer to any other council member except in a respectful manner.

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

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

E. A motion must be made in writing if any council member so requests.

F. Any previous decision on a motion may be changed by majority vote of the council on a motion made later at the same meeting. Subject to the requirements of Section 2.12.114, a resolution may be repealed or modified at any time by adoption of a new resolution. Subject to the requirements of Section 2.12.094 or Section 2.12.100, an ordinance may be repealed or modified at any time by adoption of a new ordinance.

G. Except as otherwise specified by state statute or city ordinance, all meetings shall be conducted according to Robert's Rules of Orders. The council may, when no member objects, proceed informally in dealing with non-controversial matters.

H. The clerk shall keep minutes of all regular and special meetings, and shall maintain a council meeting journal which shall include agendas and minutes of all meetings, together with copies of all resolutions and ordinances introduced, whether or not adopted. The council meeting journal is a public record. The council journal shall be available to the public for inspection and copies of pages from the journal may be made available without charge or sold at cost. (Ord. 93-04)

Chapter 2.20

APPOINTIVE OFFICES

Sections:

- 2.20.010 Appointive officials.
- 2.20.020 Appointment; Term; Bonds.
- 2.20.030 City clerk.
- 2.20.040 City attorney.
- 2.20.050 Boards and commissions.

**Section 2.20.010 Appointive official.**

A. The appointive officials of the city are the city clerk/treasurer, city recreation director and the city attorney. Such additional appointive offices as may be considered necessary shall be established by ordinance; each administrative department shall be supervised by an appointive officer or by the mayor.

B. The council and the mayor shall each have the power to inquire into the conduct of any office, department, officer, or employee of the City, make investigations into city affairs, and compel the production of books, papers, and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any city officer or employee.

C. All records and accounts of every office and department of the City shall be open to the public as provided in Section 1.24.040. If any appointed officer has or expects to have in his or her possession records or documents the disclosure of which would tend to defeat the lawful purpose for which they were intended, such officer shall request through the mayor that the council, by ordinance, designate such records as confidential. Each department head shall be held responsible for the safekeeping of all public records under his or her responsibility. No public records, reports, correspondence, or other data relative to the business of any department shall be destroyed or removed permanently from the files except as provided in Section 1.24.060.

**Section 2.20.020 Appointment; Term; Bonds.**

- A. Appointive officials are appointed by, and serve at the pleasure of, the council.
- B. Appointive officials are appointed and serve for indefinite terms.
- C. The city clerk is required, and other appointive officials may be required, to be bonded pursuant to Section 2.24.020.

**Section 2.20.030 City Clerk.**

- A. An individual appointed as clerk must be eligible for appointment as a notary public under A.S. 44.50.
- B. The clerk shall be appointed for an indefinite term.
- C. The clerk shall:
  - 1. Give notice of the time and place of council meetings to the council and the public;
  - 2. Attend and keep the minutes of council meetings;
  - 3. Arrange publication and posting of notices, ordinances, and resolutions;
  - 4. Maintain and make available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations, codes, and other public records;
  - 5. Attest deeds, ordinances, resolutions, and other documents;

6. Act as city election registrar and call and supervise city elections;

7. Perform other duties specified by State law or city ordinance or assigned by the mayor or the council; and

8. Apply within 15 days after appointment as clerk for appointment as a notary public, and serve as a notary public at all times during his or her term as clerk. The costs related to applying to be appointed as and serving as a notary public shall be paid by the city.

D. The clerk shall act as city treasurer, and in that capacity shall:

1. Keep custody of all city funds;

2. Keep an itemized account of money received and disbursed; and pay money on vouchers drawn against appropriations;

3. Maintain care of all property used by the city,

4. Assist the mayor in compiling the annual budget of the city;

5. Prepare and submit to the mayor and council such financial reports and other data as may be required or requested;

6. Prescribe and control such procedures as are necessary to protect city funds and property;

7. Be responsible for filing state and federal applications for shared revenue programs;

8. Perform other duties specified by State law or city ordinance or assigned by the mayor or the council; and

9. Give bond to the city in a sum that the council directs. Premiums on the bond will be paid by the city.

E. The council may appoint an acting clerk to perform the duties of the clerk in the temporary absence of the clerk

**Section 2.20.040 City attorney.**

There shall be a city attorney who shall be an officer of the city appointed by the mayor subject to approval by the council for an indefinite term, and who shall be the chief legal advisor of the council, the mayor and all other offices, departments and agencies of the city government in matters relating to their official powers and duties. The attorney shall represent the city in civil and criminal proceedings in the courts, and shall perform all services incident to this position, which may be required by law or ordinance.

**Section 2.20.050 Boards and commissions .**

The council may by ordinance establish advisory, administrative, technical, or quasi-judicial boards or commissions. The members of boards and commissions shall be appointed by the mayor, subject to confirmation by the city council. Members of boards and commissions serve at the pleasure of the mayor. Such boards and commissions shall perform such functions as the council may by ordinance or resolution direct, and may be dissolved by ordinance.

**Chapter 2.24**  
**ASSUMING AND LEAVING OFFICE**

Sections:

- 2.24.010 Oath of office.
- 2.24.020 Bond.
- 2.24.030 Resignation.
- 2.24.040 Delivery of office.

**Section 2.24.010 Oath of office.**

A. Before taking office, unless another oath or affirmation is specifically required for the office by state law or this code, all elected officials and appointed officers shall swear to or affirm the following oath or affirmation:

I, \_\_\_\_\_, do solemnly swear [or affirm] that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the ordinances of the City of Anaktuvuk Pass, Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of \_\_\_\_\_ to the best of my ability.

B. The oath or affirmation shall be sworn to or affirmed, and signed, by the officer or official before a notary public or a witness who is a qualified voter, and shall then be filed with the clerk. (Ord. 93-02)

**Section 2.24.020 Bond.**

A. The council may by resolution or ordinance require city officers, appointed officials, or employees in addition to the clerk to be individually bonded. All city officers, officials, and employees not individually bonded shall be covered by a blanket bond. The city shall pay the premiums for all bonds required by this section.

B. The official bond of a city officer, official, or employee when required by ordinance or resolution shall be in a form joint and several, and made payable to the city in the penal sum and with the conditions required by law. (Ord. 93-02)

**Section 2.24.030 Resignation.**

Resignations of city officers and appointed officials shall be made in writing and filed with the clerk, who shall immediately notify the mayor and council. (Ord. 93-02)

**Section 2.24.040 Delivery of office.**

Whenever an officer, appointed official, or employee leaves city office or employment for any reason, he or she shall promptly deliver to his or her successor in the office or to the mayor all city property, including books, working papers, records, money, equipment, and effects, which are in his or her custody, possession, or control. (Ord. 93-02)

Chapter 2.26

CONFLICT OF INTEREST

Sections:

- 2.26.010 Prohibitions.
- 2.26.020 Financial interests which may be conflicts of interest
- 2.26.030 Conflicts of interest and disclosure - City council members.
- 2.26.040 Conflicts of interest and disclosure - Appointed officers and employees.
- 2.26.050 Violations.

**Section 2.26.010 Prohibitions.**

A. No elected official, appointed city officer, or city employee shall use his office or official position for the primary purpose of obtaining financial gain for himself or his spouse, child, mother, father or business with which he is associated or owns stock.

B. No elected official, appointed city officer, or city employee shall participate in any official action in which he has a substantial financial interest. Prohibited participation includes voting as a council member, taking part in council debate, soliciting the vote of a council member, or encouraging any city official or officer to act in a certain way in regard to a subject.

C. No elected official, appointed city officer, or city employee may accept from any other elected official, appointed city officer, or city employee, or any other person, money, gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from accepting any award or bonus authorized by the council to be given for meritorious service.

D. No elected official, appointed city officer, or city employee, and no other person, shall give or offer to give to any elected official, appointed city officer, or city employee, money, gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from voting for or participating in granting any award or bonus authorized by the council to be given for meritorious service.

**Section 2.26.020 Financial interests which may be conflicts of interest.**

The following is a list of examples of financial interests substantial enough that any council member, appointed officer, or city employee who comes under any of the categories listed below should not vote or act on any matter so affected. The categories below are not meant to be a complete listing of all possible conflicts of interest. Any instances not covered below should come before the council for a vote as the individual matters arise. A council member, appointed officer, or city employee should abstain from voting or refrain from acting if:

1. He or she (or a member of his or her immediate family) individually, jointly, or in partnership with another has an interest in land or buildings, other than his or her residence, that will be affected by the vote or action.
2. He or she (or a member of his or her immediate family) is party to or beneficiary of a contract for a sum of \$1,000 or more that will be affected by the vote or action.
3. He or she (or a member of his or her immediate family) is individually, jointly, or in partnership with

another the owner of a business, or has an interest in a business of \$1,000 or more that will be affected by the vote or action.

4. He or she (or a member of his or her immediate family) is a member of a board of directors or governing body or an officer of, or holds a management position with an organization that has financial dealings of \$1,000 or more with the city that will be affected by his or her vote or action.

**Section 2.26.030 Conflicts of Interest and disclosure - City council members.**

A. Each city council member shall disclose any financial interest he or she may have in any matter that has come before the council for a vote. If the member believes that the financial interest is substantial, he or she shall ask to be excused from voting on the matter.

B. The mayor shall rule on the request of a council member to be excused from voting on a matter in which the member has or believes he or she has a substantial financial interest, unless the mayor is the member making the request or has the same or a similar or related financial interest in the same matter, in which case the council shall designate another council member who has no financial interest in the matter to rule on the request.

C. The decision of the mayor (or designated council member) on the member's request to be excused from voting may be overridden by a majority vote of the council. Neither the council member making the request, nor any other council member who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.

D. If any resident of the city believes that a council member may have an undisclosed conflict of interest, the resident may request a confidential meeting with the mayor (or, in the event that a claimed potential conflict of interest involves the mayor, any other council member chosen by the resident requesting the meeting) and the council member who may have a conflict of interest. If, as a result of the confidential meeting, the council member with the potential conflict or the mayor decides that the financial interest must be disclosed to the council, the council member shall disclose the interest to the council as provided in Section 2.26.030(B) above.

E. A council member who has a substantial financial interest in a matter before the council, and who has been excused from voting on that matter, may not participate as a council member in the debate on the matter, although he or she may participate in discussion to the same extent as a member of the general public. If the matter is discussed by the council in executive session, the member shall be excluded during the executive session.

F. If a conflict of interest is discovered after an official action has been undertaken or completed the city council may by a majority vote, excluding the vote of any affected member, resolve to rescind the official action or to take any other remedial steps necessary.

**Section 2.26.040 Conflicts of Interest and Disclosure - City Officers and Employees.**

A. Each city officer and employee shall disclose to the mayor or the city council any financial interest he or she may have in any matter that has come before the officer or employee for action in the course of his or her duties. If either the officer or employee making the disclosure, the mayor, or a majority of the members of the council conclude that the financial interest in question is substantial, then the officer or employee shall not act or participate in taking action on the matter.

B. Any resident of the city who thinks that a city officer or employee may have an undisclosed conflict of interest may request a confidential meeting with the mayor (or, in the event that a claimed potential conflict of interest involves the mayor, any other council member chosen by the resident requesting the meeting) and the officer or employee who may have a conflict of interest. If, as a result of the confidential meeting, the officer or employee with the potential conflict concludes that he or she should refrain from acting on the matter, or the mayor (or other chosen council member)

directs the officer or employee to refrain from acting on the matter, all proceedings of the meeting with the resident and the mayor (or other chosen council member) will remain confidential. If neither the officer or employee nor the mayor (or other chosen council member) decides that the officer or employee must refrain from acting, the resident may request the council to consider the matter at its next regular meeting.

**Section 2.26.050                    Violations.**

A.     Any council member, city officer, or city employee who violates this ordinance by knowingly refusing to disclose a financial interest as required by this chapter may be suspended from the council or from his or her city office or employment. Such suspensions shall be for a period up of ninety days, and shall be made upon a two - thirds majority vote of the council. Any council member, officer, or employee who is suspended for this reason more than once in any twelve month period may be discharged from the council or from his or her office or job. Such discharge shall be made upon a two-thirds majority vote of the council.

B.     Any person who willfully violates any provision of Section 2.26.010 shall be guilty of an infraction.

C.     Any city council member or appointed city officer who willfully violates any provision of Section 2.26.010 shall be deemed to have violated his or her oath of office and shall be subject to immediate discharge from the council or from office by two - thirds vote of the council. Any willful violation of any provision of Section 2.26.050 by any city employee shall be cause for immediate termination of employment.

D.     No council member may vote on any question of his or her own suspension or discharge.

## Chapter 2.28

### DEPARTMENT OF RECREATION

#### Sections:

- 2.28.010 Department Established.
- 2.28.020 Director - Appointment.
- 2.28.030 Director - Duties.
- 2.28.040 Commission - Established.
- 2.28.050 [Reserved.]
- 2.28.060 Commission - Tenure.
- 2.28.070 Commission - Powers and duties.
- 2.28.080 Commission meetings - Generally.
- 2.28.090 Commission meetings - Conduct.
- 2.28.100 Commission meetings - Notice.
- 2.28.110 Commission meetings - Agenda.
- 2.28.120 Advisory subcommittees.

#### **Section 2.28.010 Department Established.**

There is created a department of recreation for the city. The director of the department of recreation is the head of the department. (Ord. 94-04)

#### **Section 2.28.020 Director - Appointment.**

The director shall be appointed for an indefinite term by the mayor, subject to approval by majority vote of the city council. (Ord. 94-04)

#### **Section 2.28.030 Director - Duties.**

A. The director, subject to the supervision and control of the mayor, shall have charge of and direct the recreational programs, activities, and facilities sponsored, carried on, or maintained by the city including any parks, playgrounds, or other facilities in connection therewith.

B. The director is a non - voting member of the recreation commission and is its secretary.

C. The director shall develop meeting agendas, plans, materials, and arrangements in consultation with the commission chairperson.

D. The director is responsible for carrying out the policy and programs of the commission, as approved by the city council.

E. The director shall present commission recommendations to the city clerk for inclusion on city council agendas. Every recommendation to the city council will include the following information:

1. Identified need;
2. Goal;
3. Objective(s);
4. Method(s) to achieve objective(s);
5. Financial strategy and costs;
6. How the recommendation relates to the five-year recreation plan.

(Ord. 94-04)

**Section 2.28.040 Commission - Established.**

- A. There is created a City Recreation Commission.
- B. The recreation commission shall consist of seven (7) members appointed by the mayor, subject to approval by majority vote of the city council. All commission members shall be city residents.
- C. At the time prescribed for the beginning of newly appointed members' terms or as soon thereafter as practicable, the commission shall elect a chairperson and vice-chairperson, and determine the time and place of its regular monthly meetings. (Ord. 94-04)

**Section 2.28.050 [Reserved.]**

**Section 2.28.060 Commission - Tenure.**

- A. Commission members shall serve for one (1) year and until the a new mayor is elected and the new mayor will appoint seven (7) new board members.
- B. Commission members may be removed by the city council if the council finds that such an action is in the best interest of the city. The council's decision to remove a commission member must be approved by at least five (5) members of the council.
- C. A commission member who misses three (3) consecutive regular meetings shall be removed from the commission. When a member has missed three (3) consecutive regular meetings, the director shall promptly report the vacancy to the mayor.
- D. Vacancies shall be filled for the remainder of the unexpired term by a person appointed by the mayor, subject to approval by majority vote of the city council. (Ord. 94-04)

**Section 2.28.070 Commission - Powers and duties.**

The recreation commission shall:

- A. Advise the recreation director, the mayor, and the city council in matters of recreation policy regarding:
  - 1. Development and management of parks and open space areas;
  - 2. Recreation programs and activities;
  - 3. Budgetary and other fiscal matters relating to recreation; and
  - 4. Development of a five-year recreation plan.
- B. Investigate, study and advise the recreation director, mayor, and city council as to feasible projects that will further the development and enhancement of parks and open spaces and the program of recreational activities. Such studies shall consider each of the factors set out in Section 2.28.030(E).
- C. Advise the recreation director in coordination of plans for management of park and recreational facilities.
- D. Investigate, study and advise the recreation director, mayor, and city council on suitable locations for historical markers or other objects of a historical nature which may be placed in public squares or parkways in the city or which are worthy of public protection.
- E. Plan, establish and coordinate city recreational programs and any other recreational activities approved by the city council which use public facilities. (Ord. 94-04)

**Section 2.28.080 Commission meetings - generally.**

- A. Regular commission meetings shall be held once a month.
- B. The chairperson or any three (3) members of the commission may call special meetings. The chairperson or

members calling a meeting shall specify the purpose of the special meeting.

C. The members of the commission shall receive the sum of a one hundred dollar (\$100.00) honorarium for attending their monthly meeting. Not to exceed more than one meeting a month. Any special meeting shall not be voluntary by the commission. (Ord. 94-04)

**Section 2.28.090 Commission meetings - conduct.**

A. All commission meetings are public meetings, governed by the statutes of the State of Alaska and city ordinance.

B. Except as otherwise specified by state statute or city ordinance, all meetings shall be conducted according to Robert's Rules of Orders. The commission may, when no member objects, proceed informally in dealing with non-controversial matters.

C. Four (4) commission members constitute a quorum.

D. The secretary shall keep minutes of all commission meetings. Copies of the minutes shall be provided to the city clerk for distribution to the city council. (Ord. 94-04)

**Section 2.28.100 Commission meetings - notice.**

A. Notice of regular meetings, including a copy of the proposed agenda, shall be given to commission members by mail or in person at least five working days prior to each regular meeting. Notice of special meetings, including notice of the purpose for which the special meeting is called, shall be given to commission members by mail, in person, or by telephone at least twenty-four hours prior to each special meeting.

B. The director shall notify the general public of regular and special commission meetings by radio, by postings in at least three public places in the city, and, if deemed appropriate by the director, by insertion in local newspaper advertisements. (Ord. 94-04)

**Section 2.28.110 Commission meetings - agenda.**

A. The director shall prepare the agenda for regular meetings, including all items specified by the chairperson or requested in a timely manner by other persons. Persons wishing to have items included on the agenda must submit their request, in writing, no later than eight (8) working days prior to the meeting.

B. The agenda for each special meeting shall be limited to the specific item or items identified by the chairperson or the members calling the special meeting. (Ord. 94-04)

**Section 2.28.120 Advisory subcommittees .**

A. The commission may establish advisory subcommittees to advise the commission on specific recreational activities or programs.

B. All advisory subcommittees shall be chaired by a commission member. (Ord. 94-04)

## Chapter 2.36

### ELECTIONS

#### Sections:

#### Article I: General

- 2.36.010 Voter qualifications.
- 2.36.020 Residence criteria.
- 2.36.030 Precincts and voting places.
- 2.36.040 Supervision by city clerk.
- 2.36.050 Election board; judges; clerks.
- 2.36.060 Oath of election officials.
- 2.36.070 Offenses.

#### Article II: Preparation for Election Day

- 2.36.080 Date of regular election.
- 2.36.090 Special elections.
- 2.36.100 Coincidence with other elections.
- 2.36.110 Election place and hours.
- 2.36.120 Notices of election.
- 2.36.130 Nominations for office.
- 2.36.140 Declaration of candidacy -- Form.
- 2.36.150 Declaration of candidacy -- Filing.
- 2.36.160 Declaration of candidacy -- Withdrawal.
- 2.36.170 Ballots -- Form.
- 2.36.180 Ballots -- Preparation.
- 2.36.190 Other materials.

#### Article III: Election Day Procedures

- 2.36.200 Distribution of ballots.
- 2.36.210 Distribution of other election materials.
- 2.36.220 Voting -- General procedure.
- 2.36.230 Voting -- Spoiled ballots.
- 2.36.240 Voting -- Questioned ballots.
- 2.36.250 Voting -- Absentee voters.
- 2.36.260 Return of spoiled and unused ballots.
- 2.36.270 Ballot count -- Commencement.
- 2.36.280 Ballot count -- Watchers.
- 2.36.290 Ballot count -- General procedure.
- 2.36.300 Ballot count -- Rules.
- 2.36.310 Ballot count -- Completion.

#### Article IV: Absentee Voting

- 2.36.320 Persons eligible.

- 2.36.330 Ballot application.
- 2.36.340 Ballot and envelope form.
- 2.36.350 Absentee voting procedure.

Article V: Post-Election Procedure

- 2.36.360 Posting result certificate.
- 2.36.370 Final count by city council.
- 2.36.380 Runoff elections.
- 2.36.390 Recount.
- 2.36.400 Contest.
- 2.36.410 Contest -- Appeal.

Article VI: Initiative, Referendum, and Recall

- 2.36.420 Initiative and referendum.
- 2.36.430 Recall.
- 2.36.440 Petition -- Application.
- 2.36.450 Petition -- Preparation.
- 2.36.460 Petition -- Circulation and filing.
- 2.36.470 Petition -- Certification; protest.
- 2.36.480 Election.

Forms following Section 2.36.490

- Form 2.36-A Oath of Election Official.
- Form 2.36-B Notice of Election.
- Form 2.36-C Ballot.
- Form 2.36-D Tally Sheet.
- Form 2.36-E Report of Election Results.
- Form 2.36-F Oath and Affidavit of Eligibility for Questioned Ballot.
- Form 2.36-G Application for Absentee Ballot.
- Form 2.36-H Absentee Ballot Return Envelope.
- Form 2.36-I Declaration of Candidacy.
- Form 2.36-J Certificate of Election.
- Form 2.36-K Affidavit of Election Contest.

**ARTICLE I: GENERAL**

**Section 2.36.010 Voter qualifications.**

A person shall be qualified to vote in a city election who:

1. is a United States citizen qualified to vote in state elections;
2. has been a resident of the City of Anaktuvuk Pass for 30 days immediately preceding the election;
3. is registered to vote in state elections;
4. has not been convicted of a felony involving moral turpitude without later restoration of voting rights

pursuant to A.S. 15.05.030; and

5. has not been judicially determined to be of unsound mind, unless the disability has been removed. (Ord. 89-01)

**Section 2.36.020 Residence criteria.**

When determining residence for the purpose of qualifying voters the following criteria will apply:

1. No person may be considered to have gained a residence solely by reason of his presence nor may he lose it solely by reason of his absence while in the civil or military service of the state or of the United States, or of his absence because of marriage to a person engaged in the civil or military service of the state or the United states, while a student at an institution of learning, while in an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the state, of the United States or of the high seas, while residing upon an Indian, Native Alaskan, or military reservation, or while residing in the Alaska Pioneers' Home.

2. The residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return. If a person resides in one place, but does business in another, the former is his place of residence. Temporary construction camps do not constitute a dwelling place.

3. A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.

4. A person does not lose his residence if he leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.

5. A person does not gain residency by coming to the city without the present intention to establish his permanent dwelling in the city.

6. A person loses his residence in the city if he votes in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until he again qualifies under this chapter.

7. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.

8. The address of a voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the director setting out his new voting residence. (Ord. 89-01)

**Section 2.36.030 Precincts and voting places.**

Election precincts for City elections shall be the same as those established for state elections, except that all areas of state election precincts located outside the city limits are excluded. Currently, the City of Anaktuvuk Pass is entirely within the Anaktuvuk Pass election precinct. The city council shall establish the location of voting places for each precinct by resolution. (Ord. 89-01)

**Section 2.36.040 Supervision by city clerk.**

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

B. The clerk shall pay all necessary election expenses, including those of securing polling places and providing ballot boxes, ballots, voting booths or screens and other supplies. (Ord. 89-01)

**Section 2.36.050 Election board; judges; clerks.**

A. There shall be an election board for each election precinct. The council shall, by resolution adopted at least

ten days prior to each regular or special election, appoint three judges to serve as the election board, and designate one of the judges to chair the board.

B. Judges shall not be council members or candidates for office

C. If any judge fails or refuses to perform the duties of election judge on or during election day, the remaining judges shall choose a qualified voter to serve in his or her place. If more than one (1) replacement judge is required to be chosen at any one time, the city clerk, together with the remaining judge (if any) shall choose qualified voters to serve in the place of the absent judges.

D. The city clerk may, at the request of the judges and if necessary to conduct an orderly election or to relieve the judges of undue hardship, appoint up to three election clerks to assist the judges. Persons appointed as election clerks must be qualified to serve as judges.

E. Each election judge or clerk shall sign the oath specified in Section 2.36.090 of this code and file it with the clerk on or before election day. (Ord. 89-01)

**Section 2.36.060 Oath of election officials.**

A. The city clerk shall give the following written oath to all election judges and election clerks on or before election day:

I, \_\_\_\_\_ do solemnly swear (affirm) that:

I will honestly, faithfully, and impartially perform the duties of election judge (clerk) to the best of my ability;

I will not receive any ballot or votes from any person who I do not firmly believe to be entitled to vote at this election, according to the laws of this State and the ordinances of this City, nor will I refuse to receive a ballot or vote from, or do any thing to hinder the casting of a ballot or vote by, any person who I believe is entitled to vote at this election; and

I am familiar with the city's elections ordinances and elections procedures.

