
CODE OF ORDINANCES

City of Chignik

Codified March 4, 2015 by the
Chignik City Council

CODE OF ORDINANCES
CITY OF CHIGNIK, ALASKA

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Title I

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 City Organization and Government
- 1.12 City Limits
- 1.16 Ordinances and Resolutions
- 1.20 General Penalty

Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010 Purpose.
- 1.01.020 Classification.
- 1.01.030 Prior Ordinances Superseded
- 1.01.040 Severability
- 1.01.050 Effective Date
- 1.01.060 Titles and Chapters Adopted

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

1.01.020 Classification This ordinance is of a general and permanent nature.

1.01.030 Prior Ordinances Superseded This Code supersedes any and all ordinances adopted prior to the Code and not included within this Code at the time of this Code's adoption.

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

1.01.050 Effective Date This code shall be effective immediately upon adoption.

1.01.060 Titles and Chapters Adopted The attached titles and chapters constitute the Code of Ordinances for the City of Chignik

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Titles of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation
- 1.04.050 Acts by agents deemed acts by principals.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time
- 1.04.080 Construction
- 1.04.090 Repeal not to revive ordinances

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

- A. "City" and "town" each mean the city of Chignik, Alaska, or the area within the territorial limits of the city of Chignik, Alaska, and such territory outside Chignik over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the city council of the city of Chignik. "All its members" or "all councilmen" means the total number of councilmen holding office.
- C. "Law" denotes applicable federal law, the Constitution and statutes of the state of Alaska, the ordinances of the city of Chignik, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- D. "May" is permissive.
- E. "Month" means a calendar month.
- F. "Must" and "shall" are each mandatory.
- G. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- H. "Owner" applied to a building or land, includes any part-owner, joint owner, tenant-in-common, joint tenant, tenant-by-the-entirety, of the whole or part of such building or land.
- I. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- J. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

- K. "Preceding" and "following" means next before and next after, respectively.
- L. "Property" includes real and personal property.
- M. "Real property" includes real and personal property.
- N. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- O. "State" means the state of Alaska.
- P. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to the public use, or such other public property so designated in any law of this state.
- Q. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- R. "Written" includes printed, typewritten mimeo-graphed, multi graphed, or otherwise reproduced in permanent visible form.
- S. "Year" means a calendar year.

1.04.020 Titles of office Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city.

1.04.030 Interpretation of language All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

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

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

1.04.050 Acts by agents deemed acts by principals When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

1.040.060 Prohibited acts include causing and permitting Whenever in the ordinances of the city of Chignik, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.04.070 Computation of time Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

1.04.080 Construction The provisions of the ordinances of the city of Chignik and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

1.04.090 Repeal not to revive ordinances The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.

Chapter 1.08

CITY ORGANIZATION AND GOVERNMENT

Sections

1.08.010 Name of municipality - Form of government.

1.08.010 Name of municipality - Form of government

A. The city shall continue as a municipal corporation under the name: "The City of Chignik, Alaska."

B. The government of the city shall be that commonly known as the mayor-council form.

Chapter 1.12

CITY LIMITS

Sections:

1.12.010 Designated.

1.12.010 Designated The boundaries of the city, effective as of May 17 , 1983, are as follows: Beginning at the SE corner of the protracted Section 17, T 45S, R58W, Seward Meridian (S.M.); thence due west to the SW corner of protracted Section 14, T45S, R59W, S.M.; thence due north to the NW corner of protracted Section 2, T45S, R59W, SM.; thence due east to the SW corner of protracted Section 33, T44S. R58W, S.M.; thence due north to NW corner of protracted Section 33, R44S, R58W, S.M.; thence due east to NE corner of protracted Section 33, T44S, R58W, S.M.; thence diagonally in a southeasterly direction to the NE corner of protracted Section 4, T45S, R58W, S.M.; thence diagonally in a southwesterly direction to the SE corner of protracted Section 17, T45S, R58W, S.M.; the true point of beginning, containing approximately 16.0 square miles of territory in the Third Judicial District, State of Alaska.

Chapter 1.16

ORDINANCES AND RESOLUTIONS

Sections:

- 1.16.010 Acts of the council
- 1.16.020 Acts required to be by ordinance
- 1.16.030 Enactment of ordinances
- 1.16.040 Form and content of ordinances
- 1.16.050 Effective date of ordinances
- 1.16.060 Emergency ordinances
- 1.16.070 Form and content of resolutions
- 1.16.080 Reading and posting of resolutions

1.16.010 Acts of the council The council shall act by ordinance or resolution. Law of a general and permanent nature shall be in the form of an ordinance. An expression of opinion, principles, facts or questions shall be in the form of a resolution.

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

- A. Establish, change or do away with city departments;
- B. Amend or repeal an existing ordinance;
- C. Fix the salary of council members;
- D. Provide for sale of city property valued at more than twenty-five thousand dollars;
- E. Provide for fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- F. Provide for levying of taxes;
- G. Make appropriate and supplemental appropriations or transfer appropriations;
- H. Grant, renew or extend a franchise;
- I. Regulate the rate charged by public utility;
- J. Approve the transfer of a power to a borough;
- K. Adopt, modify or repeal the city plan, zoning and subdivision ordinances, building and housing codes, and the official map;
- L. Provide for the retention or sale of tax-foreclosed property;
- M. Establish a procedure for the sale, lease or disposition of real property or interest in real property;
- N. Establish, maintain and operate a system of garbage and solid waste collection and disposal.

1.16.030 Enactment of ordinances The following is the procedure for enacting an ordinance:

- A. The ordinance is introduced in writing by the mayor or a member of the council and read at a regular or special council meeting.
- B. The ordinance shall be set for public hearing by motion.
- C. The proposed ordinance, along with the time and place of the public hearing, shall be posted in three public places for at least five days before the public hearing is held.
- D. The public hearing may be held at a regular or special council meeting. At the public hearing, a copy of the ordinance shall be available to all persons who request one, or the ordinance shall be read in full. Everyone interested shall have an opportunity to be heard.
- E. After the public hearing, the council shall consider the ordinance and the opinion of the people and may then adopt it with or without amendments.

Note: If the amendment(s) substantially changes the intent of the Ordinance, then a new Public Hearing shall be held.

1.06.040 Form and content of ordinances All ordinances enacted by the council shall be in the following form:

- A. The proposed ordinance shall have a heading and a number: ORDINANCE NO. _____;
- B. A short summary of the ordinance provisions shall be at the head of the ordinance;
- C. Enacting Clause. The enacting clause shall read: BE IT ENACTED BY THE CHIGNIK CITY COUNCIL AS FOLLOWS:
- D. The provisions of the ordinance will follow the enacting clause.
- E. A place for the introduction date and public hearing date will follow the provisions;
- F. The date of passage shall be noted and a place for the mayor's signature will be at the end;
- G. Attestation (Witnessing). The date the ordinance is passed shall be attested to by the clerk.

1.16.050 Effective date of ordinances An ordinance which has been approved by the city council shall be effective twenty-four hours after adoption.

1.16.060 Emergency ordinances The following are the requirements and procedures to pass an emergency ordinance:

- A. Every emergency ordinance must contain a statement by the council of why an emergency exists and a statement of facts about the emergency.
- B. The ordinance can be passed at the same meeting it is introduced.
- C. Emergency ordinances can be effective up to sixty days.
- D. The city clerk must post the emergency ordinances in three public places and have copies available for anyone who requests them.
- E. Emergency ordinances may not be used for the following purposes as set down by state law:
 1. Grant, renew or extend a franchise;
 2. Levy taxes; or
 3. To regulate the rate charged by a public utility for its services.

1.16.070 Form and content of resolutions Formal acts by the council not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:

- A. The heading "City of Chignik, Alaska";
- B. The space for a number: "Resolution No.";
- C. A short title describing its subject and purpose;
- D. Short sentences beginning with "WHEREAS," describing the reasons for the resolution if necessary;

- E. The resolving (deciding) clause "Be it Resolved";
- F. The date it is passed and approved and a line for the signature of the mayor; *(*Ord 99-07*)
- G. An attestation (witnessing) by the clerk.

1.16.080 Reading and posting of resolutions Every resolution shall be introduced in writing and shall be read aloud before a vote is taken so that all persons interested will have an opportunity to be heard. Every resolution, unless a later date is specified, will become effective following adoption, and will be posted in the city office.

Chapter 1.20

GENERAL PENALTY

Sections:

1.20.010 Violation – Penalty

1.20.030 Civil remedies, penalties and injunctions

1.20.010 Violation - Penalty Every act prohibited by ordinance of this City is unlawful. Every person convicted of a violation of this code shall be punished by a fine of not more than three hundred dollars. **(Amended by Ordinance 99-02)*

1.20.030 Civil remedies, penalties and injunctions The city may institute a civil action against a person who violates any provision of this code or any ordinance of the city. In addition to any other remedy or penalty provided by this code or an ordinance of the city, any person who violates any provision of this code or any ordinance, or any rule, regulation, permit, variance, code of technical regulations, or order issued or adopted pursuant thereto shall be subject to a civil penalty of not less than fifty dollars and not more than one thousand dollars for each violation. In addition, an action to enjoin a violation or threatened violation may be brought notwithstanding the availability of any other or remedy or the imposition of a fine or penalty. On application for injunctive relief and a finding of a violation or threatened violation of any provision of this code or any ordinance of the city, or any rule, regulation, permit, variance, code of technical regulation, or order issued or adopted pursuant thereto, the superior court shall grant the injunction to restrain the violation. Each day that a violation continues constitutes a separate violation. **(Added by Ordinance 99-02)*

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.02 Vice Mayor
- 2.04 Mayor
- 2.08 City Council
- 2.12 City Council Meetings
- 2.16 City Clerk - Treasurer
- 2.20 Public Safety Department
- 2.24 Personnel Policy

Chapter 2.02

VICE MAYOR

Sections:

2.02.040 Generally

2.02.040 Generally The Vice Mayor will be appointed by the City Council and the term will run concurrently with the Mayor. The Vice Mayor will exercise all the duties and responsibilities of the Mayor when the Mayor is unavailable.

**(Section added by Ordinance 07-04)*

Chapter 2.04

MAYOR

Sections:

2.04.010 Powers and duties

2.04.020 Eligibility of council members

2.04.030 Acting mayor

2.04.040 Term of the mayor

2.04.010 Power and duties The mayor is elected by and from the council and is the chief executive officer of the city. He or she shall preside at council meetings, act as ceremonial head of the city, and sign documents on the city's behalf with council authorization. The mayor shall:

A. Appoint city employees and administrative officers, unless specifically prohibited by law.

The mayor may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his or her department;

B. Suspend or remove by written order city employees and administrative officers, unless specifically prohibited by law;

C. Supervise enforcement of city law;

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

E. Execute the budget and construction program as adopted;

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

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

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

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

J. Execute other powers and duties specified in AS Title 29, or lawfully prescribed by the council.

2.04.020 Eligibility of council members No council member is eligible to be a candidate for mayor unless he or she has lived in the city for two years before running for office.

2.04.030 Acting mayor Should the office of the mayor become vacant, or if the existing mayor is disabled or unable to act, the council may appoint an acting mayor to serve until the mayor resumes official duties, or until a new mayor is elected.

2.04.040 Term of mayor The mayor's term shall be for one year following election by the council. The individual may be elected to additional years subject to the annual approval of the council, not to exceed the term of election to the council. **(Ordinance 05-07)*

Chapter 2.08

CITY COUNCIL

Sections:

2.08.010 Composition

2.08.020 Qualifications

2.08.030 Residency

2.08.040 Election – Term of office

2.08.050 Oath of office

2.08.060 Conflicts of interest.

2.08.070 Discrimination prohibited.

2.08.080 Vacancies – Declaration

2.08.090 Vacancies – Filling

2.08.100 Employment with the city

2.08.010 Composition The council shall consist of seven members elected by the voters at large.

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

2.08.030 Residency No person is eligible to be a candidate for council member unless he or she has lived in the city for one year before running for office.

2.08.040 Election – Term of office

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

B. The terms of office are as follows:

 Seat A - 3 years Seat B - 3 years

 Seat C - 3 years Seat D - 3 years

 Seat E - 3 years Seat F - 3 years

 Seat G - 3 years

C. The regular term of office begins on the first Monday following the certification of election by the city council.

2.08.050 Oath of office All persons elected and appointed to the council before entering upon the duties of office shall affirm in writing and file with the city clerk the following oath:

I, (NAME), do solemnly swear that I will support the Constitution of the United States and State of Alaska and the laws and ordinances of the City of Chignik, and that I will honestly, faithfully and impartially perform the duties of the office of city council member to the best of my ability.

2.08.060 Conflicts of interest A council member or other officer or employee of the city shall be disqualified from participating in any official action in which he or she has a substantial financial interest.

2.080.070 Discrimination prohibited No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position because of sex, race, religion, color or national origin or because of political opinions or affiliations.

2.08.080 Vacancies – Declaration The council shall declare an elective office vacant when the person elected:

- A. Fails to qualify or take office within thirty days after election or appointment;
- B. Is physically absent from the city for a ninety-day period unless excused by council;
- C. Resigns and the resignation is accepted;
- D. Is physically or mentally unable to perform the duties of office;
- E. Misses three regular meetings in a row unless excused;
- F. Is convicted of a felony or of an offense involving a violation of oath of office;
- G. No longer physically resides in the municipality and the governing body by two-thirds vote declares the seat vacant.

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

2.08.100 Employment with the city The city council members may accept employment with the city under the following conditions

- A. The council member is qualified for the position;
- B. The council member must abstain from voting for his or her own hire.

Chapter 2.12

CITY COUNCIL MEETINGS

Sections:

2.12.010 Meetings to be open to the public

2.12.020 Regular meetings

2.12.030 Special meetings

2.12.040 Notice

2.12.050 Executive session--Closed meeting

2.12.060 Presiding officer

2.12.070 Order of business

2.12.080 Minutes

2.12.090 Voting – Quorum

2.12.100 Motions

2.12.110 Conflicts of Interest

2.12.010 Meetings to be open to the public All regular city council meetings and meetings of any committees shall be public. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

2.12.020 Regular meetings The council shall meet monthly on the first Wednesday, October through May at 7:00 pm. **(Changed from Saturday to Wednesday with Ord 14-02)*
**(Wording changed with Ordinance 14-05)*

2.12.030 Special meetings

A. A governing body shall hold at least one regular meeting each month unless otherwise provided by ordinance.

B. If a majority of the members are given at least twenty-four hours' oral or written notice and reasonable efforts are made to notify all members, a special meeting of the governing body may be held at the call of the presiding officer or at least one-third of the members. A special meeting may be conducted with less than twenty-four hours notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made part of the journal for the meeting.

2.12.040 Notice The city clerk shall post notice of the date, time and place of any meeting in three public places at least five days before the time of the meeting.

2.12.050 Executive session - Closed meetings

- A. The following subjects may be discussed by the city council in a meeting closed to the public:
1. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
 2. Matters, the immediate knowledge of which, would have a very bad effect on city finances;
 3. Matters which by law are required to be kept confidential; and
 4. Matters involving consideration of government records that by law are not subject to public disclosure. **(Items 3 and 4 added with Ordinance 14-07)*
- B. No action may be taken at a closed meeting.

2.12.060 Presiding officer The mayor shall preside at all meetings of the council. If the mayor is absent or disabled, the council may appoint an acting mayor.

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

- A. Call to order;
- B. Roll call;
- C. Approval of agenda;
- D. Approval of previous minutes;
- E. Communications and public requests;
- F. Reports;
- G. Old business;
- H. New business;
- I. Community participation;
- J. Council comments;
- K. Adjournment.

2.12.080 Minutes Minutes of all regular and special meetings shall be taken and kept in a journal as public record and are to be made available to anyone on request during regular city office hours.

2.12.090 Voting – Quorum Four council members make up a quorum. Four "yes" votes are required to pass an ordinance, resolution or motion. The final vote on each ordinance, resolution or substantive motion (one relating directly to an important matter) is a recorded roll call vote. All council members present shall vote unless the council, for special reasons, permits a member to abstain (withhold from voting).

2.12.100 Motions Motions shall be used to call for a vote from the council and shall require a second. Any motion shall be written out if a council member demands. After a motion is seconded and stated or read, the council may vote on it, but the council member making the motion may withdraw it any time before the vote if the person seconding the motion agrees. Any motion that was passed may be canceled by the vote of the majority of the council.

