

AGENDA
REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY:
CITY HALL COUNCIL CHAMBERS
TUESDAY April 4, 2017, 6:30 p.m.

There will be a **PLANNING & ZONING** Workshop beginning at 5:00 p.m. to review the current zoning code – Full workshop notice is posted on our website www.thornebay.ak.gov

The public is invited and encouraged to attend

- 1. CALL TO ORDER:**
- 2. PLEDGE TO FLAG:**
- 3. ROLL CALL:**
- 4. APPROVAL OF AGENDA:**
- 5. MAYOR'S REPORT:**
- 6. ADMINISTRATIVE REPORTS: (City Administrator & City Clerk)**
- 7. PUBLIC COMMENTS:**
- 8. COUNCIL COMMENTS:**
- 9. CONSENT AGENDA:**
 - A. Minutes for the March 21, 2017, Regular City Council Meeting, discussion and action item:
- 10. NEW BUSINESS:**
 - A. Discuss introducing an Ordinance to placing the question of establishing a Liquor and Tobacco Tax on the next Regular Municipal Election held in October of 2017, discussion and action item:
 - B. Review and discussion of introducing a Local Improvement District Ordinance, discussion and action item:
 - C. Review and discussion of introducing a Marijuana Ordinance, discussion and action item:
 - D. Approval of additional boat stalls for Adventure Alaska, discussion and action item:
- 11. ORDINANCE FOR INTRODUCTION:**
 - A. Ordinance 17-04-18-01, amending Title 3 – Revenue and Finance, Section 3.15.030-Permissible Investments adding subsection (b) – Community Development Sales Tax Proceeds, discussion and action item:
- 12. ORDINANCE FOR PUBLIC HEARING:**
 - A. Ordinance 17-03-21-01, amending Title 3-Revenue and Finance, discussion and action item:
 - B. Ordinance 17-03-21-02, amending Title 18-Harbor, Chapter 18.30-Rules for use of the Harbor Facilities, discussion and action item:
- 13. EXPENDITURES EXCEEDING \$2,000.00:**
 - A. Expenditure exceeding \$2,000.00, to DOWL for Sanitary Survey, discussion and action item:

PAGE 2 – CITY COUNCIL AGENDA CONTINUED
CITY HALL COUNCIL CHAMBERS
TUESDAY April 4, 2017, 6:30 p.m.

- 14. EXECUTIVE SESSION:** The City Council may adjourn to executive session. The following subjects may be considered in an executive session: Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the city; subjects that tend to prejudice the reputation and character of any person; matters that by law, municipal charter, or ordinance are required to be confidential; matters involving consideration of city records that by law are not subject to public disclosure. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations
- 15. CONTINUATION OF PUBLIC COMMENT:**
- 16. CONTINUATION OF COUNCIL COMMENT:**
- 17. ADJOURNMENT:**

Posted: March 29, 2017 –City Hall (2), A&P, SISD, USFS, The Port, Thorne Bay School - www.thornebay-ak.gov

COFFMAN COVE ALASKA - LOCAL IMPROVEMENT ORDINANCE

Title VI

Public Improvements

Chapters:

Chapter 6.01

Local Improvements and Special Assessments

Chapter 6.01

Local Improvements and Special Assessments

Sections:

6.01.010	Authority
6.01.020	Ordinance initiating district
6.01.030	Notice of Hearing
6.01.040	Hearing
6.01.050	Protests and revisions
6.01.060	District area
6.01.070	Change in District Boundaries
6.01.080	Unanticipated Costs
6.01.090	LID Funds
6.01.100	Computation of Assessments and Preparation of Roll
6.01.110	Notice of Hearing
6.01.120	Hearing
6.01.130	Waiver of Objections
6.01.140	Contest of Assessment
6.01.150	Limitation on Actions
6.01.160	Exceptions
6.01.170	Assessment Lien
6.01.180	Notice of Assessment and Time for Payment
6.01.190	Lump Sum of Installment Payment
6.01.200	Prepayment-in-Full Discount
6.01.210	Installment of Payments
6.01.220	Prepayment in Installments
6.01.230	Enforcement of Lien
6.01.240	Correction of Invalid Special Assessments
6.01.250	Apportionment of Assessments
6.01.260	Special Assessment Bonds Authorized
6.01.270	Guaranty Account
6.01.280	Use of Guaranty Account
6.01.290	Guaranty By Alaska Municipal Bond Bank
6.01.300	Capital Improvements By Agreement

Section 6.01.010 Authority

The City may create and establish a local improvement district for any municipal improvement and may levy assessments against properties specially benefited thereby to pay part or all of the costs thereof. The method of apportioning shall be established in the ordinance initiating the district.