B. A form for administration of this oath is included in the forms appendix as Form 2.36-A. (Ord. 89-01)

**Section 2.36.070 Offenses.**

It is unlawful for any person, firm or corporation to do or to attempt to do any of the following acts, and any person, firm or corporation who does or attempts to do any of the following acts is guilty of a misdemeanor and shall be subject to a fine of up to five hundred dollars (\$500.00) and/or imprisonment for up to thirty (30) days:

1. to directly or indirectly use or threaten to use force, coercion, violence or restraint, or inflict or threaten to inflict damage, harm or loss, upon or against any person to induce or compel the person to vote or refrain from voting for any candidate in any election or for any election proposition or question;

2. to give, or promise to give, or offer any money or valuable thing to any person, with the intent to induce him to vote for or restrain him from voting for any candidate at any election or election proposition or question;

3. to write, print or circulate any letter, circular, placard, poster or other publication relating to any election or to any candidate at any election or to any election proposition or question without the same bearing on its face the name and address of the author, printer and publisher thereof;

4. to willfully write, print, circulate or broadcast any statement containing any false charge or comment relating to any candidate at any election or to any election proposition or question or reflecting on the character, morality or

integrity of any candidate at any election;

5. to possess any official ballot outside of the voting room; provided, that this subsection shall not apply to election officials or other properly authorized persons having such possession in the course of their official duties, or to any absentee voter with respect to the single ballot issued to the voter by the city clerk;

6. to possess any counterfeit of an official ballot;

7. having been contracted or employed by the city to print or reproduce in any manner any official ballot, to willfully appropriate to him or herself, nor to give or deliver to, or knowingly permit to be taken by anyone other than a person authorized by the city clerk, any official ballots, or knowingly print or reproduce or cause to be printed or reproduced any official ballots in any other form or with any other content other than that prescribed by ordinance or as directed by the city clerk;

8. to refuse to allow an employee reasonable time off for the purpose of voting when the employee does not have a reasonable amount of time to vote before or after work, or after allowing the time off, to deduct the time from the compensation of the employee;

9. to vote more than once at the same election;

10. to vote in the name of another person or in any name other than his or her own;

11. to sign any name other than his or her own to a petition proposing an initiative, referendum or recall;

12. to willfully conceal, withhold, wrongfully change, mutilate, or destroy the election return

13. while the polls are open, to open any ballot received from a voter at any election, or to mark any ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how any voter marked his or her ballot, or allow the same to be done by any other person;

14. to willfully delay the election returns;

15. to induce by force, threat, intimidation, or offer of a reward any election official to fail in his or her duty;

16. to willfully make a false affidavit or swear falsely under oath required in connection with any election or registration for voting or falsely affirm in lieu of so swearing;

17. to willfully fail to perform any election duty or knowingly do any unauthorized act with the intent to affect the election or its results;

18. to willfully change or cause to be changed any official election documents, including ballots, tallies and returns, or attempts to do the same;

19. to willfully permit or make any false count or report of the election returns; and

20. to persuade a person to vote for or against any candidate, question, or proposition on the ballot within one hundred (100) feet of any entrance to the polling place during the hours the polls are open. (Ord. 89-01)

## ARTICLE II: PREPARATION FOR ELECTION DAY

### Section 2.36.080 Date of regular election.

The regular election for council members or other elected officials shall be held every year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time. (Ord. 89-01)

### Section 2.36.090 Special Elections.

The city council may call a special election to decide any question that must by law be decided by the voters at any time; provided, that the election date must be preceded by at least twenty (20) days public notice in at least three (3) public places.

(Ord. 89-01)

**Section 2.36.100 Coincidence with other elections.**

Nothing in this chapter shall prohibit holding a city election on the same day and by the same election personnel as a state, borough or other public election, or submitting a city question at such an election. (Ord. 89-01)

**Section 2.36.110 Election place and hours.**

A. On the day of any election, the election board shall open the polls for voting at seven thirty (7:30 a.m.) in the morning, shall close the polls for voting at eight o'clock (8:00 p.m.) in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at seven o'clock (7:00 a.m.) in the morning on an election day.

B. Fifteen minutes before the closing of the polls, an election judge shall announce to all persons present the time remaining before the polls close. A judge shall announce the time when the polls close. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.

C. The normal voting place shall be the Community Center. If for some reason beyond the control of the Council this location is unusable, the Council may by resolution designate a different location. Such location shall be included in all notices of election.

D. Election precincts for city elections shall be the same as those established for state elections, except that all areas of state election precincts outside the city limits are excluded. Currently the City of Anaktuvuk Pass is entirely within the Anaktuvuk Pass election precinct. (Ord. 89-01)

**Section 2.36.120 Notices of election.**

A. Notice that an election will be held shall be prepared and posted by the clerk and shall contain all of the following which apply:

1. whether the election is regular, 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; and
8. a statement of any questions or propositions to be placed on the ballot.

The clerk shall use Form 2.36-B to prepare the Notice of Election.

B. Notice of a regular election must be posted in three (3) public places for thirty (30) days before the election and published in a newspaper of general circulation in the city, if available.

C. Notice of a special election shall be posted in three (3) public places at least twenty (20) days before the election and published in a newspaper of general circulation in the city, if available.

D. Notice of a runoff election shall be posted in three (3) public places at least five (5) days before the election and published in a newspaper of general circulation in the city, if any. (Ord. 89-01)

**Section 2.36.130 Nominations for Office.**

Nominations for elective office shall be made only by declaration of candidacy. (Ord. 89-01)

**Section 2.36.140 Declaration of candidacy -- Form.**

A. Declaration of candidacy forms shall be prepared by the clerk using Form 2.36-I 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 the candidate is running; that the candidate is a qualified city voter and has been 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. (Ord. 89-01)

**Section 2.36.150 Declaration of candidacy -- Filing.**

A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the clerk. Declarations of candidacy may be filed no sooner than thirty (30) days and no later than ten (10) days before the election. (Ord. 89-01)

**Section 2.36.160 Declaration of Candidacy -- Withdrawal.**

Any candidate who has filed a declaration of candidacy may withdraw his or her candidacy not later than the last day for filing declarations of candidacy by filing with the city clerk a written notice of withdrawal. (Ord. 89-01)

**Section 2. 36.170 Ballots -- Form.**

A. The clerk shall design the ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of the election. The ballots shall:

1. be printed on plain white paper, stating at the top whether the election is a regular, special, or runoff election;
2. include instructions on how to mark the ballots;
3. list the offices for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office, listed in a random order, and by a blank line or lines for write-in candidates (except in runoff elections). In regular and special elections, the number of blank lines provided for each office shall be equal to the number of persons who are to be elected to the office. A blank or box for marking a vote shall be located next to each name and each blank line; and
4. list the questions or propositions to be voted on, if any. Each question or proposition shall have two blank lines or boxes next to or following the text of the question or proposition, one marked "Yes" or "For" and the other "No" or "Against," as appropriate.

B. In preparing the ballot, the clerk shall use Form 2.36-C as a guide, adding and/or deleting such ballot sections as appropriate. (Ord. 89-01)

**Section 2.36.180 Ballots – Preparation.**

The clerk shall have ballots typed or printed at least 10 days before the date set for a regular or special election. Ballots must be prepared three days prior to a runoff election. There shall be at least three ballots, typed or printed on colored paper, with the word "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. (Ord. 89-01)

**Section 2.36.190 Other materials.**

- A. At least ten (10) days prior to the day of the election, the clerk shall prepare the following materials:
1. an updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;

2. a Blank Register in which the voters may print and sign their names and print their residence addresses, and in which the election official may note the number of the ballot issued to the voter;
3. tally sheets, an example of which is illustrated by Form 2.36-D;
4. a form for the Report of Preliminary Election Results, prepared using Form 2.36-E;
5. envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots, prepared using Form 2.36-F;
6. two large envelopes for each polling place, one marked "Spoiled Ballots" and the other marked "Questioned Ballots;"
7. copies of the Notice of Election, the city's elections ordinances, and A.S. 15.15.080 through 15.15.370;
8. applications for absentee ballots, prepared in accordance with Form 2.36-G; and
9. ballot envelopes and return envelopes for absentee ballots, prepared in accordance with Section 2.36.340.

B. The clerk shall prepare for each polling place instructions for the guidance of voters covering the following:

1. how to obtain a ballot;
2. how to mark a ballot;
3. how to obtain additional information; and
4. how to obtain a new ballot to replace any ballot destroyed or spoiled.

C. After the election, the clerk shall keep all election materials in the permanent city files. (Ord. 89-01)

### **ARTICLE III: ELECTION DAY PROCEDURE**

#### **Section 2.36.200 Distribution of ballots.**

A. Before the polls open on election day, the clerk shall deliver the ballots and sample ballots prepared pursuant to Section 2.36.180 to an election board member at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election board to which the package is delivered and given to the clerk. No ballots shall be taken from the polling place before the closing of the polls.

B. The clerk shall keep the following records:

1. The number of ballots delivered to the polling place;
2. the name of the person to whom the ballots are delivered;
3. the time the ballots are delivered; and
4. the receipt given for the ballots by the election board.

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

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

(Ord. 89-01)

#### **Section 2.36.210 Distribution of other election materials.**

A. On election day, the clerk shall also furnish the election board judges at each polling place with a voting booth and ballot box (with lock or sealing materials); and the following materials prepared pursuant to Section 2.36.190: the updated Master Voter Registration List; a Blank Register; envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots; an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots; copies of the Notice of Election, the city's elections ordinances, and A.S. 15.15.080 through 15.15.370; a sufficient number of Instruction Sheets; and a sufficient supply of pens, pencils, and envelopes.

B. The clerk shall supply the election board chairperson with tally sheets and forms for the Report of Preliminary Election Results, either before or on election day.

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 and not open it until after the final ballot is cast and the polls have closed. (Ord. 89-01)

**Section 2.36.220 Voting -- General procedure.**

A. A voter shall give the judges or clerks his name, and print and sign his name and write his residence address on the first available line of the Blank Register. The signing of the register is a declaration by the voter that he is qualified to vote. If the voter is not known to any judge or clerk present, the judge or clerk may require the voter to produce a state voter registration card or other identification. If, in the opinion of the judge or clerk, there is doubt as to whether the person is registered to vote, (s)he shall immediately challenge the voter.

B. If the voter is not challenged, the judge or clerk shall give the voter a single ballot and note its number in the register next to the voter's name. The voter shall then retire alone to a voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for the purpose. The voter also marks the boxes to indicate his vote for or against questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number on the ballot and deliver it to one of the judges or clerks, who shall, without unfolding the ballot or allowing any person to see how it is marked, tear the number off and deposit the ballot in the ballot box if the ballot bears the same number as the ballot given to the voter by the judges and clerks.

C. If a voter is challenged, the voter may cast a questioned ballot pursuant to Section 2.36.240. (Ord. 89-01)

**Section 2.36.230 Voting -- Spoiled ballots.**

If a voter improperly marks or otherwise damages a ballot, and discovers his/her mistake before the ballot is placed into the ballot box, (s)he shall return it to the election officials, concealing from view the manner in which it is marked, and request a new ballot. The election official shall write the words "Spoiled Ballot" on the outside of the folded ballot, record its number, and place it in an envelope with other spoiled ballots for return to the city clerk. The judge or clerk shall then issue a new ballot to the voter as provided in Section 2.36.220(B). A voter may request replacement of a spoiled ballot no more than three (3) times. (Ord. 89-01)

**Section 2.36.240 Voting -- Questioned ballots.**

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

B. To cast a questioned ballot, a voter shall sign the register and be given and shall mark, fold, and return a ballot as provided in Section 2.36.220(A) and (B), except that the judge or clerk shall not place the folded ballot into the

ballot box.

C. After tearing the number off the questioned ballot, the judge or clerk shall hand the ballot back to the questioned voter with a blank envelope. The questioned voter will insert the ballot into the blank envelope and seal it. This envelope shall be placed in the signed oath and affidavit envelope. The oath and affidavit envelope shall be sealed and inserted into a larger envelope with other questioned ballots. The large envelope containing all the questioned ballots cast at the polling place shall be delivered to the city clerk when the polls close. The clerk shall give the election board a receipt listing the total number of questioned ballots delivered and the names of the persons who cast them.

D. The city clerk shall present the envelope containing all of the sealed oath and affidavit envelopes containing the questioned ballots to the city council at the meeting held pursuant to section 2.36.370. (Ord. 89-01)

**Section 2.36.250 Voting -- Absentee voters.**

If a voter issued an absentee ballot returns to the city on election day, (s)he shall not vote at the polling place unless he first surrenders to the election board the absentee ballot, ballot envelope, and return envelope issued to him. Unused absentee ballots, ballot envelopes and return envelopes shall be returned to the city clerk by the election board with other ballots not used at the polling place. (Ord. 89-01)

**Section 2.36.260 Return of unused and spoiled ballots.**

After the polls have closed, all ballots not voted (including absentee ballots returned by voters who choose to vote in person at the polling place) and all spoiled ballots shall be returned by the judges to the city clerk, who shall give a receipt therefor and keep a record of the number and character of ballots returned to him, indicating when and by which judge each was returned. (Ord. 89-01)

**Section 2.36.270 Ballot count -- Commencement.**

A. When the polls are closed and the last vote has been cast, the election board and clerks shall immediately open the ballot box and to count the ballots to determine whether the total number of ballots is equal to the total number of persons (including absentee voters) who voted, as indicated by the register. If the number of ballots found in the ballot box does not match the number of voters indicated by the register, the election board shall recount the ballots until the board finds that the number of ballots is equal to the number of voters indicated by the register, or that an unexplained discrepancy exists. If such a discrepancy exists, a detailed explanation of the nature of the discrepancy shall be written on the tally sheet and signed by each of the election judges.

B. All aspects of the ballot count, including the opening of the ballot box, the counting of the ballots in the box, and the tallying of the votes, shall be done in public and in full view of all persons present. The public may not be excluded from the area in which these activities are conducted; provided, however, that the judges shall not permit any person to in any way interfere with or distract the election officials from the performance of their duties.

C. In all cases the election board shall cause the count to be continued without adjournment until the count is complete. (Ord. 89-01)

**Section 2.36.280 Ballot Count -- Watchers.**

If it becomes necessary for the election board to exclude the public at large from circulating freely among the ballot counters because the number of persons interested in observing the vote is larger than may be accommodated without seriously disrupting the ballot counting process, and to restrict the public to another portion of the room in which the ballots are being counted, any candidate for elective city office or organization or organized group sponsoring or opposing an initiative, referendum, or recall may appoint a watcher. State law relating to watchers in state elections shall govern watchers in city

elections insofar as it is applicable. (Ord. 89-01)

**Section 2.36.290 Ballot count -- General procedure.**

A. The clerk may issue rules prescribing the manner in which the ballot count is accomplished so as to assure accuracy in the count and to expedite the process.

B. The election board shall account for all ballots by specifying on tally sheets (1) the number of ballots received from the clerk; (2) the number of ballots voted; (3) the number of spoiled ballots returned to the clerk; (4) the number of questioned ballots delivered to the clerk; and (5) the number of unused ballots returned to the clerk.

C. The election board shall count the ballots in a manner that allows watchers to see the ballots when opened and read.

D. No person other than appointed election judges and clerks who have executed the oath provided by Section 2.36.060 shall be permitted to handle the ballots. No person handling any ballot after it has been taken from the ballot box and before it is sealed in the package with the other ballots at the conclusion of the board's ballot count may have a marking device in hand or remove a ballot from the immediate vicinity in which the ballots are being counted. (Ord. 89-01)

**Section 2.36.300 Ballot count -- Rules.**

A. The election board shall count the ballots according to the following rules:

1. A voter may mark his ballot with cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate or choice the voter desires to designate. The voter's mark shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated.

2. A voter is not required to cast a vote for every office or on every proposition included on the ballot. No vote shall be tallied for those offices or propositions for which no choice is marked by the voter.

3. A failure to properly mark a ballot as to one or more offices or propositions does not itself invalidate the entire ballot.

4. If a voter marks fewer names than there are persons to be elected to an office, a vote shall be counted for each candidate properly marked.

5. If a voter marks more names than there are persons to be elected to any office, no vote shall be counted for any candidate for that office shall be counted. If a voter marks both "for" and "against" or "yes" and "no" for a proposition or question, no vote on that proposition or question shall be recorded.

6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.

7. An erasure or correction invalidates only that section of the ballot in which it appears.

8. In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided and mark the square opposite the candidate's name in accordance with (1) of this subsection. A write-in vote is not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.

B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.

C. The chairman of the election board shall write the word "Defective" on the back of each ballot which the

election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection (A) of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.

D. If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words “Objected to” on the back of the ballot and specify the portion or portion of the ballot to which the objection applies.

E. All defective ballots and all ballots objected to shall be sealed in a single envelope marked “Defective Ballots,” which shall be delivered to the city clerk.

F. All decisions regarding the validity of all or any portion of a ballot or any other question arising during the course of the election or the ballot count shall be made by majority vote of the election judges. (Ord. 89-01)

**Section 2.36.310 Ballot count -- Completion.**

A. When the count of ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results, Form 2.36-E. The report includes the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information prescribed by the clerk. Both copies of the certificate shall be signed by each election judge. The election board shall, immediately upon completion of the certificate, deliver to the clerk one of the two original certificates, the Master Voter Registration List, the Register of voters, the tally sheets, the envelope containing the defective and objected-to ballots, and other election documents in one sealed package and, in a separate sealed package, all ballots properly cast. (Ord. 89-01)

**ARTICLE IV: ABSENTEE VOTING**

**Section 2.36.320 Persons eligible.**

Any qualified voter who expects to be absent from the city on election day or who is unable to go to the polls because of physical disability may cast an absentee ballot. An absentee ballot may be obtained by application to the clerk. (Ord. 89-01)

**Section 2.36.330 Ballot application: Filing.**

A. A person who is eligible to cast an absentee ballot may apply to the clerk in person or by mail for a ballot. Applications for absentee ballots shall be made using Form 2.36-G or by a letter containing all of the information required to complete that form.

B. An application made by mail must be received by the clerk not more than twenty days and not less than three days before the day of the election. An application made in person must be filed with the clerk not more than twenty (20) days before the day of the election and no later than noon on the day preceding the election.

C. Upon timely receipt of application for an absentee ballot, the clerk shall file the application and then verify the residence of the applicant by any means the clerk deems proper. (Ord. 89-01)

**Section 2.36.340 Ballot and envelope form.**

The ballot provided to absentee voters shall be identical to the ballots to be used on election day. The ballot envelope and the return envelope shall be of heavy opaque paper. The ballot envelope shall be marked “Ballot Envelope” and have no other marks upon it. The material set out in Form 2.36-H shall be printed on the return envelope. (Ord. 89-01)

**Section 2.36.350 Absentee voting procedure .**

A. The clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with Section 2.36.090, together with a ballot envelope and a prepaid return envelope. The ballot provided to absentee voters shall be identical to the ballot prepared for regular voters.

B. The clerk shall not issue an absentee ballot sooner than ten (10) days before the election.

C. No absentee voter's ballot shall be mailed to any address in the city. Any voter present in the city who requires an absentee ballot shall personally obtain the ballot from the clerk.

D. The clerk may deliver an absentee ballot to a disabled person living within the city at any time until the polls close on election day.

E. Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the clerk shall enter in the blank register the following information: the number of the ballot issued, the name of the voter to whom it was issued, and the date on which the ballot was issued.

F. If the absentee voter's ballot is personally delivered, the absentee voter shall secretly mark the ballot in the presence of the clerk, in a manner which permits the clerk to be certain that the voter personally marked the ballot, but which does not permit the clerk to see how the voter votes. The voter shall fold the ballot and seal it in the ballot envelope, and seal the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the face of the return envelope and deliver it to the clerk. The clerk shall certify to the affidavit on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the council for canvassing.

G. Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear at the office of the city clerk, and there cast his ballot in the following manner: The voter first shall show the city clerk that his ballot has not been marked, then shall mark the ballot with pen and ink or indelible pencil in the presence of the city clerk, in such a manner that the city clerk cannot see how it is marked. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the face of the return envelope, and deliver it, properly sealed, to the city clerk. The city clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the council for canvassing.

H. At any time on or before the day of the election, any voter issued an absentee ballot may appear before any person authorized by law to administer oaths, and in the presence of such officer cast his ballot in the same manner he would cast it in the office of the city clerk under this section. After writing or stamping his name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the city clerk.

I. To be counted, an absentee ballot must be postmarked on or before the date of the election, or returned to the clerk before the close of the polls on election day. An absentee ballot received by the city clerk after the time at which the clerk delivers the ballots to the council for canvass shall not be counted. (Ord. 89-01)

## **ARTICLE V: POST-ELECTION PROCEDURE**

### **Section 2.36.360 Posting result certificate.**

A. The clerk shall post copies of the Certificate of Preliminary Election Results in three (3) 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 do not reflect the votes of absentee and questioned ballots and are not final until the

council formally certifies the election; and

4. that anyone has the opportunity to contest the election at the meeting.

(Ord. 89-01)

**Section 2.36.370 Final canvass by city council.**

A. The city council shall meet on the first Monday after the election and canvass all absentee ballots received after the close of the polls, and all questioned and defective ballots cast in the election. If the council is unable to obtain a quorum or complete the count on the Monday after the election, the canvass will be continued the following day and each day thereafter until completed.

B. The city clerk shall submit to the council the election board's Report of Preliminary Election Results, the master voter registration list, the register, all regular ballots, oath and affidavit envelopes containing questioned ballots, defective and objected-to ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials.

C. The council shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the council may request the assistance of the clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the council's decision. If the council determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the council upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.

D. The ballot envelopes containing the absentee ballots shall be opened, and the ballots placed with the questioned ballots which the council has determined should be counted.

E. The council, with the assistance of the clerk, shall count the votes of the questioned and absentee ballots collected pursuant to subsections (C) and (D) of this section.

F. Council members shall examine the defective ballots to see whether the ballot should be counted and, if so, whether they can determine for whom the voter intended to vote.

G. After a final determination is made by the council, the election results shall be read into the minutes. The statement of results read into the minutes shall include the following:

1. The total number of ballots cast at the election;
2. Each office voted on, the name of the office, the names of the candidates (including write-in candidates) voted for, and the number of votes cast for each;
3. Each proposition or question voted on, and the number of votes cast for and against each;
4. The disposition of all questioned and defective ballots; and
5. Any other matter which the council deems necessary to preserve a complete record of the election.

E. The clerk shall provide Certificate of Election forms to the council for each office and each proposition or question presented at the election. Such forms are illustrated by Forms 2.36-J and 2.36-K. When the council has made its final determination, the clerk shall fill out, and the clerk and mayor shall sign, two certificates of election for each office, proposition, or question considered. One original of each Certificate of Election shall be given the successful candidate or the sponsor of the successful questions or propositions named thereon, and the other original of each certificate shall be kept by the city. (Ord. 89-01)

**Section 2.36.380 Runoff elections.**

- A. In an election for a seat(s) at large on the city council, the candidate(s) receiving the greatest number of

votes shall be seated without regard for any minimum percentage of total votes cast.

B. In a runoff election, the candidate receiving more votes than the other is the winner. In the event of a tie vote, the council shall request that the tied candidates appear before the council at the first meeting after the election to draw straws or flip a coin to determine the winner.

C. A runoff election shall be held within three (3) weeks after the date on which the council certifies the election for which a runoff is required.

D. The results of runoff elections shall be determined by the same procedure as in other elections. (Ord. 89-01)

**Section 2.36.390 Recounts.**

A. Any defeated candidate or any ten (10) qualified voters who believe that a mistake has been made by an election official or by the council in counting or tabulating the votes in any election may make an application in writing to the council for a recount of the votes for any particular office or on any particular question. The application must be filed with the city clerk within twenty-four (24) hours, excluding any Saturday, Sunday or holiday, after the council declares the results of the vote being questioned. In case of a tie vote between two (2) or more candidates, the council shall recount the votes without any application therefore .

B. The person or persons applying for a recount shall pay to the city any expenses or costs incurred in the recount if the difference between the winning and a losing vote on the result contested is more than two (2%) percent, if the recount fails to reverse any result of the election.

C. The council shall begin the recount within twenty-four (24) hours after receiving the application, excluding any Saturday, Sunday or holiday, shall proceed with it as rapidly as practicable, and shall declare the results thereof. The city clerk shall promptly issue another election certificate if a change in the results requires it. (Ord. 89-01)

**Section 2.36.400 Contest.**

A. Any defeated candidate or any ten (10) qualified voters who believe that prohibited practices have occurred, or that the election was conducted in a manner which did not comply with the requirements of this chapter and which affected the outcome of the election, may contest the election by filing an Affidavit of Election Contest (Form 2.36-L) at the council meeting at which the ballots are canvassed, prior to the issuance of the Certificates of Election. The name of the person(s) contesting the election, the reason for the contest, and the council's decision shall be entered into the minutes of the meeting.

B. The council may order an investigation or a recount of the ballots or declare the election, as to one or more offices or propositions or in its entirety, invalid, and order a new election. (Ord. 89-01)

**Section 2.36.410 Contest -- Appeal.**

If the council rejects an election contest and certifies the election, any candidate or voter who filed an Affidavit of Election Contest may appeal the council's decision to the State Superior Court within ten (10) days after the council's decision on the contest. Otherwise, the results are conclusive, final, and valid in all respects. (Ord. 89-01)

**ARTICLE VI: INITIATIVE, REFERENDUM, AND RECALL**

**Section 2.36.420 Initiative and referendum.**

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

B. The powers of initiative and referendum do not extend to matters restricted by Article XI, Section 7, of the

State Constitution. That Section provides: “The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.”

C. An application for an initiative or referendum petition shall be prepared, filed, and certified as provided in this section and Section 2.36.440.

D. A petition for initiative or referendum shall be prepared, filed, and certified as provided in this section and Sections 2.36.450 through 2.36.470.

E. An application for initiative petition, and a petition for initiative, shall:

1. embrace only a single comprehensive subject not restricted by subsection (B) of this section; and
2. relate to a legislative rather than to an administrative matter.

F. An application for initiative or referendum petition shall set out fully the ordinance or resolution sought to be enacted or referred. A petition for initiative or referendum shall set out fully the ordinance or resolution sought to be enacted or referred, and in addition, shall set out a summary of the ordinance or resolution sought to be initiated or referred.

G. When the clerk certifies as sufficient an initiative petition which seeks enactment of an ordinance or resolution within the powers of the council and not otherwise restricted by subsection (B) of this section, or a referendum petition, the clerk shall present it to the council at its next meeting. The council may reject the petition if the subject matter of the initiative or referendum is within the restrictions of subsection (B) of this section.

H. Unless the council adopts substantially the same ordinance or resolution proposed in an initiative petition, or repeals the ordinance or resolution against which a referendum petition is directed, the clerk shall submit the matter to the voters at the next regular election occurring no sooner than forty five (45) days after certification of the election.

I. If the council adopts substantially the same ordinance or resolution proposed by an initiative petition, or repeals the ordinance or resolution proposed by a referendum petition to be repealed, the petition is void and an election shall not be held on the matter initiated or referred.

J. The ordinance or resolution proposed by the petition to be enacted or repealed shall be published in full in the notice of election but may be summarized on the ballot to indicate clearly the proposal submitted.

K. If a majority of those voting favor an initiated ordinance or resolution, it becomes effective upon certification of the election, unless a different effective date is provided in the ordinance or resolution. If a majority of those voting favor the repeal of a referred ordinance or resolution, it is repealed effective upon certification of the election; otherwise, the matter referred remains in effect, or, if it has been suspended, becomes effective upon certification of the election.

L. If a sufficient petition for referendum is filed before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension the council may not enact an ordinance or resolution substantially similar to the suspended measure, but may repeal the suspended ordinance or resolution.

M. The effect of an ordinance or resolution may not be modified or negated within two (2) years after its effective date if adopted in an initiative election or if adopted after a petition containing substantially the same measure has been filed. The council may not, for a period of two (2) years, adopt legislation substantially similar to an ordinance or resolution repealed in a referendum election or repealed by the council after a petition containing substantially the same

measure has been filed.

N. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified. (Ord. 89-01)

**Section 2.36.430 Recall.**

A. Any official elected or appointed to an elective municipal office may be recalled by the voters after he or she has served one hundred twenty (120) days of the term for which elected or appointed.

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

C. An application for a recall petition shall be prepared, filed, and certified as provided in this section and Section 2.36.440.

D. A petition for recall shall be prepared, filed, and certified as provided in this section and Sections 2.36.450 through 2.36.470.

E. A petition for recall may not be filed or supplemented within one hundred eighty (180) days before the end of the term of office of the official sought to be recalled.

F. An application for a recall petition, and a recall petition, shall each contain:

1. the name(s) of the officer(s) to be recalled, and
2. a statement in two hundred (200) words or less of the grounds for the recall, stated with

particularity.

G. A recall ballot shall contain:

1. the grounds for recall as stated in the recall petition;
2. a statement of two hundred (200) words or less by each officer who is subject to recall, if such a statement is filed with the clerk for publication and public inspection at least twenty (20) day before the election;
3. the following question: "Shall (name of person) be recalled from the office of (office)?  
Yes  No

H. If a vacancy occurs in the office for which a recall petition has been filed, prior to the date of the recall election, the petition shall not be submitted to the voters.

I. If the voters recall an officer, the council shall schedule a special election for a successor to fill the unexpired term. The election shall be held at least ten (10) but not more than forty five (45) days from the date of the recall election. However, if a regular or previously scheduled special election occurs within seventy five (75) days of the recall election, the successor to the recalled official shall be chosen at that regular or special election. The procedures and requirements for the regular election for the office from which the incumbent is recalled apply to the election conducted under this Section.

J. If all members of the governing body are recalled, the governor shall appoint three (3) qualified persons to the governing body. The appointees shall appoint additional members to fill remaining vacancies in accordance with A.S. 29.26.350. (Ord. 89-01)

**Section 2.36.440 Petition -- Application.**

A. A petition for initiative, referendum, or recall is proposed by filing an application with the clerk.

B. An application shall contain:

1. the matters required by Section 2.36.420(E) and (F) or Section 2.36.430(F);
2. the address to which all correspondence relating to the proposed petition may be sent; and

3. the signatures and residence addresses of 10 qualified voters who will sponsor the petition.

C. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk.

D. Within two weeks after the filing of the application, the clerk shall certify the application if the clerk finds that the application complies with this section and either Section 2.36.420(E) and (F) or Section 2.36.430(F), as appropriate. An application for initiative petition shall not be certified unless the clerk finds in addition that it would be enforceable as a matter of law. (Ord. 89-01)

**Section 2.36.450 Petition -- Preparation.**

A. Within two weeks after certification of an application for petition, the clerk shall prepare a petition.

B. Each copy of the petition shall contain, in addition to the items specified in Section 2.36.420(F) or 2.36.430(F), the following:

1. the date on which the petition is issued by the clerk;

2. (a) if the petition is an initiative or referendum petition, notice that the signatures on the petition must be secured within ninety (90) days from the date the petition is issued; or (b) if the petition is a recall petition, notice that the signatures on the petition must be secured within sixty (60) days from the date the petition is issued;

3. spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;

4. a statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and

5. space for indicating the total number of signatures on the petition.

C. If the petition consists of more than one page, each page shall contain the summary of the ordinance or resolution to be initiated, the ordinance or resolution to be referred, or the name(s) of the officer(s) to be recalled.

D. Copies of the petition shall be provided to each sponsor by the clerk. (Ord. 89-01)

**Section 2.36.460 Petition -- Circulation and filing.**

A. The clerk shall determine the number of signatures required on a petition and inform each sponsor. The petition shall be signed by a number of qualified voters equal in number to twenty five (25) percent of the number of votes cast in the last regular election held in the city before the petition was issued.

B. The signatures on an initiative or referendum petition shall be secured within ninety (90) days after the date the clerk issues the petition. The signatures on a recall petition shall be secured within sixty (60) days after the date the clerk issues the petition. Signatures shall be in ink or indelible pencil.

C. When signing a petition, each voter shall, after his or her signature, print his or her name and write or print the date of signing the petition and his or her residence and mailing address.

D. All copies of a petition shall be assembled and filed with the clerk as a single instrument.

E. An initiative or referendum petition may not be filed if a substantially similar petition has been defeated by the voters within the preceding six months. A recall petition may not be filed if a petition seeking the recall of the same official has been defeated by the voters within the preceding six (6) months. (Ord. 89-01)

**Section 2.36.470 Petition -- Certification; protest.**

A. When a petition has been filed, the clerk shall within ten (10) days certify on the petition whether it is

sufficient, and, if it is insufficient, identify the insufficiency and notify the sponsors at the address provided on the petition by certified mail.

B. To determine whether the petition is sufficient, the clerk shall first determine whether the petition complies with the applicable requirements of Sections 2.36.420 through 2.36.460. In determining whether the petition bears the required number of signatures, illegible signatures shall not be counted unless accompanied by a legible printed name, and signatures not accompanied by a legible residence address shall not be counted. The clerk shall count only those signatures which can be determined, from the information on the petition and other information known or available to the clerk, to be the signatures of qualified voters. Illegible signatures, unless accompanied by a legible printed name, shall be rejected by the clerk. The clerk shall certify on the petition within ten (10) days of the filing date whether it is accepted or rejected. Until the petition is accepted, a petition signer may withdraw his or her signature upon written application to the clerk.

C. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected. A recall petition may not be supplemented unless it contains an adequate number of signatures, counting both valid and invalid signatures.

D. A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under subsection (C) of this section. Within 10 days after a supplementary filing, the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

E. Failure to secure sufficient signatures does not preclude the filing of a new initiative, referendum, or recall petition. However, a new initiative or referendum petition seeking to enact or repeal substantially the same measure, or a new application for a petition to recall the same official, may not be filed sooner than six months after a petition is rejected as insufficient.

F. If the clerk certifies the petition as being insufficient, a signer of the petition may file a protest with the mayor within seven (7) days after the certification. The mayor shall then present the protest to the council at the next regular meeting for hearing and decision of the protest.

G. If the clerk certifies an initiative or referendum or recall petition as sufficient, the clerk shall immediately submit it to the council at the next regular meeting or at a special meeting held before the next regular meeting. (Ord. 89-01)

**Section 2.36.480 Election.**

A. If a regular election or previously scheduled special election occurs within seventy five (75) days of the clerk's submission of a certified sufficient petition, the council shall submit the issue raised by the petition at that election.

B. If no regular election or previously scheduled special election will occur within seventy five (75) days of the clerk's submission of a petition, the council shall hold a special election within seventy five (75) days of submission.

C. Procedures for conducting an initiative, referendum, or recall election are those of a regular election

D. If a majority of those voting favor the proposal, it becomes effective when the election results are officially declared. (Ord. 89-01)

## APPENDIX OF FORMS

### Forms:

- 2.36-A Oath of Election Official.
- 2.36-B Notice of Election.
- 2.36-C Ballot.
- 2.36-D Tally Sheet.
- 2.36-E Report of Preliminary Election Results.
- 2.36-F Oath and Affidavit of Eligibility for Questioned Ballot.
- 2.36-G Application for Absentee Ballot.
- 2.36-H Absentee Ballot Return Envelope.
- 2.36-I Declaration of Candidacy.
- 2.36-J Certificate of Election (Officer).
- 2.36-K Certificate of Election -- Ballot Proposition.
- 2.36-L Affidavit of Election Contest.

City of Anaktuvuk Pass  
OATH OF ELECTION OFFICIAL  
(Form 2.36-A)

I, \_\_\_\_\_, do solemnly swear (affirm) that:

I will honestly, faithfully, and impartially perform the duties of election judge (clerk) to the best of my ability;

I will not receive any ballot or votes from any person who I do not firmly believe to be entitled to vote at this election, according to the laws of this State and the ordinances of this City, nor will I refuse to receive a ballot or vote from, or do anything to hinder the casting of a ballot or vote by, any person who I believe is entitled to vote at this election; and

I am familiar with the city's elections ordinances and elections procedures.

SIGNED: \_\_\_\_\_  
Election Judge or Clerk

Witnessed:

\_\_\_\_\_  
City Clerk

City of Anaktuvuk Pass  
NOTICE OF ELECTION  
(Form 2.36-B)

NOTICE: A regular (special, runoff) election will be held in the City of Anaktuvuk Pass on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ for the purpose of filling (number of seats) seats on the City Council, as follows:

City Council Seat \_\_\_\_, 3-year term

City Council Seat \_\_\_\_, 3-year term

City Council Seat \_\_\_\_, 3-year term

The polls are located at:

\_\_\_\_\_

The polls will open at 8:00 a.m. and close at 8:00 p.m.

In order to vote, you must be: (1) a citizen of the United States, and qualified in State of Alaska elections; (2) a resident of the city of Anaktuvuk Pass for at least thirty (30) days prior to the date of the election; and (3) registered to vote in State elections. You cannot vote if you have been (1) convicted of a felony involving moral turpitude, unless your voting rights have been restored, or (2) judicially determined to be of unsound mind, unless this disability has been removed.

Candidates for office must file a Declaration of Candidacy form with the City Clerk no later than \_\_\_\_\_, 19 \_\_\_\_ . Declaration of Candidacy forms may be obtained from the City Clerk at the city offices from 9:00 a.m. to 5:00 p.m., Monday through Friday.

\_\_\_\_\_

DATE

\_\_\_\_\_

CITY CLERK

[CITY SEAL]



City of Anaktuvuk Pass  
TALLY SHEET  
(Form 2.36-D)

DATE OF ELECTION \_\_\_\_\_

DATE OF VOTE COUNT \_\_\_\_\_

<u>CANDIDATE</u>	<u>SEAT</u>	<u>TOTAL</u>						
------------------	-------------	-------------	-------------	-------------	-------------	-------------	-------------	--------------

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

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

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

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

Write-in \_\_\_\_\_

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

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

City of Anaktuvuk Pass  
 REPORT OF PRELIMINARY ELECTION RESULTS  
 (Form 2.36-E)

The tally below is a true and accurate records of all regular votes cast in the \_\_\_\_\_ election held in the city of Anaktuvuk Pass, Alaska on \_\_\_\_\_, 19 \_\_\_\_.

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

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

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

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

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

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

PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITION \_\_\_\_\_: FOR \_\_\_\_\_ AGAINST \_\_\_\_\_  
 PROPOSITION \_\_\_\_\_: FOR \_\_\_\_\_ AGAINST \_\_\_\_\_  
 PROPOSITION \_\_\_\_\_: FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

QUESTION \_\_\_\_\_: YES \_\_\_\_\_ NO \_\_\_\_\_  
 QUESTION \_\_\_\_\_: YES \_\_\_\_\_ NO \_\_\_\_\_  
 QUESTION \_\_\_\_\_: YES \_\_\_\_\_ NO \_\_\_\_\_

PART III: ACCOUNTING OF BALLOTS

Total Ballots Received From City Clerk: \_\_\_\_\_

Total Regular Ballots cast: \_\_\_\_\_

Total Questioned Ballots cast: \_\_\_\_\_

Total Ballots Returned to Clerk: Defective \_\_\_\_\_

Unused: \_\_\_\_\_

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

Respectfully submitted,

\_\_\_\_\_, Election Board Chairman

\_\_\_\_\_, Election Judge

\_\_\_\_\_, Election Judge

ATTEST:

\_\_\_\_\_

City Clerk

[CitySeal]

Report of Preliminary Election results

City of Anaktuvuk Pass  
OATH AND AFFIDAVIT OF ELIGIBILITY  
(Form 2.36-F)

STATE OF ALASKA )  
 ) ss.  
FAIRBANKS JUDICIAL SERVICE AREA )

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

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

SIGNED:

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

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

WITNESSED:

\_\_\_\_\_  
ELECTION JUDGE

City of Anaktuvuk Pass  
APPLICATION FOR ABSENTEE BALLOT  
(Form 2.36-G)

I, \_\_\_\_\_ A QUALIFIED VOTER AND RESIDENT OF THE CITY OF ANAKTUVUK  
PASS, ALASKA HEREBY APPLY FOR AN ABSENTEE BALLOT FOR THE CITY ELECTION TO BE HELD ON  
\_\_\_\_\_, 19 \_\_\_\_.

RESIDENCE ADDRESS:

\_\_\_\_\_

P. O. BOX NUMBER OR STREET

MAILING ADDRESS:

\_\_\_\_\_

(IF OTHER THAN RESIDENCE ADDRESS)

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

\_\_\_\_\_

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:

\_\_\_\_\_

Note: An absentee ballot may not be mailed  
address in Anaktuvuk Pass.

\_\_\_\_\_

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

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

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

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

PLEASE MAIL THIS APPLICATION TO : Office of the City Clerk, City of Anaktuvuk Pass,  
P. O. Box 30, Anaktuvuk Pass, AK 99720.

City of Anaktuvuk Pass  
ABSENTEE BALLOT RETURN ENVELOPE  
(Form 2.36-H)

STATE OF ALASKA )  
 ) ss.  
FAIRBANKS JUDICIAL SERVICE AREA )

\_\_\_\_\_, deposes and says: I am a resident of and a registered voter in the city of Anaktuvuk Pass, Alaska, and I hereby enclose my ballot in compliance with the election ordinance of said city.

\_\_\_\_\_  
(Signature of Voter) (Title of Officer)

(SEAL)

NOTICE – After receiving this sealed envelope from the person taking your affidavit, when voting outside the office of the Anaktuvuk Pass city clerk, you must immediately return it by mail, postage prepaid, to Office of the City Clerk, City of Anaktuvuk Pass, P. O. Box 30, Anaktuvuk Pass, AK 99720.

City of Anaktuvuk Pass  
DECLARATION OF CANDIDACY  
(Form 2.36-I)

\_\_\_\_\_  
Clerk, Insert date of filing

I, \_\_\_\_\_, hereby declare my candidacy for the office of  
(Insert full name)

\_\_\_\_\_ of the City of Anaktuvuk Pass, Alaska. I am a qualified city voter. I am a  
(State name of office)

United States citizen qualified and registered to vote in elections of the State of Alaska. I have not been convicted of a felony involving moral turpitude without later restoration of my voting rights pursuant to A.S. 15.05.303, nor have I been judicially determined to be of unsound mind, unless this disability has been removed. I have been, or will be by the date of the election for which I am filing this Declaration have been, a resident of the City of Anaktuvuk Pass, Alaska for more than thirty (30) days.

If elected to the above office, I will serve for the full term of \_\_\_\_ years, commencing on  
(length of term)

\_\_\_\_\_, 19 \_\_\_\_ and ending on \_\_\_\_\_, \_\_\_\_\_, 19 \_\_\_\_.  
(date term of office begins) (date term of office ends)

I request that my name be printed on the official ballot for the municipal election to be held in the City of Anaktuvuk Pass, Alaska on \_\_\_\_\_, 19 \_\_\_\_.  
(date of election)

\_\_\_\_\_  
Signature

City of Anaktuvuk Pass  
CERTIFICATE OF ELECTION  
(Form 2.36-J)

THIS IS TO CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_,  
\_\_\_\_\_ was elected to the office of \_\_\_\_\_ of the City of  
Anaktuvuk Pass, Alaska, as confirmed by the City Council of the City of Anaktuvuk Pass upon completion of the final  
canvass of ballots on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

DATED at Anaktuvuk Pass, Alaska, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

[CITY SEAL]

## Chapter 2.40

### Informal Appeals to the City Council

#### Sections:

- 2.40.010 Scope of chapter.
- 2.40.020 Starting an informal appeal.
- 2.40.030 Time for starting an appeal.
- 2.40.040 Setting matter on agenda.
- 2.40.050 Hearing date.
- 2.40.060 Procedural at hearing.
- 2.40.070 Decision.
- 2.40.080 Finality of decision.
- 2.40.090 Formal proceeding after decision.

#### **Section 2.40.010 Scope of chapter.**

This chapter covers procedure for informal administrative appeals to the council. All appeals by any aggrieved party may be made under this chapter, except in personnel matters covered by Title 3, or where a city ordinance or state or federal law requires a formal trial-type administrative proceeding.

#### **Section 2.40.020 Initiation of informal appeal.**

An informal appeal may be initiated by a city resident, city employee, or any other person who is aggrieved by an action or decision (including a failure or refusal to take action or to make a decision) of a city officer or official for which a right of appeal is provided by this code or state or federal law. To initiate an informal appeal, the aggrieved party shall write a letter to the council. The letter:

1. shall identify the action or decision to which the aggrieved party objects;
2. should identify the city officer or official who took the action or made the decision, if known;
3. should state the reason why the person is aggrieved by the action or decision;
4. should state what relief (such as reversal or modification of the decision or postponement of the action) the person desires; and

5. shall be signed by the aggrieved party.

This letter shall be mailed or delivered to the clerk. The requirements of this section shall be liberally construed, so that any signed writing which may reasonably be read as objecting to and seeking council review of an appealable action or decision shall be sufficient under this section.

#### **Section 2.40.030 Time for initiating appeal.**

The letter initiating an appeal must be received by the clerk within 30 days from the date of the action or decision complained of.

#### **Section 2.40.040 Setting matter on agenda.**

A. Upon receipt of a letter initiating an appeal under this chapter, the clerk shall:

1. schedule the matter for hearing at the next regular council meeting, and advise the aggrieved party of the date, time, and place of the meeting;

2. immediately provide copies of the letter to all council members and to the city officer or official who made the decision or took the action complained of; and

3. direct the city officer or official who made the decision or took the action complained of to attend the hearing on the matter to be prepared to respond to the appeal in detail, and to assemble all documents relevant to the appeal and make them available to council members before and at the hearing.

B. A special council meeting may be called as provided in Section 2.08.050 to consider the appeal.

**Section 2.40.050 Hearing date.**

The appeal shall be heard on the date scheduled or, if time does not permit, at the next regular meeting (or an earlier special meeting) under the rules of the council.

**Section 2.40.060 Procedure at hearing.**

At the hearing, the council shall receive written or verbal statements from the aggrieved party and from the city officer or official who took the action or made the decision complained of and, if the council so desires, from other persons. Council members may offer any information or document they may have or know of relating to the matters raised by the aggrieved party.

**Section 2.40.070 Decision.**

The council shall make a decision about the matters raised by the aggrieved party. No specific form of decision is required. If the council, at the conclusion of the hearing, neither makes a formal decision on the appeal nor schedules the appeal for further consideration at a specific meeting to be held within 30 days of the hearing, the council shall be deemed to have rejected the appeal.

**Section 2.40.080 Final decision.**

The decision of the Council shall be the final city action on the matter, and is subject to judicial review in the Superior Court of the State of Alaska, provided, however, that in such cases the record shall be limited to the following documents:

1. the letter filed pursuant to Section 2.40.020;
2. the documents made available to the council pursuant to Section 2.40.040(A)(3);
3. any written statements filed at the hearing pursuant to Section 2.40.060;
4. the record of the council meeting at which the hearing was held; and
5. the written decision of the council, if any.

## TITLE 3

### PERSONNEL POLICY

#### Chapters:

Chapter 3.04 Personnel System Generally

Chapter 3.08 Hiring Policies

Chapter 3.12 Conditions of Employment

Chapter 3.16 Benefits

Chapter 3.20 Leave

Chapter 3.24 Discipline

Chapter 3.28 Grievance

TITLE 3.04  
PERSONNEL POLICY GENERALLY

Sections:

- 3.04.010 Nature of Employment
- 3.04.020 Merit System
- 3.04.030 Job Description

**Section 3.04.010 Nature of Employment**

Employment with the City is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause.

The policies have been developed at the discretion of the City and may be amended or canceled at any time at the City's sole discretion.

These policies supersede all existing personnel policies and practices and may not be amended except by resolution of the City Council.

**Section 3.04.020 Merit System**

- (a) Appointments and promotions of employees are made on the basis of merit, except for employees appointed to managerial or confidential positions that have been designated by ordinance as wholly or partially exempt from the merit system.
- (b) Employees appointed to exempt or partially exempt positions serve at the pleasure of the appointing authority, shall receive such benefits as are required by law and those as to which there is agreement between the employee and the appointing authority, and may be terminated at any time, with or without any right to a hearing, grievance or other procedure.
- (c) Employees who have acquired regular status may be terminated, suspended without pay, or made to suffer other direct adverse financial consequences only after being given an opportunity to explain or rebut the facts given as the basis for the adverse action. Written notice of the proposed adverse action shall be given to the employee as provided in these policies and shall contain a description of the facts that are the basis for the adverse action, the date upon which the adverse action will take effect, and the right of the employee at any reasonable time before the adverse action takes effect to explain or rebut the facts given. The provisions for a hearing under Chapter 3.28.

**Section 3.04.030 Job Descriptions**

- (a) Every position established by the City Council will be described by a job description. Job descriptions are reviewed annually by the person who supervises the position, with consultation from the person occupying the position. The Mayor must approve all job descriptions and may write or revise job descriptions during the annual review and at other times as may be required.
- (b) Regular employees are evaluated on the basis of their performance of the job description for the position they occupy.
- (c) Job descriptions for each position include the following components:

1. Position title
2. Primary tasks/functions
3. Necessary skills
4. Physical requirements
5. Work site conditions
6. Supervisor
7. Pay range
8. Qualifications for the position
9. Hours of work

CHAPTER 3.08  
HIRING POLICIES

Sections

- 3.08.010 Hiring
- 3.08.020 Equal Employment Opportunity
- 3.08.030 Employee Categories
- 3.08.040 Provisions of Employment for Council Members

**Section 3.08.010 Hiring**

- (a) The City will maintain a job description index available for public inspection which contains descriptions of all City positions, vacant or occupied. Any person may submit an application for a City position at any time.
- (b) When an opening in a position occurs, the City will contact all persons who have submitted applications for that position in the last twelve months to notify them of the opening. Additionally, the City will post notice of the position openings in three public places in the City for five working days. Thereafter, applications will be accepted for one week. When an opening in a position occurs, the position will be given to the best qualified applicant who meets the qualifications for the position.
- (c) The Mayor or Vice Mayor will review all applications and interview all qualified applicants. A second round of interviews may be scheduled if necessary to make a final decision. The best qualified candidate who meets the minimum qualifications shall be given the position.
- (d) Applicants rejected for hire will be notified in writing within five (5) days of the City filling the position.

**Section 3.08.020 Equal Employment Opportunity**

The City does not favor or discriminate against any person on the basis of race, sex, marital status, color, creed, national origin or political affiliation or opinion. The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship on the City. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

**Section 3.08.030 Employee Categories**

- (a) Probation: An employee is on probationary status during the first six months of employment by the City. That employee may be fired with or without cause during the probationary period, without right to a grievance appeal. In lieu of terminating a probationary employee, the Mayor may extend the probationary period for not to exceed an additional eight months.
- (b) Regular Status: An employee who completes six continuous months of probation- period employment is converted to regular status in the position. An employee scheduled to work less than 37.5 hours per week shall be deemed to have completed the six-month probationary period upon the completion of 900 work hours. Regular status indicates that an employee has a right to grievance appeal in case of termination. However, regular continuous employees may be terminated without the right to a grievance proceeding if the position which they occupy is abolished by the City Council or funding for the position is no longer available. Also, a regular employee who loses a position because of budget cutbacks or abolishment of a position has a right to reoccupy the position if it is re-established within one year of the employee's termination. Regular

employees fired for cause do not have a right to reoccupy their position. Only full-time and part-time positions qualify for regular status. Employees in seasonal and temporary position are not regular-status employees.

(c) Full Time: An employee assigned to a position calling for 37.5 hours per week, twelve months per year, is a full-time employee.

(d) Part Time: An employee assigned to a position calling for less than 37.5 hours per week, twelve months per year, is a part-time employee.

(e) Seasonal: An employee assigned to a position, either full or part time, for less than twelve months each year on a recurring basis is a seasonal employee. A temporary employee may be terminated at any time with or without cause and without a right to a grievance appeal.

### **Section 3.08.040 Provisions of Employment for Council Members**

(a) City Council members may be employed by the City of Anaktuvuk Pass, but only as provided in subsections (b) - (e).

(b) When City Council members apply for City employment, all applications for the position shall be reviewed by the City Council at a regular or special meeting. A City Council member shall be hired for City employment only if the qualifications of the City Council member are better than the qualifications of all other applicants. All applications will be based on sole of merit for hiring. If and when a City Council member is hired to work for the City, the City Council shall post in the City office a list of Council members hired to work for the City; the City Council shall post in the City office a list of applicants for the position, together with the reason why the City Council member was hired over the other applicants.

(c) The City Council meeting authorized under Section (b) above shall be open to the public for comments.

(d) If a council member is an employee of the City, he is entitled to receive honorarium pay.

(e) If any Council member works on any grants, he shall be entitled for any payroll.

CHAPTER 3.12  
CONDITIONS OF EMPLOYMENT

Sections

- 3.12.010 Sexual Harassment
- 3.12.020 Drug-free Workplace Policy and General Enforcement Procedures
- 3.12.030 Alcohol-free Workplace Policy
- 3.12.040 Annual Plan
- 3.12.050 Evaluation
- 3.12.060 Training
- 3.12.070 Termination
- 3.12.080 Suspension for Investigation

**Section 3.12.010 Sexual Harassment**

(a) All city employees have the right to work in an environment free of sexual harassment. No employee should be subject to sexual harassment. Sexual harassment, which may involve a person of either sex against a person of the opposite or the same sex, undermines the integrity of the work place and will not be tolerated. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is made either explicitly a term or condition of employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) Sexual harassment can include:

- (1) verbal abuse (propositions, lewd comments, sexual remarks);
- (2) visual abuse (leering or display of sexually oriented materials that embarrass or intimidate an employee with sensitivities of the ordinary person of that employee's sex;
- (3) Physical abuse (touching, pinching, cornering);
- (4) rape.

**Section 3.12.020 Drug-free Workplace Policy and General Enforcement Procedures**

(a) Employees may not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace during the employee's work hours or during any time in which the employee is representing the City of Anaktuvuk Pass or is on travel status. Employees may not report to work "under the influence" of a controlled substance used unlawfully. As a condition of employment, each employee must:

- (1) abide by the terms of this drug- and alcohol-free workplace policy; and
- (2) notify the City within six calendar days of any criminal conviction against the employee for violation of a drug statute, if the violation occurred at the workplace.