2.12.110 Conflicts of Interest A member of the city council shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the

matter. The presiding officer shall rule on a request by a member of the council to be excused from the vote. The decision of the presiding officer on a request by a member of the council to be excused from the vote may be overridden by a majority vote of the governing body. A city employee or official, other than a member of the council, may not participate in an official action in which the employee or official has a substantial financial interest.

**(Section added with Ordinance 14-06)*

Chapter 2.16

CITY CLERK-TREASURER

Sections:

2.16.010 Office established

2.16.020 Duties as clerk

2.16.030 Duties as treasurer

2.16.010 Office established The office of the city clerk-treasurer is established by the ordinance codified in this chapter. The clerk-treasurer shall be appointed by the city council and shall be paid at a rate determined by them.

2.16.020 Duties as clerk The clerk-treasurer shall:

- A. Keep an official copy of this code, resolutions, and any other city rules, regulations or codes in an indexed file available for public inspection;
- B. Give notice of the time and place of council meetings to the council and to the community;
- C. Attend council meetings and keep a record of them;
- D. Attest (witness) ordinances, resolutions, deeds and other documents;
- E. Arrange posting of notices, ordinances and resolutions;
- F. Perform the duties of City election registrar including the calling and supervising of all city elections;
- G. Administer oaths required by this code;
- H. Perform other reasonable duties specified by the Mayor or the council.

2.16.030 Duties as treasurer The clerk-treasurer shall:

- A. Keep custody of all city funds;
- B. Keep an itemized account of money received and disbursed;
- C. Under direction of the mayor, compile and control the annual city budget based on careful estimates of expenses;
- D. Perform other reasonable duties specified by the Mayor or the council.

Chapter 2.20

PUBLIC SAFETY DEPARTMENT

Sections:

2.20.010 Establishment

2.20.020 Composition

2.20.030 Organization

2.20.040 Training and rules

2.20.010 Establishment A city public safety department is established by the ordinance codified in this chapter and shall be known as the Chignik Public Safety Department. All property used by the Public Safety Department is the property of the city. The city shall provide a place for the members of the department to meet and shall pay all expenses directly.

2.20.020 Composition The Public Safety Department may consist of the following units: Village Public Safety Officer (VPSO), the Volunteer Fire Department, the Volunteer Search and Rescue Squad and the Volunteer First Responders. The VPSO shall be the head of the Public Safety Department. Under the general supervision of the mayor, the volunteer units of the Public Safety Department shall elect a chief or supervising officer. Consistent with fairness, equity, and laws of the State of Alaska, the members of each unit annually shall determine its chief or supervising officer.

2.20.030 Organization The VPSO unit of the Public Safety Department is staffed by an employee paid by BBNA. All other units are staffed by volunteers. All citizens are encouraged to volunteer.

2.20.040 Training and Rules The VPSO receives periodic training through the VPSO program. The volunteer unit chiefs shall establish rules and provide for periodic drills and training covering the operation and handling of all equipment essential for the effective and efficient department operation.

**(Wording changed in Composition, Organization and Training and Rules by Ord 14-09)*

Chapter 2.24

PERSONNEL POLICY

Sections:

2.24.010 Establishment – Scope

2.24.020 Amendment

2.24.030 Location – Availability

2.24.010 Establishment – Scope City personnel policies are established by the ordinance codified in this chapter, and shall be known as the city of Chignik's personnel policies. All permanent and temporary employees will be covered by the provisions contained therein.

2.24.020 Amendment Personnel policies may be added, deleted or modified by resolution passed by the city council. No other ordinance is needed to implement these policies.

2.24.030 Location – Availability The city's personnel policies are located in the city office, and are available for review during regular office hours.

Title 3

ELECTIONS

Chapters:

- 3.04 General Procedures
- 3.08 Administration
- 3.12 Voters
- 3.16 Candidates
- 3.20 Ballots and Election Materials
- 3.24 Election and Procedures
- 3.28 Voting Procedures
- 3.32 Canvassing and Counting of Ballots
- 3.36 Absentee Ballots

Chapter 3.04

GENERAL PROCEDURES

Sections:

3.04.010 General elections

3.04.020 Special elections

3.04.010 General elections The election for council-members or other elected officials shall be held on the first Tuesday in October. Questions may be placed on the ballot at this time. Notice must be posted in two public places for twenty days before the election.

3.04.020 Special elections The city council can pass a resolution to hold special elections on a date different than the regular elections. Notice shall be posted in two public places for twenty days before the election.

Chapter 3.08

ADMINISTRATION

Sections:

3.08.010 Supervisor of elections

3.08.020 Election judges – Selection procedures

3.08.030 Election judges – Oath

3.08.010 Supervisor of elections The city clerk is the supervisor of elections and shall establish written regulations upon council approval for all procedures necessary to carry out the general rules in this chapter.

3.08.020 Election judges – Selection procedures

A. The council shall, each year, choose three city voters as judges to be the election board at the polling places and select one of the judges to chair the board.

B. The judges shall not be council members or candidates for council office.

C. Each judge shall sign and file an oath with the city clerk on or before Election Day.

D. If a judge is unable to work during Election Day, the remaining judges shall choose a qualified voter to fill the vacancy.

3.08.030 Election judges – Oath The city clerk shall give the following written oath to all election judges on or before Election Day:

I, _____, do solemnly swear that I will honestly and faithfully perform the duties of election to the best of my ability and that I am familiar with the election ordinances and regulations.

SIGNED _____

Chapter 3.12

VOTERS

Sections:

3.12.010 Qualifications

3.12.020 Registration

3.12.010 Qualifications A qualified city voter is a United States citizen, a resident of the city at least thirty days before election day, registered to vote in state elections at least thirty days before election day, and shall not have been disqualified to vote because of previous conviction for a felony (a serious crime).

3.12.020 Registration The city clerk shall post notice sixty days before election day encouraging voter registration. The clerk shall obtain a master voter registration list and shall add to it the names of any persons who registered before the thirty day deadline.

Chapter 3.16

CANDIDATES

Sections:

3.16.010 Filing of declaration and petition

3.16.020 Form of declaration

3.16.010 Filing of declaration and petition A qualified city voter may be nominated for city office no sooner than sixty days and no later than twenty days before the election as follows:
A. By filing a declaration of candidacy under oath on a form provided by the city clerk;
B. By petition of ten resident voters on a form provided by the city clerk.

3.16.020 Form of declaration Forms shall be prepared by the city clerk at least [forty-five] sixty days before the election and shall state the candidate's full name, the office for which the candidate is running, that the candidate is a qualified city voter and a resident of the city, and a statement that if the candidate is elected, he or she will serve the full term of office.

Chapter 3.20

BALLOTS AND ELECTION MATERIALS

Sections:

- 3.20.010 Ballot preparation and content
- 3.20.020 Election materials – Distribution
- 3.20.030 Election materials – Post-election procedures
- 3.20.040 Election materials – Filing

3.20.010 Ballot preparation and content

A. The city clerk shall be responsible for printing ballots twenty days before election day, and there shall be three ballots with the word "SAMPLE" printed on them to be posted in the clerk's office until election day, and then given to the judges at the polls.

B. The form for the ballots is as follows:

1. Printed on plain white paper, stating at the top whether it is general, special or run-off;
2. Instructions on how to mark the ballots;
3. The list of candidates and the offices they are running for, with the candidate's name in capital letters;
4. Lines for write-in candidates (except in run-off elections);
5. A square for marking a vote next to each name or blank line for write-in candidates;
6. At the end, the questions to be voted on, if any.

3.20.030 Election materials – Distribution On election day, the city clerk shall furnish the election board judges with a voting booth, ballots, sample ballots, the updated master voter registration list, a ballot box that can be locked or sealed, a blank register (it can be a piece of paper) for the voters to sign their names in, tally sheets, a form for the report of election results, oaths and affidavits of eligibility for the questioned ballots, together with sufficient envelopes and pens and pencils plus a copy of the city's election ordinances and election regulations and procedures, if any.

3.20.030 Election materials – Post-election procedures At the close of election day, the clerk shall collect all election materials, including the ballots and keep a file for them together with the declarations of candidacy and the nominating petitions. It will be the duty of the clerk, prior to the council meeting where the certificate of election is issued, to try to determine if possible through the state office whether the voters casting questioned ballots were eligible to vote.

3.20.040 Election materials – Filing The city clerk shall retain all election materials in the permanent city files.

Chapter 3.24

ELECTION PROCEDURES

Sections:

3.24.010 Opening the polls – Securing of ballot box

3.24.020 Polling place – Hours

3.24.030 Percentage required to gain office

3.24.040 Run-off elections

3.24.050 Tie votes

3.24.060 Contesting the election

3.24.010 Opening the polls – securing of ballot box

A. Judges shall report thirty minutes before the opening of the polls.

B. Before the first ballot is cast, the judges will inspect the ballot box to make sure it is empty and then seal or lock it until the final ballot is cast.

3.24.020 Polling place – Hours The elections will be held at the Community Hall, and the polls will be open from nine a.m. until eight p.m.

3.24.030 Percentage required to gain office A candidate must receive greater than forty percent of the votes cast for his or her respective office in order to win the election.

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

3.24.050 Tie votes In the event of a tie vote, the council shall in its first meeting call the candidates receiving the tie votes and have the candidates draw a lot to determine the winner of the council seat.

3.24.060 Contesting the election Any qualified city voter who wishes to contest the election may do so in writing at the council meeting prior to the issuance of the certificate of election. **He or she will deliver a sworn written notice of contest which will state with particularity the provisions of the law allegedly violated and the specific acts asserted as misconduct.** The name of the voter contesting the election, the reason for the contest and the council's decision shall be entered into the minutes of the meeting. The council may order an investigation or a recount of the ballots or declare the election invalid and order a new election. Any city who voter demands a recount shall pay all costs and expenses of the recount if it does not change the election results.

Chapter 3 .28

VOTING PROCEDURES

Sections:

- 3.28.010 Generally
- 3.28.020 Questions of eligibility
- 3.28.030 Questioned ballots – Procedure
- 3.28.040 Prohibitions near the polls

3.28.010 Generally The voting procedure is as follows:

- A. A voter shall give his or her name to one of the judges and then write it in the blank register.
- B. One of the judges checks for the voter's name on the master voter registration list. If the voter's name is on the list, then he or she goes to the voting booth and marks a ballot.
- C. If a voter needs help in marking a ballot, then one of the judges shall help and not reveal to anyone what was marked on the ballot.
- D. After the ballot is marked, the voter will fold it and give it to one of the judges who will deposit it in the ballot box in the presence of the voter.

3.28.020 Questions of eligibility If a voter's name is not on the master voter registration list or there is some other question regarding the voter's eligibility, and the voter believes that he or she is registered to vote, then the voter shall sign an oath and affidavit of eligibility and cast a questioned ballot.

3.28.030 Questioned ballots – Procedure If a voter's name is not on the master voter registration list and the voter believes that he or she is a registered city voter, then a questioned ballot is cast:

- A. The voter shall sign an oath and affidavit of eligibility, stating that he or she is a state registered voter, a resident of the city and is qualified to vote.
- B. The voter signs his or her name in the blank register.
- E. After the ballot is marked it shall be placed in an envelope and sealed.
- F. The sealed ballot and the oath and affidavit of eligibility will be placed in an outer envelope marked "Questioned Ballot" which will be sealed and deposited in the ballot box.

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

Chapter 3.32

CANVASSING AND COUNTING OF BALLOTS

Sections:

- 3.32.010 Counting and tallying of ballots
- 3.32.020 Report of results – Form
- 3.32.030 Report of results – Preparation
- 3.32.040 Posting of results – Notice of council meeting
- 3.32.050 Defective ballots
- 3.32.060 Certifying of election – Generally
- 3.32.070 Certifying of election – Meeting – Procedures
- 3.32.080 Issuance of certificate of election

3.32.010 Counting and tallying of ballots Before the counting of ballots begins, the election board judges shall check that the number of voters names signed in the blank register are equal to the number of ballots in the ballot box. The ballots shall be tallied by one judge announcing what the ballot shows, and another judge marking it down on the tally sheet. Questioned ballots shall not be opened, but the number of questioned ballots shall be tallied.

3.32.020 Report of results – Form

- A. A form shall be furnished to the election board judges by the city clerk who shall provide for:
 - 1. A space to mark the total number of ballots cast;
 - 2. The number of votes each candidate received and for which office;
 - 3. The number of questioned ballots;
 - 4. The number of defective ballots;
 - 5. The number of absentee ballots;
 - 6. The results of any questions on the ballots; and
 - 7. A space for each election board judge and the city clerk to sign.
- B. The clerk shall instruct the judges to attach the tally sheets to the report.

3.32.030 Report of results – Preparation

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

3.32.040 Posting of results – Notice of council meeting The clerk shall post a copy of the report of election results in three public places the morning after the election. The notice shall include:

- A. The results, time and place of the council meeting;
- B. That the results are not final until the council issues a certificate of election;
- C. Inform the people that they will have the opportunity to contest the election at the meeting.

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

3.32.060 Certifying of election – Generally A council meeting shall be held seven days after the election at which time the city clerk shall present the report of election results plus all questioned ballots, defective ballots and absentee ballots arriving after election day. A final count shall be made by the council and a certificate of election shall be issued, and a copy provided to each newly elected official.

3.32.070 Certifying of election – Meeting – Procedures

- A. At the meeting seven days after the election the clerk shall hand over the report of the election results to the council and inform them of the vote of any absentee ballots received after election day and the vote of any questioned ballots cast by a voter whom the clerk has determined was eligible to vote without revealing to anyone the name of the voter.
- B. The council shall examine any defective ballots to see if they can determine who the voter intended to vote for.
- C. After a final determination is made by the council, the results shall be read into the minutes.

3.32.080 Issuance of certificate of election

- A. The clerk shall provide a form to the council for the certificate of election which shall include the winning candidate for each office, the results of any question placed on the ballot, and a space for the mayor and city clerk to sign.
- B. The certificate becomes a permanent part of the city records and a copy is issued to the winning candidate.

Chapter 3.36

ABSENTEE BALLOTS

Sections:

3.36.010 Generally

3.36.020 Procedures

3.36.010 Generally Any qualified city voter may cast an absentee ballot. **(Ord 14-04)*

3.36.020 Procedures

A. An absentee ballot is the same as a regular ballot and may be applied for in person or by mail from the city clerk, on an application form provided by the city clerk. They may not be issued sooner than ten days before the election. The clerk may deliver an absentee ballot to a disabled person in the city until the polls close Election Day. The clerk mails or gives the absentee voter the following:

1. A regular ballot;
2. An envelope marked absentee ballot. The envelope should be numbered and the clerk shall keep track of to whom they are issued;
3. If the absentee ballot is going to be returned by mail, then the clerk must furnish a stamped, addressed return envelope. The return envelope with the absentee ballot must be postmarked no later than the Election Day;
4. The clerk should check to see if the person requesting the absentee ballot is on the master voter registration list. If not, then the clerk should have the voter sign an oath and affidavit of eligibility and determine if the person is eligible to vote.

B. All absentee ballots should be kept sealed until Election Day. At the close of the polls on Election Day, and before the counting and tallying begins, the clerk should deposit any completed absentee ballots in his or her possession in the ballot box and sign the voter's name in the blank register. If any absentee ballots are received after the Election Day (but postmarked on or before Election Day), the clerk should enter the voter's name on the register and then bring the unopened ballots to the council meeting without revealing whose they are.

Title 4

REVENUE AND FINANCE

Chapters:

4.04 Fiscal Year

4.08 Fiscal Procedures

4.11 Budget

4.12 Landing Tax on Fish and Sea Resources (Other than Salmon)

4.13 Landing Tax on Fish and Sea Resources (Salmon)

4.14 Processing Tax on Fish and Sea Resources (Salmon) *(*Ordinance 03-03*)

Chapter 4.04

FISCAL YEAR

Section:

4.04.010 Designated

4.04.010 Designated The fiscal year of the city shall begin on the first day of July every year and end on the last day of June in the following calendar year.

Chapter 4.08

FISCAL PROCEDURES

Sections:

4.08.010 Responsibility for city funds

4.08.020 Financial reports

4.08.030 Authority to prepare and sign checks

4.08.010 Responsibility for city funds The city clerk-treasurer shall be responsible for collection, custody and disbursement of all city money.