Section 6.01.020 Ordinance of initiating district

A. If the Council intends to make a local improvement at the expense of the owners of the property benefited, it shall have plans for the work and estimates of the cost prepared and shall adopt an ordinance declaring its intention to order the improvements to be acquired, constructed, and installed therein.

B. The Council shall fix the time, date, and place of hearing on the ordinance, and at the hearing there shall be on file and open to all persons attending a map or diagram showing thereon the lots, tracts, and parcels of land which will be specially benefited by the proposed improvement and a statement setting forth:

1. The estimated cost of the improvements, which cost may include any of the cost elements in AS 29.46.110(a);
2. The estimated proportion of the costs to be borne by the property specially benefited by the improvements and the source of any other money needed to pay the balance of the costs; and
3. The estimated amount of the cost to be borne by each lot, tract, or parcel of land.

C. The ordinance shall contain a finding by the Council that the formation of the local improvement district (LID) is in the public interest and it shall set forth the following:

1. The boundaries of the LID;
2. Improvements to be acquired, constructed, and installed;
3. The estimated cost;
4. The amount of the City funds to be used (if any) to supplement funds obtained through special assessment;
5. An order directing the work to be done;
6. Authorization to acquire any land needed;
7. Subject to the ratification by the voters pursuant to AS 29.35.030, authorization to commence any eminent domain proceedings require, with provision made for assessment proceedings that may be required to pay any eminent domain awards;
8. Appropriation of funds for total cost of project;
9. Authorization for issuance of special assessment bonds to pay the cost of the project or a statement that such bonds will not be used; and
10. Such other provisions as are desired and are not inconsistent with AS 29.46.

Section 6.01.030 Notice of Hearing

A. Notice of the hearing shall be published at least once in a newspaper or general circulation published within the City, and shall be posted in at least thirty (30) days prior to the date set for the hearing. The notice shall contain a statement of the following:

1. A general description of the improvements to be ordered and description of the boundaries of the proposed LID;
2. A statement of the estimated cost of the proposed improvements and the estimated proportions of the cost to be borne by each property specially benefited thereby;
3. A statement that a map or plat showing thereon the lots, tracts, and parcels of land which will be specially benefited by the proposed assessment against each lot, tract, or parcel of land is on file for public inspection at the office of the clerk;
4. A statement whether special assessment district bonds will be issued and sold to provide funds to pay the cost of improvements; and
5. The time, date, and place of the hearing and that owners of any property within the proposed district may file a written objection to the creation of the district and the ordering of the work to be done therein with the clerk up to the time of the hearing.

B. Notice of the hearing shall also be mailed to all owners of lands within the proposed district at their last known address at least thirty (30) days prior to the date set for the hearing. In addition to the items required to be set forth in subsection A of this section, the mailed notice shall contain:

1. A description of each lot, tract or parcel of land owned by its owner and the estimated assessment to be levied against each property; and
2. A statement that the assessment proposed to be levied against each lot, tract, or parcel of land is an estimated amount and that when actual costs are known they will be assessed against all of the real property in the LID in accordance with benefits received.

Section 6.01.040 Hearing

At the hearing the Council shall hear objections from any owner affected by the formation to the district and may make such changes in the proposed boundaries thereof or such modifications in the plans of the proposed improvements to be constructed as shall be deemed necessary/ The Council may not change the boundaries of the district to include property not previously included therein without first giving new notice to owners in the manner and form within the time provided for the original notice.

Section 6.01.050 Protest and Revisions

If written protest as to the necessity of the local improvements are filed with the clerk or at the hearings by owners of benefited real property which will bear fifty percent (50%) or more of that portion of the estimated cost of the improvement which will be borne by owners of benefited property, the improvements shall not proceed until the protests have been reduced so that the real property of those still protesting shall not bear fifty percent of the estimated cost of the improvement; provided however that the Council by ordinance may authorize the improvement by an affirmative vote of three-fourths (3/4) of the council members.