(b) To the extent required by law or at the discretion of the Mayor and City Council Members, the City of Anaktuvuk Pass will notify any federal granting agencies of any employee violation of this policy within ten calendar days of notice

from an employee of such a drug conviction or upon otherwise receiving actual notice of such conviction. To the extent required by law or at the discretion of the Mayor and City Council Members, with thirty calendar days after receiving notice of such a drug conviction the City of Anaktuvuk Pass will take appropriate personnel action against the convicted employee or require the convicted employee's satisfactory participation in a drug-abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

(c) City of Anaktuvuk Pass will provide each employee with a copy of City of Anaktuvuk Pass's drug-free workplace policy.

#### **Section 3.12.030 Alcohol-free Workplace Policy**

Employees may not consume any alcoholic beverage in the workplace during work hours or during any time in which the employee is representing the City of Anaktuvuk Pass.

Employees may not report to work "under the influence" of alcohol.

#### **Section 3.12.040 Annual Plan**

(a) In addition to general job duties as outlined in job descriptions, regular employees will be responsible for performance of annual plan goals. These goals will be negotiated with the employees and the Mayor or Vice Mayor and shall be directly related to City plans for the year. For example, a part of the annual plan for the bookkeeper might be to revise the City's bookkeeping system.

(b) The annual plans will be part of the evaluation criteria for a regular employee. Each regular employee will work on an annual plan at the beginning of the fiscal year.

(c) As part of the annual planning process, each regular employee will establish individual goals for the year with the assistance of the Mayor or Vice Mayor. The employee and Mayor or Vice Mayor will both seek ways to meet these goals. The goals are stated in terms of what is to be learned, and how the new skills relate to City functions. For example, a goal for the Clerk/Treasurer might be: To become proficient in the new governmental accounting procedures.

#### **Section 3.12.050 Evaluation**

(a) A regular employee shall be evaluated in writing by his or her immediate supervisor within six months after attaining regular status, one year after hire, and annually thereafter. A first-time hire will have an oral evaluation six months after hire.

(b) A regular employee receiving an unfavorable written evaluation will be placed on sixty days probation and given guidance by the supervisor in how to rectify the problem which produced the unfavorable evaluation. The employee may be terminated, should the evaluation still be unfavorable in sixty days.

Evaluations shall be based on the employee's performance, the written job description, and annual plans.

#### **Section 3.12.060 Training**

Within the funds appropriated for employee training, the City will assist employees in obtaining the training they require to perform their job duties and to improve their opportunities for advancement. Whenever possible, the City will provide the necessary financial support to allow the employee to receive training toward a stated goal.

#### **Section 3.12.070 Termination**

(a) Resignation: An employee may resign at any time by presenting a letter of resignation to an immediate supervisor or to the Mayor. Letters of resignation shall, at a minimum, indicate the last day of employment. Employees resigning in "good faith" shall give a minimum of ten-working-days' notice. The City Clerk is required to give thirty-calendar-days' notice of resignation. The Mayor, in his or her sole and absolute discretion, may grant or deny the request.

(b) Unexcused absence from work for a period of two successive working days may be considered by the supervisor and/or Mayor as a resignation without proper notice resulting in loss of all accrued leave and cause for denying the employee future employment by the City. An employee who is treated as having resigned under this paragraph will be given opportunity to explain the reason for the unexcused absence and may be reinstated upon a showing of a satisfactory reason for the absence, an inability to notify the City of the need for the absence; however, reinstatement is available only if the position has not been filled.

(c) Layoff: Nothing in these Personnel Policy guarantees employment. Budget constraints, natural disasters, mechanical failures, or other conditions may require the deletion of positions or lay off of employees, either temporarily or permanently. A laid-off regular employee retains a right to reoccupy the position with status should the position be re-established within twelve months after termination.

(d) The Mayor or her/his designee may lay off an employee at any time if the employee's position is temporary, if there is a shortage of work or funds; or for other reasons which do not reflect discredit on the services of the employee. If circumstances allow, permanent employees shall be given two (2) weeks' notice of lay off. All employees shall be given as much notice of lay off as circumstances allow.

(e) No regular employee shall be laid off while there are probationary, seasonal, or temporary employees serving in the same job class.

(f) Dismissal: The following is a general listing of reasons which constitute grounds of dismissal of City employees. This list is not all inclusive and complements other grounds for dismissal listed in these Personnel Policies. Infractions not listed may be of such a severe nature that they also would warrant dismissal. The steps of Procedures of Progressive Discipline will be followed. Special projects may have special rules and grounds for dismissal which will be posted. By that posting, employees are deemed to have knowledge of these special rules and grounds for dismissal.

- (1) Incompetence: Lack of basic knowledge, skills, or physical ability needed to accomplish work employee was hired to do. Inability to understand and/or follow instructions. Continual difficulty in learning and implementing new methods and procedures elated to assigned duties.
- (2) Unsatisfactory Performance of Duties: Slovenly work. Unnecessary or unreasonable damage to tools or equipment used. Failure to produce an acceptable amount of work in relation to fellow employees in like classification. Disregard for established safety regulations and procedures.
- (3) Unexcused Absenteeism: Absence from work without prior approval.
- (4) Drunkenness: Reporting to work under the influence of alcohol or drugs. Use of alcoholic beverages or drugs other than lawfully prescribed drugs at work.
- (5) Dishonesty: Any act relating to employment that would signify an employee's word or intentions are not trustworthy. Being convicted of a felony or misdemeanor committed on or off duty which would limit the ability to maintain a working relationship of mutual trust in a particular position. Taking City property or money or converting it to an employee's use. Falsification of time records or approval of time records known to be wrong.

- (6) Gross Disobedience: Failure to follow a supervisor's orders without reasonable explanation of actions. Refusal to obey such rules and regulations fostered by the State and City as standard policy.
- (7) Abandonment of Duties: Absenting oneself without approval or authority and failure to promptly notify employer of supportable reasons therefor.
- (8) Unsafe Operation: Negligence, carelessness, or unsafe operation of equipment or machinery at any time by any employee that endangers or injures himself/herself to others.

(g) Notice: In all cases in which an employee is to be dismissed from City service, written notice of the intention to dismiss, including the effective date of the dismissal shall be served upon the employee. If the employee is unavailable because of absence from the City or work site, the employee is deemed to have notice of dismissal upon posting or a letter of intention to dismiss by certified mail, return receipt requested, to her/his last-known mailing address. If the employee has regular status, the notice shall state the cause for the termination and notify the employee of the right to grievance procedures. Termination is not effective until the time for a dissatisfaction hearing has expired.

**Section 3.12.080 Suspension for Investigation**

(a) In addition to reasons for suspension of an employee from work as otherwise provided for in these Personnel Policies, the Mayor may, in cases in which signed charges in writing have been filed against an employee, suspend the employee with pay if the employee has regular status, and with or without pay and with or without accrual of benefits if the employee does not have regular status, for the purposes of conducting an investigation into the validity of the charges. A regular employee may be suspended only with pay during an investigation. The employee shall be notified in writing of her/her suspension and its expected duration which may be indefinite or until the charges are resolved. Such a suspension shall be made only in the cases in which the charges against the employee are of such a nature that the interests of the City would be prejudiced by continuing the employee on active duty status while the investigation is conducted. If the charges are found valid, the Mayor or his designee shall take such steps, including dismissal or other disciplinary action, as he/she deems appropriate.

(b) In all cases in which charges have been filed against an employee the investigation shall begin immediately.

CHAPTER 3.16  
BENEFITS

Sections:

3.16.010 Benefits

**Section 3.16.010 Benefits**

- (a) The City provides the following benefits for all eligible employees:
- Family leave (all employees) as may be required by applicable state or federal law
  - Holidays
  - Jury duty leave
  - Military leave and veteran's re-employment
  - Sick leave
  - Annual leave
  - Voting time off as required by statute
  - Worker's compensation
  - Employment security compensation
  - Retirement (the City participates in the federal social security system)
- (b) Some benefit programs require contributions from the employee, some are fully paid by the City, and some benefit costs are paid by both the City and the employee, based on the coverage the employee is willing to pay for.

## CHAPTER 3.20

### LEAVE

Sections:

#### 3.20.010 Leave

##### **Section 3.20.010 Leave**

- (a) **Annual Leave:** In addition to the paid holidays listed in these policies, a regular employee accrues one day paid annual leave for every month worked. Annual leave is accumulated by an employee appointed to a position designated as for a regular employee, but cannot be taken until the later six months from the date of employment or until the employee achieves regular status. Annual leave may be taken at any time mutually agreeable to the employee and the Mayor or Vice Mayor with two weeks notice for leave of request. After two years of employment, a regular employee accumulates one and one-quarter days a month. An employee may not carry over more than thirty days' annual leave from one calendar year to the next. Accumulated leave in excess of thirty days will be forfeited on each December 31 except to the extent the Mayor certifies such excess could not be used because the City was unable to release the employee during the year for a sufficient periods time to permit the employee to use the excess leave.
- (b) No payment will be made for leave accrued but not taken except upon termination. An employee who gives notice of intent to resign may take up to two weeks of annual leave after the required two weeks' notice.
- (c) **Sick Leave:** An employee accrues one day of sick leave for every month worked. Sick leave may be accrued without limit. If an employee exhausts accrued sick leave, annual leave must be taken until exhausted and then leave without pay. After three months of leave because of illness, the City Council will determine whether to allow the employee to be considered on leave of absence status. If not, the employee will be terminated. Illness of more than three days' duration will be verified by a statement from a physician. Sick leave may be used to care for members of the employee's immediate family, and as provided under applicable state and federal law, if verified by a health-care provider's certificate.
- (d) **Seasonal Employees:** Seasonal employees are treated like other employees for purposes of leave accumulation. Seasonal employees leave balances, not to exceed thirty days, may be carried over from year to year.
- (e) **Donating Leave:** An employee may donate annual leave and sick leave to another employee for use as sick leave upon approval by the Mayor on a case-by-case basis.
- (f) **Leave Without Pay:** An employee may, with approval of the Mayor, be granted up to a month of leave without pay. Positions vacant because the employee is on leave without pay are not filled by the City. However, a replacement employee may be hired on a temporary basis to fill a position if deemed necessary by the Mayor.
- (g) An employee may be granted a leave of absence for any period of time up to one year upon approval by the Mayor and the Council. The employee has a right to return to his or her regular position at the end of the leave of absence. The City may hire a temporary replacement for an who customarily works a four- (4-) hour workday accrues a four- (4-) hour leave day; etc.

CHAPTER 3.24  
DISCIPLINE

Sections:

3.24.010 Progressive Discipline

**Section 3.24.010 Progressive Discipline**

(a) **Disciplinary Actions:** It is the responsibility of the Mayor and/or Vice Mayor to maintain efficiency, cooperation, and safe and proper work conduct among employees while protecting the rights of all employees and promoting efficient City operation and provision of services to citizens.

If a situation requiring discipline occurs, the Mayors, his or her designee, or shall immediately gather all essential facts about the situation in writing, including the employee's version and decide what, if any, disciplinary action is needed. If, in the opinion of the Mayor, or Vice Mayor, action of a less severe nature than dismissal as provided for elsewhere in this section is required the Procedures of Progressive Discipline shall be followed. The appropriate discipline is the least severe penalty that is at the same time severe enough to convince the erring employee that his/her behavior cannot be tolerated. A determination of the appropriate discipline shall be made by the Mayor or Vice Mayor.

(b) **Oral Warning:** Oral warnings are given for minor infractions. The employee is given one warning in private explaining what he/she did wrong and what must be done as a corrective measure. A record in writing is placed in the employee's central personnel file. This record may, but need not, be removed from the file after six months by the Mayor if the employee's behavior improves. The employee is advised at the time of the oral warning that if there is a repetition of the behavior that required oral warning, more severe action may be taken. The Mayor or Vice Mayor shall give the oral warning.

(c) **Written Warning:** A written warning is more severe than an oral warning. It is used for more serious offenses by an employee that call for more than an oral warning. Written warning is also to be issued if there is a repetition of an infraction for which an oral warning was given within three months of the date of the oral warning. A copy of the written warning is placed in an employee's central personnel file and becomes a permanent part of the file. The Mayor or Vice Mayor shall give written warnings.

(d) **Suspension:** Suspension is a very severe penalty. An employee may be suspended with pay and accrual of benefits or without pay and without accrual of benefits for up to thirty days. Suspension is used only when a major infraction has occurred or one or more warnings have not succeeded in bringing about changes in an employee's conduct. Repetition of an action that required a written warning within three months of the date of the written warning is cause for suspension. The Mayor or Vice Mayor, after a private interview with the employee, shall personally deliver a letter of suspension to the employee. The letter shall state the reasons for suspension and the dates on which suspension begins and ends. A copy of the letter shall be placed in the employee's central personnel file. If an employee is unavailable for personal delivery of a letter of suspension, notice shall be given by certified mail, return receipt requested, sent to his/her last known mailing address. If the wages or benefits of the employee will be adversely affected by the suspension, the employee shall be given an opportunity for hearing before the mayor or his/her designee to explain or rebut any facts upon which the proposed suspension is based before the suspension is imposed; to present witnesses; to cross examine adverse witnesses; and to be represented by counsel.

(e) **Dismissal:** Dismissal from city service is the most severe of disciplinary actions. An employee may be dismissed by the Mayor for reasons listed elsewhere in these policies. An employee may also be dismissed if within a six month period

after completion of suspension a disciplinary action becomes necessary. Before dismissal the employee shall be given an opportunity for hearing before the Mayor or his/her designee. The employee may be represented by counsel or other representative of his/her choosing. The employee may ask questions of any witnesses and may otherwise confront the evidence presented against him or her. Following the hearing the Mayor or his/her designee shall prepare written findings, detailing any disciplinary action and the reasons therefor. The decision in writing shall then be personally delivered to the employee. If the employee is unavailable for personal delivery, the decision shall be sent by certified mail, return receipt requested, to his/her last known mailing address. A copy of the decision shall be placed in the employee's central personnel file.

(f) **Appeal:** Every employee shall have the right to appeal any disciplinary action enforced against him/her which she/he believes to be unwarranted, unfair or unjust. An appeal shall be treated as a grievance and shall be handled in accordance with the Grievance Section of the Personnel Policies; provided that: except where a hearing has already been held under subsection (d) or (e) above, the employee must first request a dissatisfaction hearing pursuant to Chapter 3.28.

(g) **Notice and Hearing:** Each employee who is subject to a disciplinary action under this section shall be given notice of his or her right to a hearing under Chapter 3.28 if they are dissatisfied with the disciplinary action. The hearing is an opportunity for the employee to discuss, answer, and rebut any fact or circumstance that may be relevant to the disciplinary action.

CHAPTER 3.28  
GRIEVANCES

Sections:

3.28.010 Grievances and Grievance Procedure

**Section 3.28.010 Grievance and Grievance Procedure**

(a) Grievance Policy, Dissatisfaction Hearing: It is the policy of the City insofar as possible to prevent the occurrence of grievances and/or deal promptly with those which occur. When any employee dissatisfaction is brought by the employee to the attention of the employee's Mayor or Vice Mayor within three working days of the date of the event or decision that creates the dissatisfaction, the Mayor or Vice Mayor shall give the employee an opportunity to present and discuss all relevant circumstances. The employee may have his/her representative present if he/she so desires. The Mayor or Vice Mayor shall consider and examine the causes of the dissatisfaction and attempt to resolve it to the Mayor or Vice Mayor has authority to do so. The Mayor or Vice Mayor shall decide the matter as quickly as possible, within 24 hours if practicable, and notify the employee of the decision. If the dissatisfaction was taken first to the Mayor or Vice Mayor, and the employee is not satisfied with the action taken by the Mayor or Vice Mayor, the employee shall take the matter to the Mayor within the greater of two working days of the decision of the Mayor or five working days of the date of the event or decision that created the dissatisfaction. An employee dissatisfaction may include working conditions, job assignments, and disciplinary actions such as oral or written warnings, suspensions, and dismissals. If the dissatisfaction is for a disciplinary action and is not dealt with satisfactorily by the Mayor, the employee may initiate the grievance procedure as provided in this section.

Any written response provided by the employee shall be placed in the employee's personnel file. An employee who fails to request a dissatisfaction hearing or a review by the Mayor within the time set out in this subsection 130(a) may not appeal to take the matter to the City Council or the Grievance Committee, nor appeal the matter to the courts.

(b) Grievance Procedure: Every employee shall have the right to grieve any disciplinary action which he/she believes to be unwarranted, unfair, or unjust; provided the grievance shall be handled in accordance with the following procedures.

(1) Upon receipt of oral or written notice of the Mayor's response or resolution to a dissatisfaction of the employee, the employee may grieve the action to the Grievance Committee. To initiate a grievance, the employee must file a written notice of appeal with the Grievance Committee by delivering the appeal to the City Clerk within five calendar days of the decision of the Mayor under the procedure above for handling a dissatisfaction of the employee. The written notice of appeal must clearly and completely identify and describe the action or decision that gives rise to the grievance appeal and the relief sought.

(2) Upon receipt of the notice of appeal, the City Council shall set a date and time for a Grievance Committee hearing. At the hearing, the employee has the burden of proving by relevant, clear, and convincing evidence that the action or decision grieved is unwarranted, unfair, or unjust. Witnesses called by the employee or the City may be cross-examined by the City and the employee, respectively, or by the representative or attorney of either.

(3) The hearing of the Grievance Committee shall be a public meeting subject to all applicable provisions of the Alaska Open Meetings Act, AS 43.62.310. Upon adoption of a proper motion, the Grievance Committee may go into executive session to receive the testimony that may tend to prejudice the character or reputation of a person if the person has been given notice of the

intent to discuss the person in executive session and that the person has the right to request the testimony be given in an open session.

(4) Upon completion of the testimony and receipt of evidence, the Grievance Committee shall grant or deny the appeal. If the appeal is granted, the Grievance Committee may give such relief as requested in the written notice of appeal or such lesser relief as it finds appropriate to the circumstances, the Grievance Committee shall prepare and approve a written decision setting out the facts it found, the conclusions it drew from the facts, and the order or decision and the relief, if any, determined to be appropriate.

(5) The employee or the Mayor may appeal the decision of the Grievance Committee to the superior court, but only within the time provided in and in accordance with the rules of appellate procedure applicable to appeals of administrative decisions to the superior court.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

CITY OF ANAKTUVUK PASS

By: \_\_\_\_\_

Its: Mayor

[SEAL]

ATTEST:

\_\_\_\_\_

TITLE 4

REVENUE AND FINANCE

Chapters:

Chapter 4.01	Budget generally
Chapter 4.04	Budget procedure
Chapter 4.08	Annual audit
Chapter 4.12	Management of funds
Chapter 4.16	Contracts and purchasing

Chapter 4.01  
BUDGET GENERALLY

Sections:

- 4.01.010 City obligations.
- 4.01.020 Scope of budget.
- 4.01.030 Budgeted revenues.
- 4.01.040 Budgeted expenditures.

**Section 4.01.010 City obligations.**

- A. A bond, contract, lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be made by ordinance and approved by the voters.
- B. No payment may be authorized or made and no obligation may be incurred except in accordance with an appropriation made by ordinance. The council may make supplemental and emergency appropriations.
- C. The council may authorize contracts for capital improvements to be financed wholly or partly by the issuance of bonds.

**Section 4.01.020 Scope of budget.**

- A. The budget shall be a complete financial plan for the operation of the city during the next fiscal year, showing dollar reserves, anticipated revenues and proposed expenditures.
- B. Adoption of the budget, together with appropriation of the required funds, constitutes the commitment of each sum identified as an expenditure to the specified purchase or expense or class of purchases or expenses, and authorization and direction to the mayor and the city's appointed officials to expend each budgeted sum for the specified purpose.
- C. Proposed expenditures shall not exceed anticipated revenues and reserves.

**Section 4.01.030 Budgeted revenues.**

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

**Section 4.01.040 Budgeted expenditures.**

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

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

Chapter 4.04  
Budget Procedure

Sections:

- 4.04.010 Fiscal year.
- 4.04.020 Public records.
- 4.04.030 Proposed budget.
- 4.04.040 Public hearing.
- 4.04.050 Amendment of proposed budget; Adoption; Appropriation of funds.
- 4.04.060 Amendment after adoption.
- 4.04.070 Encumbrance.
- 4.04.075 Effective date of budget certification.
- 4.04.080 Excess liability lapse of appropriations.
- 4.04.090 Transfers.
- 4.04.100 Biennial projection -- capital program.
- 4.04.110 Preparation guidelines.

**Section 4.04.010 Fiscal year.**

The fiscal year of the city government shall begin on the first day of July of each calendar year and end on the last day of June of the following calendar year. The fiscal year shall also constitute the budget and accounting year.

**Section 4.04.020 Public records.**

The proposed budget and budget message, and, upon adoption, the budget, shall be public records open to inspection pursuant to Chapter 1.24.

**Section 4.04.030 Proposed budget.**

A. The mayor shall prepare and submit to the council not later than May 1st of each year, the proposed budget for the following fiscal year, together with a budget message. The proposed budget shall set out estimates of all revenues expected to be received, and provide and appropriate for all anticipated expenditures of money, including contract and other commitments, except expenditures of construction funds derived from bonds or from special assessment. The budget shall be submitted as an ordinance. The council may amend the budget estimate at any time prior to adoption.

B. The proposed budget shall include in a parallel column opposite the items of anticipated revenues the amount of each such item actually received in the preceding fiscal year and the budget for the current fiscal year.

C. The proposed budget shall include in a parallel column opposite the items of proposed expenditures, the amount of each such item actually spent in the preceding fiscal year and the budget for the current fiscal year.

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

**Section 4.04.040 Public hearing.**

The council shall fix the time and place for a public hearing on the proposed budget. Notice of the hearing, together with a summary of the proposed budget, shall be posted in three places in the city not more than ten nor less than five days prior to the time fixed for the hearing. At the public hearing, all interested persons shall be given an opportunity to be heard.

**Section 4.04.050 Amendment of proposed budget; Adoption; Appropriation of funds.**

A. After the conclusion of the public hearing on the proposed 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.

B. The council shall adopt the budget and make the appropriation by ordinance not later than the fifteenth day of June. The council shall then appropriate the money required for the approved budget.

C. If no budget has been adopted by the council by the last day of the present fiscal year, the proposed budget as submitted or amended shall be deemed to have been adopted by the council, and the proposed expenditures therein shall be deemed to have been appropriated for the next fiscal year.

**Section 4.04.060 Amendment.**

The budget may be amended by the council at any time after adoption provided no such amendment shall be made until after a public hearing upon the same notice as required for the budget estimate under Section 4.04.040. The substance of the proposed amendment or amendments shall be posted with the notice of the hearing.

**Section 4.04.070 Encumbrance.**

No budget appropriations may be encumbered without prior certification by the mayor that there is an unencumbered appropriation sufficient to cover such encumbrance and sufficient funds available to meet the expenditure.

**Section 4.04.075 Effective date of budget certification.**

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

**Section 4.04.080 Excess liability; Lapse of appropriations.**

The mayor and clerk/treasurer shall not permit, without council approval, during any budget year, an expenditure or contract incurring any liability in excess of the amount appropriated for each department of the city. All appropriations covered by the budget lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered

**Section 4.04.090 Transfers.**

The mayor may approve intra-departmental transfers of appropriated funds; provided, however, that appropriations may not be transferred between departments except by ordinance amending the budget as provided by Section 4.04.060.

**Section 4.04.100 Biennial projection: Capital program.**

At the same time the mayor prepares and submits the proposed budget under the provisions of Section 4.04.020, he or she shall present to the council, as a working document, a proposed two-year summary budget for the city (excluding capital improvement programs) in the same general form as the budget for the next fiscal year. In addition, the mayor shall present a five-year capital improvement program as a working document which shall estimate, by year and for each project, anticipated costs, funding requirements and sources, and include a narrative outlining the need and proposed priority of the each project.

**Section 4.04.110 Preparation guidelines.**

The budget, including the biennial projection and the five-year capital improvement program, shall be prepared in accordance with recommendations of the National Committee on Governmental Accounting of the Municipal Finance Officers Association.

Chapter 4.08  
ANNUAL AUDIT

Sections:

4.08.010 Required.

**Section 4.08.010 Required.**

The council shall provide for an audit or statement of annual income and expenditures of the city and of every city department. The audit shall be made by an accountant, designated by the council, who has no personal interest, direct or indirect, as defined in the rules of professional ethics of the American Institute of Certified Public Accountants, in the fiscal affairs of the city or any of its departments. The designated accountant shall be a certified public accountant licensed to practice in the state and shall be a member of the American Institute of Certified Public Accountants. The accountant shall submit his or her report to the mayor and council no later than ninety days following the end of the fiscal year under audit.

Chapter 4.12  
MANAGEMENT OF FUNDS

Sections:

- 4.12.010 Treasurer.
- 4.12.015 Bond
- 4.12.020 Deposits and withdrawals.
- 4.12.030 Investments.

**Section 4.12.010 Treasurer.**

A. As treasurer, the clerk is the custodian of all municipal funds and shall be responsible for the management of all cash and negotiable instruments of the city and shall develop and maintain such records, systems and procedures as may, in his or her opinion, be necessary for that purpose.

B. All accounting functions for all city departments and offices are the responsibility of the treasurer. The treasurer shall provide the following statements to the council on a monthly basis:

1. summary statement of cash receipts and disbursements;
2. reconciliation statement: banks -- funds -- investments; and
3. statement of expenditures compared with appropriations.

**Section 4.12.020 Deposits and withdrawals.**

A. The clerk is authorized to deposit city funds in such commercial banks, savings or loan associations or investment accounts as the council may authorize by resolution. All such deposits held shall be in the name of the city. The clerk, mayor, and council members are authorized signatories on such accounts.

B. All withdrawals from or checks drawn on such accounts in excess of two hundred fifty dollars except payroll checks shall require two signatures, one by the clerk and one by the mayor or another council member. Withdrawals or checks in amounts less than two hundred fifty dollars, or payroll checks in any amount, shall require only one signature.

C. No check may be drawn when unless there are sufficient funds in the account on which it is drawn to pay the check.

**Section 4.12.030 Investments.**

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

1. Preference shall be given to Alaskan securities and financial institutions.
2. Investment in corporate stocks and bonds is prohibited.
3. All transactions shall be made in the name of the city.

Chapter 4.16  
Contracts and Purchasing

Sections:

- 4.16.010 Competitive bidding required.
- 4.16.020 Purchase and sale generally.
- 4.16.025 Purchasing agent.
- 4.16.030 Bid invitation.
- 4.16.040 Bid deposits.
- 4.16.050 Bid submittal and opening.
- 4.16.060 Rejection of bids.
- 4.16.070 Award of contract.
- 4.16.080 Open market purchases.
- 4.16.090 Contractor bonding.
- 4.16.100 Professional services contracts.
- 4.16.110 Construction contracts letting.
- 4.16.120 Construction contracts administration.
- 4.16.130 Disbursement setoffs.
- 4.16.140 Local preference contractors.
- 4.16.150 Local preference subcontractors.