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

A. A monthly summary of receipts and expenditures;

B. An annual statement of receipts and expenditures within thirty days after the close of the fiscal year.

4.08.030 Authority to prepare and sign checks All checks drawn on the treasury shall be prepared by the city clerk-treasurer and signed by two council members.

Chapter 4.11

BUDGET

Sections:

4.11.010 Preparation

4.11.020 Scope

4.11.030 Hearing

4.11.040 Adoption

4.11.010 Preparation The city clerk-treasurer shall prepare the budget under the direction of the mayor.

4.11.020 Scope The budget shall be a complete financial plan for all the operations of the city showing beginning cash balances, anticipated revenues and itemized proposed expenditures. It shall include a comparative statement with the estimated expenditures and revenues of the preceding fiscal year.

4.11.030 Hearing The council shall determine a place and time for a public hearing on the budget prior to its adoption. Notice including time and place for the hearing plus a copy of the proposed budget shall be posted in three places in the city at least two weeks prior to the hearing.

4.11.040 Adoption The budget shall be adopted in ordinance form by June 1st (one month before the beginning of the fiscal year) and posted in the city office.

Chapter 4.12

LANDING TAX ON FISH AND SEA RESOURCES (Other than Salmon)

Sections:

- 4.12.010 Definitions
- 4.12.020 Fish landing subject to tax
- 4.12.030 Tax levied
- 4.12.040 Refund – Exemption
- 4.12.050 Obligation, collection, and administration
- 4.12.060 Enforcement – Civil penalties
- 4.12.070 Violation – Penalties
- 4.12.080 Extensions

4.12.010 Definitions As used in this chapter, the following words and phrases shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

"Fish" means any whole or part of a finfish, shellfish, or other sea animal or plant. For purposes of this chapter, "fish" does not include any of the five commercial species of salmon.

"Gross landed value" means the ex vessel value per unit at the first point of landing multiplied by the number of units, and shall include any bonuses, subsequent price adjustments, or other consideration for the fish, whether paid for or not during the period of the tax return.

"Lander" means a person that brings fish into the limits of the City of Chignik for processing, transshipment, sorting, packing, sale, resale, or other commercial purpose.

"Landing" is the act of bringing fish, whether raw or processed, in whole or in part, into the limits of the City of Chignik for processing, transshipment, sorting, packing, sale, resale, or other commercial purpose.

"Processor" means a person that receives fish within the city limits from a lander for processing, transshipment, sorting, packing, sale, resale, or other commercial purpose.

4.12.020 Fish landing subject to tax There is levied a tax on the landing of fish, whether raw or processed, in whole or part, in the city limits of Chignik, measured by the gross landed value of the fish.

4.12.030 Tax levied The rate of tax levied by Section 4.12.020 is two percent of the gross landed value of all fish landed within the boundaries of the City of Chignik. *(*Ordinance 06-01*)

4.12.040 Refund – Exemption

A. If the gross landed value of the fish landed by a lander does not equal or exceed \$10,000 within a calendar quarter, the lander shall, for that quarter, be entitled to a refund of taxes paid under this chapter; provided, however, the lander shall not receive a refund of taxes on gross landed value of more than \$20,000 in any period of twelve consecutive months. A person entitled to a refund shall apply in writing to the city treasurer. A claim for refund not presented within one year after the date the taxes were due shall be forever barred. As used in this section, "quarters" shall consist of the months of January through March, April through June, July through September, and October through December.

B. Fish upon which the tax levied by this chapter has once been paid shall be exempt from further taxation under this chapter.

4.12.050 Obligation, collection and administration

A. Every lander landing fish shall be liable for paying the tax.

B. The processor receiving the fish shall collect the tax from the lander and transmit the tax to the City of Chignik.

1. A processor who timely and correctly files a properly completed tax return along with the full payment of all taxes due under this chapter shall be entitled to retain five percent (5%) of the total tax transmitted to the City during the return period to defray administrative costs.

2. The taxes collected by the processor are funds of the City. The processor shall hold the collected tax in trust for the City in a segregated account until transmitted to the City. The processor shall be entitled to keep any interest accruing to the tax account if the payment is timely.

3. If the processor receiving the fish fails to collect the tax from the lander or transmit the tax to the City, then that person shall be jointly and severally liable with the lander for payment of the tax.

C. Every lander or processor subject to this chapter shall register with the City treasurer of the City of Chignik prior to landing or processing any fish in the City. The registration form shall state the name, permanent and local addresses and phone numbers of the person and the responsible individual(s) who shall personally guarantee the payment of the obligation(s). The city treasurer shall issue a certificate of registry which shall not be assignable or transferable. A certificate of registry for a processor shall be specific to a location and not be transferable to another location.

D. Landers and processors in the City, whether registered or not, consent to make their premises, facilities, equipment, and records available at all time for inspection to determine compliance with this chapter. Should there be any indications (such as a history of a principal or associate defaulting) that certificate holder may default in the collection or payment of the tax, the treasurer may require proof of financial responsibility, including, but not limited to, certified financial statements, copies of income tax returns, and the posting of a deposit or bond for the estimated annual tax liability.

E. Every person subject to the registration requirements of this chapter shall submit a monthly tax return for every month in which any fish was landed or processed in the City. The return shall be received by the city treasurer within fifteen days after the end of month. The person

shall file a return for every month in which it lands or processes any fish, even if no tax is due. The return shall be signed and state under penalty of perjury that the return correctly states the amount of tax due. It shall state the month covered, gross landed value of the fish, the taxes due, and such other information as may be required by the City of Chignik. Copies of all tax collection receipts given by a processor and received by a lander shall be filed with the return. The return shall be confidential. The filer shall retain a copy of each return and all records on which it was based for three years.

F. The tax is due when the return is due and the tax payment shall accompany the return. Taxes not paid when due shall bear interest at the legal rate specified in AS 45.45.010(a). A lander shall submit copies of tax collection receipts in lieu of any tax that has been collected by a processor.

G. This tax constitutes a lien chargeable against the property owned by the lander or processor. The lien may be foreclosed by the City of Chignik in the same manner as any other lien against real or personal property.

H. A lander or processor who is subject to this ordinance shall make landing, purchase, processing, production or similar records, and any other records upon which a tax return was based available to the City for inspection during normal business hours.

I. In order to verify a return the City may conduct an audit and the treasurer, council or a committee or person appointed by the council may conduct an investigation or hearing regarding it.

J. If a certificate holder sells or transfers all or any part of a landing or processing business, the certificate holder shall report in writing the name and address of the transferee.

K. If a lander or processor fails to submit a return or submits a false return, the city treasurer may determine the tax due based on the evidence that is available. Upon notification from the city treasurer, the lander or processor shall pay the amount of tax so determined, plus penalties and interest. The due date for taxes determined in this manner is the date on which the return was due. The amount so determined by the city treasurer is presumed to be correct and the presumption may be overcome only by clear and convincing evidence.

4.12.060 Enforcement – Civil penalties

A. The failure to obtain a registration certificate prior to landing or processing fish in the City shall render a person liable to a civil penalty of three hundred dollars. Each day such violation continues thereafter shall subject the person to another three hundred dollar civil penalty.

B. The Failure to file a return or to pay or transmit taxes when due shall render a person liable to a civil penalty of ten percent of the amount of tax due or three hundred dollars, whichever is greater.

C. Intentional misrepresentation or falsification of a return shall subject the filer to a civil penalty of twice the amount of any tax due or three hundred dollars, whichever is greater.

D. Refusal to allow inspection of premises or records at reasonable times shall subject a person to a civil penalty of three hundred dollars per day that such refusal continues.

E. The superior court, upon request of the City, shall issue an injunction requiring compliance with this chapter.

4.12.070 Violations – Penalties

A. Unless determined to be unintentional, each of the following acts is declared to be a violation and unlawful:

1. Failure to register prior to landing or processing fish other than salmon in the City.
2. Failure to file when due any tax return required by this chapter.

3. Failure to pay or transmit to the City when due any tax levied by this chapter.
4. Falsification or intentional misrepresentation of any return required by this chapter;
and
5. Refusal to allow inspection of any premises, facilities, equipment, or records required to be made available for inspection by this chapter.

B. Each act is a separate violation punishable by a fine of up to three hundred dollars in addition to any civil penalty. Every act of violation and every day upon which such violation shall occur shall constitute a separate offense.

4.12.080 Extensions For good cause, the city treasurer or council may grant extensions on any time limit stated in this chapter, except no extension shall be granted for payment of taxes when due. An application for extension shall be filed with the city treasurer before the expiration of the stated time limit. No extension of more than thirty days shall be granted without council approval.

Chapter 4.13

LANDING TAX ON FISH AND SEA RESOURCES (Salmon)

Sections:

- 4.13.010 Definitions
- 4.13.020 Fish landing subject to tax
- 4.13.030 Tax levied.
- 4.13 .040 Refund, exemption
- 4.13.050 Obligation, collection, and administration
- 4.13.060 Enforcement, civil penalties
- 4 .13.070 Violations, penalties
- 4.13.080 Extensions

4.13.010 Definitions As used in this chapter, the following words and phrases shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words and phrases:

"Salmon" means any whole or part of any of the commercially harvested species of salmon.

"Gross landed value" means the ex-vessel value per unit at the first point of landing multiplied by the number of units, and shall include any bonuses, subsequent price adjustments, or other consideration for the fish, whether paid for or not during the period of the tax return.

"Processor" means a person that receives salmon fish within the city limits from a lander for processing, transshipment, sorting, packing, sale, resale or other commercial purpose.

4.13.020 Salmon landing subject to tax There is levied a tax on the landing of salmon, whether raw or processed, in whole or part, in the city limits of Chignik.

4.13.030 Tax levied The rate of tax levied by Section 4.13.02 is one percent of the gross landed value of all salmon landed within the boundaries of the City of Chignik.

4.13.040 Refund, Exemption

A. If the gross landed value of salmon landed by a lander does not equal or exceed \$10,000 within a calendar quarter, the lander shall, for that quarter, be entitled to a refund of taxes paid under this chapter; provided, however, the lander shall not receive a refund of taxes on income of more than \$20,000 in any period of twelve consecutive months. A person entitled to a refund shall apply in writing to the city treasurer. A claim for refund not presented within one year after

the date the taxes were due shall be forever barred. As used in this section, "quarter" shall be January through March, April through June, July through September, and October through December.

B. Salmon upon which the tax levied by this chapter has once been paid shall be exempt from further taxation under this chapter.

4.13.050 Obligation, collection and administration

A. Every lander landing salmon shall be liable for paying the tax.

B. The Processor receiving the salmon shall collect the tax from the lander and transmit the tax to the City of Chignik.

1. A processor who timely and correctly files a properly completed tax return along with the full payment of all taxes due under this chapter shall be entitled to retain five percent (5%) of the total tax transmitted to the city during the return period to defray administrative costs.

2. The taxes collected by the processor are funds of the city. The processor shall hold the collected tax in trust for the city in a segregated account until transmitted to the city. The processor shall be entitled to keep any interest accrued to the tax account if the payment is timely.

3. If the processor receiving the salmon fails to collect the tax from the lander or transmit the tax to the city, then that processor shall be jointly and severally liable with the lander for payment of the tax.

C. Every lander or processor subject to this chapter shall register with the City Treasurer of the City of Chignik prior to landing or processing any salmon in the city. The registration shall state the name, permanent and local addresses and phone numbers of the person or responsible individual (s) who shall personally guaranty the payment of the obligation(s). The city treasurer shall issue a certificate of registry which shall not be assignable or transferrable. A certificate of registry for a processor shall be specific to a location and not be transferrable to another location.

D. Landers and processors in the city, whether registered or not, consent to make their premises, facilities, equipment, and records available at all times for inspection to determine compliance with this chapter. Should there be any indications (such as a history of a principal or associate defaulting) that a certificate holder may default in the collection or payment of the tax, the treasurer may require proof of financial responsibility, including, but not limited to, certified financial statements, copies of income tax returns, and the posting of a deposit or bond for the estimated annual tax liability.

E. Every person subject to the registration requirements of this chapter shall submit a monthly tax return for every month in which any salmon landed or processed in the city. The return shall be received by the city treasurer within fifteen days after the end of the month. The person shall file a return for every month in which he lands or processes any fish, even if no tax is due. The return shall be signed and state under penalty of perjury that the return correctly states the amount of tax due. It shall state the month covered, gross landed value of the salmon, the taxes due, and such other information as may be required by the City of Chignik. Copies of all tax collection receipts given by a processor and received by a lander shall be filed with the return. The return shall be confidential. The filer shall retain a copy of each return and all records on which it was based for three years.

F. The tax is due when the return is due and the tax payment shall accompany the return. Taxes not paid when due shall bear interest at the legal rate specified in AS 45.45.010(a). A lander

shall submit copies of tax collection receipts in lieu of any tax that has been collected by a processor.

G. This tax constitutes a lien chargeable against the property owned by the lander or processor. The lien may be foreclosed by the city of Chignik in the same manner as any other lien against real or personal property.

H. A Lander or processor who is subject to this ordinance shall make landing, purchase, processing, production or similar records, and any other records upon which a tax return is based available to the city for inspection during normal business hours.

I. In order to verify a return, the city may conduct an audit and the treasurer, council, or a committee or person appointed by the council may conduct an investigation or hearing regarding the existence, extent, and accuracy of the return and associated records.

J. If a certificate holder sells or transfers all or any part of a landing or processing business, the certificate holder shall report in writing the name of the transferee.

K. If a lander processor fails to submit a return or submits a false return the city treasurer may determine the tax due based on available evidence. Upon notification from the city treasurer, the lander processor shall pay the amount of tax so determined, plus penalties and interest. The due date for taxes determined in this manner is the date on which the return was due. The amount so determined by the city treasurer is presumed to be correct and presumption may be overcome only by clear and convincing evidence.

4.13.060 Enforcement, civil penalties

A. The failure to obtain a registration certificate prior to landing processing salmon in the city shall render a person liable to a civil penalty of three hundred dollars. Each day such violation continues thereafter shall subject the person to another three hundred dollar civil penalty.

B. The failure to file a return or to pay or transmit taxes when due shall render a person liable to a civil penalty of ten percent of the amount of tax due or three hundred dollars, whichever is greater.

C. Intentional misrepresentation or falsification of a return shall subject the filer to a civil penalty of twice the amount of any tax due or three hundred dollars, whichever is greater.

D. Refusal to allow inspection of premises or records at reasonable times shall subject a person to a civil penalty of three hundred dollars per day that such refusal continues.

E. The superior court, upon request of the city, shall issue an injunction requiring compliance with this chapter.

4.13.070 Violations, penalties

A. Unless determined to be unintentional, the following acts are declared to be a violation and unlawful:

1. Failure to register prior to landing or processing salmon in the city;
2. Failure to file when due any tax return required by this chapter
3. Failure to pay or transmit to the city when due any tax levied by this chapter.
4. Falsification or intentional misrepresentation of any return required by this chapter; and
5. Refusal to allow inspection of any premises, facilities, equipment, or records to be made available for inspection by this chapter.

B. Each act is a separate violation punishable by a fine of up to three hundred dollars in addition to any civil penalty. Every act violation and every day upon which such violation shall occur shall constitute a separate offense.

4.13.080 Extensions For good cause, the city treasurer or council may grant extensions on any time limit stated in this chapter, except no extension shall be granted for payment of taxes when due. An application for extension shall be filed with the city treasurer before the expiration of the stated time limit. No extension of more than thirty days shall be granted without council approval.

**(Chapter added by Ordinance 95-01)*

Chapter 4.14

PROCESSING TAX ON FISH AND OTHER SEA RESOURCES (SALMON)

Sections

- 4.14.110 Definitions
- 4.14.115 Fish processing business tax levied
- 4.14.125 Regulations, forms, rulings
- 4.14.210 License required
- 4.14.215 Monthly return, tax payments
- 4.14.220 Under or overpayment of tax
- 4.14.225 Returns confidential and exceptions
- 4.14.230 Preservation and examination of books and records
- 4.14.310 Estimated taxes upon nonfiling of return or refusal to allow examination
- 4.14.315 Civil penalties
- 4.14.320 Delinquent tax lien
- 4.14.325 Enforcement
- 4.14.330 Appeals
- 4.14.335 Criminal violations & penalties
- 4.14.110 Definitions Unless the context requires a different meaning, as used in this chapter:

“Business” includes all activities engaged in with the object of gain, benefit or advantage to the taxpayer or to another person or class, directly or indirectly.