Section 6.01.060 District Area

An LID may include adjoining or neighboring property even though the improvements thus made are not connected or continuous. The cost and expense of each continuous unit of the improvement may be ascertained separately as near as may be, and if so ascertained separately the assessment rates shall be computed on the basis of the cost and expense of the unit.

Section 6.01.070 Change in District Boundaries

A. At any time in its discretion the Council may eliminate by ordinance from the district any unit of the improvement which is not completed and may proceed with the construction of the balance of the improvements within the district as fully and completely as though the eliminated unit had not been included in the first district. The assessments to be levied to pay part or all of the costs of the improvements actually constructed may be levied only against the properties within the district specially benefited thereby.

B. The Council by resolution shall fix a time, date, and place for a hearing on the question of whether it should abandon the acquisition, construction, and installation of a portion of the improvements. Notice of the hearing shall be published at once, at least fifteen (15) days prior to the date thereof, in a newspaper of general circulation within the City and shall be mailed at or prior to the date of publication to all owners of property within the district. The notice shall state the proposed Council action and shall also require that any owner who objects thereto shall file a written notice of that objection with the clerk at or prior to the hearing.

C. At the time of the hearing, the Council shall hear all the protests and all evidence material to the question of whether the completion of the improvements should be abandoned. After considering the evidence, the Council then shall decide whether to abandon a portion of the improvements. In the event the Council decides that the portion of the improvements should not be completed, the cost of the improvements incurred at the time of the abandonment shall be assessed only against the property within the district specially benefited by the improvements actually completed.

D. Whenever, prior to the confirmation of the assessment roll for an LID, property within the LID is subdivided or otherwise replatted, the Council may, by ordinance, make minor adjustments to the LID boundary to make such boundaries conform to property lines in the subdivision. Notice of proposed boundary adjustment shall be mailed or delivered to the subdivider and grantees of the subdivider.

Section 6.01.080 Unanticipated Costs

A. Construction by contractor or contractors.

1. When the improvements in any LID are to be acquired, constructed, and installed by a contractor or contractors, and if it appears that consideration of the contract cost plus all other costs of improvements will exceed the estimated cost as it appears on the approving ordinance by twenty percent (20%) or more, then at least thirty (30) days before the notice to proceed is given the contractor or contractors, the clerk shall give notice of the estimated increased cost by certificate mailed to the owners of the lots, tracts, and parcels of land within the district at their last known address and shall also publish, on or before the same date, similar notice at least once in a newspaper of general circulation published within the City.

2. The mailed and published notice shall state the amount and percentage of total cost of the expected additional charges over the last complete estimated cost, and shall further state that unless written objections to the Council's ordering the contractor or contractors to proceed are filed with the clerk by the owners of the property within the district bearing fifty percent (50%) or more of the estimated cost of the improvements to be paid from assessments within twenty-five (25) days from the date of the mailing and publishing of the notice, the contractor or contractors will be ordered to proceed, and that the estimate of costs as increased shall be the cost of improvements until all actual costs after completion are known.

3. In the event written objections are filed by the owners of property within the district bearing fifty percent (50%) or more of the estimated cost of the improvements to be paid from assessments, then no notice to proceed shall be given the contractor or contractors and further work on the project shall cease, unless the Council by affirmative vote of three-fourths of its members directs the projects to continue. Costs of the project to date of termination shall be considered LID costs and assessed according to the original ordinance creating the LID.

B. Construction by force account.

1. When the improvements in any LID are to be acquired, constructed, and installed by the City by force account, then within thirty (30) days after the commencement of the work the Mayor shall cause a certificate to be filed with the clerk stating whether the currently estimated total cost of improvements will be

twenty percent (20%) or more in excess of the last complete estimate of cost. If the Mayor determines that the new estimate of cost is twenty percent (20%) or more over the last complete estimate, then a similar notice as required in subsection (A) (2) of this section shall be given to the owners of the lots, tracts, and parcels of land within the district at the same time and in the same manner as therein provided.

2. In the event written objections are filed by the owners of property within the district bearing fifty percent (50%) or more of the estimated cost of improvements to be paid from assessments, work on the project shall cease unless the Council by affirmative vote of three-fourths of its members directs the project to continue or until one of the following alternatives shall be undertaken by the Council:

a. The Council by resolution determines that the City shall pay any additional costs of the improvements greater than twenty percent (20%) over the previous estimate of the assessments, or

b. The improvement work performed to date of cessation shall be continued only to such extent as to put the area under construction in no worse condition than it was before construction started. Costs shall be considered LID costs and assessed according to the original ordinance creating the LID.