**Section 4.16.010 Competitive bidding required.**

A. All purchases of and contracts for supplies and contractual services shall, except as specifically provided in this chapter, be based wherever possible on competitive bids.

B. When competitive bids are not deemed to be possible, a purchase or contract for supplies may be entered into if the estimated cost of the supplies or contractual services is:

1. greater than two thousand, five hundred dollars, and the council by resolution find that competitive bids are impossible, reciting the reasons therefor, and specifies how the purchase shall be made or the contract shall be awarded; or

2. not greater than two thousand, five hundred dollars, if the mayor certifies in writing that competitive bids are impossible, reciting the reasons therefore, and specifies how the purchase shall be made or the contract shall be entered into.

**Section 4.16.020 Purchase generally.**

All supplies and contractual services, except as otherwise provided in this chapter, when the estimated cost thereof exceeds two thousand five hundred dollars, shall be purchased by formal, written contract from the lowest responsible bidder as defined in Section 4.16.070(B), after due notice inviting proposals.

**Section 4.16.025 Purchasing agent.**

A. 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.

B. There shall be a city purchasing agent. The purchasing agent shall make all purchases of supplies, materials, equipment, and contractual services needed by the offices, departments, and agencies of the city government, in accordance with the ordinances of the city and such rules and regulations as may be prescribed by the mayor and approved by

the council. .

C. The purchasing agent shall recommend joint purchases with other units of government when the best interests of the city would be served.

**Section 4.16.030 Bid invitation.**

A. Notice inviting bids shall be published in a newspaper or newspapers of general circulation within the state selected by the clerk. Invitations for bids shall be published at least once, at least five days prior to the last day set for the receipt of proposals. The invitation shall include information as to where the necessary bid forms and additional information may be obtained.

B. The clerk may also solicit bids from all responsible prospective suppliers who have indicated an interest in bidding on city contracts.

C. The clerk shall also advertise all pending purchases by posting a notice on the public bulletin board in the city hall.

**Section 4.16.040 Bid deposits.**

When deemed necessary by the clerk, bid deposits shall be prescribed in the invitation for bid. Unsuccessful bidders shall be entitled to a return of surety where the city clerk has required such. A successful bidder shall forfeit any surety required by the clerk if the bidder fails or refuses to enter into a contract within ten days after the award.

**Section 4.16.050 Bid submittal and opening.**

A. Bids shall be submitted to the clerk and shall be identified as bids on the envelope. The clerk shall not accept submittal of bids after the time stated in the invitation for the opening of bids.

B. Bids shall be opened in public at the time and place stated in the invitation for bids.

C. A tabulation of all bids received shall be posted for public inspection. A copy of the tabulation shall be forwarded to the council for acceptance or rejection of bid.

**Section 4.16.060 Rejection of bids.**

A. The council shall have the authority to reject all bids, parts of bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when such rejection is in the best interest of the city.

B. The council may determine that rejection of all bids is in the best interest of the city for reasons which include but are not limited to the following:

1. inadequate, ambiguous, or otherwise deficient specifications were cited in the invitation for bids;
2. the supplies or services are no longer needed;
3. the invitation for bids did not provide for consideration of all factors of cost to the city;
4. the bids received indicate that the city's needs can be satisfied in a less expensive manner than that contemplated by the invitation for bids;
5. all otherwise acceptable bids received are at unreasonable prices;
6. the bids were not independently arrived at in open competition, were collusive, or were submitted in bad faith; or
7. the bids received did not provide adequate competition to assure reasonable prices.

C. If the council rejects all bids under this section, it may later direct the clerk to issue an identical or similar invitation for bids.

**Section 4.16.070 Award of contract.**

- A. The council may award contracts within the purview of this chapter.
- B. Contracts shall be awarded, if at all, to the lowest responsible bidder whose bid is responsive to the invitation for bids.
- C. In determining which bid is "lowest", the council may, in its discretion, apply the local contractor preference of Section 4.16.140.
- D. In determining whether the lowest bidder is "responsible", the council shall consider:
  - 1. the ability, capacity and skill of the bidder to perform the contract or provide the service required;
  - 2. whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference;
  - 3. the character, integrity, reputation, judgment, experience and efficiency of the bidder, and the quality of performance of previous contracts or services;
  - 4. the previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
  - 5. the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
  - 6. the quality, availability and adaptability of the supplies or contractual services to the particular use required;
  - 7. the ability of the bidder to provide future maintenance and service for the use of the subject of the contract, number and scope of conditions attached to the bid; and
  - 8. the standardization requirements.
- E. For a bid to be "responsive," the bid must be an offer to perform, without exception, the exact thing called for in the invitation for bids, which will, upon acceptance, bind the bidder to perform in accordance with all the terms and conditions of the invitation. The council may conclude that a bid is not "responsive" if, for example:
  - 1. the bidder has qualified or changed the terms or conditions of the invitation to bid;
  - 2. the bid is considered late under Section 4.16.050, having been received after the time for opening;
  - 3. the bid does not include bid or surety bonds, plans, specifications, samples, or other items called for in the invitation to bid: or
  - 4. the bidder does not acknowledge receipt of an amendment to the invitation.
- F. The council may waive trivial or inconsequential deficiencies in a bid.
- G. An aggrieved bidder may, within five days after the opening of the bids, file an informal appeal pursuant to Chapter 2.40.

**Section 4.16.080 Open market purchases.**

All purchases of supplies and contractual services of less than two thousand, five hundred dollars, shall be made on the open market, without observing the procedure prescribed in Sections 4.16.020 through 4.16.070.

**Section 4.16.090 Contractor bonding.**

- A. Contracts for construction, alteration or repair of public buildings or public works, where the cost is in excess of four hundred thousand dollars, shall be awarded only after the contractor has provided payment and performance bonds pursuant to A.S. 36.25.010(A).
- B. There are no bonding requirements under this section for public construction or public works contracts

where the cost is one hundred thousand dollars or less.

C. Where the cost of a public construction contract exceeds one hundred thousand dollars but does not exceed four hundred thousand dollars, the city, in its discretion, may not require the contractor to post payment or performance bonds, provided that:

1. the contractor has been a licensed contractor in the state for at least two years;
2. the contractor certifies that he has not defaulted on a contract during the last three years;
3. the contractor submits a financial statement prepared within the last nine months certified by a public accountant, demonstrating that the contractor has a net worth of not less than twenty percent of the amount of the contract;

and

4. the total amount of all contracts which the contractor anticipates performing during the contract period does not exceed his net worth by more than seven times.

**Section 4.16.100 Professional services contracts.**

A. A contract for engineering, architectural, legal, medical or other professional services shall not be binding and effective until it has been approved by the council. Any such contract awarded by the council is deemed approved. Any other such contract shall be immediately submitted to the council for approval, which may be given by motion.

B. Contracts in amounts exceeding one thousand dollars for professional services and other contractual services, which are in their nature unique and not subject to competition, shall be awarded by the council. All such contracts for professional services, when deemed appropriate by the awarding authority, shall be awarded after public notice and mail solicitation inviting proposals for the furnishing of the required services. The selection of professional assistance shall be based on competence, skill and experience.

C. No contract shall be subdivided to avoid the requirements of this section.

D. The city shall not award a contract for architectural, engineering, or land surveying services to:

1. an individual who is not registered under A.S. 08.48 to perform the architectural, engineering, or land surveying services required by the contract;
2. a partnership that is not qualified under A.S. 08.48.251 to provide the architectural, engineering, or land surveying services required by the contract; or
3. a corporation that is not authorized under A.S. 08.48.241 to offer the architectural, engineering, or land surveying services required by the contract.

**Section 4.16.110 Construction contracts -- Letting.**

A. For the purposes of this section, "contract" means and includes construction contracts. The term shall not include professional services and other contractual services which are in their nature unique and not subject to competition.

B. All contracts shall be based wherever possible on competitive bids.

C. All contracts shall be awarded by formal, written contract to the lowest responsible bidder as defined in Section 4.16.070(D) after due notice inviting proposals following the procedures established in Section 4.16.120.

D. Upon awarding a construction contract, the clerk shall:

1. immediately notify the state commissioner of labor of the amount of the contract, the effective date of the contract, the identity of the contractor and all subcontractors, the site or sites of construction and provide a project description; and
2. verify that the bonding requirements of A.S. 36.25 have been met and that the requirements of A.S. 08.18

have been met.

**Section 4.16.120 Construction contracts -- Administration.**

All contracts, as defined in Section 4.16.110(A) shall be administered by the mayor in accordance with the following provisions:

A. Any change required in the work shall be made after receiving a written change order proposal from the contractor for additions to or deductions from the original contract sum and the original contract time for changes proposed.

B. Upon receipt of a change order proposal for a change in the contract sum in an amount not exceeding one thousand dollars and after determination that the contractor's proposal is reasonable, the clerk, at the direction of the mayor, may issue a written change order. The aggregate sum of change orders so authorized shall not exceed five percent of the original contract sum or one thousand dollars, whichever is greater.

C. When a proposed change order exceeds the limits set forth in subsection (B) of this section, the proposal, together with recommendations of the mayor, shall be forwarded to the council. The council shall then determine whether the proposal shall be accepted or rejected.

D. Whenever a change in the work is required immediately upon the discovery of unforeseen conditions, the mayor shall have the power to order such change. If the change is otherwise subject to subsection (C) of this section, a full report shall be made to the council not later than the second regular meeting following the change. The emergency nature of such change order shall be determined by the mayor.

E. No partial payment for work completed shall be made to a contractor without approval of the mayor of the quantities and values submitted by the contractor. No reduction in retained percentage not called for in the contract shall be made without prior approval of the council.

**Section 4.16.130 Disbursement setoffs.**

A. Disbursement of monies to a person, firm or corporation will be made only after the various receivable accounts of the city have been reviewed for outstanding balances owed. The disbursement will be reduced by setting off the amount of indebtedness due to the city from such person, firm or corporation.

B. All contracts to which the city is a party which will or may involve the disbursement of city funds shall contain the following clause or its substantial equivalent: Disbursement of monies by the city hereunder shall be subject to setoff pursuant to the provisions of Section 4.16.130 of the Code of Ordinances. Such contracts include, but are not limited to, oral contracts, employment contracts, construction contracts, and purchasing contracts.

**Section 4.16.140 Local preference -- contractors.**

The mayor may, unless prohibited or otherwise restricted by funding sources, direct an award of a construction contract after competitive bidding to a responsible bidder who has submitted a bid, who holds a city business license, and who maintains a business office within the city, if that bid does not exceed the lowest responsible bid by more than ten percent.

**Section 4.16.150 Local preference -- subcontractors.**

A. The mayor may, unless prohibited or otherwise restricted by funding sources, for all contracts awarded under the formal competitive bidding procedures, make incentive payments to a qualified contractor consisting of a percentage of the cost of salary and benefits paid by a qualified contractor directly or through his qualified subcontractors to employees for personal services or labor who were directly employed on the project for which the referenced contract applies.

B. In this section, "qualified contractor" or "qualified subcontractor" means a person, partnership, or

corporation holding a city business license on the date on which the contract bids are solicited.

C. Incentive payments may be applied for at the same time as periodic payments, if any, which are authorized under the contract. The contractor shall submit supporting documentation as required by the clerk.

D. The incentive payment shall be equal to:

1. Twelve (12) percent of costs for qualified contractor or subcontractors under one million dollars;
2. Ten (10) percent of costs for qualified contractors or subcontractors between one million dollars and one cent and five million dollars;
3. Eight (8) percent of costs for qualified contractors or subcontractors between five million dollars and one cent and ten million dollars;
4. Six (6) percent of costs for qualified contractors or subcontractors between ten million dollars and one cent and over.

TITLE 6  
BUSINESS REGULATIONS

**Chapters:**

6.08 Closing Hours

Chapter 6.08  
CLOSING HOURS

Sections:

6.08.010 Designated.

**Section 6.08.010 Designated.**

All establishments within the city shall remain closed from the hour of twelve a.m. until the hour of six a.m.

TITLE 8  
HEALTH AND SAFETY

Chapters:

- 8.04 Removal of Abandoned Vehicles and Personal Property.
- 8.08 Fireworks.
- 8.12 Nuisances.
- 8.16 Firearms, Weapons and Explosives.
- 8.20 Protection of Watershed.
- 8.24 Motor Vehicles.
- 8.28 Animal Control.

REMOVAL OF ABANDONED VEHICLES AND PERSONAL PROPERTY

Sections:

- 8.04.010 Definitions.
- 8.04.020 Abandonment unlawful.
- 8.04.030 Nuisance declared -- notice of removal.
- 8.04.040 Contractors.
- 8.04.050 Disposal -- Reclamation.
- 8.04.060 Costs.
- 8.04.070 Summary removal.
- 8.04.080 Violation -- penalty.

**Section 8.04.010 Definitions.**

As used in this chapter:

1. "Abandoned" means any vehicle or personal property left abandoned, parked, stored, junked, wrecked, stripped, disposed of or otherwise unattended for a period of four or more days following notice of removal.
2. "Personal property" means personal property as defined by Section 1.04.010 (12), but excludes refuse as defined by Section 8.12.010 (C).
3. "Vehicle" means vehicle as defined in A.S. 28.40.100.

**Section 8.04.020 Abandonment unlawful.**

It is unlawful for any person to abandon any vehicle or personal property in any street or on any city property not set aside as a disposal site for abandoned vehicles or personal property. Refuse or any other matter which is deposited in any street or other public property and which is dangerous to the public health or safety or obnoxious or offensive shall be removed in accordance with Chapter 8.12.

**Section 8.04.030 Nuisance declared -- notice of removal.**

Any vehicle or personal property abandoned under this chapter may be declared a public nuisance. The mayor may impound an abandoned vehicle or abandoned personal property if:

1. The mayor has declared that the property to be impounded is a public nuisance;
2. Notice of intent to remove abandoned property has been given in one of the following ways:
  - (a) The item in question has been ticketed by the Borough Department of Public Safety and the item is still not removed four days later;
  - (b) Property has been left in the same place for four days after general notices of removal are posted in at least three conspicuous public places, designated by the mayor; or
  - (c) Notice has been hand-delivered to the owner or sent by certified mail, stating that the vehicle will be removed within four days from the date of postmark or delivery.

**Section 8.04.040 Contractors.**

The mayor or his or her designee may cooperate or contract with any public or private organization for the purpose of impoundment, removal and storage of property.

**Section 8.04.050 Disposal -- Reclamation.**

Any property, after being impounded, removed, and stored pursuant to this chapter for a period of thirty days, may be sold, crushed or disposed of in any manner selected by the city, as an economical, efficient means of disposal; provided, however, that if the property is a motor vehicle the requirements of AS 28.11.040 through 28.11.070 shall be met. If the owner of any impounded property is known, a copy of the impoundment report will be sent to the last known address of that person, stating the reason for the impoundment, the place where the property is stored, and the procedure for reclaiming it. If the owner is unidentifiable, a report shall be made to the city citing the date of removal, the individuals involved, places of storage and the costs involved.

**Section 8.04.060 Costs.**

Any person who violates Section 8.04.020 shall be liable to the city for the city's costs of removal, impoundment, storage, and disposal of abandoned property. If a vehicle or property is impounded or removed by city personnel or stored on city property, the owner shall be liable to the city for such reasonable fees as the council may establish for such services. An impounded vehicle or impounded property shall not be released to the owner until all such costs and/or fees have been paid. Costs or fees recovered under this section shall be allocated as directed by the council. Any such costs and fees shall be in addition to any penalty imposed pursuant to Section 1.28.010 for violation of this chapter.

**Section 8.04.070 Summary removal.**

Any vehicle or property for which a notice of removal is served and which is subsequently moved by the owner after it is declared a public nuisance, and is again observed to be abandoned in violation of this chapter, may at any future date, without prior four-day notice of removal, be declared a public nuisance and immediately impounded and removed as outlined in this chapter.

Chapter 8.08  
FIRE WORKS

Sections:

- 8.08.005 Definition.
- 8.08.010 Sale or use.
- 8.08.015 Public display permit.
- 8.08.020 Violations -- Penalty.

**Section 8.08.005 Definition.**

As used in this chapter, “fireworks” means salable fireworks as defined by A.S. 18.72.100(4).

**Section 8.08.010 Sale or use.**

The offering for sale, exposure for sale, sale, use, or explosion of fireworks except as provided by Section 8.08.015, is hereby prohibited.

**Section 8.08.015 Public display permit.**

A. The council may, by resolution, grant to an individual or organization a permit for a community fireworks display associated with a holiday or special event.

B. The individual to whom the permit is granted, or, if the permit is granted to an organization, the person designated in the permit as the fireworks supervisor, must personally supervise the storage, handling, and display of fireworks, and shall be personally responsible for compliance with this chapter and with the requirements of state law.

**Section 8.08.020 Violation -- Penalty.**

Violation of any provision of this chapter is an infraction punishable by a fine of not more than one hundred dollars.

Chapter 8.12  
NUISANCES

Sections:

- 8.12.010 Definitions.
- 8.12.020 Dangerous nuisances.
- 8.12.030 Obnoxious nuisances.
- 8.12.040 Violations.

**Section 8.12.010 Definitions.**

As used in this chapter:

1. "Mayor" means the mayor or his or her designee.
2. "Owner" means the owner (as defined in Section 1.04. 010(10)), lessee, or other person in possession or control of any premises.
3. "Person" means person as defined in Section 1.04.010(11).
4. "Refuse" means garbage, sewage, ashes, cinders, litter, surplus construction materials or debris, offal, dead animal or animal part, oil, tar, petroleum distillate, chemical, radioactive material, industrial waste and all other liquid or solid putrescible and non-putrescible wastes, from all public and private establishments and residences.

**Section. 8.12.020 Dangerous nuisances.**

A. A person shall not place or deposit or cause or allow to be placed or deposited upon either any city property, or upon any premises of which he or she is the owner, any refuse or any other matter or thing which would produce or aggravate the spread of disease or in any way endanger the health or safety of the community.

B. If the mayor finds that any refuse or other matter placed or deposited in violation of subsection (A) of this section is dangerous to the health or safety of the community, he or she shall declare it to be a public nuisance and order its immediate removal. If the dangerous material is found on private property, the owner of the premises shall remove the nuisance upon the mayor's order. If the owner of the premises fails to immediately remove the nuisance or the matter is found on city property, the mayor shall either promptly remove the matter or appoint a person or persons to remove it.

**Section 8.12.030 Obnoxious nuisances.**

No owner, lessee, or other person in possession or control of any premises shall place or deposit or allow to be placed or deposited upon such premises any refuse or other matter which is obnoxious or offensive to the community.

**Section 8.12.040 Violations.**

A. A person who willfully violates Section 8.12.020(A) or who willfully fails to comply with a removal order issued pursuant to Section 8.12.020(B) after actual notice of the order and reasonable opportunity to comply is guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than one thousand dollars and imprisonment for a period of not more than thirty days.

B. Any other violation of this chapter is an infraction and subjects the violator to the penalty prescribed by Section 1.28.010.

C. In addition to any penalty imposed under this chapter, any person who violates Sections 8.12.020(A) or 8.12.030 by placing refuse or other obnoxious, offensive, or dangerous material on any property shall be liable to the city for the costs incurred by the city in removing the refuse or other material and abating or mitigating the effects of the nuisance

caused thereby.

D. Nothing in this section should be interpreted to limit the rights and remedies available to the City under other law, common and statutory, and principles of equity.

## Chapter 8.16

### FIREARMS, WEAPONS AND EXPLOSIVES

#### Sections:

- 8.16.010 Definitions.
- 8.16.020 Carrying a concealed weapon.
- 8.16.030 Switchblade knives.
- 8.16.040 Possession of dangerous weapon on school grounds.
- 8.16.050 Carrying loaded firearms.
- 8.16.060 Discharge of firearms.
- 8.16.070 Explosives.
- 8.16.080 Exclusions.
- 8.16.090 Violations.

#### **Section 8.16.010 Definitions.**

As used in this chapter:

- A. “Dangerous weapon” means a firearm, an air gun or BB gun, a knife other than an ordinary pocketknife having a blade not more than four and one half ( 4 ½ ) inches in length, a dagger, slingshot, crossbow, metal knuckles, blackjack, billy or any other instrument by the use of which physical injury may readily be inflicted upon any person, but does not include any instrument or tool which is not commonly used as or considered to be a weapon and which in the circumstances under which it is possessed or used is clearly not intended to be used, or to be available for use, as a weapon.
- B. “Explosive device” means a device containing explosives as defined by A.S. 11.81.900(b) (20).
- C. “Firearm” means a weapon, including a pistol, revolver, rifle, shotgun or air-gun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot or projectile capable of causing death or physical injury.
- D. “Possession” means physical possession or the exercise of dominion or control.
- E. “Switchblade knife” means any knife having a blade which opens automatically:
  - 1. by hand pressure applied to a button or other device in the handle of the knife; or
  - 2. by operation of inertia, gravity or both.

#### **Section 8.16.020 Carrying a concealed weapon.**

- A. Except as otherwise provided by state law, no person shall knowingly possess a concealed dangerous weapon on or about his or her person, or within his or her reach in a vehicle.
- B. As used in this section:
  - 1. A dangerous weapon is “concealed” on or about a person if it is covered or enclosed in any manner on or in the immediate arm's reach of a person and cannot be seen and determined to be a weapon without removing it from that which covers or encloses it or without opening, lifting or removing that which covers or encloses it.
  - 2. A dangerous weapon is “concealed” in a vehicle if it is within arm's reach of a person occupying a vehicle and cannot be seen without opening the door of or entering the vehicle or without removing the weapon from that which covers or encloses it or without opening, lifting or removing that which covers or enclosed it.
- C. A knife in a sheath on a belt is not considered a concealed weapon.

#### **Section 8.16.030 Switchblade knives.**

No person shall possess or transfer in any manner a switchblade knife.

**Section 8.16.040 Possession of dangerous weapons on school grounds.**

It is unlawful for a person to possess a dangerous weapon inside a school or on school grounds unless by prior consent of school principal or his or her designee.

**Section 8.16.050 Carrying loaded firearms.**

It is unlawful for any person to possess any firearm when in a public place or on any public street within the city, unless all ammunition has been removed from the chamber, cylinder, clip, or magazine, and unless the firearm is carried with the receiver in an open position except as provided in section 8.16.060.

**Section 8.16.060 Discharge of firearms -- prohibited.**

It is unlawful for any person to discharge a firearm except in a regularly established shooting gallery, rifle range or any other place specifically designated by the City Council.

**Section 8.16.070 Explosives.**

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

**Section 8.16.080 Exclusions.**

A. Sections 8.16.020 through 8.16.070 of this ordinance do not apply to any duly authorized city, borough, state, or federal law enforcement officer in the performance of official duties.

B. Section 8.16.060 of this ordinance does not apply to duly authorized city, borough, state, or federal law enforcement officers under the following circumstances:

1. When the use of the firearm is necessary to protect himself, a prisoner, another officer or a citizen from an dangerous and felonious assault;

2. When the use of a firearm is necessary to prevent a person who has committed a felony from escaping;

3. When the use of a firearm is necessary to dispose of loose dogs as otherwise provided in Chapter 8.28.

C. Under no circumstances shall an officer fire upon any person who is attempting to escape arrest on a misdemeanor or lesser charge.

D. Section 8.16.070 of this ordinance does not apply to a person who is:

1. Firing a firearm in justifiable defense of himself or of others or of property or otherwise in accordance with law.

2. Engaged in subsistence activities more than 500 yards from any permanent dwelling or public building.

E. Sections 8.16.020 and 8.16.060 do not apply to persons who have been issued a permit to carry a concealed handgun under state law, A.S. 18.65.700-790

**Section 8.16.90 Violations.**

A. Any violation of this chapter is a misdemeanor.

B. The penalties provided by Section 1.28.040 may not be imposed for any violation of this chapter unless copies of this chapter have been made available for distribution to the public as provided by Section 2.12.094(D) at no more than cost.

Chapter 8.20

PROTECTION OF WATERSHED

Sections:

- 8.20.010 Definitions
- 8.20.020 Location of Watershed
- 8.20.030 Prohibited Acts
- 8.20.040 Penalty

**Section 8.20.010 Definitions.**

As used in this chapter,

1. "Pollution" means the contamination or altering of waters, land, or subsurface land within a watershed in a manner which creates a nuisance or makes waters, land, or subsurface land unclean, or noxious, or impure, or unfit, so that they are actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, subsistence, or recreational use, or to wild animals, bird, fish, or other aquatic life.
2. "Refuse" means refuse as defined in Section 8.12.010.
3. "Watershed" means the area or areas of land surrounding and draining into the lakes, ponds, lagoons, or other bodies of water which have been designated by the council as principal sources of domestic water supply for the city.

**Section 8.20.020 Location of Watershed.**

The watershed used by the city is located, and is clearly staked and fenced as the city's drinking water watershed. A detailed map showing the location of the reserved watershed is available from the clerk.

**Section 8.20.030 Prohibited Acts.**

In order to protect the general public from consuming contaminated water and to ensure that the public shall have uncontaminated water in the future it shall be unlawful to:

1. Dump solid, liquid, or other refuse in any form near or in the area or areas designated as watershed or in streams or rivers used for consumption of water by the public; or
2. Use the watershed as a recreation area at any time during the year or engage in any activity that would pollute the watershed.

**Section 8.20.040 Penalty.**

Any person violating the provisions of Section 8.20.020 shall upon conviction thereof be fined not to exceed five hundred dollars (\$500.00) or imprisoned for thirty (30) days or both.

Chapter 8.24  
MOTOR VEHICLES

Sections:

- 8.24.010 Definitions
- 8.24.020 Speed limits
- 8.24.030 Unsafe operation
- 8.24.040 Influence of intoxicating liquor or beverages
- 8.24.050 Land based vehicles -- required equipment
- 8.24.060 Reporting of accidents
- 8.24.070 Curfew
- 8.24.080 Licenses

**Section 8.24.010 Definitions.**

“Land based vehicles” include every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human or animal power unaided by internal combustion engines or other such mechanical devices for the generation of energy. Devices designed primarily for travel over snow or ice by means of skis, belts, cleats or low pressure tires are deemed land-based vehicles. Boats, canoes, barges and any other water based craft are water-based vehicles when referred to in this chapter.