“Ex vessel value” means the value or revenue (whether in cash or other consideration) received by the fisherman for fisheries resources landed or unloaded from a commercial fishing vessel.

“Fisheries resources” has the same meaning as in 15 AAC 75.300.

“Mayor” means the mayor of the city or the person designated by the mayor to perform one or more of the functions of the mayor under this chapter.

“Person” has the same meaning as in Section 1.04.010 (I).

“Processing fisheries resources” means any activity that modifies or preserves the physical condition of a fisheries resource, including without limitation, butchering, freezing, salting, cooking, canning, dehydrating, smoking, decapitating, gutting, gilling, sliming, icing, or other activities performed in preparing fisheries resources for further processing, for subsequent sale, or to maintain the quality of the fresh resource, regardless of whether the processor owns the fisheries resources and regardless of whether the processor is the seller in a subsequent sale of the fisheries resources. Notwithstanding the foregoing, “processing fisheries resource” does not include decapitating shrimp and gutting, gilling, sliming, or icing a fisheries resource solely for the purpose of maintaining the quality of the fresh resource when done by a licensed commercial fisherman on the commercial fishing vessel that caught the fisheries resources.

“Taxpayer” means a person who is liable for the tax imposed under this chapter.

4.14.115 Fish processing business tax levied

A. A person engaged in the business of processing fisheries resources is liable for and shall pay the tax hereby levied on fisheries resources processed in the city during the year at the following rate:

1. One (1) percent of ex-vessel value if fisheries resources processed by the person.

B. The taxes levied in this chapter shall be additional to any other tax or license fee imposed or levied under any law or any other ordinance of the city except as herein otherwise expressly provided.

4.14.125 Regulations, forms, rulings

A. The mayor may take any action necessary or appropriate to implement this chapter by promulgating regulations, which may include the adoption of forms. Such regulations or any procedures adopted by the mayor are effective at the time indicated by him, but are subject to revision or repeal by the city council at the next meeting following their effective date or at any time that the council acts thereon.

B. If a taxpayer is in doubt as to the application of this chapter to an actual situation, the taxpayer may apply to the mayor for an informal ruling on this issue. Rulings having general application may, at the direction of the mayor, be promulgated as regulations.

4.14.210 License required

A. A person engaging or attempting to engage in a fish processing business in the city must first apply for and obtain a license. The license is good for the calendar year in which issued, and must be renewed on or before January 1 of each succeeding year.

B. An application for a license must be filed with the city clerk on a form prepared by the city and accompanied by an annual fee of \$25.00. A separate annual fee is required for each

processing plant or location specified in the application. The application must contain the name of the applicant, the place(s) of business, and other facts the mayor prescribes. The application must include the statement that the applicant will make a return and pay the tax at the time provided by law. Upon receipt of the application in proper form, accompanied by the annual fee, the city clerk will issue the license.

4.14.215 Monthly return, tax payments

A. Each person liable for payment of the tax must file a monthly return with the city on forms provided by the city. The return must contain an account by species and weight of all fisheries resources acquired for processing during the month, the amount of tax due, and such other information as the mayor prescribes by regulation. The return is due on or before the fifteenth day of the month that the tax is due.

B. The mayor is authorized, but not required to mail to taxpayers forms for returns, but failure of the taxpayer to receive any such forms shall not excuse the taxpayer from filing returns and making payments of the taxes or other amounts, when and as due under this chapter.

C. The tax imposed by this chapter must be paid monthly on or before the due date for filing the monthly return. Tax not paid when due will bear interest from the due date until paid at the interest rate specified in AS 45.45.010(a).

D. Taxes and other amounts payable under this chapter must be paid to the city by bank draft, certified check, cashier's check, personal check or money order, or in cash. If payment is made by draft or check, the tax or other amounts will not be deemed paid unless the check or draft is honored in the usual course of business; nor will the acceptance of any sum by the city be an acquittal or discharge of the tax or amount due unless the amount of the payment is in the full and actual amount due.

E. Whenever payment of any tax or other amount imposed by this chapter is made by check which is returned for lack of sufficient funds or for any other reason, any tax or other amount paid by that check is not deemed paid until payment with good funds is made to the city of the original amount due, plus interest and an additional returned check fee of twenty dollars, by certified check money order, or in cash. Additional penalties as provided in this chapter will apply.

4.14.220 Under or over payment of tax

A. Assessments or demands for any additional tax, fee, penalty, or interest shall be made by the mayor within three years after the close of the month in which the same accrued, with the following exceptions:

1. Assessments or demands for any additional tax, fee, penalty or interest due as a result of failure file a tax return as required by this chapter may be made by the mayor against the taxpayer within six years after the close of the month in which the same accrued;

2. An assessment may be made by the mayor against a taxpayer who has committed fraud within six years after the fraud is discovered;
3. An assessment may be made by the mayor against a taxpayer who misrepresented a material fact within six years after the misrepresentation is discovered;
4. If, within such three year period, the mayor has given written notice to a taxpayer that the mayor has begun an audit, examination, or other investigation of the taxpayer or its records, then the time for making an assessment or demand shall be extended by six months; or
5. Where a taxpayer has executed a written waiver of such limitation

B. If, after receipt of a written application for a refund within the time period specified within this subsection, the mayor determines upon an audit of a taxpayer's records or an examination of a taxpayer's returns or records that the taxpayer has paid any amount of tax, penalty, or interest in excess of the amount due for the period identified in the refund application, that amount shall, at the taxpayer's option, be either credited to the taxpayer's account or refunded to the taxpayer. No refund or credit may be allowed for taxes, penalties, or interest accrued more than three years prior to the beginning of the calendar month in which the written refund application is made.

C. The denial of a refund may be appealed as set forth in Section 14.330.

D. No interest shall be allowed on any refund granted under this chapter.

E. The mayor may enter into a written agreement, subject to city council approval, with any person relating to the liability of such person in respect of any tax, penalty, interest, fee, or assessment imposed by this chapter in settlement of a genuine and substantial dispute as to the taxpayer's liability for any taxable period or period for which the time for filing a written application for refund has not expired under subsection (B) of this section. Such an agreement will not bind the city unless approved by the city council.

F. Notwithstanding any other provisions of this section, no application for refund may be filed for taxes, penalties, or other amounts paid in relation to an estimated return made by the mayor under section 4.14.310, and any attempted application for a refund of such amounts must be denied. A taxpayer's sole remedy with respect to such payments is an appeal to the superior court from the mayor's ruling on a petition for reconsideration as provided in section 4.14.310.

4.14.225 Returns confidential and exceptions

A. A tax return made pursuant to this chapter and the facts and information disclosed in any examination of books and records of a taxpayer are not matters of public record and must be kept confidential, except:

1. as necessary in connection with official investigations or proceedings, whether judicial or administrative, involving taxes, penalties, or other amounts due under this chapter; or
2. pursuant to subpoena or court order; or
3. with the consent of the taxpayer; or
4. as otherwise provided in this section.

B. The mayor may permit the proper officer of the United States or of a state, territory, or possession of the United States, or of a municipality of the state of Alaska, or such officer's authorized representative, to inspect the tax returns, reports or other information, if the other jurisdiction grants substantially similar privileges to the city of its representative or to counsel for the city, and if the mayor determines that the other jurisdiction provides adequate safeguards for the confidentiality of the returns and information, and the returns and information will be used for tax or law enforcement purposes only.

C. Nothing in this section shall prohibit the city or any officer or employee of the city from:

1. giving such facts or information in evidence in any court action involving the taxes of other amounts imposed by this chapter or a violation of the provisions hereof or involving another municipality or a department of the state and the taxpayer; or
2. giving such facts and information to the taxpayer or his or her duly authorized agent; or
3. publishing the amount of taxes collected from each taxpayer under this chapter; or
4. publishing other statistics presented in a manner that prevents the identification of individual returns or reports of items thereon; or
5. publishing delinquent lists showing the names of taxpayers who have failed to pay their taxes at the time and in the manner provided by law, together with other relevant information that in the opinion of the mayor may assist in the collection of delinquent taxes.

4.14.230 Prevention and examination of books and records, investigations

A. A person liable for payment of taxes under this chapter must preserve for not less than five years all books and records pertaining to acquisition and processing of fisheries resources in the city from which can be determined the amount of the tax due under this chapter, including, but not limited to, records of fish tickets and receipts given upon acquisition of fisheries resources. Such books and records must be made available for examination by the mayor at all reasonable times.

B. If any such person does not keep the necessary books and records within the city for examination, it will be sufficient if such person produces within the city such books and records as may be required by the mayor, or bears the cost of examination by the mayor at the place where such books and records are kept; provided that the person electing to bear such cost shall pay in advance to the city the estimated amount thereof including round-trip transportation fares, lodging, meals and incidental expenses, subject to adjustment upon completion of the examination.

C. In addition, or as an alternative, to examining the books and records of a taxpayer, the mayor may hold hearings and conduct investigations to determine the accuracy of a person's returns and payments of the tax. The mayor may subpoena witnesses to attend and require that testimony be given under oath or affirmation.

4.14.310 Estimated taxes upon nonfiling of return or refusal to allow examination

A. If any taxpayer neglects or refuses to file a complete and accurate return as and when required by this chapter, or refuses to provide or make available books and records for examination as directed by the mayor, then the mayor may, based upon such information as may be available or obtained as the result of an investigation, determine and assess an estimated amount of taxes due for the applicable period or periods. Such assessment shall be deemed prima facie correct and shall be the amount of tax owing the city by the taxpayer.

B. The mayor will promptly notify the taxpayer of the amount of tax so determined and assessed, together with any penalty and interest due. The total of such amounts shall be immediately due and payable. Interest will be computed from the original due date of the taxes assessed. The notice must be served personally or by registered or certified mail at the address of the taxpayer as shown on the current or most recent license.

C. The mayor's determination and assessment will become binding, final and unappealable thirty days from the date of personal service or the date of mailing of the notice; provided, however, that within such thirty day period the tax payer may petition the mayor for a reconsideration of the assessment. Such petition must be in writing, must include the facts, supporting documentation, and accurate figures showing the correct amount of tax, and must be submitted under oath or affirmation. The mayor may conduct hearings, require the person to provide additional information, examine books and records, and otherwise conduct an investigation as necessary for the mayor's consideration of the petition. Failure to timely file the petition for reconsideration authorized by this subsection will be a waiver of the right of appeal to superior court from the mayor's determination and assessment.

D. The taxpayer bears the burden of proof and persuasion. In ruling upon a petition for reconsideration, the mayor may modify the estimated return in accordance with findings based upon the evidence. The mayor's final ruling of the petition and estimated return, as may be modified by the mayor, will be considered the final and binding return and an order of the city,

which may be appealed to superior court within thirty days after the mayor's final ruling is mailed or delivered to the taxpayer.

4.14.315 Civil penalties

A. The mayor will assess a civil penalty against a person who, after reasonable notice and opportunity to be heard, is found by the mayor to:

1. keep false or fraudulent records of the acquisition or processing of fisheries resources subject to the tax imposed by this chapter.
2. provide fraudulent or knowingly provide false information on a license application, tax return, or other form or report required by this chapter or by any regulation adopted under this chapter.
3. fail to preserve books or records as required by this chapter.
4. fail to file a tax return as required by this chapter.
5. refuse to allow the examination of books and records as required by this chapter.
6. knowingly obstruct an investigation conducted under this chapter.
7. process fisheries resources in the city without have a current license as required by this chapter.
8. file a tax return after the due date.
9. fail to pay the full amount of the tax by the due date.
10. repeatedly file incomplete, incorrect, or inaccurate returns.
11. violate any other provision of this chapter or any regulation adopted to implement this chapter.

B. The civil penalty imposed for a violation of subsection (A) will be as follows

1. for a violation of subsections (A) (1) through (6), \$100 for the first violation, \$200 for a second violation of this chapter within five years, \$400 for a third violation of this chapter within five years of the second, and \$1,000 for a fourth or subsequent violation of this chapter within five years of the last previous violation.
2. for a violation of subsections (A) (7) through (11), \$50 for the first violation, \$100 for a second violation of this chapter within five years, \$200 for a third violation of this chapter within five years of the second, \$400 for a fourth violation of this chapter within five years of the third, and \$1,000 for a fifth or subsequent violation of this chapter within five years of the last previous violation.

4.14.320 Delinquent tax lien Any tax or other amount due and unpaid and delinquent under this chapter, and all penalties and interest thereon, shall be a lien against all assets, real or personal, owned by the taxpayer. Public notice of such lien may be recorded in the office of the recorder in any district in which the taxpayer owns such assets.

4.14.325 Enforcement

A. Any tax or other amount due and unpaid under this chapter, and all interest and penalties, thereon, shall constitute a debt to city and may be collected by court proceedings in the same manner as any other debt, which remedy shall be in addition to all criminal and civil penalties.

B. In addition, the city may bring action to obtain any other available relief, including, without limitation, injunctive relief under Section 1.15.025 and lien foreclosure.

4.14.330 Appeals

A. A taxpayer aggrieved by the amount of the tax, fee, interest, or penalty assessed by the mayor under the provisions of this chapter may appeal the mayor's final decision only as provided in this section. An aggrieved taxpayer may appeal a mayor's final ruling under section 5.40.310 only if the taxpayer has exhausted the administrative remedies set forth in that section.

B. A person aggrieved by the denial of a refund by the mayor under the provisions of this chapter may appeal the mayor's final decision as provided in this section.

C. An appealable final decision may be appealed to the superior court by filing a notice of appeal in accordance with the applicable rules of court governing appeals to that court in civil matters. The notice of appeal must be filed within 30 days from the date that the final decision was delivered or mailed to the taxpayer

4.14.335 Criminal violations; penalties

A. It is a violation of this chapter to

1. keep false or fraudulent records of the acquisition or processing of fisheries resources subject to the tax imposed by this chapter.

2. provide fraudulent or knowingly provide false information on a license application, tax return, or other form or report required by this chapter or by any regulation adopted under this chapter.

3. fail to preserve books or records as required by this chapter.

4. fail to timely file a tax return as required by this chapter.

5. process fisheries resources in the city without having a current license as required by this chapter.

6. knowingly assist or cooperate with another in keeping false records or in making or filing a false or fraudulent return, license application, or other form required by this chapter or by regulations adopted under this chapter.

7. refuse to allow the examination of books and records as required by this chapter.

8. knowingly obstruct an investigation conducted under this chapter.

9. violate any other provisions of this chapter or any regulation adopted to implement this chapter.

B. A person who violates a provision of this chapter commits a violation and, upon conviction, is punishable by a fine of up to five hundred dollars in addition to any civil penalties that may be assessed.

**(Chapter added by Ordinance 03-03)*

Title 5
PORT FACILITIES

Chapters:

- 5.05 General Provisions
- 5.10 Administration and Regulation of Harbor Activities
- 5.15 Fees for Use of Harbor Facilities and Services

**(Title 5 established by Ordinance 11-04)*

Chapter 5.05

General Provisions

Sections:

5.05.110	Title
5.05.115	Purpose
5.05.120	Intent
5.05.125	State regulations adopted
5.05.130	Boat Harbor Facilities
5.05.135	Boats
5.05.140	Boat owners
5.05.145	Derelict
5.05.150	Harbormaster
5.05.155	Loading areas
5.05.160	Mooring facilities reservation fee
5.05.165	Mooring facilities use fee
5.05.170	Open mooring space
5.05.175	Reserved mooring space

5.05.110 Title This chapter shall constitute the “Chignik Harbor Facilities Code” of the City of Chignik, Alaska, and may be cited as such.

5.05.115 Purpose The purpose of this chapter is to protect and preserve the lives, health, safety, and well-being of the people of the city who have property in, or use or work upon the boats using the city’s boat harbor facilities, or who make sales and deliveries of goods and merchandise to boats therein, or who use these facilities in the course of visits for commercial or pleasure purposes; to protect the property of such boat owners by regulating the harbor and its facilities of nuisances, fire, and health hazards; to make reasonable charges for the use of certain facilities to enable the city, insofar as possible, to pay the cost of maintenance, operation and supervision of the city’s boat harbor facilities from the revenue derived therefrom; to further all

provisions of this title as being liberally construed for the accomplishment of the purpose of promoting the general welfare; and to operate upon a nonprofit basis boat harbor facilities.