Section 6.01.090 LID Funds

A. Each LID of the City shall be given a number in the ordinance creating the district and each such ordinance shall create a special assessment fund number within the general treasury. Into the fund shall be paid all receipts pertaining to the LID including but not limited to proceeds from the sale of bonds, transfers from the City general fund, and assessments as paid.

B. The fund shall be drawn upon for the purposes of paying construction costs of the LID, redemption of bonds, the payment of interest thereon, and any other costs of the project.

Section 6.01.100 Computation of Assessments and Preparation of Roll

A. A correct account shall be kept of all the expenses of the improvement. The expenses to be assessed may include all costs incident to the making of the improvement, as well as the costs of all items of work or expense which reasonably enter into the making of the improvement or reasonable arise in connection with the improvement, including but not limited to interest during construction, engineers' and attorneys' fees, property acquisition, financing costs including interest, and costs to be incurred in the collection of the assessment. After the total cost of the improvement is established or estimated, that portion of the cost to be borne by special assessments shall be apportioned and spread against the various tracts of real estate in proportion to the benefits to be received by each and entered on the assessment roll. IN anticipation of delinquent assessments there may be added to each separate assessment appearing on the

assessment roll a sum not less than three percent (3%) nor greater than ten percent (10%) of the assessment. Such assessment roll shall contain a brief description or designation of each tract or property, the name or the owner or reputed owner, and the amount of the proposed assessment.

B. Property which has been subdivided subsequent to formation of the LID but prior to certification of the assessment roll shall be assessed on the same basis as other property in the LID unless such an assessment method would be an inequitable method of assessing the affected property, which method may be revised and altered by the board of equalization at the hearing on the assessment roll.

Section 6.01.110 Notice of Hearing

A. When the assessment roll for any LID has been prepared as provided in this chapter, it shall be filed with the clerk. The Council then shall fix a date for a hearing thereon. Notice of the hearing shall be published at least once in a newspaper of general circulation within the City, at least fifteen (15) days prior to the date on which the hearing will be held. Notice of the hearing shall also be mailed by certified mail at least fifteen (15) days prior to the hearing date to owners of the lots, tracts, or parcels of land listed on the assessment roll at their last known address.

B. The published notice of the hearing shall specify the number of the LID and a short statement of the nature of the improvements completed therein and shall contain any other information deemed relevant by the Council or the clerk and shall notify all persons who may desire to object to such assessment roll or any of the separate assessments appearing thereon:

1. To make their objections in writing and to file them with the clerk at or prior to the fixed time for the hearing.
2. That at the time and place fixed for the hearing and at times to which the hearing may be adjourned, the Council will sit as a board of equalization for the purpose of considering the roll and the separate assessments appearing thereon: and

C. That at the hearing or the times to which it may be adjourned, the Council will consider the objections made and will correct, revise, raise, lower, change, or modify the roll or any part thereof, or set aside the roll and order the assessment to be made de novo, and at the conclusion of the hearing or hearings will confirm the roll. The mailed notice of the hearing shall contain all of the statements and information required for the published notice and, in addition, shall also contain a description of each lot, tract, or parcel of land owned by the owner to which it is addressed being assessed, and the amount of the proposed assessment against each property.

D. Proof of the mailing of the notice shall be made by the clerk's filing an affidavit with the Council setting forth the mailing. The affidavit is conclusive as to facts stated in it.

Section 6.01.120 Hearing

At the time of such hearing all persons concerned shall have a right to present their objections to the assessment or any part of it, and to pointing out errors and inequalities, and submit reasons for amendments and corrections. The Council may continue the hearing from time to time. After the Council has heard all objections it may correct, revise, raise, lower, change, or modify the roll or any part thereof or set aside the roll and order the remaking of the assessment. The Council shall adopt a resolution confirming the roll as corrected or revised by it.

Section 6.01.130 Waiver of Objections

All objections to the confirmation of the assessment roll or any of the separate assessments appearing thereon shall be in writing and shall state clearly the grounds of objections. Objections not made in writing and not filed with the clerk at or prior to the time of the original hearing shall be conclusively presumed to have been waived.