**Section 8.24.020 Speed limits.**

A. It shall be unlawful for any land based vehicle to travel at a speed exceeding fifteen (15) miles per hour within the City limits. Regardless of the posted limit, it is also unlawful to drive a land vehicle at a speed greater than is reasonable under the existing road or weather conditions.

B. There shall be SLOW signs posted in plain sight for all to see. Vehicles without speedometers shall not exceed half throttle.

**Section 8.24.030 Unsafe Operation.**

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

**Section 8.24.040 Operation under influence of alcohol.**

No driver of any water or land based vehicle, shall be under the influence of alcohol.

**Section 8.24.050 Land based vehicles -- Required equipment.**

It shall be unlawful to operate any land based vehicle without:

- A. workable front and back lights;
- B. a muffler;
- C. a functioning throttle which when released by hand or foot will return the engine speed to idle;
- D. brakes adequate to control the movement of and to stop the vehicle under normal operating conditions.

**Section 8.24.060 Reporting of Accidents.**

The operator of a vehicle involved in an accident resulting in injury to or death of a person, or property damage other than to his or her own vehicle the estimated amount of which is one hundred dollars (\$100.00) or more, shall immediately give notice of the accident to the nearest State Trooper or Borough Public Safety Officer by radio or telephone, or if neither is

reasonably available, by whatever other means is likely to be received at the earliest time.

**Section 8.24.070 Curfew.**

There shall be imposed a curfew on vehicle operation between the hours of two (2:00) a.m. to six (6:00) a.m. Emergency operation and work required operation of vehicles is excepted.

**Section 8.24.080 Licenses.**

It shall be unlawful to operate a land based vehicle without a state operator's license issued in accordance with A.S. 28.15.010 et seq.

Chapter 8.28  
ANIMAL CONTROL

Sections:

8.28.010	Definitions
8.28.020	Scope; Intent
8.28.030	Records
8.28.040	Enforcement; Interference prohibited
8.28.050	Identification tag required
8.28.060	Immunization of animals.
8.28.070	Harboring diseased animals
8.28.080	Cruelty and abandonment.
8.28.090	Puppies.
8.28.100	Liability.
8.28.110	Females in heat -- Confinement.
8.28.120	Controlling dangerous animals.
8.28.130	Duty of vehicle operators.
8.28.140	Restraint.
8.28.150	Disposal.
8.28.160	Rabies control.
8.28.170	Animals diagnosed as rabid – Quarantine.

**Section 8.28.010 Definitions.**

The following terms used in this chapter have the following meanings:

A. “Adoption” means to choose and upon payment of the fees, as lawful owner or owners to bring into one's home an animal from the city animal shelter.

B. “Animal” means any dog as defined in subsection (g).

C. “Animal bite” shall be considered to be a bite which breaks the skin from an animal that is known to be a possible vector of rabies.

D. “Animal control officer or officers” means the public health officer and his or her subordinates designated by the Borough in their collective capacity as administrators of this chapter.

E. “Animal shelter” means any premises designated by action of the animal control officer for the purpose of impounding and caring for all animals impounded pursuant to this chapter or Alaska statute.

F. “At large” means any dog not under restraint.

G. “Dog” means any domesticated member of the family canidae.

H. “Euthanasia” means to kill painlessly.

I. “Humanely destroy” means to kill an animal in such a way as to minimize mental and physical pain. Examples would be by intravenous injection of an acceptable euthanasia solution or by a shotgun, rifle or pistol shot to the head or heart.

J. “Neutered male” means any male animal that has been castrated.

K. "Owner" means any person, partnership, or corporation owning, keeping, or harboring, feeding or sheltering for three days or more, one or more animals.

L. "Planned breeding" means any purposeful breeding intended to perpetuate a specific animal type.

M. "Protective custody" means impoundment of an animal for its own protection.

N. "Public health officer" means the borough administrative officer responsible for the investigation, collection and dissemination of information regarding anything which causes harm to human health.

O. "Public nuisance" 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 or private property, or barks, whines, or howls excessively or continuously.

P. "Restraint" means physical control, such as a leash, chain, fence or building; or competent voice, whistle, or hand signal control while engaged in an activity which requires that an animal not be physically restrained, in a form of recognized hunting that requires the use of an animal as a retriever or when on the property of the owner. The animal control officer shall determine if an animal is under competent control.

Q. "Secure enclosure" means an enclosure in which an animal is confined and does not have access to human beings or other animals.

R. "Spayed female" means any female animal which has an ovariectomy or ovario-hysterectomy performed.

S. "Vicious animal" means any animal that when unprovoked inflicts bites or attacks human beings or other animals either on public or private property or in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places.

**Section 8.28.020 Scope: Intent.**

Nothing in this chapter shall be interpreted to conflict with the North Slope Borough regulations on domestic animals, it being the intent of the City to exercise that authority granted to it by A.S. 29.48.035(5) but not to establish regulations which would undermine the right and duty of the borough to regulate domestic animals, as set forth in North Slope Borough Municipal Code.

**Section 8.28.030 Records.**

The animal control officer shall keep or cause to be kept accurate and detailed records of:

A. The impoundment and disposition of all animals coming into his custody.

B. All animal bites reported to or investigated by him.

C. The monies received, which records shall be open to inspection at reasonable times by persons acting for the state or the borough and having responsibility for such records.

D. All animals on which a tranquilizer gun is used. Any tranquilizer drug and dosage used shall approved by a licensed veterinarian.

E. All identification (i.e. tags, tattoos on legs or ears) and rabies certificates issued by him or her in accordance with this chapter.

**Section 8.28.040 Enforcement -- Interference prohibited.**

A. Any animal control officer or public safety officer may enforce Sections 8.28.010 through 8.28.190.

B. No person shall interfere with, molest or hinder any animal control officer or public safety officer in the performance of any duty under this chapter or seek to release any animal in the custody of such officer.

**Section 8.28.050 Identification tag required.**

Every dog at least six months old must wear an identification tag around its neck which identifies the name and/or address of its owner. Owners are responsible for obtaining tags for their dogs from the animal control officer.

**Section 8.28.060 Immunization of animals.**

A. No person shall own, keep or harbor an animal over six months of age within the borough, unless such animal has been immunized against rabies within the past twelve months. Immunization agents and procedures shall be consistent with current recommendations of the National Association of State Public Health Veterinarians, Inc. Proof of immunization shall consist of a statement or receipt from a licensed veterinarian, a certified lay vaccinator, or an animal control officer.

B. The animal control officer shall from time to time and at least annually, hold a rabies immunization clinic. The clinic shall be held at such times and places as to encourage the widest participation.

**Section 8.28.070 Harboring diseased animals.**

No person shall knowingly own, harbor, or keep any animal infected with a contagious or pestilent disease, unless confined and under the care of a licensed veterinarian.

**Section 8.28.080 Cruelty and abandonment.**

A. No person shall do the following:

1. fail to provide his or her animals with sufficient food and water, adequate shelter, veterinary care when needed to prevent suffering, protection from the weather, and humane care and treatment.

2. abandon or cause to be abandoned any animal.

3. commit or cause to be committed any act of cruelty, harassment, abandonment, or torture to any animal, or cause such animal to be wounded, mutilated, strangled, or inhumanely killed.

4. cause, instigate or encourage any animal to fight with any other animal.

5. expose any known poisonous substance, whether mixed with food or not, so that such substance may threaten the life or well-being of any domesticated animal.

B. Ownership of said animal shall not be a justifiable defense for the acts prohibited under subsection A.

C. Nothing in this section shall prohibit:

1. a person from capturing and holding a stray animal for delivery to its owner or the animal control officer, and killing an animal in defense of person or property, or humanely destroying an animal owned by him.

2. an animal control officer or public safety officer from taking actions authorized under Sections 8.28.010 through 8.28.190.

**Section 8.28.090 Puppies.**

The owner of any litter of pups shall be responsible for the care and confinement of such pups for the rest of their lives unless they are otherwise provided with suitable homes or disposed of in accordance with Section 8.28.150 of this chapter.

**Section 8.28.100 Liability.**

An owner shall be liable for repayment or replacement of any property destroyed by his or her animal.

**Section 8.28.110 Female in heat -- Confinement.**

Every female animal "in heat" shall be kept confined in such a manner that such animal cannot come in contact with a male

animal except for planned breeding purposes.

**Section 8.28.120 Control of vicious animals.**

The owner shall confine within a building or secure enclosure a dangerous animal, and shall not take such animal out of the building or secure enclosure unless it is muzzled or otherwise secured.

**Section 8.28.130 Duty of vehicle operators.**

Any motor vehicle operator who strikes an animal shall immediately report the accident to the animal control officer.

**Section 8.28.140 Restraint.**

A. Every dog owner is responsible for keeping his or her animal restrained such that it does not pose a threat or become a public nuisance to any person or property.

B. No person shall tie, stake, or fasten any animal within any street, alley, sidewalk, or public place within the City or in such a manner that the animal has access to any portion of any street, alley, sidewalk, or public place therein.

C. No person shall, without permission of the owner, release any animal from restraint except to preserve the animal's life.

**Section 8.28.150 Disposal.**

A. The animal control officer or in his or her absence a designee appointed by the mayor shall dispose of animals in a humane manner under any of the following conditions:

1. The animal is at large and the animal's owner cannot be identified or located;
2. The animal is vicious, at large and/or the owner has consented to the disposal;
3. The animal is found to have rabies;
4. An unvaccinated animal is bitten by a rabid animal during a quarantine provided in Section 8.28.170;
5. The animal has been given over to the animal control officer for disposal by its owner; or

B. If an animal is considered vicious as provided in Section 8.20.010, and its owner does not consent to disposal, the animal shall be disposed of only upon judicial determination that the animal is vicious and subject to appeal as provided in subsection (C).

C. If the owner files an appeal with the City Council pursuant to Chapter 2.40 challenging the decision to dispose of the animal and agrees in writing to restrain the animal during the pendency of the appeal, the animal shall not be destroyed until the City Council hears the appeal.

**Section 8.28.160 Rabies control.**

A. Every animal which bites a human being shall be promptly reported to the animal control officer. If the animal's owner cannot be identified or located, the animal shall be disposed of pursuant to Section 8.28.150. Otherwise, the animal shall be quarantined at the animal control officer's discretion either on the owner's premises or at the owner's expense in a veterinary hospital. In the event of a bite by an animal other than a dog, if such animal is a species known to transmit rabies, the animal shall be disposed of in accordance with any applicable state and federal regulations.

B. Every physician, or other practitioner of medicine, shall report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such information as will be helpful in rabies control.

C. Every licensed veterinarian shall report to the animal control officer the diagnosis of any animal observed as a rabies suspect.

**Section 8.28.170 Animals diagnosed as rabid -- Quarantine.**

A. When any animal has been diagnosed by a licensed veterinarian as being rabid, the animal control officer shall immediately notify the appropriate state and federal agencies and comply with all applicable state and federal regulations controlling rabies treatment and animal disposal.

B. When the examination gives a positive diagnosis of rabies, the mayor or his designee may impose a city-wide quarantine for a period of thirty days. During such quarantine, no animal shall be permitted off the owner's premises or in the public streets, nor may any animal be taken or shipped from the quarantine area without written permission from the animal control officer or the public health officer. Any animal found running at large during such quarantine shall be killed on sight.

C. During such quarantine as herein provided, every animal adjudged to be infected with rabies or bitten by an animal adjudged to be rabid shall immediately be destroyed at the direction of the animal control officer or public health officer unless the animal has a current vaccination. These properly vaccinated animals must immediately receive a booster vaccination and be quarantined pursuant to this chapter to be adjudged rabies free.

D. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended at the mayor's discretion.

E. Upon the recommendation of the animal control officer, the mayor may put into effect for the period of quarantine any necessary emergency regulations. These regulations shall be made public by means of an intensive information campaign through appropriate media. Such regulations shall be reported to the assembly.

F. The carcass of any dead animal thought to have been exposed to rabies shall be surrendered to the animal control officer.

TITLE 9

PUBLIC PEACE, MORALS & WELFARE

Chapters:

- 9.04 Offenses against property
- 9.06 Offenses against public justice, peace & decency
- 9.08 Offenses against minors
- 9.12 Minors -- curfew
- 9.16 Alcoholic beverages
- 9.20 Drugs

Chapter 9.04  
OFFENSES AGAINST PROPERTY

Sections:

- 9.04.010 Vandalism.
- 9.04.020 Tampering with vehicles.
- 9.04.030 Posting.
- 9.04.040 Throwing or shooting at persons or property.
- 9.04.050 Trespassing.
- 9.04.060 Depositing sharp objects.
- 9.04.070 Release of dogs of another.
- 9.04.090 Injury to public library books.
- 9.04.100 Injury to roads and other utilities.

**Section 9.04.010 Vandalism.**

No person shall willfully cut, remove, deface or in any manner injure any building, fence or enclosure, street, bridge or other property.

**Section 9.04.020 Tampering with vehicles.**

No person shall start, otherwise meddle with, molest, enter, occupy, loiter in, take or drive away any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof.

**Section 9.04.030 Posting.**

No person shall:

A. place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill, placard, device or inscription upon any public or private building, fence, bridge, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof.

B. willfully, maliciously, or wantonly tear down, deface, mutilate or otherwise injure or destroy, in whole or in part, any public notices posted in any public places.

**Section 9.04.040 Throwing or shooting at persons or property.**

No person shall throw or shoot any stone, shot or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in case where such is done justifiably in defense of oneself, of another person or of property.

**Section 9.04.050 Trespassing.**

No person shall trespass or intrude upon property not his own against the will of the owner, occupant or agent thereof.

**Section 9.04.060 Depositing sharp objects.**

No person shall throw or deposit in any street or other public place of the city any broken glass, bottles, crockery, nails or other substance whatsoever whereby the feet or body of any person or property may be injured.

**Section 9.04.070 Release of dogs of another.**

No person shall willfully or intentionally release the confined dog of another person in violation of Section 8.28.140(C).

**Section 9.04.090 Injury to public library books or property.**

No person shall willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any

newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

**Section 9.04.100 Injury to roads and other utilities.**

No person shall maliciously injure, remove or destroy any portion of any public building, or willfully obstruct or injure any street or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, fuel lines, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, or water plant; or aid or abet any other person in so doing.

Chapter 9.06

OFFENSES AGAINST PEACE & DECENCY

Sections:

- 9.06.010 Disturbing the peace.
- 9.06.020 Unlawful assembly; Riot.
- 9.06.030 Loitering.
- 9.06.040 Public indecency.
- 9.06.050 Prostitution.
- 9.06.060 Prostitution -- Loitering.
- 9.06.070 Furnishing obscene materials; Exhibiting obscene performance.
- 9.06.080 Gambling.

**Section 9.06.010 Disturbing the peace.**

No person shall:

- (1) Use obscene or profane language; or
- (2) make or excite any disturbance in either a public or private place to the disturbance or annoyance of another.

**Section 9.06.020 Unlawful assembly, riot.**

A. It is unlawful for three (3) or more persons in a violent or tumultuous manner to assemble together to the disturbance of others.

B. When three (3) or more persons together commit an unlawful act in an unlawful, violent or tumultuous manner to the disturbance of others, they are guilty of a riot.

**Section 9.06.030 Loitering.**

No person shall loiter. For the purposes of this section, loitering is defined as wandering, loafing, standing or remaining idle either alone or in a group in a public place in such manner as to:

- A. Cause danger of breach of peace, which will clearly cause an immediate, actual, physically violent reaction from any person; or
- B. Obstruct, molest or interfere with any person lawfully in any public place; or
- C. Solicit persons for purposes of prostitution.

**Section 09.06.040 Public indecency.**

No person shall:

- A. Intentionally expose his or her genitals, buttock, anus or female breast to another with reckless disregard for the offensive or insulting effect the act may have on that person.
- B. While in a public place, engage in any conduct consisting of contact between the sex organs of two (2) or more persons or between the sex organs of one person and the mouth or anus of another
- C. Defecate or urinate on any portion of a public place not existing for the purpose of receiving feces.

**Section 9.06.050 Prostitution.**

A. No person shall:

- 1. Engage in or offer or agree to engage in sexual conduct in return for a fee; or
- 2. Offer or agree to give or give a fee to another in return for such other's participation in sexual conduct.

B. No person shall promote prostitution. A person commits the offense of promoting prostitution if, with intent to promote prostitution, he or she knowingly:

1. Owns, controls, manages, supervises or otherwise maintains a place of prostitution or a prostitution enterprise:

2. Induces or causes a person to engage in prostitution or to remain in a place of prostitution;

3. Receives or agrees to receive money or other property, other than as a prostitute being compensated for personal prostitution services, pursuant to an agreement or understanding that the money or other property is derived from a prostitution activity;

4. Engages in any conduct, except prostitution, that institutes, aids or facilitates an act or enterprise of prostitution.

C. No person shall be convicted of the offense of promoting prostitution solely on the uncorroborated testimony of the person whose prostitution he is alleged to have promoted.

D. On the issue of whether a place is a place of prostitution, its general repute and repute of persons who reside in or frequent the place shall be competent evidence.

E. As used in this section:

1. "Place of prostitution" means any place where prostitution is practiced.

2. "Prostitute" means a male or female person who engages in sexual conduct in return for a fee.

3. "Prostitution" means any act prohibited by subsection (A) of this section.

4. "Prostitution enterprise" means an arrangement whereby two (2) or more prostitutes are organized to conduct prostitution activities.

5. "Sexual conduct" means conduct between persons not married to each other consisting of contact between the sex organs of two (2) persons or between the sex organs of one person and the mouth or anus of another.

**Section 9.06.060 Prostitution -- loitering.**

No person shall remain in a public place and repeatedly beckon to, or repeatedly stop, or repeatedly attempt to stop, passersby, or repeatedly attempt to engage passersby in conversation, or repeatedly stop or attempt to stop motor vehicles, or repeatedly interfere with the free passage of other persons, for the purpose of soliciting for prostitution or for assignation.

**Section 9.06.070 Furnishing obscene materials: exhibiting obscene performance.**

No person shall:

A. Sell, rent or possess for sale any obscene book, magazine, newspaper, picture, motion picture or other visual representation.

B. Sell, lend, give away, or show, or have in one's possession with intent to sell, give away or show to any minor, any obscene material, or exhibit upon any street or highway, or any place within the view, or which may be within the view, of any minor, any obscene material, or use or employ any minor to give away, sell, or distribute, or, having the care, custody and control of any minor, to permit him to sell, give away, or distribute any such books, papers or pictures.

C. Exhibit, perform or present any obscene motion picture, play, lecture, dance, demonstration or other presentation.

D. Something is "obscene" within the meaning of this section if:

1. It depicts, describes, or exhibits, in a patently offensive manner, human masturbation, sexual intercourse, or any touching of the genitals, pubic areas, anus or buttocks of the human male or female, whether alone or

between members of the same or opposite sex or between humans and animals, an act of apparent sexual stimulation or gratification, or flagellation or torture by or upon a person who is nude or clad in undergarments;

2. The average person, applying contemporary community standards would find that, taken as a whole, it appeals to prurient interests; and

3. Taken as a whole, it lacks serious literary, artistic, political or scientific merit.

**Section 9.06.080 Gambling.**

A. No person shall:

1. Promote, set up, deal, play, conduct, engage or participate in any games of chance which are unlawful under the state statutes;

2. Maintain a place of gambling or permit any premises owned or leased by him or her or under his or her control to be used by persons engaged in gambling; or

3. Knowingly possess or have in his or her custody or control any device in the nature of policy or pool tickets, slips or checks or memoranda of any combination or bet, or any policy wheel, slot machine, dice, implement or other apparatus or material which has been or may be used in the commission of the offense of gambling.

B. Bingo and pull tabs are not considered gambling or betting for the purposes of this section.

Chapter 9.08  
OFFENSES BY OR AGAINST MINORS

Sections:

ARTICLE I. Amusement Devices

- 9.08.010 Defined.
- 9.08.020 Operation by minor.
- 9.08.030 Knowledge of age presumed.
- 9.08.035 Violation and penalty.

ARTICLE II. Tobacco

- 9.08.040 Supplying to minors under sixteen years.
- 9.08.050 Soliciting supply.
- 9.08.060 Possession.
- 9.08.070 Permitting violation.

ARTICLE III. Restricted Places

- 9.08.080 Card rooms, lodges, clubs.
- 9.08.090 Dancehalls.
- 9.08.100 Employers of minors.
- 9.08.110 Adult responsibility.

**ARTICLE I. AMUSEMENT DEVICES**

**Section 9.08.010 Defined.**

"Amusement device" means any machine or device designed to be operated or used for playing a game upon the insertion of a coin, trade check or slug, and which is played or operated essentially for amusement and entertainment, but does not mean or include any machine or device used exclusively for the vending of merchandise.

**Section 9.08.020 Operation by minor.**

A. No person under the age of eighteen shall play or operate any amusement device as defined in Section 9.08.010 during school hours.

B. No owner or operator of any such device, or for any manager or other person in charge of premises where such amusement device is kept, maintained or operated, shall permit or allow any person under the age of eighteen to play or operate any such amusement device during school hours.

**Section 9.08.030 Knowledge of age presumed.**

Any owner, operator, manager or other person in charge of premises where an amusement device is kept, maintained or operated who permits or allows any person under the age of eighteen to play or operate any such amusement device in violation of Section 9.08.020, shall be presumed to have known that such person was under the age of eighteen; and any person who represents to such an owner, operator, manager or other person in charge that he or she is eighteen years of age or older, when in truth and in fact he or she is not of that age, shall be equally guilty with the owner, operator, manager or other person in charge of the premises, and shall be punished accordingly.

**Section 9.08.035 Violation and penalty.**

A violation of Section 9.08.020 shall be an infraction as defined in Section 1.28.010 except that a third or subsequent violation by an owner, operator, manager or other person in charge of premises where an amusement device is kept may be

prosecuted as a misdemeanor punishable by a fine of up to five hundred dollars and/or imprisonment for up to thirty days.

## **ARTICLE II . TOBACCO**

### **Section 9.08.040 Supplying to persons under nineteen years.**

No person, firm or corporation shall sell, exchange or give any cigarettes, cigars or tobacco in any form to any person under the age of nineteen.

### **Section 9.08.050 Soliciting supply.**

No person under the age of nineteen years may willfully solicit, incite or induce any person to furnish him or her cigarettes, cigars or tobacco in any form.

### **Section 9.08.060 Possession.**

No person under the age of nineteen shall possess or have on his or her person any cigarettes, cigars or tobacco in any form.

### **Section 9.08.070 Permitting violation.**

It is unlawful for the parents, guardian or other person in charge of a minor under the age of nineteen to permit such minor to violate any of the provisions of this article.

## **ARTICLE III. RESTRICTED PLACES**

### **Section 9.08.080 Card rooms, lodges, clubs.**

A. No person under the age of seventeen shall frequent or loiter in or about public card rooms, halls, lodges, clubs or public dancehalls (except as provided in Section 9.08.090) conducted for profit.

B. No proprietor, manager, clerk or other person having control of public card rooms, halls, lodges, clubs or public dancehalls conducted for profit in the city, shall allow any minor under the age of seventeen to frequent or loiter in or about any such place.

### **Section 9.08.090 Dancehalls.**

No person under the age of sixteen shall frequent or loiter in or about any public dancehall; provided, however, that it is lawful for any minor to attend a public dance or dancehall when accompanied by one or both of his parents or when in the charge of some competent adult person.

### **Section 9.08.100 Employers of minors.**

No person or person employing a minor under the age of eighteen shall send any such minor so employed to any place mentioned and restricted by Section 9.20.080, or to employ any minor under the age of eighteen in or around any of the places mentioned and restricted in Section 9.20.080.

### **Section 9.08.110 Adult responsibility.**

Any competent adult person who contributes to or who is responsible for the violation of any provision of this article by any minor under the age of eighteen is guilty of a misdemeanor.

Chapter 9.12  
CURFEW FOR MINORS

Sections:

- 9.12.010 Definitions.
- 9.12.020 Hours -- summer.
- 9.12.030 Hours -- school year.
- 9.12.035 Exceptions.
- 9.12.040 Violation -- detention of minor.
- 9.12.050 Violation -- penalty.
- 9.12.060 Violation -- parents and guardians.
- 9.12.070 Violation -- businesses.

**Section 9.12.010 Definitions.**

As used in this chapter:

- A. "Guardian" means a person who is legally responsible for a minor.
- B. "Minor" means, as defined in AS 25.20.010, a person who has not attained his or her eighteenth birthday and is not emancipated.

C. "Peace officer" means a borough public safety officer, or an employee of the Alaska Department of Health and Social Services authorized to take minors into custody under A.S. 47.40.140(f), or an employee of the borough department of health and social services designated to serve as a truant officer by the department.

**Section 9.12.020 Hours -- summer.**

A parent or guardian shall require a minor in his legal custody to observe the following curfew: A minor (unless accompanied by a parent or guardian) shall not be in or upon public streets, public areas, public buildings or private businesses in the city between the hours of midnight and six a.m. during the summer. "Summer" means that period after the close of the school year and prior to the commencement of the succeeding school year as established by the school district.

**Section 9.12.030 Hours -- school year.**

*Alternative 1:*

*During the school year a parent or guardian shall require a minor in his or her legal custody to observe the following curfew:*

*A. A minor (unless accompanied by a parent or guardian) shall not be in or upon public streets, public areas, public buildings or private businesses in the city between the hours of eleven p.m. to six a.m. during the school year.*

*B. The curfew for any evening on which the next day is Saturday, Sunday or a school holiday shall be midnight until six a.m.*

*Alternative 2:*

*During the school year a parent or guardian shall require a minor in his or her legal custody to observe the following curfew:*

*1. if in kindergarten through grade eight between the hours of 9:30 p.m. to 6:00 a.m.;*

*2. if in grade nine through grade twelve between the hours of 10:30 p.m. to 6:00 a.m.*

*B. The curfew for any evening on which the next day is Saturday, Sunday or school holiday shall be:*

1. if in kindergarten through grade eight between the hours of 10:30 p.m. to 6:00 a.m.;
2. if in grade 9 through grade 12 between the hours of 11:30 p.m. to 6:00 a.m.

*Alternative 3:*

*During the school year a parent or guardian shall require a minor in his or her legal custody to observe the following curfew:*

*A. Unless accompanied by a parent or guardian a minor shall not be in or upon public streets, public areas, public buildings or private businesses in the city:*

1. Children twelve years old and younger 9:30 p.m. to 6:00 a.m.;
2. Children thirteen years old and to seventeen years old 11:00 p.m. to 6:00 a.m.

*B. The curfew for any evening on which the next day is Saturday, Sunday or school holiday shall be:*

1. Children twelve years old and younger 11:00 p.m. to 6:00 a.m.;
2. Children thirteen years old to seventeen years old 1:00 a.m. to 6:00 a.m.