5.05.120 Intent It is the intent of this chapter to favor the use of the facilities of the boat harbor by commercial fishermen, government boats, commercial boats in trade and commerce, and pleasure boats, and by the general public at large. It is further the intent of this chapter to prevent and discourage the use of facilities of the boat harbor by boats which have been abandoned by their owners to the point of becoming derelicts, or becoming a charge and nuisance.

5.05.125 State regulations adopted To the extent that they are not inconsistent with any provisions of this chapter, the regulations contained in the Alaska Administrative Code, Title 14, Chapter 30, “Water and Harbors,” pertaining to the operation of harbors and harbor facilities, are adopted by reference and made a part of this chapter.

5.05.130 Boat harbor facilities “Boat harbor facilities” includes mooring devices, including but not limited to floats, fingers and stalls, grid irons, and other appurtenances located in the small boat harbors, land storage areas, and loading areas under the jurisdiction of the City of Chignik for the health, safety or convenience of the public.

5.05.135 Boats “Boats” means watercraft of every kind and description, including but not limited to vessels, ships and skiffs. Aircraft, while on the water or in the air, shall not be covered by this chapter and may not be permitted in that area commonly known as Chignik Harbor.

5.05.140 Boat owners “Boat owner” means the actual or registered owner, master, managing agent, person in navigational control of, or other person responsible for the operation of the boat.

5.05.145 Derelict “Derelict” means any boat moored or otherwise located in the boundaries of the boat harbor facilities which is forsaken, abandoned, deserted or cast away or which by appearance gives evidence of being forsaken, abandoned, deserted, or cast away, or which is unsound, unseaworthy, and unfit for its trade or occupation, and which by any substantial evidence of neglect may be considered abandoned.

5.05.150 Harbormaster “Harbormaster” means the duly appointed harbormaster and the assistant harbormasters of the City of Chignik, Alaska.

5.05.155 Loading areas All of the approaches and designated areas of any float, when suitably posted and marked, are to be used only by the general public, without charge, for the purpose of loading and unloading of supplies, equipment and stores.

5.05.160 Mooring facilities reservation fee “Mooring facilities reservation fee” is that fee which is charged to the boat owner, in consideration for being granted a reserved mooring space in the boat harbor facilities.

5.05.165 Mooring facilities use fee “Mooring facilities use fee” is that fee which is charged to the boat owner for the use of an open mooring space in the boat harbor facilities or a vacant reserved mooring space for periods in excess of 24 consecutive hours after the boat owner has secured permission to use said reserved mooring space from the harbormaster and has paid a mooring facilities use fee.

5.05.170 Open mooring space “Open mooring space” means mooring space which has not be set aside and posted as a reserved mooring space and which is available on a “first come, first served” basis. An open mooring space is usually used for temporary or short-term mooring.

5.05.175 Reserved mooring space “Reserved mooring space” means mooring space which has been set aside and posted for long-term mooring with the prior knowledge and approval of the harbormaster and after the payment of the appropriate fee.

Chapter 5.10

Administration and Regulation of Harbor Activities

Sections:

- 5.10.210 Harbormaster
- 5.10.215 Registration
- 5.10.220 Use of mooring facilities
- 5.10.225 Use of open mooring facilities
- 5.10.230 Use of reserved mooring facilities
- 5.10.235 Assignment of mooring facilities
- 5.10.240 Refusal of mooring facilities
- 5.10.245 Loading areas
- 5.10.250 Boat haul-out area
- 5.10.255 Use of boat haul-out area
- 5.10.260 Cleanup of boat haul-out area
- 5.10.265 Sanitation and safeguarding
- 5.10.270 Reckless operations
- 5.10.275 Negligent operations
- 5.10.280 Unlawful acts
- 5.10.285 Vehicles
- 5.10.290 Reporting violations

5.10.210 Harbormaster

A. There is created the position of harbormaster for the city, who, under the direction of the Mayor shall supervise Chignik boat harbor facilities. The harbormaster shall be appointed, paid, removed, and succeeded in office as other appointed positions of the city.

B. The harbormaster shall enforce all of the provisions of this title and any rules and regulations duly adopted hereunder.

C. In connection with official duties, the harbormaster shall have the authority to board any boat within the boat harbor facilities.

D. The harbormaster may, under the direction of the mayor, post signs and notices that will inform the public at large and all boat owners of authorized and prohibited uses of the boat harbor facilities.

5.10.215 Registration

A. Every boat owner using the boat harbor facilities is required to register his name, telephone number, post office, street address, the name and number to the boat, its length, its breadth, and registered tonnage, if any, with the harbormaster on forms to be provided by him for that purpose within 24 hours after such boat enters or utilizes the boat harbor facilities.

B. Any boat not required to be numbered under the U.S. Coast Guard regulations and using the boat harbor facilities shall be registered with the harbormaster.

5.10.220 Use of mooring facilities All the mooring spaces in the boat harbor facilities can be classified as either open mooring or reserved mooring. The use of either classification of mooring facilities is contingent upon the payment of the appropriate fee as set forth in this chapter.

5.10.225 Use of open mooring facilities

A. Areas designated for open mooring shall be open to all members of the public. Such areas shall be used primarily for temporary mooring. Open mooring spaces shall be utilized on a “first come, first served” basis. No boats from other communities will be provided free open moorage per any kind of formal or informal reciprocal arrangement that may have been previously in effect.

B. No boat or boat owner shall have any exclusive right to open mooring space. Should any boat mooring at open mooring leave such space for any purpose, it shall have no exclusive right to return to the same space if, upon return, it is found that the space is occupied by another boat.

5.10.230 Use of reserved mooring facilities

A. Every boat owner desiring to guarantee the availability of a mooring space by reserving a mooring space or to moor temporarily at any vacant reserved stall or numbered mooring space shall apply therefore to the harbormaster. No such stall or space shall be used until so reserved or assigned and the appropriate fee therefore is paid in advance.

B. Possession of a reservation for a specific mooring space does not imply nor guarantee to the holder any right to the exclusive use of such space for the duration of reservation agreement.

Possession of a reservation is a guarantee that the reserved space shall be available for the use of the holder of the reservation during those periods when the subject boat is within the boat harbor facilities. The harbormaster may temporarily assign another boat to a reserved mooring space as he determines it expedient and only when the boat assigned to a reserved mooring space is away from the harbor area.

C. In an event that a holder of a mooring space reservation returns to the boat harbor facilities and finds his reserved mooring space occupied, the holder shall contact the harbormaster. The harbormaster shall cause the boat temporarily assigned to the reserved mooring space to be moved to another location.

D. The harbormaster shall inform users of the absent holder's reserved mooring space that said use shall continue only for the duration of the holder's boat's absence and that the harbormaster is authorized to move the temporarily assigned boat to another location upon return of the holder's boat. The user shall, if possible, inform the harbormaster as to where user can be contacted.

E. A boat owner who possesses a reservation for a mooring space shall not sublease or in any other manner permit the use of such mooring space to any other boat owner except as provided in this section.

F. The boat owner temporarily assigned to a reserved mooring space shall not use the utilities which may have been provided to that space for the exclusive use of the boat owner holding a reservation on that space.

G. Nothing in this section limits the harbormaster's authority to use the holder's reserved space during the absence of the holder's boat and to move moored boats to other locations in the event of fire or other emergency requiring such action.

H. No property rights are created by this section. The holder shall have only a license to use the space reserved to him as provided in this chapter.

5.10.235 Assignment of mooring facilities

A. A harbormaster shall, under the direction of the Mayor, supervise and manage all mooring spaces in the boat harbor facilities.

B. The harbormaster may, from time to time, in the interests of safety, order, or convenience and health, require the boat owner to change from one mooring space to another. When changes from one mooring space of the boat to another are made at the direction of the city, any charges for changes of utility service incurred because of that move shall be the responsibility of the city.

5.10.240 Refusal of moorage facilities

A. The harbormaster may refuse mooring facilities to aircraft, boathouses, floats, scows, rafts, pile drivers, and other cumbersome floating structures, to any boat, vessel or floating structures,

which is or may become or create a fire hazard or otherwise become a menace or nuisance to the safety and welfare of other boats and their occupants.

B. Vessels unable to get underway on their own power and derelict vessels are prohibited from using harbor facilities unless another vessel capable of tending to the stricken vessel is chartered to stand by and render assistance if necessary.

5.10.245 Loading areas No boats shall remain moored in such designated areas for any period longer than is posted. No boat shall remain moored at the dock (i.e., which provides access to the floats) for longer than four hours unless permission is granted by the harbormaster.

5.10.250 Boat haul-out area

A. The area generally described as the boat haul-out area and ramp.

1. Operating on the boat haul-out ramp and area
2. An area for temporary storage/boat repair.

B. A person wishing to utilize the boat haul-out and repair area may do so only in accordance with this direction of the harbormaster or his designee.

5.10.255 Use of the boat haul-out area

A. Use of the boat haul-out and repair area will be coordinated through the harbormaster or his designee. Space in the haul-out area will be available on a first come basis.

B. When utilizing the boat haul-out area for temporary repairs, a grace period of one week (seven days) after haul-out will be allowed. The grace period will be extended if a vessel is kept in the haul-out area for circumstances occur and whether to allow for the extension.

5.10.260 Cleanup of boat haul-out area Any person using the city boat haul-out area shall be responsible for adequate cleanup following repair work and removal of his vessel. Failure to perform such cleanup in a satisfactory manner is a violation punishable by a civil fine of not more than fifty dollars (\$50.00). In addition, the violator will be liable for any damage to vehicles, person, or other harm caused by his failure to adequately clean up following his use of the haul-out area.

5.10.265 Sanitation and safeguarding Every boat owner using the harbor facilities is requested to use due diligence in performing the following requirements.

1. Use all reasonable precautions in keeping the boat in his charge in a reasonably clean and sanitary condition with special attention to pure water and sanitary toilets;
2. Use all reasonable precautions in keeping the boat in his charge free from fire hazards of any type or nature;
3. Use all reasonable effort and precautions in keeping the boat in his charge well-secured, securely moored with lines in reasonable fit condition, sufficiently pumped out at all times to keep the boat afloat, and to otherwise attend the needs of the boat;
4. Use adequate precautions to lock up and stow and otherwise safeguard all movable gear and tackle;

5. Supply and use adequate fenders to safeguard floats and vessels from chafing and other damages.

5.10.270 Reckless operations It is unlawful for any boat owner using the boat harbor to operate or cause to be operated a boat in a reckless manner. For the purpose of this section “to operate in a reckless manner” means to operate a boat in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection, or at a speed or in a manner as to endanger or to be likely to endanger a person or property, or that which creates substantial and unjustifiable risk of harm to person or property. A substantial and unjustifiable risk is a risk of such a nature and degree that the conscious disregard of it or a failure to perceive it constitutes a gross deviation from the standard of conduct that constitutes a gross deviation from the standard of conduct that a reasonable person would observe in a situation.

5.10.275 Negligent operations It is unlawful for any boat owner to operate or cause to operate a boat in a negligent manner. For the purpose of this section “to operate in a negligent manner” means the operation of a boat in such a manner as to create an unjustifiable risk of harm to a person or to property and who, as a result of the creation of risk, actually endangers a person or property. An unjustifiable risk is a risk of such a nature and degree that a failure to avoid it constitutes a deviation from the standard of care that a reasonable person would observe in the situation. Proof that a defendant actually endangered a person or property is established by showing that, as a result of the defendant’s operations:

1. an accident occurred;
2. a person, including the defendant, took evasive action to avoid an accident;
3. a person, including the defendant, stopped or slowed down suddenly to avoid an accident;
4. a person or property, including the defendant or his property was otherwise endangered.

Chapter 5.15

Fees for Use of Harbor Facilities and Services

Sections:

- 5.15.310 Chignik boat harbor facility fund
- 5.15.315 Boat length/width
- 5.15.320 Mooring facilities reservation fee
- 5.15.325 Mooring facilities use fee
- 5.15.330 Harbormaster service fees
- 5.15.335 Warehouse locker use fees
- 5.15.340 Payments

5.15.310 Chignik Port Facilities Fund All mooring, storage, and other fees collected by the City from users of the Boat Harbor Facilities shall be deposited in the Chignik Port facilities fund. Monies in this fund shall be applied first to the costs of operation, maintenance, and supervision of the Boat Harbor Facilities as the Council may from time to time authorize. When advances are made by the City Council to the fund from the City general fund, the Chignik Port facilities fund shall reimburse the general fund from the City general fund; the Chignik Port Facilities Fund shall reimburse the general fund upon approval of the council.

5.15.320 Negotiable Rates The fees set forth in this Chapter shall be paid by all Boat Harbor Facility users unless the user has entered into a negotiated agreement for the use of specific Boat Harbor Facilities at rates different from those set forth herein and approved by the City Council.

5.15.325 Mooring Fees

(a) The owner of a Boat assigned to a reserved mooring space shall pay the following Annual Mooring Space Reservation Fee:

Reserved Moorage Space Fees

Boat Length or Mooring Space Length (Whichever is greater)	Annual Rate (July 1 through June 30)
56 feet and under	\$23 per foot in length
57 feet to 70 feet	\$25 per foot in length
71 feet to 90 feet	\$27 per foot of length
91 feet to 105 feet	\$29 per foot of length
106 to 150 feet	Length x Width x \$1.50

Boat Owners may deposit one year’s annual reserved mooring reservation fee with the City of Chignik’s Finance Department and thereafter may prorate the annual fee by month. Otherwise, the Annual Mooring Space Reservation Fee is due when the Boat is assigned to the reserved mooring space.

(b) Transient Boat Owners using a mooring space (or spaces) on a daily or seasonal basis shall pay Moorage Facilities Use Fees as follow:

Transient Moorage Fees

Vessel Length or Mooring Space Length (Whichever is greater)	Daily Rate (24hrs or any fraction thereof)	Seasonal Rate (4 Consecutive Mos)*
Under 20 feet	\$11	\$307*
21 feet to 31 feet	\$15	\$438*
32 feet to 46 feet	\$23	\$657*
47 feet to 60 feet	\$30	\$875*
61 feet to 75 feet	\$38	\$1094*
76 feet to 90 feet	\$45	length x width x \$1.90 x .33
91 feet to 105 feet	\$60	length x width x \$1.90 x .33
106 feet to 125 feet	\$75	length x width x \$1.90 x .33
126 feet to 150 feet	\$90	length x width x \$1.90 x .33
151 feet and over	\$105	length x width x \$1.90 x .33

Any Boat temporarily moored in a reserved mooring space shall pay the Daily Transient Moorage Fee.

(c) Any vessel with a permanent stall that moors in any other stall shall be assessed a daily fee of \$50.00.*

** (Rates changed and section (c) added by Ordinance 13-02)*

Title 6

CITY PROPERTY

Chapters:

- 6.04 Acquisition of Real Property by the City
- 6.08 Eminent Domain and Adverse Possession
- 6.12 Sale of Real Property by the City
- 6.16 Lease of City Land
- 6.20 Disposition of City-owned Personal Property

Chapter 6.04

ACQUISITION OF REAL PROPERTY BY THE CITY

Sections:

6.04.010 Real property defined

6.04.020 Generally

6.04.030 Procedures

6.04.040 Ownership

6.04.050 General authority of city

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

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

6.04.030 Procedures

A. The city may acquire, own, and hold real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful means of conveyance or grant. Real property shall be held in the name of the city.

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

C. Upon a specific resolution of the council, the mayor may act on its behalf in the acquisition of real property or interest in real property when that property to be acquired is for a valuable consideration or as part of a program of grants under which the city may receive only a limited amount of acreage. The resolution shall set forth terms, conditions, and manner of acquisition.

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

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

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

6.04.040 Ownership

A. The city may acquire and hold real property as sole owner or as tenant in common or other lawful tenancy, with any person or governmental body for any public purpose. The city may hold real property in trust for any public purposes.