Section 6.01.140 Contest of Assessment

The regularity or validity of an assessment may not in any manner be contested or questioned by a person who did not file objection to the assessment roll prior to its confirmation.

Section 6.01.150 Limitation on Actions

No special assessment procedure may be contested by an action at law or in equity unless commenced within sixty (60) days after confirmation of the special assessment roll.

Section 6.01.160 Exceptions

When it can be demonstrated by the property owner in a hearing before the Council that the property owner was unable to file a timely objection to an assessment under this chapter, and when it is clearly established that an error has been made in the computation of the assessment, that Council may authorize the City's payment on the assessment of any amount not exceeding an amount equal to the amount of the error. No hearing may be held under this section unless the property owner has applied for a hearing within sixty (60) days following the date the assessment roll was approved.

Section 6.01.170 Assessment Lien

The assessment is a lien upon the property assessed from the time it is levied. The lien is paramount and superior to any other lien created before or after the assessment, except a lien for a prior assessment or for general real property taxes. Notice of assessment liens shall be filed in the appropriate recording office.

Section 6.01.180 Notice of Assessment and Time for Payment

A. After the assessment roll has been completed, the Council by resolution shall fix a time within which the assessments shall be paid and when they become delinquent. The time of delinquency may be not less than forty-five (45) days after the adoption of the resolution.

B. An assessment which is not paid before delinquency draws interest at a rate of ten percent (10%) per year. The Council by resolution fixing the time of delinquency may also provide that after delinquency a penalty of no greater than twelve percent (12%) shall be added to the delinquent assessment. The penalty also draws interest at the rate of ten percent (10%) per year.

C. As soon as the assessment roll has been placed in the hands of the clerk for collection s/he shall publish a notice in a newspaper of general circulation published within the City stating that the roll is in the clerk's hands for collection and that all or any portion of any assessment appearing thereon may be paid within forty-five (45) days from the date of the first publication of the notice without penalty of interest.

D. The clerk shall also mail a similar notice to each owner of property that has been assessed in the LID. The notice shall also designate the property, the amount of the assessment, the date of delinquency, and the amount of penalty provided for, if any.

E. Within five (5) days after the notices to the owners of each property assessed are deposited in the post office in accordance with this section, the clerk shall file his/her affidavit setting for the mailing. The affidavit is conclusive as to the facts stated in it except in proceedings against the clerk for perjury or for malfeasance, or nonfeasance in office.

SITKA MARIJUANA ORDINANCE

7.30.010 Public consumption.

A. Pursuant to AS 17.38.040, public consumption of marijuana is prohibited. A person who violates this law is guilty of a violation punishable by a fine of up to one hundred dollars.

B. Except as otherwise provided, it is unlawful for a person to knowingly consume marijuana:

1. Upon any public streets, alleys, sidewalks, municipally operated harbor walkways and floats, restrooms and parking lots, any municipally controlled areas open to the general public and public school grounds, whether in a motor vehicle or not;

2. At any public park, recreation area, playground, or ball field, whether in a motor vehicle or not;

3. In or upon those portions of any private property upon which the public has an express or implied license to enter or remain, including but not limited to eating and/or drinking establishments, places of business or amusement; and

4. Any other public or private property, where such area is posted that consumption of marijuana is prohibited; and

5. Upon establishment of a local regulatory authority, or similar body, exemptions may be given for special events by the assembly, upon advice by the local regulatory authority or similar body, with such conditions as the assembly may require for the public good.

C. For purposes of this section, the definitions for words and phrases below shall apply:

1. Marijuana. Per AS 17.38.900(6): "Marijuana" means all parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include fiber produced from the stalk, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products; and

2. "Consume" shall have the meaning, in all conjugate forms, of consumption set forth in AS 17.38.900(3): "Consumption" means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.

D. Pursuant to AS 12.25.195, violation of this section is a minor offense punishable as set forth in the state's minor offense fine schedule under the Alaska Court System's Rules of Administration bail and fine schedule, at such time as that schedule may be updated to include marijuana-related violations.

7.40.010 Duties and powers. Revised 7/16

The assembly of the city and borough shall function as the local regulatory authority for the purpose of the regulation of marijuana with the authority to:

A. Consider appeals of conditional use permits.

B. Work with the state to collect fees and administer licensing and regulations.

Draft recommended laws and policies for assembly approval, regulating marijuana and related facilities within the city and borough of Sitka.