**Section 9.12.035 Exceptions.**

A. Exceptions to this curfew may include public holidays, church gatherings, school associated meetings, singspirations, traditional native meetings, and other events as designated by the council.

B. This section shall not apply to a minor who is in the process of going to or from a place of business, home, recreation, education, or other lawful activity.

C. This chapter shall not apply to legally emancipated children.

**Section 9.12.040 Violation -- detention of minor.**

A. If a peace officer has probable cause to believe that a minor is in violation of the curfew established by this chapter, then he may, in conformity with AS 47.10.141, take the minor into custody for the sole purpose of either returning him to his parent or guardian or, if the minor prefers, to a shelter operated under contract with the State Department of Health and Social Services.

B. No minor detained under subsection (b) of this section may be detained beyond 9:00 a.m. of the morning following detention. If the parent, guardian or actual adult custodian cannot be located or fails or refuses to remove said person from detention to said person's place of residence, said person shall be released to the custody of the Division of Corrections or the Department of Health and Social Services.

C. Detention records shall be kept confidential from all persons except the juvenile and his parent, guardian or actual adult custodian, except upon court order upon finding that a release is in the best interests of the juvenile. The record of detention shall be destroyed after the expiration of the second year following the detention date.

**Section 9.12.050 Violation -- penalty.**

A. Violation of any section of this chapter shall be considered an infraction as defined in Section 1.28.010 of this ordinance and shall be punished according to the following schedule:

1. first violation, \$20.00;
2. second violation, \$30.00;
3. third violation, \$40.00; and
4. fourth violation, \$50.00.

B. A violation of this chapter by a minor which occurs more than three months after a previous violation, is considered a first violation.

C. A minor cited for violation of this chapter may perform community service in lieu of payment of the fine or a portion of the fine. Community work shall be performed at the direction of the council. The value of community work in lieu of a fine is \$5.00 per hour.

**Section 9.12.060 Violation -- parents and guardians.**

A. A parent or guardian who knowingly and willfully violates this chapter shall, upon a first or second violation, pay a fine of not more than one hundred dollars.

B. A parent or guardian who knowingly and willfully violates this chapter shall, upon a third and subsequent violation, pay a fine of not more than three hundred dollars.

**Section 9.12.070 Violation -- businesses.**

A. The owner or operator of a private business enterprise who permits minors to remain on his premises after the hours of curfew established by this chapter is guilty of an infraction as defined in Section 1.28.010 except that a third or subsequent violation may be prosecuted as a misdemeanor punishable by a fine of up to five hundred dollars and/or imprisonment up to thirty days.

B. These penalties shall not apply to taxicabs, buses and other forms of public or publicly regulated transportation.

Chapter 9.16  
Alcoholic Beverages

Sections:

- 9.16.010 Findings.
- 9.16.020 Definitions.
- 9.16.030 Prohibitions -- possession, sale, and importation.
- 9.16.040 Prohibitions -- licenses.
- 9.16.050 Prohibitions -- carrying or transportation.
- 9.16.060 Prohibitions -- public consumption.
- 9.16.070 Prohibitions -- inducement.
- 9.16.080 Prohibitions -- furnishing alcoholic beverages to intoxicated person.
- 9.16.090 Prohibitions -- furnishing alcoholic beverages to minor.
- 9.16.100 Prohibitions -- consumption or possession by minor.
- 9.16.110 Prohibitions -- public intoxication.
- 9.16.120 Arrest or citation of violators; community service.
- 9.16.130 Penalties -- forfeitures.
- 9.16.140 Penalties -- fines.

**Section 9.16.010 Findings**

The council finds that:

- A. The abuse of alcohol seriously interferes with the rights and privileges of city residents.
- B. The public health, safety, and welfare suffers when alcohol abuse is not controlled. There is a strong correlation between alcohol consumption and poor health, fetal damage, suicide, domestic violence and crime.
- C. Strict regulation of alcohol is an effective tool for controlling the abuse of alcohol in Anaktuvuk Pass because the city is small, isolated, and lacks extensively developed law enforcement or health care facilities.

**Section 9.16.020 Definitions**

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

**Section 9.16.030 Prohibitions.**

- A. The possession, sale, and importation of alcoholic beverages are prohibited, except for possession and importation of sacramental wine pursuant to subsection B of this section. Except as provided in subsection B, a person may not knowingly send, transport, or bring an alcoholic beverage into the city, or have any alcoholic beverage in his or her physical possession, in his or her residence or vehicle, or in any other place in the city within his or her dominion or control.

- B. Sacramental wine may be imported and possessed if it is:
1. to be used for bona fide religious purposes based on tenets or teachings of a church or religious body,
  2. limited in quantity to the amount necessary for religious purposes, and
  3. kept in the custody of, and dispensed only for religious purposes by, a person authorized by the church or religious body to dispense the sacramental wine.

**Section 9.16.040 Prohibitions -- licenses.**

A. The Board may not issue, renew, or transfer between holders or locations a license for licensed premises within the city.

**Section 9.16.050 Prohibitions -- Carrying or transportation.**

A person may not carry upon his or her person or otherwise transport alcoholic beverages unless such alcoholic beverages is in the original unopened container provided by the manufacturer.

**Section 9.16.060 Prohibitions -- public consumption.**

A person may not consume alcoholic beverages upon public streets, alleys, parks, or public school property, or in any public school building or city meeting or recreation facility, or while attending any school-related functions.

**Section 9.16.070 Prohibitions -- inducement.**

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

**Section 9.16.080 Prohibitions -- furnishing alcoholic beverages to intoxicated person.**

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

**Section 9.16.090 Prohibitions -- furnishing alcoholic beverages to minor.**

A person may not furnish or induce another person to furnish alcoholic beverages to any person under 21 years of age.

**Section 9.16.100 Prohibitions -- consumption or possession by minor.**

A person less than 21 years of age may not possess, attempt to possess, or consume alcoholic beverages.

**Section 9.16.110 Prohibitions -- public intoxication.**

A person who is under the influence of alcohol may not or loiter:

- A. upon public streets, alleys, parks, or public school property, or in any public school building or city meeting or recreation facility, or at any place where school-related functions are taking place,
- B. in or about any business establishment, if the owner or person in charge of the business establishment has asked the person to leave, or
- C. in or about any residence or other property which is not owned or normally occupied by the person, to the annoyance of the owner or occupants.

**Section 9.16.120 Arrest or citation of violators; community service.**

A. When a peace officer stops or contacts a person concerning a violation of Sections 9.16.030 or 9.16.050 through 9.16.110, the peace officer may, in the officer's discretion, arrest the person as provided in A.S. 12.25.010 through 12.25.160 or issue a citation to the person as provided in A.S. 12.25.180 through 12.25.220. When issuing a citation, the officer shall write on the citation the amount of bail established for the violation by the Alaska Supreme Court pursuant to A.S. 04.16.205(c). The officer may seize such evidence as is appropriate to support the charge, including but not limited to the alcoholic beverages involved, any aircraft, vehicle, or vessel used to transport the alcoholic beverages into the city in

violation of Section 9.16.030, and any materials or equipment used in the sale or offering for sale of alcoholic beverages in violation of Section 9.16.030.

B. A person cited pursuant to subsection (A) of this section may, within 30 days after the date the citation is issued:

1. mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer the amount of bail indicated on the citation and a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered and the bail and all alcoholic beverages seized are forfeited; or

2. perform community work in lieu of payment of the fine or a portion of the fine pursuant to subsection (C) of this section.

C. Community work shall be performed at the direction of the council. The value of community work in lieu of a fine is \$5.00 per hour. When the community work is completed, the person cited for the violation shall mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer

1. a form, prescribed by the administrative director of the Alaska Court System and available from the clerk, indicating completion of the community work; and

2. a copy of the citation, indicating that the right to an appearance is waived, a plea of no contest is entered, and that the bail is forfeited or community work has been performed and that all alcoholic beverages seized are forfeited.

D. When bail has been forfeited or proof of performance of community work under this section has been filed with the court, a judgment shall be entered. Forfeiture of bail or filing proof of performance of community work and forfeiture of all seized items is a complete satisfaction for the violation. The clerk of court accepting the bail or the form indicating performance of community work shall provide the offender with a receipt stating that fact, if requested.

E. If the person fails to pay the bail amount stated on the citation, or fails to provide proof of performance of community work as specified in subsection (C)(1) of this section to the court, the citation is considered a summons.

F. Notwithstanding other provisions of law, if a person cited for possession of alcoholic beverages in violation of Section 9.16.030 appears in court and is found guilty, the penalty that is imposed for the offense may not exceed any bail amount for that offense established under A.S. 04.16.205(c)

G. Violation of Sections 9.16.030 through 9.16.110 are not considered a criminal offense, nor is a fine imposed for a violation considered criminal punishment. A person cited for a violation does not have a right to a jury trial or court-appointed counsel.

**Section 9.16.130 Penalties -- seizures and forfeitures.**

A. Alcoholic beverages in the possession of any person in the city in violation of Section 9.16.030, alcoholic beverages sold or offered for sale in violation of Section 9.16.030, aircraft, vehicles, or vessels used to transport, or facilitate the transportation of, alcoholic beverages imported into the city in violation of Section 9.16.030, and materials and equipment used in the sale or offering for sale of alcoholic beverages in violation of Section 9.16.030, are subject to forfeiture.

B. Alcoholic beverages possessed, carried, or transported in violation of Sections 9.16.050 through 9.16.110 and seized as evidence are subject to forfeiture.

C. Property subject to forfeiture under this section may be seized as provided by A.S. 04.16.220(b) and forfeited as provided in A.S. 04.16.220(c) through (h). Property forfeited under this section shall be placed in the custody of the North Slope Borough Department of Public Safety or a peace officer of the state for disposition at the direction of the

court. The court shall order any alcoholic beverages forfeited under this section destroyed.

**Section 9.16.140 Penalties -- Fines.**

A. A person convicted of violating any ordinance contained in Sections 9.16.050 through 9.16.110 shall be fined an amount not to exceed \$300.

B. A person convicted of selling or seeking to sell alcoholic beverages in violation of Section 9.16.030 shall be fined an amount not to exceed \$1,000.

C. A person convicted of sending, transporting, or bringing alcoholic beverages into the city in violation of Section 9.16.030 shall be fined an amount not to exceed \$1,000.

D. A person convicted of possessing alcoholic beverages in violation of Section 9.16.030 shall be subject to a civil fine in an amount not to exceed \$1,000.

## Chapter 9.20

### DRUGS

#### Sections.

9.20.010 Prohibited use.

9.20.020 Penalty.

#### **Section 9.20.010 Prohibited use.**

A. It is unlawful for any person to use, consume, or distribute depressant, hallucinogenic or stimulant drugs in any public place or in or on school property or at any community social functions.

B. “Depressant, hallucinogenic or stimulant drug” means:

1. cannabis, psilocybin, dimethyltryptamine, lysergic acid diethylamide (LSD); and every other substance having similar physiological effects;

2. a drug which contains barbituric acid or any of the salts of barbituric acid;

3. a drug which contains amphetamine or any of its optical isomers; or a substance which has been designated as habit forming or dangerous because of its stimulant effect on the central nervous system.

C. Any drug lawfully prescribed by a medical doctor is not covered by the terms of this chapter.

#### **Section 9.20.020 Penalty**

In addition to the penalty and enforcement provisions of Chapter 1.24, the City shall participate to the maximum extent possible in obtaining the proceeds from civil forfeitures arising from violations of the prohibitions contained in Section 09.20.010 above and other violations of state and federal laws pertaining to drugs or other controlled substances.

TITLE 12  
STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

- 12.04 Use of streets and sidewalks
- 12.08 Use of public places

Chapter 12.04

USE OF STREETS AND SIDEWALKS

Sections:

- 12.04.010 Obstructing streets.
- 12.04.020 Littering.
- 12.04.030 Playing.
- 12.04.040 Drainage from businesses.
- 12.04.050 Structures prohibited.
- 12.04.060 Removal of signs or barricades.

**Section 12.04.010 Obstructing streets.**

No person shall use any city street to

1. carry on a business or trade; or
2. place, permit to be placed, or leave thereon any goods, wares, articles, merchandise, or other obstructions.

**Section 12.04.020 Littering.**

No person shall deposit, throw or sweep into or upon the city streets any paper, rubbish, trash, crates, boxes or other refuse of any kind.

**Section 12.04.030 Playing.**

No person shall play on the sidewalks or upon the main traveled portion of the streets and alleys of the city, except as may be authorized by ordinance.

**Section 12.04.040 Drainage from businesses.**

No owner or operator of any place of business, and no agent or employee thereof, shall allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking area, street, alley or other public way.

**Section 12.04.050 Structures prohibited.**

No person shall place, erect, or occupy any hut, house, building, or other structure of any kind within the bounds of any street, alley, other public way, park or other city property.

**Section 12.04.060 Removal of signs or barricades.**

No person, except by proper authority, shall remove any barricade, obstruction, light or sign placed by authority of the city to regulate traffic or keep traffic off any pavement, street, curb or other area.

Chapter 12.08  
USE OF PUBLIC PLACES

Sections:

- 12.08.010 Use of motor vehicles on city-operated playgrounds, parks, cemetery reserves and historical sites prohibited.
- 12.08.020 Taking of sod, gravel and sand from public property prohibited.

**Section 12.08.010 Use of motor vehicles on city-operated playgrounds, parks, cemetery reserves and historical sites prohibited.**

No person shall operate a motor vehicle on city-operated playgrounds, parks, cemetery reserves or historical sites except:

1. On designated roadways within such areas;
2. For the purpose of maintaining such areas;
3. With reference to cemetery reserves, for the purpose of maintaining or preparing grave sites or for the conduct of burial services; and
4. For special events after a permit is approved by the City Council.

**Section 12.08.020 Taking of sod, gravel and sand from public property prohibited.**

A. No person shall dig and/or take away from any public property, sod, gravel or sand without the express permission of the owner or lessee of the property.

B. For the purpose of this section “public property” shall be defined as property owned or leased by the City, the North Slope Borough, or the State of Alaska, or any other property designated as City or cemetery reserve under the laws and ordinances of the City or the North Slope Borough.

TITLE 13  
CITY PROPERTY

Chapter 13.01	General Provisions
Chapter 13.02	Land Acquisitions
Chapter 13.03	Land Management
Chapter 13.04	Land Disposal
Chapter 13.05	Definitions
Chapter 13.06	Real Property - Leasing
Chapter 13.07	Personal Property - Disposal

CHAPTER 13.01  
GENERAL PROVISIONS

Sections:

- 13.01.010 City rights and powers
- 13.01.020 ANCSA Section 14(c)(3) lands

**Section 13.01.010 City rights and powers.**

A. The city may acquire, own, hold and dispose of real property within and outside the city boundaries by any manner not prohibited by law, including but not limited to: purchase, contract of sale, deed of trust, lease, exchange transfer, donation, condemnation, declaration of taking, gift, dedication, redemption, purchase of equity of redemption, operation of law, tax or lien foreclosure, adverse possession, annexation, warranty or quitclaim deed, easement, permit, license, mortgage, plat dedication, tax deed, and will.

B. The city shall have and may exercise all rights and powers in the acquiring, managing, and disposing of real property as if the city were a private person.

C. The city may acquire and hold real property as sole owner or other lawful tenancy with any person or governmental body for any public purpose. The city may hold real property in trust for any public purpose.

D. 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.

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

**Section 13.01.020 ANCSA Section 14 (c)(3) lands.**

A. The council shall select reconveyance lands as required and provided for by ANCSA 14 (c) (3) for lands selected by Nunamiut Corporation. The city may acquire partial ANCSA 14 (c) (3) land by resolution. The council must pass an ordinance when it approves the final and complete agreement for all ANCSA 14 (c) (3) lands which:

1. A statement which identifies the amount of land to be acquired and a legal description of the property;

2. A finding that the lands are sufficient for existing and foreseeable community needs and a statement of facts supporting that finding;

3. A statement that the conveyance is in complete satisfaction of the ANCSA 14 (c) (3) obligation.

B. Before any agreement between the city and Nunamiut Corporation regarding land selections under ANCSA section 14 (c) (3) shall be executed by the mayor or binding on the city, the agreement shall be approved by the city attorney and approved by the council in a resolution or ordinance adopted after public notice and hearing.

Chapter 13.02  
LAND ACQUISITION

Sections:

13.02.010	Procedures
13.02.020	Public Notice
13.02.030	Eminent domain
13.02.040	Dedication by plat

**Section 13.02.010. Procedures.**

A. All property acquisitions shall be by resolution approved by a majority of vote of the city council. The city may not acquire real property unless the council adopts a resolution which approves the action and describes the terms, conditions, and manner of acquisition. The council may at any time use a non-code ordinance to approve acquisitions if it so desires.

B. The mayor is authorized to negotiate the terms of acquisitions unless the council directs otherwise by resolution or ordinance. Unless otherwise provided by resolution or ordinance, the city shall purchase marketable title in real property. The terms of all acquisitions are subject to final approval by the council. The mayor is authorized to obtain title insurance, execute any documents, and take all steps needed to complete and close the acquisition of the real property and carry out the direction of the council.

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

D. Whenever possible, the mayor shall furnish the council with an abstract of title, appraisal, and review of any anticipated problems which may occur in acquiring or owning the property.

E. No council approval is necessary to acquire any easement, right-of-way, permit, or license necessary for a public improvement authorized and approved by the council.

**Section 13.02.020 Public Notice.**

A. Public notice of a proposed acquisition will be posted at the local stores and at the city office for a period of not less than fourteen days before the council meeting. The posting of the council meeting agenda will be considered sufficient notice of a proposed acquisition.

**Section 13.02.030 Eminent Domain.**

A. The city may exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the city in accordance with A.S. 09.55.240 through A.S. 09.55.460.

B. 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 at a special election called for that purpose. A majority of the voters on the question is required for approval of the ordinance.

**Section 13.02.040 Dedication by plat.**

The city may not acquire any real property through a dedication by plat unless the acceptance is in writing, signed by the mayor, and authorized by a resolution of the city council.

Chapter 13.03  
LAND MANAGEMENT

Sections:

- 13.03.010 Traditional uses.
- 13.03.020 Land use permits.
- 13.03.030 Retention and Management.

**Section 13.03.010 Traditional uses**

A. No permit or lease is required for traditional uses of city land. Traditional uses are defined in Section 13.05.010 of this ordinance. Any use under this section is at risk of the user and the city assumes no responsibility for such use. The city shall periodically post a notice which shows the location of city lands that are open to traditional uses and the type of uses that are acceptable.

**Section 13.03.020 Land use permits**

A. Land use permits shall be issued for the temporary, unshared use of city lands. A land use permit does not convey an interest in the land and may be revoked with 7 days notice. Unless otherwise stated in the permit, the land will be restored to its original condition when the permit expires or is revoked.

B. The mayor may issue a land use permit after the permit has been approved by a resolution passed by a majority of the council. If either the council or the mayor feels that a land use permit may create conflicts or may be incompatible with the surrounding area, public input will be required before the permit is issued. Notice of the proposed action will be posted in the local stores and city office at least five days before the council meeting. Posting of the council meeting agenda will be considered sufficient notice of a permit action.

C. A land use permit shall not exceed a term greater than one year. Land use permits cannot be transferred. Permits are renewable up to a period of one year, for a maximum period of five years.

D. If a fee is charged for obtaining a land use permit, the fee schedule shall be established by the city council by resolution or ordinance.

**Section 13.03.030 Retention and Management.**

A. The city will manage and retain ownership of those lands required for future public uses and those lands unsuitable for any private use.

B. The mayor shall prepare and furnish the council with a summary which describes land title, the current city land inventory with an evaluation of desirable uses of the property and the projected need, if any, of the land for present or future public use.

C. Real property acquired 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 that purpose.

D. Any real property acquired by tax foreclosure may be devoted to public use by the city after review and recommendation by the city council and approval by the council in a resolution declaring such real property devoted to public use or declaring that such real property is reserved for a projected city requirement.

CHAPTER 13.04  
LAND DISPOSAL

Sections:

13.04.010	City rights and powers.
13.04.020	Procedures.
13.04.030	Public notice and elections.
13.04.040	Methods of disposal.
13.04.050	Types of disposal.
13.04.060	Reversionary clauses.
13.04.070	Administration.
13.04.080	Tax foreclosed property.

**Section 13.04.010 City rights and powers.**

- A. The city may sell, exchange, grant, dedicate, donate, or otherwise dispose of city -owned real property subject to the requirements of this title.
- B. The city may dispose of any real property, including property acquired or held for or devoted to public uses when the council determines that the property is no longer required for city purposes, and is suitable for use by a private party or by another governmental entity.
- C. All disposals shall be conducted in a fair and impartial manner. The city shall have and may exercise all rights and powers in the disposal of real property as if the city were a private person.
- D. Any instrument requiring execution by the city shall be signed by the mayor, attested by the clerk. The form of any conveyance shall be approved by the city attorney.
- E. When the council considers a disposal of real property, the mayor shall provide the council with a summary which describes land title, the current city land inventory with an evaluation of desirable uses of the property, and any anticipated problems related to disposing of the property. An ordinance or resolution which approves a disposal is valid even if a summary is not furnished.
- F. The city cannot be divested of title to real property by adverse possession.
- G. The city may dispose of real property to promote industries benefiting the city, upon terms and conditions the council considers advantageous to the city, to a person who agrees to install, maintain, or operate a beneficial industry.

**Section 13.04.020 Procedures.**

- A. All disposal of city owned real property shall be by resolution or ordinance, except as otherwise provided by this chapter. The resolution or ordinance shall include:
  - 1. Findings: a finding that the property is no longer needed for municipal purposes. If the property is being disposed at less than fair market value, the reasons will be included in the finding.
  - 2. Statement of facts: a statement of facts which supports the finding.
  - 3. Property description: a description of the property sufficient to identify it.

4. Purpose or type of disposal: a description of the type of disposal (for example, public, residential, or economic development).
5. Method of disposal: a description of the method of disposal (for example, auction, lottery, negotiated sale, or donation).
6. Property value: a description of the property value and how it is determined (for example, appraisal, letter of opinion, assessing information, other methods).
7. Public notice: a description of the time, place and specific steps which will be followed to conduct the disposal.
8. A specific disclaimer of any warranty of title if the council is disposing of any after acquired title or future interest in real property which the city owns or to which it may become entitled to in the future.
9. A statement that the council has determined that any property offered for sale but not sold shall be:
  - (a) Retained and managed by the city or;
  - (b) Re-offered for sale within 90 days of the first offering at either a fixed price of 80% of the appraised value to the first buyer, or by lottery, or at a subsequent sale according to terms determined by the city council.
10. If the council deems it necessary, the resolution or ordinance shall provide for a licensed real estate broker to assist in the negotiation or sale and shall specify the terms of the brokers employment and stipulate that the final contract with the broker will not bind the city until approved by the council.
11. The resolution or ordinance shall include a description of any reservations of easements, and rights-of-way to be used for public purposes, and any other restrictions, limitations, reservations, revisions, or covenants the council finds advantageous to the city. The effect of these reservations may be considered when determining the value of the property.
  - B. The city council will describe the value of property in the disposal resolution or ordinance. The value of the property shall be fair market value as determined by a qualified appraiser unless the property has been appraised within six months of the resolution or ordinance.
  - C. The council will direct the disposal of city-owned real property by ordinance subject to ratification by popular vote as provided for by Section 13.04.030 (B) unless:
    1. The council has determined the property's fair market value is less than \$25,000, in which case the council may direct disposal by ordinance or resolution without a popular vote or;
    2. The property was tax foreclosed, in which case Section 13.04.080 applies.
  - D. Whenever possible, the council will review the mayor's summary provided pursuant to Section 13.04.010 (E) before considering a resolution or ordinance disposing of real property.
  - E. If the real property was acquired under tax foreclosure, the council may, by resolution, reduce the minimum acceptable offer to an amount not less than the sum of all back taxes, penalties, and interest due or which would have been due if the property had remained in private ownership up to the date of the sale, plus all costs of foreclosure, sale and development incurred by the city.

F. All disposals of city land shall conform to the procedure set out in this section, unless the council, through an ordinance or resolution, directs otherwise.

**Section 13.04.030 Public notice and elections.**

A. At least 30 days are required between the time a disposal resolution or ordinance is introduced and the time it is finally adopted by the council. Once a resolution or ordinance is introduced, it shall be posted at the local stores and in the city office for 30 days and may serve as the only public notice of the disposal.

B. No disposal of land valued at more than twenty-five thousand dollar shall be valid unless ratified by a majority of qualified voters at a regular or special election at which the question of ratification of the ordinance is submitted.

C. At least thirty days prior to the election the city will post at the local stores and in the city office a notice stating the time of the election, the place of voting, a description of the property to be sold, leased or disposed of, a brief statement of the terms, and conditions of the sale; the consideration (if any): and the title and date the disposal ordinance was passed.

D. Notice of the disposal and the manner in which the property is to be disposed shall be published in a newspaper of general circulation within the city once each week for four consecutive weeks not less than 30 days prior to the disposal.

**Section 13.04.040 Methods of Disposal.**

A. The city may dispose of municipal land by the following methods:

1. Sealed bid auction, with the property being sold to the qualified bidder who submits the highest sealed bid by the date and time specified in the notice and according to instructions to bidders. The minimum bid shall be the fair market value of the property as described in Chapter 13.04.020(B), unless otherwise provided for in this ordinance.

2. Public outcry auction, with the property being sold at a public auction to the qualified bidder who makes the highest bid. The minimum bid shall be the fair market value of the property as determined in Section 13.04.0020(B), unless otherwise provided for in this ordinance.

3. Lottery, with the property sold to the qualified applicant who has submitted a timely application and non-refundable fee for the price specified in the disposal ordinance and whose name is drawn at random in a public drawing from all qualified applicants.

4. Negotiated sale, exchange, grant or dedication as provided by Section 13.04.040(D) and (E) of this Chapter.

B. The council shall provide in the disposal ordinance or resolution that the city shall receive consideration more than or equal to the appraised value plus the cost of disposal of the property being sold, exchanged, or leased unless the council finds a public interest or the property is tax foreclosed.

1. Public interest for the purposes of this subsection shall include a public or quasi-public purpose or use and shall also include exchanges of property to facilitate the resolution of boundary disputes.

2. Public interest shall not include a purpose to return property to private ownership, or to return public property to the tax rolls, or to make property available for a desirable private enterprise.