B. The council may approve and authorize the purchase of real property by contract of sale, deed of trust, or mortgage.

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

Chapter 6.08

EMINENT DOMAIN AND ADVERSE POSSESSION

Sections:

6.08.010 Eminent domain

6.08.020 Procedures

6.08.030 Adverse possession

6.08.010 Eminent domain The city may exercise the powers of eminent domain and declaration of taking in the performance of an authorized power or function of the city in accordance with AS 09.55.250 through 09.55.460.

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

6.080.030 Adverse possession The city cannot be divested of title to real property by adverse possession.

Chapter 6.12

SALE OF REAL PROPERTY BY THE CITY

Sections:

- 6.12.010 Methods generally
- 6.12.020 Procedure generally
- 6.12.030 Authority
- 6.12.040 Exchange of property
- 6.12.050 Grants for federal and state programs
- 6.12.060 New industry
- 6.12.070 Change of use
- 6.12.080 Utility properties
- 6.12.090 Release of easements
- 6.12.100 Sale procedure--Generally
- 6.12.110 Sale procedure--Land valued under twenty-five thousand dollars
- 6.12.120 Sale procedure--Land valued at twenty-five thousand dollars or more
- 6.12.130 Preference rights
- 6.12.140 Future interests--After-acquired title
- 6.12.150 Minimum acceptable offer
- 6.12.160 Minimum acceptable offer--Exceptions
- 6.12.170 Conditions of sale
- 6.12.180 Council action
- 6.12.190 Purchase agreement
- 6.12.200 Broker
- 6.12.210 Easement and right-of-way reservation
- 6.12.220 Promulgation of regulations

- 6.12.230 Tax-foreclosed land
- 6.12.240 Public use
- 6.12 .250 Termination of repurchase right
- 6.12.260 Repurchase by former record owners

6.12.010 Methods generally The city may sell, convey, exchange, transfer, donate, dedicate, direct, or assign to use, or otherwise dispose of city-owned real property by any lawful means or conveyance.

6.12.020 Procedure generally

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

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

6.12.030 Authority

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

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

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

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

6.12.060 New industry

A. The city may sell, lease, or dispose of sites acquired for new industries benefitting the city, upon the terms and conditions as the council considers advantageous to the city, to a person who agrees to install, maintain, and operate a beneficial new industry.

B. The requirements of AS 29.48.260(c) must be followed in any action by the city relating to beneficial new industries.

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

6.12.080 Utility properties The city may sell, convey, or otherwise dispose of real property no longer used or useful in the operation of a city-owned utility. Real property no longer needed for the purpose for which the real property was acquired or purchased, or utility property no longer used or useful in the operation of the city-owned utility, is no longer property owned, held for or devoted to public use, and thus may be sold or disposed of as provided in this title if the council determines the real property is not useful to the city for any other purpose.

6.12.090 Release of easements The mayor may at anytime, subject to the provisions of Sections 6.12.110 and 6.12.120 of this chapter, convey, quitclaim, release, cancel, or otherwise relinquish any real property easement, right-of-way, permit, or license the city may have or hold for the purpose of installing, constructing, or maintaining public improvement, whenever the interest is no longer used or useful for that purpose.

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

6.12.110 Sale procedure--Land valued under twenty-five thousand dollars Real property of the city valued under twenty-five thousand dollars, except as provided otherwise in this chapter, and except land acquired by tax foreclosure, shall be sold or otherwise permanently disposed of as provided in this section:

A. An estimated value of the property shall be made by a qualified appraiser or the assessor.

B. The parcels of land to be sold shall be reviewed by the mayor, including protected need, if any, of the land for present or future recreational or other public use.

C. After review, the mayor may, if in his or her opinion it is in the best interests of the city to do so, recommend to the council that such parcels of land be sold. Such recommendation shall set out the development of the property, if the mayor determines such a plan to be necessary; the estimated value of the property as made by the assessor or a qualified appraiser; and the recommended terms and conditions of the sale.

D. After receiving the recommendations, the council may, by resolution, direct the sale or lease of such lands under such terms and conditions as it requires.

E. Notice shall be posted in at least three public places within the city for at least thirty days prior to the disposal.

F. Notice may also be given by other means considered reasonable by the mayor or council.

G. The notice must contain a brief description of the land, its area and general location, proposed use, term, computed annual minimum rental or minimum offer, limitations, if any, and time and place set for the auction or bid opening, if applicable.

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

6.12.120 Sale procedure- Land valued at twenty-five thousand dollars or more Sale or other permanent disposition of land valued at twenty-five thousand dollars or more shall be in the manner prescribed in Section 6.12.110 of this chapter with two exceptions provided in this section:

A. Council action under subsection H of Section 6.12.110, shall be by ordinance instead of by resolution.

B. No disposition of land valued at twenty-five thousand dollars and over shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted. Thirty days' notice shall be given of the election and during that period the council shall have published at least once a week in a newspaper of general circulation distributed in the city 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 of passage of the ordinance. Notice shall also be given by posting a copy of the notice in at least three public places in the city at least thirty days before the election. If no newspaper of general circulation is distributed within the city, the notice given by posting is sufficient for the purposes of this subsection.

6.12.130 Preference rights Upon recommendation of any council member, the council may authorize the granting of preference rights for exercise at any specific sale. A preference right, if authorized, shall entitle the bonafide occupant of a sale parcel, as of the effective date of the ordinance codified in this title, to purchase the parcel by meeting the appraised value for the parcel. For any specific sale, the council may prescribe additional terms and conditions regarding the exercise of preference rights.

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

6.12.150 Minimum acceptable offer The minimum acceptable offer for any land sold or leased under the provisions of Sections 6.12.110 and 6.12.120 of this chapter shall be the appraised value determined under subsection A of Section 6.12.110 of this chapter. If there are no acceptable offers, the mayor may negotiate for the sale or lease of the land, but the council must, by resolution, approve the terms and price of any such negotiated sale or lease before such sale or lease shall be binding upon the city.

6.12.160 Minimum acceptable offer – Exceptions

A. Exceptions to the requirement for a minimum acceptable offer of market value may be made as provided in this section:

1. The council finds that a particular disposition will be in the public interest, as public interest is defined in subsection B of this section;
2. The real property was acquired under a tax foreclosure, in which case the council, by resolution may reduce the minimum acceptable offer to an amount not less than the sum of all back taxes, penalties, and interest due or which would have been due if the property had remained in private ownership up to the date of the sale, plus all costs of foreclosure, sale, and development incurred by the city.

B. "Public interest" for the purposes of subsection A of this section shall include a public or quasi public purpose and use and shall also include exchanges of property to facilitate the solution of problems involving the boundary lines of public property. Public interest shall not include a purpose to return property to private ownership, or to return property to the tax rolls, or to make property available for a desirable private enterprise or development, or other similar purposes.

C. Upon a council determination of a public interest, a negotiated bid may be accepted by the council by resolution in place of public bidding.

6.12.170 Conditions of sales

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

B. The mayor shall prescribe the form of purchase agreement. The council shall approve all public sales of real property and shall approve any purchase agreement prior to its execution by the city. The approval of any public sale by the council authorizes the mayor to take all steps and execute all instruments to complete and close the sale. The moneys received by the city. A purchaser at a public sale who fails to make such other cash payments within the times required by the resolution or ordinance shall forfeit any cash deposit paid to the city.

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

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

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

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

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

6.12.230 Tax-foreclosed land Real property acquired by tax foreclosure may be disposed of in the same manner as other real property of the city except as provided in Sections 6.12.240, 6.12.250 and 6.12.260 of this chapter.

6.12.240 Public use 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 by a resolution declaring such real property devoted to public use or declaring that such real property is reserved for a projected city requirement, and stating such use or requirement.

6.12.250 Termination of repurchase right Where the property was acquired by tax foreclosure, the right of re-purchase of the record owner at the time of foreclosure shall be terminated upon passage of a resolution in accordance with Section 6.12.240 of this chapter, except that such termination shall not be effective until notice and passage of the time specified in Section 6.12.260 of this chapter has occurred. Sale, lease, or any other alienation of tax title property shall terminate the right of repurchase, provided that the requirements of Section 6.12.260 have been met.

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

Chapter 6.16

LEASE OF CITY LAND

Sections:

- 6.16.010 Availability of properties
- 6.16.020 Term of lease
- 6.16.030 Appraisals
- 6.16.040 Lease by auction
- 6.16.050 Procedure generally
- 6.16.060 Fair rental value
- 6.16.070 Adjustment of rental
- 6.16.080 Transfer of interest
- 6.16.090 Renewal of lease
- 6.16.100 Improvements and chattels
- 6.16.110 Inspections
- 6.16.120 Easements and rights-of-way
- 6.16.130 Condemnation of premises--Termination of lease
- 6.16.140 Lease rental credit
- 6.16.150 Conditional lease
- 6.16.160 Promulgation of regulations

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

6.16.020 Term of lease No lease shall be for a term of more than twenty-one years unless the council shall determine from the purpose, use of the premises, and nature of the improvement which may be placed on the premises, that a longer term would benefit the city and would be consistent with city planning. Any lease or renewal of a lease shall first be approved by the council.

6.16.030 Appraisals

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

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

6.16.050 Procedure generally The provisions of Sections 6.12.110 and 6.12.120 of this title on the method of disposition of city-owned property shall apply to all leases of city land authorized by this chapter.

6.16.060 Fair rental value

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

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

6.16.080 Transfer of interest A lessee may sublease or assign the lease only upon approval of the transfer by the city in writing.

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

6.16.100 Improvements and chattels

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

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

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

6.16.130 Condemnation of premises-Termination of lease Upon condemnation of the premises or any part of the premises, including inverse condemnation by any agency of the state, borough, or federal government, the lease shall terminate without any liability to the city. The city shall not be liable in damages or pay any compensation to the lessee as a result of the condemnation terminating the lease.

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

6.16.150 Conditional lease

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

6.16.160 Promulgation of regulations The mayor may provide by regulation for the procedures and form as to the 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 this chapter have been otherwise satisfied.

Chapter 6.20

DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

Sections:

- 6.20.010 Disposition by value
- 6.20.020 Sale of surplus or obsolete goods
- 6.20.030 Surplus stock
- 6.20.040 Declaration of obsolescence
- 6.20.050 Purchasing agent

6.20.010 Disposition by value

- A. Personal property other than surplus stock, that is valued at less than two hundred fifty dollars may be disposed of upon such notice and terms considered reasonable by the mayor. The mayor shall take into consideration the value of the article, the reason for the disposal, and the general preference of disposal by competitive bid. The mayor shall report disposals to the council if so requested.
- B. Personal property valued at more than two hundred fifty dollars, but less than twenty-five thousand dollars, shall be disposed of in the manner provided for land valued under twenty-five thousand dollars, as provided in Section 6.12.110 of this title.
- C. Personal property valued at more than twenty-five thousand dollars shall be disposed of in the manner provided for land valued over twenty-five thousand dollars as provided in Section 6.12.120 of this title.

6.20.020 Sale of surplus or obsolete goods The mayor may sell the following without giving an opportunity for competitive bidding:

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

6.20.030 Surplus stock

- A. All agencies shall submit to the mayor, at such times and in such form as he or she shall prescribe, reports showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.
- B. The mayor shall have the authority to transfer surplus stock to other agencies and provide for proper fiscal transfer of such.
- C. The mayor with approval of the council shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same or, or trade in, the same on any new supplies or equipment.
- D. Sales of surplus city supplies or equipment appraised at over one thousand dollars under this section shall be made to the highest responsible bidder.
- E. The mayor, or a person chosen by the council to action the city's behalf, shall conduct the sale and issue the certificates of sale to the purchases of surplus city supplies or equipment.

6.20.040 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.

6.20.050 Purchasing agent The powers and duties of the mayor in this chapter shall be exercised by the city purchasing agent, if one is designated.

Title 7

ANIMALS

Chapters:

7.04 Animal Control

**(Chapter 7.04 added by Ordinance 06-02)*

Chapter 7.04

ANIMAL CONTROL

Sections:

- 7.04.010 Applicability of provisions
- 7.04.020 Vaccination requirements
- 7.04.030 Unidentifiable loose dogs
- 7.04.040 Disposal of abandoned animals
- 7.04.050 Rabies control
- 7.04.060 Public nuisances designated
- 7.04.070 Confinement of females in estrus
- 7.04.080 Animals running at large
- 7.04.090 Investigation of complaints
- 7.04.100 Appeals
- 7.04.110 Record keeping
- 7.04.120 Violation – penalty

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

7.04.020 Vaccination requirements Any dog six months or older is required to receive a rabies vaccination. A record of the vaccination must be kept on file in the local clinic. Any dog not complying with this requirement will be subject to disposal as provided for in this chapter.

7.04.030 Unidentifiable loose dogs Any loose and unidentifiable dogs within the city shall be considered abandoned and ownerless and are subject to disposal as provided in Section 7.04.040 of this chapter.

7.04.040 Disposal of abandoned animals Unidentifiable loose animals shall be disposed of in a humane manner according to written procedures adopted by the council. The safety officer shall make reasonable attempts to locate the owner before disposal is made. Nothing in this chapter shall prevent emergency destruction of a dog when necessary to protect life or property.

7.04.050 Rabies control

A. Any animal which is reasonably believed to have rabies, or which has been bitten by an animal suspected of having rabies, or which has bitten someone, shall be quarantined away from other animals and people for two weeks. If the animal shows signs of rabies during this period, this shall be reported to the health aide or a veterinary hospital, or other hospital.

B. Any person may lawfully kill any vicious animals running at large. Any animal which, unprovoked, has bitten or attacked a human being is considered vicious.

C. The act of lawfully killing any vicious animal, as authorized by subsection B of this section, must be reported immediately to the safety officer, city council or the health aide. The safety officer shall have the remains examined by a veterinarian if possible.

D. Any animal suspected of having rabies shall at the owner's discretion be impounded or destroyed and turned over to the public health officer for autopsy.

7.04.060 Public nuisances designated "Public nuisance" means any animal which molests passersby or passing vehicles, attacks other animals, damages public or private property, or barks, whines, or howls excessively or continuously. The owner of any animal shall not permit the same to defecate, dig upon or injure private property or public property thoroughfare. Owners of such animals will be considered in violation of this chapter and subject to the provisions of Section 7.04.120 of this chapter.

7.04.070 Confinement of Females in Estrus 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. Owners of such which do not confine their female dogs in heat will be considered in violation of this chapter and subject to the provisions of Section 7.04.120.

7.04.080 Animals running at large The owner of any animal shall not permit same to run loose or be at large upon the private property of another without the consent of the private property owner.

7.04.090 Investigation of complaints The safety officer shall be responsible for investigating each complaint to determine if any section of this chapter has been violated. He shall meet with both parties to discuss the complaint before issuing a citation. All notices of violations of this chapter shall be presented to the violator in writing prior to enactment of any penalty.

7.04.100 Appeals If an individual feels the final determination of the safety officer to be inaccurate or unfair, he may appeal to the city council. Any appeal must be presented to the city clerk in writing within twenty-four hours of receiving notice of the final determination.

7.04.110 Record keeping The safety officer or individual appointed by the Mayor shall keep records of violation of this chapter.

7.04.110 Violation- Penalty Violation of this chapter shall result in:

A. A warning for the first offense;

B. The second offense, fifty dollars;

C. The third offense, seventy dollars;

D. For anything beyond a third offense, one hundred dollars

E. After a six month period without penalties, the penalty sequence starts over.

Title 8

(RESERVED)

Title IX

Health & Safety

**(repealed by Ord 02-04, replaced by 11.02)*

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04 All-terrain Vehicle Operations

**(Chapter 10.04 Repealed with Ordinance 14-08)*

Title XI

PUBLIC SERVICES

Chapters:

- 11.02 Utilities Generally
- 11.04 Electric Service
- 11.08 Combined Utility Service

CHAPTER 11.02
UTILITIES GENERALLY

Sections:

- 11.02.010 Utility Organization
- 11.02.020 Application of Chapter
- 11.02.030 Definitions
- 11.02.040 Account Responsibility
- 11.02.050 Application and agreement for service
- 11.02.060 Resale of utility service
- 11.02.070 Billing errors and disputes
- 11.02.080 Service interruptions and limitation of city liability
- 11.02.090 Utility service areas
- 11.02.100 Additional regulations
- 11.02.110 Inspections
- 11.02.200 Billing
- 11.02.210 Billing – due dates & delinquency fees
- 11.02.220 Billing address
- 11.02.230 Returned Checks
- 11.02.240 Deposits
- 11.02.250 Alternative payment agreements
- 11.02.300 Involuntary termination of service
- 11.02.310 Procedure for termination
- 11.02.320 Re-connection of service

11.02.010 Utility Organization The city provides utility service through two departments. The Electric Utility Department provides electric utility service. The Combined Utility Department provides water, sewer, solid waste disposal and cable television utility service. Each department is administered by the Utilities Manager

11.02.020 Application of chapter The provisions of this chapter apply to all utility services provided by the Electric Utility Department and the Combined Utility Department.