7.50.010 License required. Revised 7/16

AS 17.38.070 designating a classification of licenses is incorporated herein and made a part hereof, and the sale of marijuana, including any derivative thereof, by any person, firm or corporation is prohibited anywhere except under and by virtue of a license secured from the Director of the Marijuana Control Board, and the sale, barter or consumption of marijuana, including any derivative thereof, on any premises not covered by a license under the classifications in AS 17.38.070 is prohibited.

7.50.020 Application for license. Revised 7/16

A. The assembly of the city and borough of Sitka will make recommendations to the state as to support for or objections to license applications.

B. At such time that the licensee is seeking a new license, is seeking to reestablish a license that was allowed to expire, is proposing a change in the controlling interest of the establishment license, or there is a proposed change or addition to license type, the municipal clerk shall give notice of such application as follows:

1. Notice shall be posted on the premises ten days prior to the assembly meeting at which application will be heard. All time limitations, however, may be decreased at the discretion of the municipal clerk to meet any period specified by the Director of the Marijuana Control Board;

2. Notice shall be published once in a local newspaper at least one week before such meeting;

3. The notice shall contain the time and place of assembly meeting; the type of license applied for; the name of all applying persons; and inform the public that any protest may be lodged with the assembly at that time;

4. Give proof to the assembly at the time of hearing of compliance with all phases of this chapter.

C. By Persons Seeking to Renew Licenses. The individuals or groups of individuals holding existing licenses shall not be affected by subsection B of this section and shall have the right to apply for renewal of their licenses unless disqualified on grounds other than contained herein.

CITY OF THORNE BAY
ORDINANCE 17-04-18-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA, AMENDING TITLE 3-REVENUE AND FINANCE, CHAPTER 3.15 -
INVESTMENT OF OPERATING FUNDS, SECTION 3.15.030 (B)-PERMISSIBLE
INVESTMENTS

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The title and chapter of Title 3-Revenue and Finance, Chapter 3.15-Investment of Operating Funds, Section 3.15.030(b); is hereby added and amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED April 18, 2017

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: April 4, 2017]
[Public Hearing: April 18, 2017]

Additions are in bold

TITLE 3 – REVENUE AND FINANCE
CHAPTER 3.15 – INVESTMENT OF OPERATING FUNDS
ADDING SECTION 3.15.030 PERMISSIBLE INVESTMENTS (B) –SALES TAX
PROCEEDS DEDICATED TO COMMUNITY DEVELOPMENT

Section 3.15.030-Permissible investments.

A. Operating funds of the City of Thorne Bay may be invested in:

1. Federally insured or fully collateralized certificates of deposit of banks and credit unions maturing within two years;
2. U.S. Government Treasury, agency and instrumentality securities;
3. Notes or bonds issued by the state of Alaska or its political subdivisions or other states of the United States, maturing within two years, with a credit rating of A-/A3 or better from two national ratings agencies, maturing within two years;
4. Repurchase agreements collateralized by U.S. Treasury securities and marked to market. If repurchase agreements are overnight investments or if securities are collateralized in excess of 102 percent, marked to market is not necessary;
5. A state investment pool formed within the state of Alaska and comprised of agencies of the state and/or its political subdivisions;
6. Money market mutual funds whose portfolios consist entirely of U.S. Government securities.

**B. SALES TAX PROCEEDS ALLOCATED FOR COMMUNITY DEVELOPMENT
MAY BE INVESTED IN:**

- 1. HELPING BUSINESSES EXPAND OR CONDUCT EMERGENCY
REPAIRS ASSOCIATED WITH ESSENTIAL SERVICES**
- 2. INVESTMENT RATE DETERMINED BY CERTIFICATE OF DEPOSIT
INTEREST RATES OFFERED BY THE CITY'S INVESTMENT BROKER ON TERMS
CONSISTENT WITH CERTIFICATE OF DEPOSITS**
- 3. ESSENTIAL SERVICES SUCH INCLUDE THE SUPPLY OF; BOAT OR
VEHICLE FUEL, AIR SERVICE, MAIL SERVICE, HEATING FUEL, PROPANE,
ELECTRICITY, FOOD, OR OTHER ESSENTIAL SERVICES APPROVED BY THE
CITY COUNCIL.**