C. Upon council determination of a public interest the city may dispose of municipal property by:

1. Negotiated sale or exchange.

2. Grant or donation.

D. Negotiated sale or exchange. City land may be sold or exchanged by negotiation to a selected buyer or grantee if the council determines the sale or exchange is needed to protect or promote the public interest and the buyer or grantee has been selected without unfair discrimination among similarly situated persons.

1. The basis for an exchange of land shall be the appraised value of the city owned property. If the value of the property the city is to receive is less than the value of the property the city is to give, the city shall be paid the difference in cash. If the value of the property obtained is greater than the property exchanged, the city shall pay the difference in cash.

E. Grant or Donation. The council may grant, dedicate, or donate real property to a municipality, state or federal entity, non-profit corporation or association, or Native village council without a public sale, with or without consideration if the council finds that the grant, dedication, or donation is in the public interest.

F. The city may dispose of real property through purchase agreements, if provided for in the disposal ordinance or resolution.

1. Unless the disposal ordinance or resolution provide otherwise, a purchase agreement will be in the form of a deed of trust.

2. The purchase agreement shall be executed by the mayor, attested by the city clerk, and its form shall be approved by the city attorney.

G. The council may 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, construction or maintaining a public improvement whenever the interest is no longer used or useful for that purpose.

**Section 13.04.050 Types of Disposal.**

The disposals described in this section can be authorized by the council for less than fair market value of the real property and may be exempted by the council from the disposal methods described in Section 13, A through C of this Chapter. The ordinance which authorizes the disposal must comply with all other sections of this ordinance.

A. Disposal for public purposes. The city council may dispose of real property to a municipality, state or federal entity, non-profit corporation or association, or a Native village council, when the disposal is for a public purpose. This type of disposal is required to follow these requirements:

1. A finding that the disposal to the entity promotes a public purpose and a statement of facts supporting the finding;

2. A condition that the title may, at the sole discretion of the Council, revert to the municipality in the event the property is no longer used for the public purpose justifying the disposal, and ;

3. A waiver from the Native village council from any immunity from suit for the purpose of enforcing the reversion provision, if the disposal is to a Native village council.

B. Disposal for economic development. The city council may dispose of real property or an interest in real property to any person or entity to promote local trade or industry.

The following requirements must be included in the non-code ordinance:

1. A finding that the property or interest in property being disposed will be used to further local trade or industry; and

2. A condition that the title will revert to the municipality in the event the property is no longer used for the local trade or industry justifying the disposal.

C. Disposal to settle claims of equitable interest. The city may convey property to a person or entity who has a valid claim of equitable interest in the property or in a substantial improvement located upon the property.

D. Disposal for residential purposes.

1. The city may dispose of property for less than fair market value to a domiciled city resident who seeks the parcel for development and use as a personal place of residence. A conveyance for residential purposes may be carried out by contract of sale, mortgage, deed or any other lawful means. Prior to the conveyance, the city must find that there is currently a residential housing shortage and that making land available for residential purposes at less than market value is in the public interest. This disposal shall follow these requirements:

(a). The ordinance or resolution may include a finding that a housing shortage exists and that making land available for residential purposes at less than fair market value is in the public interest.

(b). The ordinance may require that the deed or lease contain a reverter clause which states that title may revert to the city if the land is used for any use other than residential use for a period of four years.

(c). The ordinance may require that the deed or lease contain a reverter or termination clause which states that the property will revert to the city if a habitable dwelling is not constructed within three years.

(d). An individual may purchase only one residential lot every five years. The council may include other limitations on the number of parcels which may be purchased by any individual or entity which it deem then necessary and proper for the fair and equitable disposal of public lands.

2. When the council adopts a resolution of sale of residential lots, the city will offer preference rights to the bona fide occupants of the lots being sold. Bona fide occupant(s) are people who have built a residence on the lot either before the land was conveyed to the city, (under circumstances which make it equitable to grant a preference right) or who build a residence on the lot after the land was conveyed to the city, but with the express consent of the council, or based upon assurance by the mayor or council that the land would be conveyed to the occupant(s) after improvements were constructed. Preference rights operate as follows:

(a). When residential lots are sold by sealed bid or outcry auction, a preference right entitles the bona fide occupant(s) of a sale lot to purchase the lot by matching the highest bid. If no bids are received, the preference right holder may purchase the lot at its appraised value.

(b). When residential lots are sold by lottery or by negotiated sale, a preference right entitles the bona fide occupant(s) of a sale lot to purchase the lot for its appraised value before it is offered for sale to others.

3. Upon a finding by the council that there is a serious local housing shortage, the council may impose a residency eligibility requirement on prospective purchasers at a specific sale of city land. The requirement will provide that all prospective purchasers submit sworn statements of residency to the city clerk. For the purposes of this section a resident is a person who lived in Anaktuvuk Pass and has the present intent to stay and

make Anaktuvuk Pass his/her home. A person who has maintained a domicile in Anaktuvuk Pass for at least six months is a resident.

4. The city may impose any other restrictions it deems necessary to provide for the public interest (including but not limited to: restrictions on the number of lots an individual or entity may purchase, and additional terms and conditions regarding preference rights).

5. The city council will resolve any challenges to residency.

E. Miscellaneous disposals. The city council may settle disputed claims or litigation by authorizing disposal of real property or an interest in real property.

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

**Section 13.04.060 Reversionary clauses.**

When a reversionary clause is included in a disposal conveyance and the condition of the reversionary clause is violated, the council may decide whether the property should revert to the city. A decision to enforce a reversionary clause may be done by resolution. Any real property reconveyed to the city under a reversionary clause will be by quitclaim deed. If the city does not enforce a violation of a reversionary clause, it retains the right to enforce subsequent violations.

**Section 13.04.070 Administration.**

A. The mayor may establish regulations describing the procedures, forms for applications, surveys, appraisals, auctions, bidding, the form and substance of purchase agreements, or any other matter involving the sale or disposition of city property so long as those regulations and procedures are not inconsistent with and implement the intent of this chapter.

B. The absence of a regulation or the establishment of a regulation inconsistent with this chapter shall not invalidate any public sale, or any conveyance executed by to be executed by the city where the requirements of this chapter have otherwise been satisfied.

C. When the council has introduced a resolution or ordinance providing for the disposal of real property, given notice of and held a hearing pursuant to this chapter, adopted the disposal resolution or ordinance, when the voters have ratified the ordinance (if necessary), and consideration has been received, the mayor and the clerk are authorized, subject to approval of the city attorney, to execute the appropriate agreement, deed, lease or other instrument to convey the property.

D. In the event of any discrepancy in the legal description, form of acknowledgment, or other formalities associated with the conveyance, the mayor and clerk are authorized, subject to approval of the city attorney, to execute such corrective instruments as may be required by the buyer or any title insurance company, or financing institution taking trust deed on the property as security.

E. The city shall deliver the executed documents of conveyance to transferee at the time the property is conveyed. The documents for the disposal of city owned property shall meet the following requirements.

1. They shall be in a recordable form as permitted by state statute.
2. They will be signed by the mayor or his/her designee, and attested by the city clerk.
3. They will contain a specific reference to the ordinance or resolution by which the city council authorized the conveyance to be made.

F. A purchaser at a public sale who fails to make such other cash payments within the time required by the ordinance or resolution shall forfeit any cash deposit paid to the city.

G. The mayor, or his designee, shall conduct property disposal and shall give each buyer a receipt for money received by the city.

**Section 13.04.080 Tax foreclosed property.**

A. Real property acquired by tax foreclosure may be retained or disposed of in the same manner as other real property of the city except as provided in section 13.04.020(E) of this chapter and subsections 13.04.080(B) and (C) of this section.

B. The former record owner shall have such rights of repurchase as are provided by statute. Notice of intended sale, devotion to public use, reservation for 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 record owner as such address appeared on the tax roll at the time of foreclosure. Such notice shall be given not less than 20 days before the intended sale, contract of sale, dedication or reservation for public use, or other disposition or lease is made and shall advise the record owner of the right to repurchase as authorized by statute.

C. Where the property was acquired by tax foreclosure, the right of repurchase of the record owner at the time of foreclosure shall be terminated upon passage of a resolution or ordinance in accordance with Section 13.04.020 except that such termination shall not be effective until notice and passage of time specific in subsection 13.04.080(B). Sale, lease, or any other alienation of tax title property shall terminate the right of repurchase, provided that the requirements of subsection 13.04.080(B) have been met.

## CHAPTER 13.05

### DEFINITIONS

Sections:

13.05.010 Definitions

#### **Section 13.05.010 Definitions.**

A. Definitions for terms used in this chapter:

1. **Appraisal:** An estimate of value of property by a qualified appraiser.
2. **City boundaries:** The municipal boundary which is established when the city is incorporated. City ordinances are enforceable within this area.
3. **Contract of sale:** A contract between a willing seller and a willing buyer to transfer title to property.
4. **Disposal:** The act of giving away, selling or transferring an interest in property.
5. **Disputed claims:** Claim for property that is protested by another, or for property which is also claimed by another.
6. **Domiciled resident:** One who has resided in the city for at least six months before a disposal, maintains an address in the city, and intends to make the City his/her permanent residence.
7. **Easement:** A right or privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.
8. **Economic development:** To promote the growth of the local economy or increase income of residents.
9. **Eminent domain:** The power of a municipality to convert private property to a public use.
10. **Equitable interest:** A claim which should be recognized in the interest of fairness or equity.
11. **Federal entity:** The federal government or an agency of the federal government.
12. **Habitable dwelling:** A building consisting of at least four walls and a roof, which contains a door and a heating unit. The building must contain at least 288 square feet.
13. **Incompatible use:** A use which people may find objectionable, disagreeable, offensive, or displeasing.
14. **Interest in property:** A right, claim, title, or legal share in property. Refers to the "bundle of rights" which may be transferred or conveyed separately or in total.
15. **Lease:** Leases are used to dispose of specific interests in real property without transferring ownership of that property. A contract for exclusive possession of lands or tenements for a specified period.
16. **Legal description:** An identification of real property referring to and based on an accepted and approved and filed plat of survey or by describing the property's metes and bounds.

17. **Lottery:** A plan where the right to obtain interest in property (either by purchase or gift) is decided by luck or chance through some type of drawing of names.

18. **Municipality:** A political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality.

19. **Nonprofit corporation:** An organization formed under the laws of the State of Alaska, A.S. 10.20.010, et seq.

20. **Personal property:** Tangible property other than real property, such as merchandise, stock in trade, machinery, equipment, furniture, fixtures, vehicles, boats, and aircraft.

21. **Property:** Real and personal property

22. **Real property:** Land and improvements, all possessory rights and privileges appurtenant to the property, and includes personal property affixed to the land or improvements.

23. **Public interest:** An interest of the community at large. With the land as an asset of the community, any decision about land affects the pecuniary (money) interest of the community. The legal rights or liabilities of the city is also reviewed when deciding public interest for the community.

24. **Public outcry auction:** Sale of property to the highest bidder at a public auction, where each prospective buyer has the right to enter bids until the highest bid is made. **[Public purposes:]** Activities and enterprises which serve the needs of the general public.

25. **Revert:** When title or property interest goes back to and stays with the former owner.

26. **Sealed bid:** A written offer to purchase property, placed in an envelope, and opened along with all other bids (if any) at a public bid opening.

27. **State:** The State of Alaska or an agency of the state government.

28. **Substantial Improvement:** A major change or addition to land or real property that makes it more valuable. A gravel pad or habitable dwelling is defined as a substantial improvement to land.

29. **Traditional use:** Use of city land which is temporary, safe, shared, and does not disturb the surface. Traditional uses include but are not limited to such uses as boat docking and storage.

30. **Valid claim:** A legally enforceable claim by a third party.

CHAPTER 13.06  
REAL PROPERTY - LEASING

Sections:

13.06.010	Property available for leasing.
13.06.020	Appraisals.
13.06.030	Rental value.
13.06.040	Terms and conditions of the lease.
13.06.050	Leasing Procedures.
13.06.060	Lease Auction.
13.06.070	Mayor.

**Section 13.06.010 Property available for leasing.**

All real property which the city owns, or in which the city has a right, or interest, or to which the city may become entitled, may be leased as provided in this chapter.

**Section 13.06.020 Appraisals.**

A. No property shall be leased, nor shall a lease be renewed unless the property to be leased has been appraised by the city within one year prior to the date contemplated for the beginning of the lease.

B. No appraisal is required if the fair rental value of the property does not exceed two hundred fifty dollars per year and the term of the lease is one year or less, or if the property has been assessed by a tax assessor during the year in which the property is to be leased.

C. An independent appraisal shall not be required unless directed by the council, or otherwise required by this Chapter.

**Section 13.06.030 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 for which the property would rent, if offered for rent for a reasonable time in the open market, for a use permitted by the city.

B. With approval by the council, the lease of property may be made for a rental less than the fair rental value to a state or federal agency, state political subdivision, or nonprofit organization as may be determined by the mayor to be fair and proper. The mayor shall consider the public interest and the nature of the public use or function of the leased premises.

**Section 13.06.040 Terms and conditions of the lease.**

Each lease of city property shall include the following provisions:

A. The Lease Term. No lease shall be for a term of more than 21 years unless the council shall determine from the purpose, use of the premises, and the nature of improvements that a longer term would benefit the city and would be consistent with city planning.

A lease having a term greater than five years shall first be approved by the council. Any renewal period or option to renew shall be considered part of the term of the lease when the five year period of time is computed.

B. 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 this lease.

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

D. 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.

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

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

G. 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. Proceeds of the sale shall be first applied to the city's costs and expenses of maintaining, removing, and selling the improvements and chattels and to rentals for the period of non-removal. The city may bid at the sale and may be credited with the value of the city's costs, expenses, and rentals due resulting from the non-removal of the improvements or chattels. The city shall have all other rights, both legal and equitable, any other purchaser would have or acquired by reason of the sale.

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

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

J. The city may issue a conditional lease on property for which it reasonably expects to own prior to the actual receipt of title. Leases issued on a conditional basis may be terminated in whole or in part in the event that the city is denied title to the property under lease. Pre-paid lease rentals on property to which title is denied the city shall be refunded. The city shall not be liable for any claim or damages that may be done to the property by the lessee, nor shall it be liable for any claims of any third party or lessee, or for any claims that may arise from ownership. In the event the city receives title to the property under lease, the conditional lease shall then have the same standing, force, and effect as a unconditional lease issued under this chapter.

**Section 13.06.050 Leasing--Procedure.**

All leases shall be approved by the city council by resolution or ordinance pursuant to Section 13.04.020. The provisions of Section 13.04.020 relating to the disposal of city-owned property shall apply to all leases authorized by this chapter.

**Section 13.06.060 Lease Auction.**

Unless otherwise provided in this chapter, property shall be leased to the highest responsible bidder at a lease auction. Upon a city council determination of a public interest, a negotiated bid may be accepted by the council by resolution pursuant to 13.4.2 in place of public bidding.

**Section 13.06.070 Mayor.**

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

CHAPTER 13.07  
PERSONAL PROPERTY -- DISPOSAL

Sections:

- |           |   |
|-----------|---|
| 13.07.010 | Personal property disposition by value. |
| 13.07.020 | Sale of surplus or obsolete goods.      |
| 13.07.030 | Surplus stock.                          |
| 13.07.040 | Declaration of obsolescence.            |

**Section 13.07.010          Personal property disposition by value.**

A.          Personal property, other than surplus stock, that is valued at less than one thousand dollars may be disposed of upon such notice and terms considered reasonable by the mayor. The mayor shall take into consideration the value of the article, the reason for disposal, and the general preference of disposal by competitive bid. The mayor shall report disposals to the council if so requested.

B.          Personal property valued at more than one thousand dollars, but less than twenty-five thousand dollars, shall be disposed of in the manner provided for real property valued under twenty five thousand dollars as provided in Chapter 13.04 of this code.

C.          Personal property valued at more than twenty-five thousand dollars shall be disposed of in the manner provided for real property valued over twenty-five thousand dollars as provided in Chapter 13.04 of this code.

**Section 13.07.020          Sale of surplus or obsolete goods.**

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

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

**Section 13.07.030          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 no longer used or which have become obsolete, worn out, or scrapped.

B.          The mayor shall have the authority to transfer surplus stock to other agencies and provide for proper fiscal transfer of such stock.

C.          The mayor with approval of the council shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same for, or trade in, the same on any new supplies or equipment.

D.          Sales of surplus city supplies or equipment valued at over one thousand dollars shall be sold by competitive bid to the highest responsible bidder.

E.          The mayor, or a person chosen by the council to act on the city's behalf, shall conduct the sale and issue the certificates of sale to the purchaser of surplus city supplies or equipment.

**Section 13.07.040          Declaration of obsolescence.**

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

TITLE 15  
BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Building Code.

## Chapter 15.04

### BUILDING CODE

#### Sections:

- 15.04.010 Definitions.
- 15.04.015 Intent; Findings.
- 15.04.020 State codes.
- 15.04.030 Permit -- Required.
- 15.04.040 Permit -- Application.
- 15.04.050 Permit -- Issuance.
- 15.04.060 Permit -- Fees.
- 15.04.070 Permit -- Posting.
- 15.04.080 Compliance with plans.
- 15.04.090 Standards.
- 15.04.100 Building setback.
- 15.04.110 Building separation.
- 15.04.120 Number of exits.
- 15.04.125 Building height.
- 15.04.130 Non-conforming structures.
- 15.04.140 Enforcement.
- 15.04.150 Appeals.
- 15.04.160 Violations.

Appendix of Forms following Section 15.04.160:

Form 15.04-A Building Permit Application.

#### **Section 15.04.010 Definitions.**

“Building inspector” shall mean the clerk or his/her designee for purposes of administration of this chapter.

#### **Section 15.04.015 Intent; Findings.**

The intent of this chapter is to promote awareness, understanding, and use of the various building and related codes adopted by the State of Alaska, and to promote the use in the City of Anaktuvuk Pass of construction techniques and siting practices which will reduce the threat posed to residents by fire, including multiple escape routes from multistory structures and preservation of lanes between buildings in which fire-fighting equipment is able to operate.

#### **Section 15.04.020 State Codes.**

The applicant for a building permit hereunder shall state that the project will comply with current state codes, including but not limited to the effective portions of the National Electrical Code, Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, and such other, similar, codes as may be adopted from time to time by the State of Alaska Department of Public Safety, Division of Fire Prevention.

#### **Section 15.04.030 Permit -- Required.**

It shall be unlawful to construct, erect, place or alter any building or structure in the City of Anaktuvuk Pass when the costs thereof exceed \$1,000.00 (one thousand dollars) or where the effect of such construction is to enlarge the capacity or affect the bearing walls or roof of any building without first having obtained a building permit.

**Section 15.04.040 Permit -- Application.**

- A. Application for building permits shall be made to the clerk using Form 15.04-A and shall be accompanied by plans and specifications, including a site plan showing lot lines and adjacent structures, in duplicate and in sufficient detail to show the work to be done.
- B. Applications for a building permit shall be made on an application form prescribed, prepared, and furnished by the clerk.
- C. The application shall be verified by the signature of the owner of the premises or by the architect or contractor in charge of the operation.
- D. If the proposed structure is a commercial building, a public building or hall, or rental unit containing four or more dwelling units (four-plex or above), the application shall also be accompanied by proof that the applicant has complied with the requirements of the State Fire Marshal's Office.
- E. An amended application need only be accompanied by sufficient plans and/or specifications to show the material variations of the project described by the amended application from the project described by the original application.

**Section 15.04.050 Permit -- Issuance.**

- A. All applications for a building permit under this chapter shall be referred by the clerk to the building inspector.
- B. The building inspector shall examine each application to determine whether the proposed activity will comply with the standards established by Sections 15.04.090 through 15.04.125 and will substantially comply with the applicable state codes described in Section 15.04.020(B).
- C. No building permit may be issued for any building or structure if the building inspector finds that the building or structure, as described by the building permit application, plans, and specifications, will not be substantially in compliance with the applicable state codes.
- D. Upon approval, one set of plans shall be returned to the applicant with the building permit and the other shall be retained by the building inspector.
- E. All applications shall be acted upon within thirty working days after their filing with the clerk. Applications shall be approved, disapproved, or returned as incomplete within the thirty day period or the building permit application shall be deemed approved by the building inspector and the building permit shall be issued.

**Section 15.04.060 Permit -- Fees.**

Each application shall be accompanied by a non-refundable application fee. Fees for building permits shall be as follows:

- A. Single-family residence, twenty-five dollars;
- B. Commercial (including rental units), two dollars per one thousand dollars of building valuation or of building improvement or twenty-five dollars, whichever is greater.
- C. Each amended application shall be accompanied by a non-refundable fee of twenty-five dollars.

**Section 15.04.070 Permit -- Posting.**

A copy of the permit issued hereunder shall be posted in a conspicuous place on the premises during the carrying out of the activity authorized by the permit.

**Section 15.04.080 Compliance with Plans.**

It is unlawful to vary materially from the submitted plans and specifications unless such variations are submitted in an amended plan to the building inspector and approved.

**Section 15.04.090 Standards.**

The standards set out in Sections 15.04.100 through 15.04.125 shall apply to activity requiring a building permit under this chapter.

**Section 15.04.100 Building Setback.**

No building permit may be issued for any building or structure if any part of the building or structure, whether at or above ground level, will be less than ten feet (10') from any adjacent street, or less than five feet (5') from any lot line or utility easement.

**Section 15.04.110 Building Separation.**

No building permit may be issued for any building or structure with an area of more than one hundred and fifty (150) square feet if any part of the building or structure, whether at or above ground level, will be less than twenty feet (20') from any part of any other building or structure with an area of more than one hundred and fifty (150) square feet.

**Section 15.04.120 Number of Exits.**

No building permit may be issued for any building or structure, including any single family dwelling, more than one story high, unless it is provided with at least two means of egress from the building as far from each other as the plan of the building will permit, or with a doorway in a firewall leading to another floor area which is provided with adequate stairs or other means of exit.

**Section 15.04.125 Building Height.**

No building permit may be issued for any building or structure over thirty-five feet (35') in height as measured at the corners from the ground floor level, where such height is substantially disproportionate to other buildings or structures in the area surrounding the property or in the general neighborhood of the building or structure.

**Section 15.04.130 Non-conforming Structures.**

No vested rights to construct, erect, place or alter any building or structure shall be acquired by virtue of money spent or work done prior to obtaining a building permit required by this chapter; provided, however, that any building or structure in existence or substantially completed prior to the effective date of the ordinance from which this section derives shall not be required to obtain a building permit or otherwise comply with the requirements under this chapter except as otherwise required for alterations and new additions thereto. For the purpose of this section, "substantially completed" means the placement of piling or other foundation and the erection of flooring.

**Section 15.04.140 Enforcement.**

The building inspector shall make or cause to be made such inspections as are necessary to see that the provisions of this chapter are enforced. Whenever work is being done in violation of this chapter or of a building permit issued hereunder, the building inspector may order all work to be stopped until such violation is eliminated or corrected. A stop work order shall be issued in writing by the building inspector and served personally or sent by certified mail, return receipt requested, to the person or entity receiving the building permit. The building inspector shall refer continued violations or failures to comply with stop work orders to the city attorney for appropriate legal action.

**Section 15.04.150 Appeals.**

- A. Any applicant for a building permit under this chapter may appeal the denial of a building permit by the

building inspector to the city council in the manner provided by Chapters 2.40 and 2.44. The appeal shall be filed with the clerk and shall be scheduled for consideration by the council at the next regularly scheduled meeting. The council shall consider whether the building inspector's decision was supported by substantial evidence and is consistent with the requirements of this chapter. If the council determines that the building permit should have been issued, it shall direct the building inspector to issue the permit.

B. Failure of the council to hear the appeal and either order the permit issued or confirm its denial within fifteen days after the appeal has been filed with the clerk, shall result in the immediate issuance of the building permit by the building inspector.

**Section 15.04.160            Violations.**

A. Any person, firm, partnership, corporation or other entity violating any provision of this Chapter, or making any fraudulent statement in or in connection with the permit application shall, on conviction thereof, pay a fine of not more than \$500.00 (five hundred dollars), together with the cost of prosecution of each offense. A separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

B. In addition or as an alternative to criminal prosecution under subsection (A) of this section, the city may seek such declaratory or injunctive relief as it deems appropriate to declare the rights of the parties and restrain the violation.

Received by City of Anaktuvuk Pass

Date \_\_\_\_\_

By \_\_\_\_\_

**CITY OF ANAKTUVUK PASS, ALASKA**  
**APPLICATION FOR BUILDING PERMIT**

(Form 15.04-A)

This form is to be used in applying for a Building Permit from the City of Anaktuvuk Pass. You should review the Anaktuvuk Pass Building Code (Chapter 15 of the City's Code of Ordinances) before you complete or submit this application. Complete all parts of this application which apply to you and your Project.

This Application must be accompanied by:

1. a non-refundable application fee of twenty-five dollars (\$25.00). Checks or money orders may be made payable to City of Anaktuvuk Pass.

2. two copies of the plan and specifications for your Project, including a site plan showing lot lines and adjacent structures. One set of plans and specifications will be returned to you after your application is approved.

**PROJECT**

Location: \_\_\_\_\_  
(Lot and Block, Tract, etc. )

Project is:       New Construction       Modification      (check one)

Estimated Cost of Project: \$ \_\_\_\_\_

Brief Description of Project: \_\_\_\_\_

**OWNER:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: (\_\_\_\_) \_\_\_\_\_      Contact Person: \_\_\_\_\_

**ARCHITECT (if any):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: (\_\_\_\_) \_\_\_\_\_      Contact Person: \_\_\_\_\_

**CONTRACTOR (if any):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone No.: (\_\_\_\_) \_\_\_\_\_ Contact Person: \_\_\_\_\_

CERTIFICATION

I hereby certify that I have reviewed and will comply with the requirements of the City Building Code, Title 15 of the Anaktuvuk Pass Code of Ordinances I understand that the Project constructed by authority of the permit I am applying for must comply with the National Electrical Code, Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code, and such other, similar codes as have been adopted by the State of Alaska, Department of Public Safety, division of Fire Safety, and must also comply with the Standards contained in Sections 15.04.100 through 15.04.125 of the city of Anaktuvuk Pass Code of Ordinances.

DATED: \_\_\_\_\_  
\_\_\_\_\_ (APPLICANT)

Building Permit Application Page 2 of 3

\_\_\_\_\_  
(Applicant Do not write below this line. )

APPROVAL

ACTION:  Approved  
 Disapproved

Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application Incomplete

Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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DATED: \_\_\_\_\_ (BUILDING INSPECTOR)

Building Permit Application      Page 3 of 3