11.02.030 Definitions In this title, the following words and phrases have the meanings provided in this section:

"Customer" means the owner of real property to which the city provides utility service, or, if authorized under section 11.02.040, the tenant or occupant of the real property.

"Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with ground water infiltration and surface water that may be present; the admixture with sewage of industrial wastes or other wastes is "sewage;" fish offal discharged pursuant to state or federal permit is not "sewage."

"Solid waste" means all unwanted, abandoned, or discarded solid or semi-solid material whether or not subject to decomposition, originating from any source.

"Utilities Manager" means the Mayor or a person appointed by the Mayor to manage a utility department. Any task assigned by this title to the Utilities Manager may be performed by the Utilities Manager or by a city employee or official designated by the Utilities Manager.

11.02.040 Account Responsibility

A. The owner of real property to which the city provides utility service is liable for all charges for city utility service to the property, including without limitation monthly charges, connect and disconnect fees, and delinquent fees, regardless of who occupies a residence or other structure, and regardless of who receives the benefit of the utility service

B. A change in ownership of real property to which the city provides utility service does not relieve the prior owner of liability for accruing utility charges until the utility department providing the service receives written notice from the prior owner to terminate utility service, or receives and approves an application for utility service from the new property owner.

C. A tenant or other occupant of real property may arrange for city utility service only with the written authorization of the real property owner on a form provided by the city. The authorization form must include the property owner's guarantee of all charges, including penalties and interest, resulting from the provision of utility service to the tenant or other occupant.

11.02.050 Application and agreement for service

A. The owner, or tenant or other occupant authorized under section 11.02.040, of real property may obtain city utility service to the real property by applying for the service in writing on a

form provided by the utility department that is to provide the service. No service will be provided until a properly completed application is approved by the Utilities Manager and the applicant has paid all applicable connection fees, deposits, delinquent fees, and other charges required prior to the initiation of the requested service.

B. Regardless of whether the customer makes a written application for city utility service, the customer's acceptance of city utility service constitutes the customer's binding agreement to pay for the service and to comply with all applicable requirements of this title.

11.02.060 Resale of utility service No customer may resell any city utility service, except as permitted by a written contract between the city and the customer.

11.02.070 Billing errors and disputes

A. The city will correct any utility billing error which it discovers or of which it is given notice not later than the end of the third billing period after the billing period in which the error occurred. The city shall refund any resulting overpayment to the customer, and bill the customer for any resulting underpayment.

B. A customer may contest the amount of any utility service charge not later than the end of the third billing period after the billing period for which the contested amount was charged, by written notice to the Utilities Manager identifying the bill on which the contested amount appeared, stating the amount that is contested and stating the reasons why the customer believes the contested amount to be in error. The Utilities Manager shall respond to a timely notice contesting a utility charge within 10 working days after receiving the notice. A customer that is dissatisfied with the Utilities Manager's response may submit the matter to the city council at its next regular meeting occurring at least 10 working days after the date of the Utilities Manager's response. The decision of the city council on a disputed utility charge shall be final.

C. The customer should contact us first if they have a complaint about their water or wastewater service. If however, they are not satisfied after contacting us they may then file a complaint the Regulatory Commission of Alaska. The Regulatory Commission of Alaska may be contacted toll free at 1-800-390-2782, or TDD (907) 276-4533.

11.02.080 Service interruptions and limitation of city liability

A. The city will exercise reasonable care to provide adequate and continuous utility service. However, the city will not be liable for damage resulting from utility service interruptions, shortages, irregularities or failures due to accidents, interference by third parties, acts of nature, or other conditions beyond the control of the city. Whenever it is practical to do so, the city will give prior notice to customers who may be affected by an interruption or irregularity in utility service by the means that in the judgment of the city will provide timely notice most effectively.

B. City utilities may temporarily have interruptions in service. The city will make every effort, where practical, to give advance public notice and schedule such interruptions to be as short as possible and at times of least inconvenience. The city will not be liable for any loss as a consequent of such interruptions of service.

C. The city will provide a prorated credit of flat monthly usage charges or flat minimum charges for metered service for service interruptions extending longer than 48 hours, provided the interruption is not caused by customer damage to utility facilities. No credit will be given for metered usage charges.

D. If an emergency causes the supply of a utility service to be less than the customer demand for the service, the utility will notify customers to curtail usage of the utility service, and of the nature and duration of the required curtailment. The utility will place a priority on the availability of utility service for domestic purposes and to support essential public services. Priority customers are assigned at the discretion of the city.

E. Neither by inspection or non-rejection, nor in any other way does the city give any warranty, express or implied, as to the adequacy, safety or other characteristics of any structures, service equipment, wires, conduit, pipes, appliances, or devices owned, installed, or maintained by the customer.

11.02.090 Utility service areas

A. The boundaries of the utility service areas described in this title shall be shown on an official map. The official map shall be maintained by the City Clerk, and be made available for inspection at the city office.

B. A utility service area boundary may be amended by resolution of the City Council, and the City Clerk shall record the amended boundary on the official map.

11.02.100 Additional Regulations The Mayor may adopt additional written regulations, not inconsistent with this title, as necessary for the administration and enforcement of this title.

11.02.110 Inspections The Utilities Manager or designee may make inspections of customer service locations, at reasonable times upon reasonable notice to the property owner, to determine satisfactory compliance with this title and regulations adopted under this title.

11.02.200 Billing

A. Each utility will issue to a customer an itemized, combined billing for all services the utility department provides to the customer at each service location.

B. The Electric Utility Department shall credit any payment from a customer in an amount insufficient to pay all billed charges in full in the following priority, regardless of any different designation by the customer:

1. Outstanding penalties
2. Accrued interest
3. Charges for Electric service

C. The Combined Utility Department shall credit any payment from a customer in an amount insufficient to pay all billed charges in full in the following priority, regardless of any different designation by the customer:

1. Outstanding penalties
2. Accrued interest
3. Charges for solid waste disposal service
4. Charges for sewer service
5. Charges for water service
6. Charges for cable television service

D. If a customer account for service from a utility department becomes delinquent for any service location, the utility department may terminate all utility service to the customer at that service location, and withhold service until all delinquent fees and any other charges have been paid in full.

11.02.210 Billing - due dates; delinquent fee

A. Charges for utility services may be billed on a monthly basis, as determined by the Mayor. The due date for payment of all charges is the 20th day after billing.

B. Accounts not paid in full on or before the due date are delinquent and shall automatically be assessed a delinquent fee of \$15.00.

11.02.220 Billing Address A utility department will mail all utility bills and notices to the customer at the address provided by the customer. Failure to receive mail will not excuse the failure to pay bills when due. The customer is solely responsible to notify each utility department of any change in the customer's mailing address, and the owner of the property receiving utility service is solely responsible to notify each utility department of any change in ownership of the property.

11.02.230 Returned Checks A utility department shall charge a customer a fee of \$35.00 for each time that a check tendered by the customer to pay for utility service is returned by the customer's bank due to insufficient funds. If a customer knowingly or repeatedly tender non-sufficient funds checks to pay for utility service, the Utilities Manager will require the customer to pay for utility service in cash, or by certified check or money order.

11.02.240 Deposits

A. Each utility department may require a deposit before initiating service or as a condition of continuing service. In the discretion of the Utility Manager, a customer's deposit may be applied against delinquent outstanding charges for any services provided to the customers. The city will refund a deposit to the customer after the termination of service and payment of all outstanding charges for utility service.

B. The Utility Manager may require a customer to increase the amount of a deposit to twice the amount normally required if the customer:

1. Makes a payment with a non-sufficient funds check;
2. Is delinquent in the payment of utility charges two or more times in a 24 month period; or
3. Is delinquent in the payment of utility charges and is given notice of intent to terminate under section 11.02.300 for such delinquency

11.02.250 Alternative payment agreements The city may enter into an agreement with a customer that allows the customer to pay delinquent utility charges in installments, subject to the following requirements:

1. The agreement is in writing and signed by the Mayor, one council member and the customer.
2. The customer agrees to the total amount past due, and the agreement provides that if any scheduled payment is missed, all city utility services to the customer may be disconnected without further notice.
3. Not less than fifty percent of the past due amount must be paid at the time the customer signs the agreement.
4. The Mayor may, in his or her discretion, also require the customer to execute an assignment of permanent fund dividend.

11.02.300 Involuntary termination of service

A. The city may terminate utility service to a customer for any of the following reasons:

1. A delinquency in payment of charges for utility service.
2. Using utility service at a property other than the property identified as the service location, or for purposes not allowed by this title or regulations adopted under this title.
3. Willful waste of water through improper or imperfect piping, equipment, or otherwise.
4. The customer's service equipment (the customer's lines, pipes, fixtures, and the like) does not meet applicable City standards, fails to meet applicable safety codes and regulations, or poses a danger of substantial injury to Chignik Utilities personnel, the utility system, other persons, or property.
5. Tampering with utility property.
6. The customer abandons the service location.
7. Using the utility service in a manner that adversely affects city utility service to other customers.
8. Fraud in obtaining or using utility service.
9. Turning or attempting to turn city utility service on or off without written authorization of the Utilities Manager, except in the case of emergency.
10. Knowingly or repeatedly making payment with a non-sufficient funds check.
11. Violation the requirements of this title and regulations adopted under this title.

B. If grounds exist for terminating utility service under this section, the city will terminate all utility service at the service location or locations giving rise to the grounds for termination.

11.02.310 Procedure for termination

A. Except as provided in subsection 11.02.310 B, the city will do the following before involuntarily terminating utility service:

1. Provide notice of intent to terminate to the customer not less than ten days before the date on which the service will be terminated. If the customer is not the authorized representative of the property owner, the city will provide the same written notice to the

property owner, but neither the failure to do so nor the failure of the property owner to receive such notice will prevent the termination of service to the customer. If it appears the termination of services at the customer location will affect more than one occupancy unit, the city also will also deliver the notice to, or post the notice on, each apparent occupancy unit.

2. The notice to the customer must be delivered personally or mailed by first class mail to the customer address shown on city utility records and posted at the customer service location. The notice may be delivered by facsimile transmission in lieu of personal delivery or first class mail where authorized in writing by the customer.

3. The notice must state the grounds on which the city believes termination of services is justified, including a brief factual summary. If the ground for termination is delinquency in payment of charges, the notice must state the delinquent amount and the address to which payment may be sent. The notice also shall state the name of the customer, the customer service address, the account number, the date after which services will be terminated, and the method by which the customer may request a hearing before the Utilities Manager or designee for any matter in dispute.

4. If the customer requests a hearing within the time provided in the notice, the Utilities Manager will give written notice to the customer at least five calendar days before the hearing, stating the name of the hearing officer and the date, time, and place of the hearing. A delay in the date of the hearing beyond 48 hours will be granted by the hearing officer only for good cause shown.

5. Hearings will be conducted informally and formal rules of evidence shall not apply. The customer will be offered an opportunity to be heard, submit exhibits, be represented, and hear and question persons who present testimony on behalf of the city. The hearing officer may allow participation in the hearing by telephone.

6. The hearing officer must issue a written decision within three calendar days of the conclusion of the hearing. If delinquency in payment is found to be ground for termination of service, the customer thereafter will have three calendar days to pay the amount the hearing officer determined to be delinquent. If payment in full is not received within that period of time, city utility service to the customer may be terminated without further notice. If the hearing officer finds any other ground for termination of service, all city utility service to the customer may be terminated at any time without further notice.

B. The City may terminate any particular utility service without prior notice to the customer when the Utilities Manager determines that the connection of the customer's service equipment, for safety code violations or any other reason, poses an imminent danger of substantial injury to city personnel, the utility system, other persons, or property. Upon such a termination of service without prior notice, the Utilities Manager shall notify the customer as soon as practicable, stating the nature of the problem and how it may be cured by the customer, and give the customer an opportunity for a post-termination hearing consistent to the extent possible with the provisions of subsection 11.02.310.A.5.

11.02.320 Reconnection of service

A. If City services are involuntarily terminated for delinquency in payment or for other reasons, services will not be reconnected until all outstanding service charges and all applicable reconnection fees are paid in full.

B. Reconnection of services after an involuntary termination will, except in cases of emergency, be made during regular business hours as soon as practical after resumption of service is requested by the customer and authorized by the Utilities Manager.

CHAPTER 11.04
ELECTRIC SERVICE

Sections:

- 11.04.010 Electric service area
- 11.04.020 Qualification for service
- 11.04.030 Minimum service
- 11.04.040 Protection of utility property
- 11.04.050 Service connections and meters
- 11.04.060 Continuance of service during vacancy
- 11.04.070 Seasonal service
- 11.04.080 Fees for electric utility service
- 11.04.090 Line extensions

11.04.010 Electric service area The City electric utility service area shall consist of the area currently served by city electric utility facilities.

11.04.020 Qualification for service A person shall do the following to obtain city electric service:

1. Request service at a location within the city limits of the city.
2. Agree to reimburse the city for the cost of labor and materials required to connect the service to the customer's premises.
3. Submit a request for hookup to the city in writing prior to a decision being made on providing service. The request must contain a drawing of the structure to be served and depict the location of the proposed hookup.
4. Provide easements or rights-of-ways that are required for the connection to the customer's premises.

11.04.030 Minimum service The minimum term for which electric utility service will be rendered is one month. Any customer taking services for less than this minimum term will be billed for not less than the minimum monthly charge.

11.04.040 Protection of utility property The customer shall be responsible for the safekeeping of the property of the City on the customer's premises, and shall take all reasonable precautions against damage to or unlawful interference with such property.

11.04.050 Service connections and meters

A. The City will maintain all electrical service lines and facilities up to the weather head.

B. The City will furnish the meter and connect its distribution line to the customer's service equipment. The conduit, wiring, service equipment, enclosure, meter base, disconnect switch, and associated equipment shall be furnished by the customer. The City shall own the electric meter exclusive of its base. Acceptance of electric service is an implied grant of access to the meter for any purpose.

11.04.060 Continuance of service during vacancy Unless the customer directs the City in writing to suspend service, the City will continue electric service automatically be continued in the customer name that is on record unless notified in writing.

11.04.070 Seasonal service A customer who desires to discontinue service during the winter season or on some other temporary basis, will have to pay a disconnect charge at the time of disconnect. A reconnect charge will be required t the time of re-connect. Services continued during seasonal vacancies will be charged not less than the monthly minimum rate established in Section 11.04.08

11.04.080 Fees for electric utility service

The fees for electric utility service are as follows:

1. Customer deposit	\$100.00
2. Hook-up fee	\$140.00
3. Disconnection fee	none
4. Re-connection fee	\$140.00
5. Meter Testing fee (refundable if meter proves inaccurate)	\$25.00
6. Unauthorized breakage of meter seal	\$100.00
7. Service Rate, subject to a monthly minimum	\$0.415 per kWh
8. Monthly minimum charge	\$15.00
9. Fuel surcharge (Base fuel cost is \$2.50 per gallon)	
10. Surcharge for Renewal & Replacement	\$0.015 per kWh

NOTE: #9 Fuel Surcharge – Any increase or decrease of the cost of fuel from the base fuel cost will result in an adjustment to the per kWh service rate equal to 8 ½ % of that increase or decrease, to be shown on the monthly billing.