CITY OF THORNE BAY
ORDINANCE 17-03-21-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA, AMENDING TITLE 3-REVENUE AND FINANCE

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The title and chapter of Title 3- Revenue and Finance; is hereby amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED April 4, 2017

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: March 21, 2017]
[Public Hearing: April 4, 2017]

Additions are in bold
Deleted items are ~~stricken~~

TITLE 3 - REVENUE AND FINANCE
Chapter 3.17 - CONSUMER'S SALES TAX

3.17.010 Definitions. (3) "Retail sale" or "sale at retail" means any nonexempt sale of services, rentals, or tangible personal property made to a buyer who intends to use, consume, or receive the item or services purchased for his own personal use as the ultimate consumer with no intention to sell the item again, whether to be sold in the same form as received, or in the same modified condition or after fabrication or use with some other substance or item. Notwithstanding any other provision of this chapter, arrangements made with another person or agent, including, but not limited to, a travel agent, broker, representative, tour operator, tour marketer, or cruise ship line, by a provider of services, rentals or goods to market such services, rentals, or goods, (including travel and adventure services) or to provide such services, rentals or goods to another person, or the transfer to the buyer of the right or privilege to receive or assign such services, rentals or goods, is a taxable sale by such provider, and such provider is a seller for purposes of this chapter. The point of delivery of services, rentals, or tangible property is the point at which the sale is deemed to have occurred except purchase of city harbor privileges as provided in (c) of this section. (a) The sale is subject to the city's sales tax when the point of delivery of tangible personal property is within the city. (b) Where a real estate rental is located or where other rental property is delivered in the city, the sale of the same is subject to the city's sales tax. (c) Where a buyer receives a service within the limits of the city, and the service begins and ends therein, or, where the buyer receives an entire service therein, the sale of the same is subject to the city's sales tax; provided, however, purchase from the city of the privilege to use any harbor facilities owned or operated by the city shall be deemed to be a transaction and sale that shall be taxable unless otherwise made exempt by this code. (d) A person who furnishes proof, in the form required by the revenue collector, that he has paid a sales tax in some jurisdiction other than ~~the borough or~~ the city, on the sale of services, rentals, or tangible personal property, is required to pay the City's sales tax only to the extent between the amount of the sales tax so paid elsewhere and the amount of the sales tax levied by the City. This paragraph applies to a sales tax levied in any taxing jurisdiction whether in or outside the state.

(4) "Sale for resale" means the sale of tangible personal property to a buyer whose principal business is the resale of the property whether in the same or an altered form and who holds a valid **TAX ID NUMBER resale certificate** issued by the City of Thorne Bay. Sale for resale also means the provision of services to a broker whose principal business is the resale of those services to an ultimate consumer and who holds a valid ~~resale certificate~~ **TAX ID NUMBER** issued by the City of Thorne Bay.

Resale certificates do not apply to: travel and adventure services if the sale is to a person who would be entitled to claim the exemption provided by section or supplies purchased by travel and adventure service providers, hotels/motels, lodges, apartment/house rentals, or bed and breakfasts which are not separately charged to the consumer when resold.

3.17.020 Levy of tax. To the fullest extent permitted by law, a sales tax of six percent is hereby assessed and levied on the following sales, except as otherwise specifically exempted under this chapter:

(A) All retail sales, INCLUDING YARD SALES, AND SALES OF SIMILAR TYPE ITEMS OCCURRING AT THE SAME LOCATION ON A REGULAR BASIS, WHETHER FOR PROFIT OR NON-PROFIT (WEEKLY, BI-WEEKLY, MONTHLY CONSTITUTE A REGULAR BASIS) CATALOG AND INTERNET SALES SOLD LOCALLY OR OUT OF THE AREA;

(B) ALL SERVICES INCLUDING THE GROSS RECEIPTS EARNED AS COMMISSIONS BY REAL ESTATE AGENTS FOR SALES OCCURRING WITHIN THE CITY LIMITS;

3.17.030 Duty of seller to collect. (B) In the specific instances where the tenant is occupying space in a government owned **BUILDING or LAND**, it is the tenant's obligation to pay the sales tax directly to the City, unless the landlord is willing to voluntarily receive the tax payment and remit to the city. **THE LANDLORD SHALL BE RESPONSIBLE FOR ALL DELINQUENT OR UNPAID SALES TAXES INCURRED BY THEIR TENANTS.**

3.17.060 Tax to be paid quarterly. (a) The tax levied under this chapter is due and payable at the expiration of each quarter of each calendar year. It is the duty and responsibility of every seller liable for the collection of any tax imposed in this chapter, unless otherwise provided herein, to file with the revenue collector upon forms prescribed and furnished by the revenue collector, a return, prepared under oath, setting forth the amount of all sales, taxable and nontaxable, the amount of tax thereon and such other information as the revenue collector may require on such form or forms. The completed and executed return, together with remittance in full for the amount of the tax due, shall be transmitted to and received by ~~an employee working in~~ the revenue collector's department of administrative services on or before 5:00 p.m., local time on the last day of the month succeeding the end of each quarter. If the last day of the month succeeding the end of a quarter is a Saturday, Sunday or a holiday observed by the revenue collector; the completed and executed return and amount of the tax due shall be transmitted and received by 5:00 p.m., local time on the next business day. Returns may be accepted based upon a timely postmark only if the return is sent certified or registered mail and receives a United States Postal Service cancellation on or before the due date. (Ord. 1369, §1, 1997)

3.17.190 Forgiveness of uncollected taxes, penalties and interest. (a) The City ~~manager~~**ADMINISTRATOR**, with the consent of the council, may forgive the payment of uncollected sales taxes, interest and penalty thereon and penalties for failure to file owing by a seller to the city upon a determination by the City ~~manager~~**ADMINISTRATOR** that such uncollected sales taxes have never been collected by a substantial portion of a clearly definable class of sellers or which have never been collected on a substantial portion of a clearly defined class or type of transaction or service.

(b) The ~~city manager~~**CITY ADMINISTRATOR** may, upon recommendation of the ~~City Attorney~~**MAYOR**, authorize forgiveness of uncollected sales taxes, interest and penalty thereon and penalties for failure to file, as part of the compromise and settlement of a disputed claim in an action for collection of such funds.

(c) **THE CITY ADMINISTRATOR, WITH THE CONSENT OF THE MAYOR, MAY ONETIME FORGIVE THE PAYMENT OF UNCOLLECTED SALES TAXES, INTEREST, AND PENALTY THEREON AND PENALTIES FOR FAILURE TO FILE OWNING BY A SELLER TO THE CITY UPON A DETERMINATION BY THE CITY ADMINISTRATOR THAT SUCH UNCOLLECTED SALES TAXES ARE THE RESULT OF A FAMILY MEDICAL HARDSHIP.**

CITY OF THORNE BAY
ORDINANCE 17-03-21-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA, AMENDING TITLE 18-HARBOR, CHAPTER 18.30-RULES FOR USE OF
HARBOR FACILITY, SECTION 18.30.020-CONDUCT IN HARBOR FACILITY-RULES
GENERALLY, SECTION 18.30.140-PROHIBITED ACTS

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The title and chapter of Title 18-Harbor, Chapter 18.10-General Provisions, Section 18.30.020 & 18.30.140, is hereby amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED April 4, 2017

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: March 21, 2017]
[Public Hearing: April 4, 2017]

Additions are in BOLD CAPS
Deletions are stricken

Title 18 - Harbor
Chapter 18.30 - Rules for use of the Harbor Facilities

18.30.020 Conduct in harbor facility-Rules generally. A. Vessel moorage within the harbor facilities shall be for active or operational ~~motor~~ vessels or seaplanes only, **AND MUST POSSESS AND DISPLAY ALL LOCAL, STATE AND FEDERAL REGISTRATIONS, LICENSES AND PERMITS. Unless specifically authorized by the harbormaster.**

C. Vessels moored in the harbor facility must, at all times, be completely seaworthy or air worthy, as applicable, and ready for immediate or emergency departure, **UNDER THE POWER OF A GAS OR DIESEL ENGINE, OR IF EQUIPPED WITH OARS BY OAR,** into local waters, and also may not be chained or locked to any float.

18.30.140 Prohibited acts. Unless otherwise provided in this chapter, the following acts are prohibited:

R. Riding or operating bicycles, skateboards, roller skates, ~~motorized~~ **vehicles**, or other similar devices on gangways, floats or finger floats. This prohibition does not apply to wheeled carts or similar devices used for the transport of goods to and from vessels. (Ord. 98-20 § 3(part), 1998; Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989)