11.04.090 Line extensions

- A. A customer may obtain an extension of a city electric distribution line that is required to provide service to the customer's property under this section.
- B. The customer shall retain a professional engineer registered as such under the laws of the State of Alaska to prepare a preliminary design and cost estimate for the line extension. After obtaining the preliminary design and cost estimate the customer may do any of the following:
1. Petition the city to form a special assessment area enabling the city to construct the line extension;
 2. Enter into an agreement with the city under which the city will construct the line extension at the customer's expense; or
 3. Enter into an agreement with the city under which the customer will construct the line extension at the customer's expense.
- C. Line extension constructed by the customer
1. A customer may construct a line extension only under the terms of a line extension agreement between the customer and the city.
 2. A line extension constructed by a customer shall be located in public rights-of-way or easements on private property that have been approved by the city.
 3. The customer shall pay the city's actual cost of administering the agreement, and plan checking, surveillance and administrative overhead associated with the main extension work. Before commencing construction of the line extension, the customer shall pay a deposit toward the city's costs in an amount equal to the greater of \$1,000 and 3% of the estimated cost of the line extension construction. If the city finds that its actual costs exceed the amount of the customer's deposit, the city may require the customer to increase the amount of the deposit. Before the city accepts the line extension, the customer shall pay the city any amount by which the city's actual costs exceed the amount of the deposit. The city shall refund to the customer any amount by which the deposit exceeds the city's actual costs.
 4. The city will approve and accept a line extension constructed by a customer only if the extension conforms to city standards and specifications, the plans for the extension have been approved by the city, and the customer has paid all fees and charges required for connection to the city electric utility system.
- D. After the city accepts a line extension constructed by or for a customer, the owner of any other benefited property may obtain service from the line extension upon meeting the other requirements for obtaining service and paying a pro-rata share of the cost of constructing the line extension, based upon the construction costs approved by the city. A connecting property's pro-rata share of the construction cost of a line extension shall be fraction of that cost that is determined by dividing the square footage of the connecting property by the total square footage of property benefited by the line extension. The city will disburse any such payments that it receives to the customer that paid the cost of the construction.

CHAPTER 11.08

COMBINED UTILITY SERVICES

Sections:

- 11.08.010 Water and sewer service areas
- 11.08.020 Qualifications for service
- 11.08.030 Use of sewage system required generally
- 11.08.040 Discharge of sewage onto ground prohibited
- 11.08.050 Individual disposal systems restricted
- 11.08.060 Responsibility for connection and plumbing system
- 11.08.070 Turning on service
- 11.08.080 Disbursement of moneys collected
- 11.08.090 Use of moneys collected
- 11.08.100 Quarterly reports
- 11.08.110 Fees for water and sewer utility service
- 11.08.120 Main extensions
- 11.08.200 Improper disposal of solid waste
- 11.08.210 Mandatory service
- 11.08.220 Responsibility for collection
- 11.08.230 Fees for solid waste disposal service
- 11.08.300 Minimum cable service
- 11.08.310 Protection of property of cable utility
- 11.08.320 Fees for cable television service

11.08.010 Water and sewer service areas There are two City water and sewer utility service areas. Service Area 1 consists of the area served by City water south of the north boundary of USS 522. Service Area 2 consists of the area north, east and west of the north boundary of USS 522.

11.08.020 Qualifications for service A person shall do the following to obtain city water or sewer service:

- A. Request service at a location within Service Area 1 or 2.
- B. Agree to reimburse the city for the cost of labor and materials required to connect the service to the customer's premises.
- C. Submit a request for hookup to the city in writing prior to a decision being made on providing service. The request must contain a blueprint of the structure to be served and a drawing depicting the location of the hookup.
- D. Provide easements or rights-of-ways that are required for the connection to the customer's premises.

11.08.030 Use of sewage system required generally No person may dispose of sewage, liquid wastes, or human excreta from any building located within the city by any method other than through the utilization of the city sewage disposal system, if the building is located within two hundred feet of any city sewage line, and is at a higher elevation than the sewage line.

11.08.040 Discharge of sewage onto ground prohibited It is unlawful for any person to discharge sewage or other domestic wastes on the surface of the ground within the city.

11.08.050 Individual disposal systems restricted No person may operate or maintain an individual sewage disposal system, unless the system complies with the applicable standards of the Alaska Department of Environmental Conservation, and is constructed and maintained in such fashion that it does not contaminate any source of drinking, public, or domestic water supply.

11.08.060 Responsibility for connection and plumbing system

A. Each water or sewer utility customer, at the customer's own expense, shall install and maintain in good repair water and sewer facilities beginning at the point of connection to the utility's facilities and including all facilities from that point throughout the building. The point of connection shall be at the customer's property line, provided that where the point of connection would be greater than one hundred feet from an existing main, the case shall be considered separately by the city council.

B. Water and sewage systems, water and sewer lines, fixtures and all related appurtenances on a customer's property shall conform to the Uniform Plumbing Code (1970), and any other regulations as adopted by the city.

11.08.070 Turning on service No person may turn on city water utility service unless authorized to do so by the Utilities manager.

11.08.080 Disbursement of moneys collected All moneys collected for water or sewer utility service will be separately accounted for by the city treasurer and disbursed by action of the city council.

11.08.090 Use of moneys collected All moneys collected for water and sewer service will be used only for the maintenance, extension, repair, capital improvement, and operation of the city water and sewer utility system.

11.08.100 Quarterly reports The city clerk and Utilities Manager shall submit to the council a written quarterly report that itemizes all revenue and disbursements from operation and maintenance of the city water and sewer utility system. The report shall be subject to council approval, and upon approval shall be filed in the city records.

11.08.110 Fees for water and sewer utility service

A. The fees for water utility service are as follows:

1. Residential Water	\$37.50 per month
2. Major Care Center/Clinics	\$37.50 per month
3. Churches	\$37.50 per month
4. Lodgings/Boarding/Bed & Breakfast	\$50.00 per month
5. Bakery	\$37.50 per month
6. School (for 9 months, billed once a year)	Meter
7. Plant-Production Side when not in use	Meter fee
8. Plant-Production Side when in use	Meter fee
9. Plant-Support Side when not in use	None
10. Plant-Support Side when in use	None

NOTE: Meter Fee of \$27.50 when not in season; Meter Fee of \$2.25 per 1000 Gallons when in Season

B. The fees for sewer utility service are as follows:

1. Residential Sewer	\$37.50 per month
2. Major Care Center/Clinics	\$37.50 per month
3. Churches	\$37.50 per month
4. Lodgings/Boarding/Bed & Breakfast	\$50.00 per month
5. Bakery	\$37.50 per month
6. School (For 9 months, billed once a year)	\$157.50 per month
7. Plant-Production Side (during production)	\$250.00 per month*
8. Plant-Support side	not on sewer

NOTE: Pumping any sewage system that does not belong to the City will cost \$50 per 300 gallons (or fraction) plus standard time and equipment rates.

NOTE: Hook-ups (including pipes and stop valves) for lines less than 2 inches will cost material plus scheduled time and equipment rates.

NOTE: Hook-ups for lines of 2 inches or greater will cost material plus scheduled time and equipment rates.

NOTE: Modifications of water or sewer systems or components will be cost of material plus scheduled time and equipment rates.

****(Fee added by Ordinance 14-03)***

11.08.120 Main extensions

A. A customer may obtain an extension of a city water or sewer main that is required to provide service to the customer's property under this section. A main extension that will benefit properties other than property of the customer requesting the extension is subject to prior approval by the city council after a public hearing, notice of which has been given to the owners of the other benefited properties.

B. The customer shall retain a professional engineer registered as such under the laws of the State of Alaska to prepare a preliminary design and cost estimate for the main extension. After obtaining the preliminary design and cost estimate the customer may do any of the following:

1. Petition the city to form a special assessment area enabling the city to construct the main extension;
2. Enter into an agreement with the city under which the city will construct the main extension at the customer's expense; or
3. Enter into an agreement with the city under which the customer will construct the main extension at the customer's expense.

C. Main extension constructed by the customer

1. A customer may construct a water or sewer main extension only under the terms of a line extension agreement between the customer and the city.
2. A main extension constructed by a customer shall be located in public rights-of-way or easements on private property that have been approved by the city.
3. The customer shall pay the city's actual cost of administering the agreement, and plan checking, surveillance and administrative overhead associated with the main extension work. Before commencing construction of the main extension, the customer shall pay a deposit toward the city's costs in an amount equal to the greater of \$1,000 and 3% of the estimated cost of the main extension construction. If the city finds that its actual costs exceed the amount of the customer's deposit, the city may require the customer to increase the amount of the deposit. Before the city accepts the main extension, the customer shall pay the city any amount by which the city's actual costs exceed the amount of the deposit. The city shall refund to the customer any amount by which the deposit exceeds the city's actual costs.
4. If the city requires the customer to install a main extension larger than would be required to serve only the customer's property, upon the city's acceptance of the main extension the city shall pay the customer the difference between the cost of pipe and fittings actually required to serve the customer's property, and the cost of those that the city required.
5. The city will approve and accept a main extension constructed by a customer only if the extension conforms to city standards and specifications, the plans for the extension have been approved by the city and the State of Alaska, and the customer has paid all fees and charges required for connection to the city water or sewer utility system.

D. After the city accepts a water or sewer main extension constructed by or for a customer, the owner of any other benefited property may obtain service from the main extension upon meeting the other requirements for obtaining service and paying a pro-rata share of the cost of constructing the main extension, based upon the construction costs approved by the city. A connecting property's pro-rata share of the construction cost of a main extension shall be fraction of that cost that is determined by dividing the square footage of the connecting property by the total square footage of property benefited by the main extension. The city will disburse any such payments that it receives to the customer that paid the cost of the construction.

11.08.200 Improper disposal of solid waste No person may dispose of solid waste on or in the ground, waterways, or air within the city by any method other than the use of a Alaska Department of Environmental Conservation approved or permitted solid waste disposal facility.

11.08.210 Mandatory service

A. Every occupied property in the city that generates any quantity of solid waste must establish an account with the city for solid waste disposal service.

B. If a customer does not promptly establish an account for an occupied property, the Utilities Manager may establish the account in the property owner's name and bill for services at the appropriate rate. The property owner is liable for payment.

11.08.220 Responsibility for collection Each customer shall maintain its own solid waste collection containers in good repair and at the customer's own expense. The customer shall deliver its solid waste to a collection station or shall take it to the city solid waste disposal facility during its hours of operation or by arrangement with the operator.

11.08.230 Fees for solid waste disposal service

The fees for solid waste disposal service are as follows:

- | | |
|---|---------------------|
| 1. Residential Waste (Seniors 62+ are exempt) | \$15.00 per month |
| 2. School (during 9 month school year) | \$90.00 per month |
| 3. Plant – Support side during winter | \$90.00 per month |
| 4. Plant – Support side during operation | \$700.00 per month |
| 5. Plant – Production side during winter | \$0 per month |
| 6. Plant – Production side during operation | \$1400.00 per month |
| 7. Major Care Center/Clinic | \$30.00 per month |
| 8. Church | \$15.00 per month |
| 9. Lodgings/Boarding/Bed & Breakfast | \$90.00 per month |
| 10. Bakery | \$15.00 per month |
| 11. Floating Processors: | |
| 10 feet to 100 feet | \$10 per foot |
| 101 feet to 150 feet | \$1200.00 per month |
| 151 feet and above | \$1400.00 per month |

11.08.300 Minimum cable service The minimum term for which cable television service will be rendered is one month. Any customer taking service for less than this minimum term will be billed for not less than the minimum monthly charge.

11.08.310 Protection of property of cable utility The customer shall be responsible for the safe-keeping of the property of the City on the customer premises, and shall take all reasonable precaution against damage or unlawful interference of such property.

11.08.320 Fees for cable television service

The fees for cable television service are as follows:

1. Monthly cable \$55.00 per month
2. Hook-up fee \$25.00

****(Replaced previous Title 11 by Ordinance 11-01)***

STATUTORY REFERENCES
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General Provisions

Municipal enactments
AS 29.48.130 et seq

Codification of city ordinances
AS 29.48.180

Penalties for ordinance violations
AS 29.48.200

Administration and Personnel

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AS 29.28.010--29.28 .050

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AS 29.23.555

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AS 29.23.550

City executive and administrator
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Local civil defense organizations
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Utility boards
AS 29.23.340

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AS 18.10.010 et seq

School districts and boards
AS 14.12.010 et seq

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AS 29.33.080

Boards of adjustment
AS 29.33.110

Revenue and Finance

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AS 29.48.260

Property taxation
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AS 29.53.440--29.53.460

Municipal debt
AS Ch. 58

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Garbage and solid waste
AS 29.48.033

Public Peace, Morals and Welfare

Enforcement of ordinances
AS 29.48.010(8) and AS 29.48.200

Offenses against the person
AS 11.41.100--11.41.530

Offenses against property
AS 11.46.100--11.46.990

Offenses against family
AS 11.51.100--11.51.140

Offenses against public administration
AS 11.56.100--11.56.900
Offenses against public health and decency

AS 11.66.100-Q 11.66.280

Drugs

AS Chs. 17 .10 and 17 .12

Vehicles and Traffic

Local regulation of traffic

AS 28.01.010

Snow vehicles

AS Ch. 5.30

Streets, Sidewalks and Public Places

Municipal facilities and services

AS 29.48.030 and AS 29.48.035

Special assessments and service areas

AS Ch. 29.63

Extraterritorial jurisdiction

AS 29.48.037

Public Services

Municipal facilities and services

AS 29.48.030 and AS 29.48.035

Municipally owned utilities

AS 29.48.040

Franchises and permits

AS 29.48.050

Public utilities rates

AS 29 .48.060 et seq

Garbage and solid waste services

AS 29.48.033

Buildings and Construction

Building, housing and related codes authorized

AS 29.48.035(a)(14)

Trailer camps

AS 18.35.010 et seq

Subdivisions

Subdivisions and dedications
AS Ch. 40.15

City subdivisions regulation
AS 29.43.040 and AS 29.33.150 et seq

Zoning

Planning and zoning
AS 29.43.040 and AS 29.33.070 et seq

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84-01	Title 1	General code provisions (1.04)
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84-01	Title 2	Office of city clerk-treasurer (2.16)
84-01	Title 3	Election regulations (Not codified)
84-01	Title 3	Election regulations (3.04, 3.08, 3.12, 3.16, 3.20, 3. 24, 3.28, 3.32, 3.36)
84-01	Title 4	City treasury, fiscal year and accounting procedures (4.04. 4.08)
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84-02	Title 4	Budget adoption and procedures (4 .12)
84-03	Title 1	Procedures for writing and passing ordinances and resolutions (1.16)
84-03	Title 2	City council procedures (Not codified)
84-03	Title 2	City council procedures (2.12)
84-04	Title 2	Office of mayor (2.20)
84-05	Title 2	Places conflict of interest law question or public officials on ballot (Not codified)
84-06	Title 2	City council membership (Not codified)
84-06	Title 2	City council membership (2.08)
84-07	Title 2	Volunteer fire department (2.20)
85-01	Title 6	Real property acquisition and disposal of municipal properties (6.04, 6.08, 6.12, 6.16, 6.20)
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85-02	Title 7	Dog control (Not codified)
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86-01	Title 2	City council members (Not codified)
86-01	Title 2	City council member employment (2.08)
86-01	Title 11	Water and sewer system rules and regulations (11.08)
86-02	Title 11	Utility service areas (11.12)
87-01	Title 10	All-terrain vehicle operation (10.04)
95-01	Title 4	Adding Landing & Processing Tax (4.13)
97-02	Title 9	9.04.060, 9.04.070, 11.09.010-070 (<i>Superseded by Ord. 11-01</i>)
98-01	Title 11	11.04.060 (<i>Superseded by Ord. 11-01</i>)
99-01	Title 2	Term of Mayor (2.04.040) (<i>Superseded by Ord. 05-07</i>)
99-02	Title 1	General Penalties (1.20.010, 1.20.030)

99-07 Title 1 Signature line on resolutions – deleted “and councilmembers” (01.16.070)
 00-02 Title 11 11.04.060 (*Superceded by Ord. 11-01*)
 01-01 Title 11 Utilities (11.04) (*Superceded by Ord. 11-01*)
 01-02 Title 11 Utilities (11.08) (*Superceded by Ord. 11-01*)
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 02-01 Title 11 Electric rate (11.04.060) (*Superceded by Ord. 11-01*)
 02-02 Title 9 Senior rate for solid waste (9.04.070E) (*Superceded by Ord. 02-04*)
 02-04 Title 11 Add Chap. 11-02, repeal chap. 9.04 concerning garbage collection
 03-03 Title 4 Add Chap. 04.14 Processing Tax
 05-07 Title 2 Modify term of mayor (02.04.040)
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